JOURNAL
OF THE
SENATE
OF THE
1997 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA
FIRST SESSION
1997
VOLUME 1
OFFICERS AND MEMBERS
OF
THE SENATE OF THE NORTH CAROLINA
GENERAL ASSEMBLY
1997 SESSION

DENNIS A. WICKER, President .................................................. Sanford
MARC BASNIGHT, President Pro Tempore ................................. Manteo
FRANK W. BALLANCE, JR., Deputy President Pro Tempore ......... Warrenton
JANET B. PRUITT, Principal Clerk ........................................... Raleigh
LEROY CLARK, JR., Reading Clerk ......................................... Wendell
CECIL GOINS, Sergeant-at-Arms ............................................ Raleigh

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* Resigned effective 1/1/97
** Appointed 1/10/97
*** Resigned effective 7/17/97
**** Appointed 7/23/97
***** Resigned effective 7/26/97
****** Appointed 8/5/97

(See Appendix for Senatorial Districts)
SENATE JOURNAL
1997 SESSION
FIRST DAY
Senate Chamber
Wednesday, January 29, 1997

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 Dennis A. Wicker, Lieutenant Governor, calls the Senate to order.

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

The Chair recognizes the Sergeant-at-Arms of the 1995 Session of the General Assembly who announces the arrival of the members of the Supreme Court of North Carolina, and the Superior Court of the General Court of Justice of North Carolina, at the doors of the Senate and await his direction. The President directs the Sergeant-at-Arms to open the doors of the Senate and escort the members of the Judiciary to their seats.

The President of the Senate introduces the Reverend Mike Morris, serving as Senate Chaplain for the 1997 Session of the General Assembly, who offers prayer as follows:

“Almighty God, on opening day of the General Assembly, it is difficult to identify the Senators because they are surrounded by family, friends, mentors - people responsible for encouraging them to pursue an office that would bring them to this place, at this time, on this day. That is the way it should be! For it was, most likely, in their homes and from their families that these Senators learned their first valuable lessons about politics: how to communicate; arbitrate; come to consensus on family issues. Or it could have been in a grammar school where a teacher, early on, recognized a spark of enthusiasm and encouraged one here to seek a place of leadership and responsibility. And from their faith communities the Senator probably learned other lessons of politics: how to choose clergy, build buildings; elect leaders.

“What will go on in the Senate this Session is a microcosm of life, the politics of life. May each person here remember and embrace the valuable lessons of personal and social responsibility that they have learned along the way: politics with principle, prosperity with work; help for the helpless; commerce with morality; pleasure with conscience; education with character; science with humanity; and worship with sacrifice.
"I commend the Lieutenant Governor and each Senator and their staffs to You, O God, not because of the positions they hold, but because of the vocation to which they have been called, servanthood.

"May all of them serve with the dignity required in such a calling, for Your Sake we pray, Amen."

PRESENTATION OF THE COLORS

The Chair orders the Sergeant-at-Arms of the 1995 Session to open the doors of the Chamber for the presentation of the Colors by the Color Guard Unit of the Air Force Junior Reserve Officer Training Corps, Northern Nash High School, Rocky Mount, North Carolina. (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 United States of America.

NATIONAL ANTHEM

The President directs the Sergeant-at-Arms to open the doors of the Senate and escort the members of The University of North Carolina Clef Hangers to the Well of the Senate. The President then recognizes The University of North Carolina Clef Hangers who lead the singing of the National Anthem. (See Appendix)

The President dismisses the Color Guard and The University of North Carolina Clef Hangers who recess from the Chamber.

CALL OF THE ROLL

The Chair directs the Reading Clerk of the 1995 Session to call the roll by Senatorial District and the following Senators-elect, except Clark Plexico, appear with the proper certificates of election received from the Secretary of State, the Honorable Janice H. Faulkner:

I, Janice H. Faulkner, Secretary of State of the State of North Carolina, do hereby certify that the State Board of Elections met Tuesday, the 26th day of November, A.D., 1996, 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 5th, 1996, and certified to me the persons duly elected as members of the North Carolina Senate from the various Representative 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 North Carolina Senate from districts composed of one county only, for the General Assembly of 1997, to wit:

January 29, 1997
First District
Second District
Third District
Fourth District
Fifth District
Sixth District
Seventh District
Eighth District
Ninth District
Tenth District
Eleventh District
Twelfth District
Thirteenth District
Fourteenth District
Fifteenth District
Sixteenth District
Seventeenth District
Eighteenth District
Nineteenth District
Twentieth District
Twenty-First District
Twenty-Second District
Twenty-Third District
Twenty-Fourth District
Twenty-Fifth District
Twenty-Sixth District
Twenty-Seventh District
Twenty-Eighth District
Twenty-Ninth District
Thirtieth District
Thirty-First District
Thirty-Second District
Thirty-Third District
Thirty-Fourth District
Thirty-Fifth District
Thirty-Sixth District
Thirty-Seventh District
Thirty-Eighth District

Marc Basnight
Frank W. Ballance, Jr.
Beverly M. Perdue
Patrick J. Ballantine
Charles W. (Charlie) Albertson
R. L. (Bob) Martin
Luther Henry Jordan, Jr.
John Kerr
Ed. N. Warren
Roy Cooper, III
Allen H. Wellons
Don W. East
Virginia Foxx
Wib Gulley
Jeanne H. Lucas
Brad Miller
Eric Miller Reeves
Dan Page
Howard Lee
Ellie Kinnaird
J. Richard Conder
Aaron W. Plyler
R. C. Soles, Jr.
Robert G. (Bob) Shaw
Hamilton C. (Ham) Horton
Mark McDaniel
Hugh Webster
Fletcher L. Hartsell, Jr.
Jim Phillips
Tony Rand
David W. Hoyle
Austin M. Allran
Donald R. Kincaid
John A. Garwood
R. L. Clark
Jesse Ledbetter
Clark Plexico
David F. Weinstein
William N. (Bill) Martin
John M. Blust
Charlie Dannelly
T. L. (Fountain) Odom
Robert (Bob) Rucho
John Carrington
Walter Dalton
Betsy L. Cochrane

January 29, 1997
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IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal.
DONE IN OFFICE at Raleigh, this 18th day of December, 1996.

S/Janice H. Faulkner
Secretary of State

RESIGNATION

The President directs the Reading Clerk of the 1995 Session to read the December 3, 1996 letter of resignation from Senator-elect J. Clark Plexico to the Honorable James B. Hunt, Jr., Governor.

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27601-2808

December 3, 1996

The Honorable James B. Hunt, Jr.
Governor, The State of North Carolina
116 West Jones Street
Raleigh, North Carolina 27603-8001

Dear Governor Hunt:

This letter is to notify you that, effective today, December 3, 1996, I must resign from the office of Senator of the 29th Senatorial District of the State of North Carolina. I will be accepting employment that will prevent me from fulfilling my duties as Senator for the remainder of my current term of office.

In addition, my new employment will prevent me from assuming the oath of office and fulfilling my duties as Senator of the 29th Senatorial District for the 1997-98 Session of the General Assembly, the office to which I have been honored with re-election. My new employment requires, among other things, relocation outside the 29th Senatorial District which would no longer qualify me for the office to which I have been re-elected pursuant to Article VI, Section 8 of the North Carolina Constitution. I am therefore announcing my intention, effective January 1, 1997, not to assume the oath of office of Senator of the 29th Senatorial District for the 1997-98 Session of the General Assembly.

By copy of this letter to Mr. Gary Bartlett, I am notifying the State Board of Elections of my resignation from my current term of office as well as my inability to assume the oath and duties of my term of office beginning on January 1, 1997.

January 29, 1997
My thanks to you for your support and assistance, and my thanks to the people of the 29th Senatorial District who have allowed me the privilege and honor of serving them in the North Carolina Senate.

Sincerely yours,
S/J. Clark Plexico

The President lays before the Senate the Proclamation issued by Governor James B. Hunt, Jr., January 10, 1997, as follows:

STATE OF NORTH CAROLINA

JAMES B. HUNT JR.
GOVERNOR

THE APPOINTMENT OF THOMAS K. JENKINS
1997
BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA
A PROCLAMATION

WHEREAS, the Honorable J. Clark Plexico, elected Senator from the Twenty-Ninth District 1997 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of the Honorable J. Clark Plexico, be filled by appointment of the person recommended by the Twenty-Ninth Senatorial District Executive Committee of the Democratic Party; and

WHEREAS, the Twenty-Ninth Senatorial District Executive Committee of the Democratic Party has notified me of its recommendation of Thomas K. Jenkins of Franklin, North Carolina, to fill said vacancy,

I do by these presents appoint

THOMAS K. JENKINS
as a member of the
NORTH CAROLINA SENATE
1997 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 10th day of January in the year 1997.
of our Lord, One Thousand Nine Hundred Ninety-Seven.

S/James B. Hunt Jr.
Governor of North Carolina
(SEAL)

S/Janice H. Faulkner
Secretary of State

The President directs the Reading Clerk of the 1995 Session to call Thomas K. Jenkins of the Twenty-Ninth Senatorial District, who responds affirmatively.

The President of the Senate recognizes The Honorable Henry E. Frye, Associate Justice of the Supreme Court of North Carolina, who administers the following oath of office, to which those 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 1997 General Assembly of the State of North Carolina to the best of my knowledge and ability, so help me, God.”

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

The President extends a very special courtesy to Alisa O'Quinn Wicker, wife of the Lieutenant Governor.

REMARKS BY THE LIEUTENANT GOVERNOR

“This time members of the Senate I'd like to make some brief remarks. It is my pleasure to welcome everyone to the opening of the 1997 General Assembly of North Carolina. Our proud tradition of representative government in North Carolina dates back to more than two centuries. Serving the public is a privilege, and I commend each member of this Senate for bearing that great and trusted responsibility. Today, North Carolina has entered into a new era of politics. We are two party state. Our diversity of interests and views are heard more clearly than ever. That is a good thing. Debate over ideas is healthy. But what is not good is when debate turns into discord, when cooperation gives way to confrontation. The people do not want petty partisan politics driving the legislature. They yearn for a representative government that ultimately works together to improve their lives. And surely improving schools and making communities safer, protecting the environment and building our economy are too important to be lost in bitter partisan gridlock. As presiding officer, I am here to help you move an agenda, and move it forward. I pledge to you my commitment to be even handed and fair minded. I promise to do my part and I challenge to do yours. Let us make the people whom we
represent proud. When it matters most, work together. All of us are here because we want what’s best for our state. We are dedicated to wanting to make it even better for future generations. I look forward to working with each one of you and helping make this to be a most productive session. Thank you very much.”

COURTESIES OF THE FLOOR

The President expresses appreciation to the Justices and Judges of the General Court of Justice for their participation in today’s opening ceremonies and extends courtesies of the floor to the Honorable Henry E. Frye, Associate Justice of the Supreme Court of North Carolina; the Honorable John Webb, Associate Justice of the Supreme Court of North Carolina; the Honorable Willis P. Whichard, Associate Justice of the Supreme Court of North Carolina; the Honorable G. K. Butterfield, Jr., Resident Judge of the Seventh B Judicial District of the Superior Court Division of the General Court of Justice; and the Honorable Dennis J. Winner, former Senator from Buncombe County and current Senior Resident Judge of the Twenty-eighth Judicial District of the Superior Court Division of the General Court of Justice.

The President extends courtesies of the floor to Elaine Marshall, former Senator from Harnett County and current Secretary of State. He further extends courtesies of the floor and gallery to the families, friends, and guests of the Senators and to all visitors.

ORGANIZATION OF THE SENATE

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

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

“Ladies and gentlemen of the Senate, we seemingly could face some difficult times during this Session of the General Assembly. In facing these difficulties, sometimes makes us unsure about our decision. And in order to eliminate that decision, we are going to have to have strong leadership. It’s my privilege and my distinct pleasure to nominate to you a man who will provide that leadership as he has in the past. He’s no novice. He’s led us for the last two sessions of the General Assembly. And he’s done many things over and above the call duty. He’s traveled this State from one end to the other, more than one time in order to promote the programs that we initiate here in this General Assembly. We owe him a debt of gratitude for this leadership and for the many hours that he’s put into it, and for the many hours that he’s been caused to be away from his family and his home. A good friend not only of mine, but of every member of this Senate. If he could, if you want something, I don’t care what it is, he’d try to deliver it to you. And he’s the best one that I can think of at this time to lead us in this Session that is coming up. It is my pleasure to nominate to you the past President Pro Tempore of this Senate, your Honorable Marc Basnight. And I move for his election.”

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

"Thank you Mr. President, members of this Body. I take great pleasure in seconding the motion to nominate and for us to ultimately elect again the great leader of our body, Marc Basnight, who has in the past exhibited great foresight and insight in leading us in the direction whereas we can work together as an effective body, and also provide the catalyst for us to work together in harmony. He has, as Senator Bob Martin indicated, been that person in the past upon whom we've depended. And I, Mr. President, members of this Body, would second this that motion that he be nominated President Pro Tem for the 1997-1998 session, and that the motion be closed upon the said name, and that he be elected by acclamation."

The motion offered by Senator Martin of Guilford that the nominations be closed and that Senator Marc Basnight be elected President Pro Tempore of the 1997 Senate by acclamation prevails.

The President declares Senator Basnight elected President Pro Tempore and appoints Senator Hoyle of Gaston, Senator Lucas of Durham, Senator Soles of Columbus, and Senator Perdue of Craven to escort the President Pro Tempore-elect to the Well of the Senate. Senator Hoyle presents Senator Basnight to the President. The President directs the Sergeant-at-Arms to escort the wife of the President Pro Tempore-elect, Sandy Basnight, and their daughter, Caroline Basnight, to the Well of the Senate where they join Senator Basnight as he receives the prescribed oath of office. The Honorable Dennis J. Winner, Senior Resident Judge of the Twenty-eighth Judicial District of the Superior Court Division of the Superior Court Division of the General Court of Justice of North Carolina, administers the prescribed oath.

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

"Thank you. Thank you Judge Winner, long time friend, great Senator. Thank you my seat mate for many years, Senator Bob Martin, who has taught me so much. Senator Bill Martin, you are a champion of the people and I thank you also. Senators Hoyle, Lucas, Soles, and Perdue, you're so very special to not just myself, this Body, but the people of our great State.

"I am proud and humbled by such an oath. I am proud and humbled also by your confidence. Senator Shaw, I appreciate the support from those of you on the back row. A cooperative effort will certainly occur. It is incumbent upon us that we do what is right by our people. As I look around I don't see Bo, or Ollie, or Senator Ezzell, or Jim, or many of the others that have left us, Senator Plyler, during the time that I have been here. There are old friends and new faces and we will be replaced also. Senator Odom, it is God's Way. What will be our legacy we fully understand and realize what theirs was, Senator Rand. They were great people to follow. We come from different areas of the State, different geographies, different backgrounds. We're different colors, but we have one single goal that I believe parades itself in front of all those differences that we may distinguish by the eye or our geography. And that's that we've come to do the people's work, and work we have to do.

January 29, 1997
"We must protect and build those resources of ours and do for the people and by the people what is in their best interests and not the interests of any one single person that happens to have the opportunity to represent many people. We have to remember the needs and what is right and good for all seven million North Carolinians.

"When I got up this morning in North Raleigh I studied the environment as many of you do when you travel North Carolina, but I did it with a different vigor, a different understanding, with a different reason because I knew today I would speak to you and I had to speak from where I believe. I come down Wake Forest Boulevard and as I went down Wake Forest, Fountain, I looked to my right in front of the Raleigh Bonded Warehouse, and I saw a wall of clay and pollution that should not occur and should not happen. That little stream of pollution feeds the Neuse, Senator Perdue, the land that you fight for and you believe in ever so much. That is but one example of where we are wrong. I read in the paper this morning, Senator Soles, that there is a new development in North Raleigh. It will encompass two thousand acres. Isn't that wonderful, and I think's it's great as you do. But, Senator Morgan, you know North Carolina from what it was many years ago. You recall what it looked like in your dream for your grandson, what it will look like in the future. Will that two thousand acres change the Neuse for ever more? Is that an example of what North Carolina will be? Certainly we want growth, we prescribe by it. It allows room for the development, the development of the minds of our children and the people who follow us, but can we not develop in a reasonable way? Can we not see that no water discharges off the new city of Raleigh into the Neuse? That we retain all of its development poison on the site itself? That we not strangle our waters as we have in the past? Can we not develop and in concert with nature? We have to for another generation of people, not for ourselves.

"The Neuse as many other rivers in North Carolina flows to the ocean. Today we find great stress on our coast. It's so quick and easily to condemn a fisherman who casts his nets upon the waters of the seas of our lands and say he is at blame. He is the person who is so wrong. We have to change our habits and our ways or our ocean will become as polluted as the Neuse and many other waterways. It is incumbent upon us to make those necessary changes, and we can do it again in concert with development and the new city north of Raleigh can grow like other cities. But we do not need to leave to our children the poison that we can develop. It is again incumbent upon us, elected by the people, to do what is right.

"North Carolina cannot fairly grow as it should. Dare County does wonderfully where I come from. You've seen the great opportunity that people are afforded from living and being in that great and wonderful peace called the Outer Banks. Wake County does great also as does Mecklenburg and other spots of this State. Senator Jenkins, in some areas of the State that you represent as well as Senator Soles and myself, and Senator Ballance and others, we find problems and trouble.

"It's not too easy, I guess, to understand and forget that there are other people who need opportunity as well. Sometime we are too quick to judge how great we are in this State by what we see and we are. But there are a people who are not in these chambers today and in this great gallery that do not understand what happened to their opportunities. No child should be educated in this State any differently than any other community should be educated to allow to become whatever they can because of their geography or where they came from. If I reside in Graham or Hyde, I should have the same opportunity for my children that the other parents that live there as they can in my county of Dare or other counties who are like.
"The water and the sewer and the lack of infrastructure in many of the other areas of the State are too obvious and have for too long gone unattended. Our heritage and our past is important to all of us who are gathered here today. I spoke at a conference in Chapel Hill recently, a fabulous opportunity to meet people. Meet people who care about retaining some of the view, some of the landscape, some of the past and the history of what we looked like in this great State. We need to see that we give opportunity for people who want to keep our buildings intact that were given to us by our grandparents to see that they are preserved and kept. There’s paint and there’s roof, and there’s materials to retain some of the glimpse of the facilities and the properties of North Carolina for what she was. We all envision another change of time. We know that it will occur, but it should be good and positive, and it should benefit all humans.

"The human services in this State are very obvious to many of us. None of us want to or should ever forget those who cannot help theirself, those who are mentally or physically disabled. They should have as we have. They should have a fair chance to retain their dignity and to live in decent shelter, and have decent food, and transportation. Never forget those who cannot help themselves.

"There are changes that we should be a part of. We want to see that this Assembly always stays one for the citizens. And that we are not paid on a full-time basis, Senator Lee. We have to be certain that we make law and make rule, and we pertain to it ourselves that will reform the way we campaign in North Carolina. And I ask each and every one of you to use that strength of your mind to make those necessary changes. The reform of campaigning in North Carolina is very important to all of us.

"North Carolina becomes very little in the competition of the economic world that we are all a part of. We know that we are shrinking in size. Today we do not just deal with Virginia, Tennessee, Alabama, or Georgia, or the southeast. We are a nation. We deal and we have to do business today and tomorrow in an international fashion. If we are going to strive to become what we can for our children, we are going to have to educate each and every one. Give them the equal opportunity to become whatever they can within their abilities. As I look at educational opportunities I stop and think about the trades that are available in North Carolina, as you do, and I talk to the Community College Presidents, the Trustees, and the students, as you do. And I understand that there are needs there today that we have to be a party to see that we embrace those so that we can train our work force for tomorrow's world. They have to understand the technologies. The technologies that I don't understand today will not benefit those tomorrow if the change is not occurring. Just recently I had a chance again, and again to speak with Michael Hooker, the Chancellor at UNC Chapel Hill. Howard and Ellie, he tells me that if we do not invest in the education of that institution, that doctoral, that flagship of ours, if we do not continue the progression upwards of paying properly those professors we again will lose. And he only echoes and tells me what Bill Friday, a great North Carolinian, has told all of us before. We are again at a crossroads as we are each and every year. What path will we take? What investment will we make? Will we protect those institutions from Chapel Hill to Elizabeth City State University and each and every one in between, we have to properly do what is right to see that we continue an upward spiral for opportunity in the university system of ours.

"Public Schools mean so much to each and every one of us. My sister-in-law has been teaching in the Dare County system as a fifth grade teacher for at least twelve years. I say that because I have spoken to her class for twelve continuous years since the day I was first elected. She, like each and every other teacher in North Carolina, should have

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the tools that are necessary to be able to bring to that child whatever we can burgeon out of he or her. We have not just a need to furnish technologies, but we have to guarantee order in the classroom. A learning experience and a climate that will see that each and every child who can learn will be given that chance. And where we have a system where it does not work, and little Billy won’t do as he should, there has to be a system, Senator Winner, where we do not cast the child out of society to the streets to become an urchin for others to follow. That cannot occur. We have to have some alternative system to see that we have a second chance.

“How can you expect people to enter the profession of teaching today with the pay that we offer? I understand we are forty-second, some say forty-third or forty-fourth. Some say that if we don’t change some of the proposals that we’ve heard we could slip even to forty-fifth. You can work all the magic you want with the numbers, but the reality is we are not paying teachers properly in this State. We ask so very much of them, and I believe we have to take the initiative and follow the lead of our Governor and increase those salaries as quickly as possible. It’s important that we preserve and protect the teaching heritage and the responsibility is upon us to do just that and without adequate pay I would not enter the profession no quicker than you would yourself.

“I hope we have the remembrances of the past well indented in our mind because I hope that the children that follow us and come here can remember what a long leaf pine looked like or a dogwood. I hope they see free running water and clean at that and the French Broad is running as well as any other waterway we have. I hope we have the will and the leadership to do what is right again this year. I believe it is incumbent more than just us, incumbent upon more than just us to do what is right just for a reason to see that we get re-elected again. I believe it is incumbent upon us to do the right things. I believe you are prepared to do it. I know you come here today to do just that and with God’s Blessing we will succeed. Thank you very much.”

ADOPTION OF RULES


Senator Rand explains rewritten Rules 7, 23, 25, 28, 31, 32, 34, 40.1, 41, 42.2, 42.3, 45.1, 47, 57, 59.2, 65, and 72.

On motion of Senator Rand, the Senate resolution is adopted (31-19).

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
1997 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

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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 1:30 p.m., except that if the next legislative day is Monday, time for convening shall be 8:00 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 he 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 his or her absence also, the Chairman 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 his 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
   (i) Third reading roll call and electronic voting system votes
   (ii) Second reading roll call and electronic voting system votes
   (iii) Second reading viva voce
   (iv) Third reading viva voce

(b) Public bills in numerical order, Senate bills first
   (i) Third reading roll call and electronic voting system votes
   (ii) Second reading roll call and electronic voting system votes
   (iii) Second reading viva voce
   (iv) 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, he shall have the power to order those areas cleared.

RULE 9. Substitution for Presiding Officer.--The Presiding Officer, while in
the Senate Chamber, shall have the right to call on any member of the Senate to perform
the duties of the Chair.

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. He
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 he shall take his seat until the Presiding
Officer determines whether he was in order or not; if decided to be out of order, he 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, he shall rise from his seat 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 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 him and the Presiding Officer.

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave his 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.
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 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 and any pending amendments.

(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 chairman 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 chairman 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 Chairman 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 Chairman or, in his absence, the Vice-Chairman 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, he 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 print-out 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, he 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. Pairs.—(a) If a Senator is paired with another Senator on a question, the Senator shall announce the pair as follows: "Mr. President, I desire to announce a pair. If Senator were present, he would vote ; I would vote (the
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 he 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 his 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 his excuse 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.

RULE 30. Explanation of vote.—Any Senator may explain his vote on any bill 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 chairmen and vice-chairmen 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.--(a) The standing committees shall be:

Agriculture/Environment/Natural Resources
Appropriations
  Appropriations on Department of Transportation
  Appropriations on Education/Higher Education
  Appropriations on General Government
  Appropriations on Human Resources
  Appropriations on Justice and Public Safety
  Appropriations on Natural and Economic Resources
Base Budget
Children & Human Resources
Commerce
Education/Higher Education
Finance
Judiciary
State Government, Local Government, and Personnel
Pensions & Retirement and Insurance
Rules and Operations of the Senate
Transportation
Ways & Means.

(b) The select committees shall be:

Congressional Redistricting
Future of the Courts.

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 of all of the members of the committee, or by personal waiver.

(b) The chairman 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 less than five Senators, including the chairman and vice-chairmen and ranking minority member; provided that:

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

(2) The Commerce Committee shall consist of 22 members, and

(3) The Judiciary Committee shall consist of 25 members.

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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, 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 chairman 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 chairman may vote in committee.

RULE 36. Standing committee and standing subcommittee meetings.--No standing committee or standing subcommittee shall hold a secret meeting. All meetings of standing committees and standing 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 standing committee or standing subcommittee except in open session.

RULE 36.1. Committee minutes to Legislative Library.--The chairman of a committee shall insure 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 chairman 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 chairman.

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. When a bill which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill to be retyped in the prescribed form, and the retyped copy shall become the official copy of the bill for all purposes. The original bill shall then be returned to the introducer of the bill and shall not become a part of the records or documents of the Senate.

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

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 with the prescribed authorization form signed by the primary sponsor to the Office of the Senate Principal Clerk who shall receive them during regular session according to the following schedule:
Monday until 8:30 o'clock p.m.;
Tuesday, Wednesday, and Thursday until
3:00 o'clock p.m.;
Friday until 2:00 o'clock 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 Thursday, March 27, 1997; provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 3:00 p.m. on that day and filed for introduction in the Senate before 3:00 p.m. on Thursday, April 3, 1997, 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 Thursday, April 10, 1997; provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 3:00 p.m. on that day and filed for introduction in the Senate before 3:00 p.m. on Thursday, April 17, 1997, 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 1997 or 1998 Regular Sessions of the 1997 General Assembly, all House bills other than those required to be referred to the Committee on Finance by Rule 42, appropriations bills or adjournment resolutions must be received and read on the floor of the Senate as a message from the House no later than May 1, 1997; 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 Ways and Means Committee 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 chairman of any two of the following committees: Appropriations, Finance, and Ways and Means, any bill which is reported favorably from the Committee on Appropriations, 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 pursuant to Rule 43 may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on the Department
of Transportation, the Appropriations Committee on Education, the Appropriations Committee on General Government, the Appropriations Committee on Human Resources, 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.

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, 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 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 Finance Committee 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 chairman of the Appropriations 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 chairman the fiscal effects of that measure are not apparent from the language of the measure. No bill for which a fiscal note has been requested may be considered for passage prior to the fiscal note being attached to the bill.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the 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 Chairman 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 or amendment may deliver a copy of his bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment when he moves its adoption.

(e) The sponsor of a bill or amendment to which a fiscal note is attached who objects to the estimates and information provided may reduce to writing his objections. These objections shall be appended to the fiscal note attached to the bill or amendment and to the copies of the fiscal note available to the membership.
(f) Subsection (a) of this rule shall not apply to the current operations appropriations bill or the capital improvements appropriations bill. This rule shall not apply to a bill 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 therefrom, 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.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with his 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 chairman 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.

January 29, 1997
RULE 42.3. Assessment reports.—(a) Licensing Boards. Every legislative proposal introduced in the Senate proposing the establishment of an occupational or professional licensing 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 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 or resolution to which this subsection applies shall present a copy of the bill 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 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 or resolution that is reported favorably by any committee, but shall be separate from the bill or resolution and shall be clearly designated as a fiscal note. A fiscal note attached to a
bill or resolution pursuant to this subsection is not a part of the bill or resolution and is not an expression of legislative intent proposed by the bill 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 42.3B. Local legislation affecting the State Highway System.--A local bill affecting the State Highway System shall be referred to the Committee on Transportation.

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 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 Committee meetings.--Notwithstanding the provisions of G.S. 143-14, and pursuant to the last sentence thereof, the Appropriations Chairman may in his or her sole discretion direct that the Appropriations 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 Chairman of the Committee on Rules and Operations of the Senate or, in his absence, the Vice-Chairman 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 Chairman 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 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 or the chairman 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: Provided, that the published local calendar may carry the number of each bill, the county or counties referred to, and an abbreviated statement of the title of the bill.

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 bill.--(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. 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 Chairman of the Committee on Rules and Operations of the Senate or, in his absence, the Vice-Chairman 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 Chairman 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 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.
3. 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. ?".
4. 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.
5. No committee substitute adopted by the House to a bill originating in the Senate may be amended by the Senate.

January 29, 1997
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 his 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 and the chairman of each committee which considered 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 original 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 Chairman 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 he may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 14 years of age.

(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 his or her office. The Principal Clerk shall have supervision and control, and shall assign such duties and powers as he or she shall direct to his or her employees and clerks.

RULE 63. Committee clerks and secretaries.—(a) Each committee shall have a clerk. The clerk to a committee shall serve as secretary to the chairman of that committee.

(b) Each member shall be assigned a secretary, unless he or she has a committee clerk to serve as his or her secretary.

(c) The selection of said clerk and/or secretary shall be the prerogative of the individual member. Such clerks and secretaries shall file initial applications for employment with the Supervisor of Clerks and shall receive compensation as prescribed by the Legislative Services Commission. The employment period of clerks and secretaries 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 clerks and secretaries shall adhere to such uniform regulations and other conditions of employment (including retention) under the direction of the Supervisor of Clerks as the Committee on Rules and Operations of the Senate shall adopt.

(d) The Supervisor of Clerks 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 his 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 presiding in his 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 his 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 he deems 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 his 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 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 he is absent without leave.

RULE 71. Placing material on Senators' desks.--Any person other than a member of the Senate 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, chairmen, 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 on a public bill. Requests may be granted in the discretion of the chairman. Notice shall

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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 chairman 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 any Senate committee sits jointly with the House committee, the Senate committee reserves the right to vote separately from the House committee.

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 his 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 RULES**

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

"Thank you Mr. President. Ladies and gentlemen of the Senate, I rise to place in nomination for the office of Deputy President *Pro Tempore*, a man that is known across this state because of his abilities. He's known to stand for what is right, for those that people consider the least of us. And he stands strong for their cause, and while doing so, he stands for the rights of all other citizens of this great state of North Carolina. He's a young man of humble beginnings, who has never forgotten what we call his upbringing. He has distinguished himself in his home county, in his district, in his church, in his community, and among his constituents. He has also distinguished himself as an attorney at law, and has been very successful in what he does. Senator Frank Ballance has distinguished himself among us. That's why he is being nominated for this position. It's because of the high respect and the high esteem with which his colleagues hold him. And I'm sure when he's elected, you will find out that he deserves it. I am proud to place in nomination the name of Senator Frank Ballance. Thank you, Mr. President."

The Chair recognizes Senator Perdue of Craven who offers the following remarks:

"Thank you. It's my great pleasure to rise in support of the nomination of Senator Frank Ballance as our Deputy *Pro Tempore*. Frank is a great friend of mine and of all the members of this chamber. But more than that, he is a great friend of all the people of North Carolina. He is a man of pure and highest integrity. For those of you who don't know him, he is the type of guy that will take time for you, regardless of the issues. He will walk behind a closed or an opened door and have a conversation with you, whether it be about you, or your family, or North Carolina, or this great country. He has a good
opinion, an intellectual opinion, and he’ll offer it to you and hold it in confidence with his integrity. He’s a man who understands what it’s like to grow up hard and to achieve tremendous success. He’s a real role model for most of us in eastern North Carolina, and for most of us in all of the state of North Carolina. Sometimes, some of my lawyer friends don’t think that he’s such a great role model when he whips ’em in court. He’s a successful lawyer, a great debater, and truly, truly a wise counselor. He understands the need for opportunity for all of us in this state, whether we be rich or poor, black or white, male or female. And the reason I would urge everybody to vote for Frank Ballance as our Deputy Pro Tempore and make a that vote a vote of acclamation is because he also happens to be married to a truly terrific woman, Bernadine. And I think she keeps him on the right course. It’s with great pleasure and a deep privilege that I second the nomination of Frank Ballance as our Deputy Pro Tem and ask that it be done by acclamation, Mr. President.”

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

The Chair declares Senator Frank W. Ballance, Jr. elected Deputy President Pro Tempore and appoints Senator Dannelly of Mecklenburg, Senator Perdue of Craven, Senator Jordan of New Hanover, and Senator Albertson of Duplin to escort the Deputy President Pro Tempore-elect to the Well of the Senate. Senator Dannelly presents Senator Ballance to the President. The Chair directs the Sergeant-at-Arms to escort the wife of the Deputy President Pro Tempore-elect, Mrs. Frank W. Ballance, Jr., to the Well of the Senate where she joins Senator Ballance as he receives the prescribed oath of office. The Honorable G. K. Butterfield, Jr., Resident Judge of the Seventh B Judicial District of the Superior Court Division of the General Court of Justice of North Carolina, administers the prescribed oath of office.

The President congratulates and recognizes Senator Ballance who offers the following remarks:

“Fleecy locks and dark complexions cannot forfeit nation’s claim. Colors may differ but affection dwells in black and white the same. If I were so tall as to reach the polls or to grasp the ocean in a span I must be measured by my soul for the mind is the standard of man.

“We’ve come to these halls today to declare our allegiance to the Constitution, the Declaration of Independence, and the Bill of Rights and to pledge allegiance to a form of government which recognizes the rights and contributions of each citizen - we hold these truths to be self-evident that all men and women are created equal. As we come we stand on the threshold of a brand new century, one that holds such bright promise and rich hope. And as I look out upon this audience today I’m proud to say that I see you as that bridge that President Clinton talked about so eloquently. I see you as that promise and as that hope for a better tomorrow.

“Our plan in the 1997 Senate has been clearly outlined and eloquently articulated by our leader and I don’t need to be repetitious. But as we march forward together this day from this the tarheel state, let us seek and find common ground upon which to build our communities, our State and our nation. Can we do that together? We must find common ground for rich and poor, common ground for old and young, common ground for native
Americans, African-Americans, European-Americans and indeed all Americans. If our state is to grow and prosper, we must find common ground for democrats and republicans and independents as we address issues of crime and punishment, welfare reform, individual and corporate, Senator Shaw. Because the issues we face are so complex, Tony, the mountains we must climb so tall and the opposition, Senator Jordan, so stubborn. There are many who will say 'we can't do it; it's too hard.' We shall not try but I cannot accept that assessment, and I want to tell you why.

"As I look back over my own life I can recall a few challenges. I can recall leaving home one day in east Africa from that village that my ancestors told us it took to raise a child. I was in the middle passage on a slave ship named Henrietta Marie, a replica is now in Charlotte on display. I stopped next in a vast field of cotton somewhere in Mississippi or the deep South. Nobody knew them, they thought I was Toby, but I reminded them that my name was Kunta Kinte. I was on the William Pettus bridge in Selma, Alabama and the whole world was watching. I was in the nation’s capital with two hundred fifty thousand plus of my fellow Americans trying to cash a check that had come back marked insufficient funds. Yes, I remember three hundred years in the deepest south, but God put a song and a prayer in my mouth. God put a plan like steel down in my soul and today together we are reaching our goals. April 1994, I had had a chance to go back home and visit with my brother, Nelson, who had come out of Prison after twenty-seven years, and he was being inaugurated as the President of South Africa. He had no bitterness.

"Today I stand here on the floor of the N.C. Senate in a position of great honor and trust, but I do not stand here alone. There are so many on who’s shoulders I stand, who’s names are unknown and who’s deeds are unrecognized. Look where God has brought me from. We haven’t solved all of our problems yet. There’s much work to be done, but I stand proudly as a living testimony. I thank and give honor to a God who is able, and, as Joe Lagon is able to say with the mighty clouds, I’m still alive. I’ve been chosen by peers under the leadership of one who has transcended the issue of race and color, the gentleman from Dare County, Marc Basnight. Thank you Marc. I want to thank my colleagues, on both sides of the aisle, and I again single out our distinguished President Pro Tempore - Marc Basnight. Thank you also Sandy for helping him stay on course. I want to thank a gentleman who’s not here today. He’s gone on, Mr. Saint Basnight, and a lady who’s not with us, she’s still here, Mrs. Cora Mae Basnight for raising up Marc Basnight in the manner that they did and feeding him a steady diet of love and humbleness. Thank you R. C. Soles for being a dear friend and a great leader; to Charlie Dannelly, I sneaked around and heard a little bit of what you said. You’re always so eloquent and I’m so grateful to you and Beverly Perdue for those kind and wonderful words in offering my name. Truly there is no secret what God can do, E. ‘Scoop’ W. Lawrence, what he’s done for me and for others he’ll do the same for you. I want to thank Judge Butterfield, a strong and able Resident Superior Court Judge of Wilson, N.C. and my friend, thank you. I can’t call all of the names, my mother-in-law is here, all of the family and friends, to all of the ministers that told me they might come from various parts of my district; thank you all. I want to close by thanking my beautiful wife, Bernadine, who has always been there for me, thank you dear.

"Dr. King said if a man has not found something worth dying for, he was not fit to live. Long ago back in Bertie County when things where tough, my dad taught me by example that his manhood was worth dying for. He’s gone on now too, Marc, now but I thank him for that lesson. My grandfather, David George Eason, had three children, one
son and two daughters. For whatever reason, he did not deem it appropriate to send his girls to college. He sent his son to college, but I still love him because he was a gentleman and a proud land owner in the 1920’s in Bertie county, but my mother never got a chance to go to a real college. She had to settle for a degree from hard knocks university, but I’m proud of her and I love her, and she was determined that all of her children would have a chance to attend college. Today, as a proud senior citizen, she still believes in education and the opportunity it brings. She gets up early each morning and drives the day-care van to pick up some of the two hundred children who attend Kiddy World, the non-profit day center she runs in Windsor, N.C. You don’t mind me telling that at seventy-seven years old. She takes the same van to go back and pick up the adults and brings them then to the senior citizens day care center she also runs. She has been my inspiration and I love her dearly and I want her to stand up, Mrs. Alice Eason Ballance.

“Yes, it has been a long journey, and a hard struggle but I’m not deterred and I was glad to hear my friend, Ham Horton, talk about how the minorities get treated. I’m glad somebody else’s got a problem besides me, but learned that nothing worthwhile comes easy for I know that we in North Carolina and America can and will do better even though I know we’re in a struggle.

A tree that never had to fight for it’s share of sun and air and sky and light
but stood out in the open plain and always got it’s share of rain
never became a forest king but lived and died a scrubby.
And so it is a man who never had to fight
for his share of sun and air and sky and light never became a manly thing.
But lived and died as he began.
Good timber you see does not grow in ease.
The stronger the wind the tougher the trees.
“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 Cooper of Nash who offers the following remarks:

“Thank you Mr. President. First, I’d like to say thank you to Senator Basnight and Senator Ballance for those inspiring words. I’m proud to serve with both of you and I’m proud that you are the leaders of this distinguished body. It’s my honor and privilege to place in nomination the name of Janet B. Pruitt for Senate Principal Clerk of the Senate. From my perspective, one of her premiere redeeming qualities is that she was born and reared in Nash County, North Carolina. She is a product of the Nash County public schools. She attended East Carolina University. She has two children, a daughter Meredith, and a son Bryan, who’s currently a student at the University of North Carolina at Chapel Hill, another redeeming quality. Janet has a wealth of experience to offer this body. She’s worked for the State Department of Social Services for ten years in personnel administration. She was a committee clerk here back in 1981 and since March of 1988, for almost nine years, she has served as the supervisor of all of our Senate clerks. She is

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an industrious and dedicated administrator who has served this Body for sixteen years. It is my honor and privilege to nominate Janet B. Pruitt for this distinguished office.”

The President recognizes Senator Lucas of Durham who seconds the nomination of Janet B. Pruitt for the Office of Principal Clerk and offers the following remarks:

“Mr. President, members of the Senate, ladies and gentlemen, an interviewer once said or asked the great jazz saxophonist Charlie Parker how he does amazing things on that instrument. Charlie Parker replied, ‘You may call it amazing, but I practiced fifteen hours a day for many, many years.’ Today, we place in nomination the name of Janet Pruitt, an individual who has practiced for many, many years, to be accountable, to be responsible, to be self-disciplined with excellent work ethics. And because of her efforts and her record, we are rewarding her today with the position of Senate Clerk. And so Mr. President, I move that the nomination be closed and that Janet Pruitt be elected Senate Principal Clerk for the 1997-98 Session by acclamation.”

The motion offered by Senator Lucas that the nominations be closed and that Janet B. Pruitt be elected Principal Clerk of the 1997 Senate by acclamation prevails.

The President declares Janet B. Pruitt duly elected and appoints Senator Odom of Mecklenburg, Senator Lee of Orange, and Senator Cochrane of Davie to escort the Principal Clerk-elect to the Well of the Senate. Senator Odom is recognized and presents the Principal Clerk-elect, Janet B. Pruitt. The Honorable Dennis A. Wicker, Lieutenant Governor of the State of North Carolina administers the prescribed oath of office and 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 Cooper of Nash who offers the following remarks:

“Thank you Mr. President. It’s my honor and privilege to place the name of Roy Clark in nomination for the office of Reading Clerk of the Senate. Roy Clark was being sworn in as Reading Clerk of the Senate during about this time in 1959, when I was two years old. I don’t think Senator Reeves was even born then. Roy Clark adds a lot to this Senate Body, as you new members will soon find out. He’s a master of levity and brevity. His colorful oration, as well as his sometimes colorful attire will keep us all awake, particularly when sometimes things get boring. He has a background in tobacco. He is a tobacco man as you will all find out. Forty years in the tobacco business, he tends to shove those anti-tobacco bills under the bottom down there. They end up getting read last. He is a founding member of the Triangle World Trade Association. He has served on the staff of U.S. Congressman Ike Andrews for awhile. And as he says himself, that he is fast approaching being one of the senior rats in state government. It is my proud privilege and honor to place in nomination the name of Roy Clark as Reading Clerk of the Senate. Thank you Mr. President.”

The President recognizes Senator Soles of Columbus who seconds the nomination and offers the following remarks:

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"Thank you Mr. President, ladies and gentlemen of the Senate it is my distinct pleasure and high honor to stand to second the nomination of LeRoy Clark for our Senate Reading Clerk. LeRoy, as you’ve just heard, has been around a long time, but before he got here, he was in the U.S. Army Air Corps. General, I think that’s maybe gone by as the Air Force now, but he served as the U.S. Air Corps. He served well. He flew forty-five combat missions, received two purple hearts, and the good conduct medal. We have observed him here and he’s observed us and I’m sure he has seen more than forty-five combat missions since he’s been serving as the Reading Clerk of the Senate. He will continue to do well. I asked him what was his greatest accomplishment and he said, ‘Well, that was to be able to get his wife Julie and to marry her and to persuade her to stay around some fifty-three years now. I am delighted to second the nomination and I move that the nominations be closed, and that LeRoy Clark be accepted as the Reading Clerk by acclamation.’

The motion offered by Senator Soles that the nominations be closed and that LeRoy Clark be elected Reading Clerk by acclamation prevails.

The President declares LeRoy Clark duly elected, and appoints Senator Gulley of Durham and Senator Winner of Mecklenburg to escort the Reading Clerk-elect of the 1997 Senate to the Well of the Senate. Senator Gulley of Durham addresses the Chair and presents the Reading Clerk-elect, LeRoy Clark. The Honorable Willis P. Wichard, Associate Justice of the Supreme Court of North Carolina, administers the prescribed oath of office, and the President directs the Reading Clerk to assume his seat.

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 remarks:

"Thank you very much Mr. President, ladies and gentlemen of the Senate. It is my pleasure today to place in nomination the name of Cecil R. Goins as Sergeant-at-Arms of the North Carolina Senate for the 1997-98 Session. Cecil is a native of Moore County, a graduate of North Carolina A&T State University. He had the great honor to serve his country as with the first infantry division in Europe. He was also in the Army Reserve and being separated as a maker. He has, for the bulk of his adult life, served in the United States Marshal Service. It was my privilege to first meet Cecil as we attended various sittings of Federal Court throughout the eastern district of North Carolina. He always impressed me by the way he treated people, with dignity and the way that he was always even handed regardless with what a person had been charged with, or whatever his duties might have been. He has served in the Marshal Service all around the United States in different positions, having protected Federal Judges, having served with the witness protection program, has a very wide and varied career. His wife Laverne is retired from the Wake County School System. He has two daughters. One is an attorney in Asheville, and the other is Professor of Mass Communications at Norfolk State University. Mr. Goins is a fine gentleman, a splendid fellow. He has served the Senate well in times past,
and it is my great privilege and honor today to place his name in nomination for Sergeant-at-Arms.”

The President recognizes Senator Ballance, Deputy President Pro Tempore, who seconds the nomination and offers the following remarks:

“Mr. President, thank you so very much. Cecil Goins has a quality about him that puts people at ease. He also has about him a spirit of professionalism that lets you know that when Cecil says, ‘Come this way,’ that that’s what you ought to do. Many of us in this Chamber have such great respect for Cecil. We want him to come and serve us again, 1997-98. And I’m proud to second the nomination, to move that the nominations be closed and that Cecil Goins be elected Sergeant-at-Arms by acclamation.”

The motion offered by Senator Ballance that the nominations be closed and Cecil Goins be elected Sergeant-at-Arms by acclamation prevails.

The President declares Cecil Goins duly elected and appoints Senator Plyler of Union, Senator Miller of Wake, and Senator Reeves of Wake to escort the Sergeant-at-Arms-elect tot the Well of the Senate. Senator Plyler addresses the Chair and presents the Sergeant-at-Arms-elect, Cecil Goins. The Honorable John Webb, Associate Justice of the Supreme Court of North Carolina, administers the prescribed oath of office. The President directs the Sergeant-at-Arms to assume his seat.

RECONSIDERATION

Senator Rand offers a motion to reconsider the vote by which Senator Basnight was elected President Pro Tempore of the Senate and further moves that that motion do lie upon the table, which motions prevail.

The President directs the Reading Clerk to read as follows:

NORTH CAROLINA GENERAL ASSEMBLY

Senate Chamber
State Legislative Building
Raleigh 27601-2808

January 13, 1997

The Honorable Dennis A. Wicker
President of the Senate
State Legislative Building
Raleigh, North Carolina 27601
Dear President Wicker:

This is to advise you that the Senate Democratic Caucus met on December 9, 1996, with 29 members present and nominated the following officers for the 1997 Session of the General Assembly:

- President Pro Tempore - Senator Marc Basnight
- Deputy President Pro Tempore - Senator Frank Ballance
- Caucus Chairman - Senator R. C. Soles
- Majority Leader - Senator J. Richard Conder
- Majority Whip - Senator Leslie Winner
- Caucus Secretary - Senator Jeanne Lucas
- Principal Clerk - Ms. Janet Pruitt
- Reading Clerk - Mr. LeRoy Clark, Jr.
- Sergeant-at-Arms - Mr. Cecil Goins

Sincerely,
S/Lucille Thompson
Assistant Secretary
Democratic Caucus

The President directs the Reading Clerk to read as follows:

NORTH CAROLINA GENERAL ASSEMBLY

Senate Chamber
State Legislative Building
Raleigh 27601-2808

MEMORANDUM

To: Sylvia Fink
    Senate Principal Clerk

From: Betsy L. Cochrane

December 16, 1996

I wish to inform you that the officials elected at the Republican Caucus for the 1997 Session are as follows:

- Senator Robert Shaw - Minority Leader
- Senator Hugh Webster - Minority Whip

The President recognizes Senator Soles of Columbus, Democratic Caucus Chairman, who offers the following remarks:

"Mr. President, ladies and gentlemen of the Senate, thank you for giving me the opportunity to stand one more time. I look forward to serving the entire Body, but I..."
particularly look forward to serving as Chairman of the Democratic Caucus, and look forward to working with all of you. Thank you very much.”

The President recognizes Senator Conder of Richmond, Majority Leader, who offers the following remarks:

“Thank you Mr. President. Ladies and gentlemen of the Senate, I appreciate this single honor that you have bestowed upon me to be your Majority Leader for the third consecutive term. I will do everything in my capacity to do the very best job I can do, and that’s all I can promise you. I’ll do the very best I can do. Now I’m proud of this State, ladies and gentlemen, we’ve got the greatest State in the nation barring none. We’ve had wonderful leadership in this great State. I think back in my earlier days of one of our better Governors, Luther Hodges. Senator Basnight has already talked about Bill Friday at the University system. A system that we’ve let run down to some extent since 1991 recession. That we are doing everything in our power to get back folks because without education we are going to be nothing in North Carolina. So we’ve got to continue to work in that area. And I’m proud of this State. I’m proud of what this Body has done, and I pledge to the Members of the back row that we will do everything that I can, Bob Shaw, to work together to make this Body very effective and do what the people of the State of North Carolina expect of us that we should do ourselves. And also, Mr. President, I’d like the record to state that Justice Frye is a native of Richmond County and used to be one of my constituents years ago. Justice Frye, we’re proud of you, and thank you for what you do. And I’m also proud to have my wife and my best friend with me today, Barbara. So, Barbara, thank you. Thank you.”

The President recognizes Senator Winner of Mecklenburg, Majority Whip, who offers the following remarks:

“Thank you Mr. President, as I look around this Chamber today it’s with a great deal of pride that I look at each of you. It’s a great beginning. We have many important problems to solve. We are going to work together to do it. And I appreciate the opportunity to pull my oar with the rest of you as we try to solve our State’s problems and make it and even greater place for our citizens to live. Thank you.”

The President recognizes Senator Lucas of Durham, Democratic Caucus Secretary, who offers the following remarks:

“Thank you Mr. President. Members of the Senate, thanks for your vote of confidence. I want you to know that I’ll give you all my energy, all my wisdom, all my understanding and compassion to do an excellent job for you. Thanks again.”

The President recognizes Senator Shaw of Guilford, Minority Leader, who offers the following remarks:

“Thank you Mr. President. Thank God the elections over. The hit and hate mail is in the trash with a lot of the promises, and I hope that we can get on with things this year. I personally thought that some of the rule changes were reprehensible, but we face much adversity on this back row. It’s something we can live with, we’ll overcome it. We’re
going to put in some good legislation, some fresh thoughts, and good ideas. And we’re gonna hopefully have your cooperation working with us also, Senator Basnight and Senator Conder. And you know, we’re down here for one reason, and really, population wise, each of us represent about one hundred and forty, one hundred and forty-five thousand people, and they look to this Body. A lot of them don’t even know who we are. They don’t know who the Senators are; don’t care. They just want certain things done, the education of their children. Particularly this year, Senator Basnight, I have heard more from school teachers, not about salary, but about we’ve got to have some help in the classroom about discipline. We’ve got to do it, and we’ve got to help the principals. So we’re gonna work on that this year. We’re gonna work on women’s issues. We’re gonna work on education. We’re gonna work on taxes, and we’ll work with you, and we ask for your cooperation. Thank you.”

The President recognizes Senator Webster of Caswell, Minority Whip, who offers the following remarks:

“Thank you Mr. President. Members of the Senate and visitors, I am looking forward to this Session with apprehension. I commit to you that I will do everything I can to represent the best interest of the people of this State, those that are living and those that come behind us. Whenever the issue is toward that end, I commit to you that you will have my cooperation and my support. And I think that members of the back row and all of the other members of the Senate all took the same oath, and I appreciate your vote of support.”

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 this First Regular Session of the 1997 General Assembly.

**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 Rand:

S.J.R. 18, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

On motion of Senator Rand, the joint resolution is placed before the Senate for immediate consideration, upon its passage.

The joint resolution passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

**ENROLLING CLERK**

The President directs the Reading Clerk to read as follows:
MEMORANDUM

TO: Office of the Senate Principal Clerk
FROM: George Hall
SUBJECT: Enrolling Clerk

This is to notify you that Ms. Tabatha Cruden will serve as the enrolling clerk for the 1997 legislative session. Ms. Katherine Sabre will serve as assistant to the enrolling clerk.

On motion of Senator Basnight, seconded by Senator Reeves, the Senate adjourns at 2:11 P.M. to meet tomorrow, Thursday, January 30, at 10:00 A.M.

SECOND DAY

Senate Chamber
Thursday, January 30, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Dear Lord, Holy Scripture, in a very short narrative, tells how the eleven veteran disciples chose newcomer Matthias to fill the opening left by Judas’ death.

“Two were qualified for the position, so the eleven cast lots. Matthias won. But before they cast lots, Peter led the eleven in the first corporate oral prayer for guidance recorded in the New Testament. The decision wasn’t left to chance. Scripture never mentions how Matthias felt during or after this event.

“With that story in mind, we pray corporately, today, for each of the first time Senators elected to this Body. Yesterday, they stood among many to take their oath of office. We pray they felt affirmed. Today, they may feel a little overwhelmed by the process and as first-timers.

“We hope that they are encouraged to know that like Matthias, prayers are with them, that You are present for them, and that the veterans (who themselves were once second
day Senators) will be helpful during these days and weeks of orientation. For it is in Your Name we pray. Amen."

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, January 29, has been examined and is found to be correct. On 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. Frank James from Winston-Salem, who is serving the Senate as Doctor of the Day.

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 Gulley, Albertson, Ballance, Cooper, Dalton, Dannelly, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Lee, Lucas, Miller, Odom, Perdue, Phillips, Plyler, Rand, Reeves, Shaw of Cumberland, Soles, Warren, Weinstein, Wellons, and Winner:

S.B. 1, A BILL TO BE ENTITLED AN ACT TO REFORM THE CAMPAIGN LAWS OF NORTH CAROLINA.

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


S.B. 2, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE.

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

By Senators Jenkins, Cooper, Dalton, Gulley, Hoyle, Kerr, Kinnaird, Martin of Guilford, Miller, Perdue, Rand, Reeves, Warren, Weinstein, and Wellons:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-YEAR WAITING PERIOD BEFORE FORMER LEGISLATORS MAY BECOME LOBBYISTS.

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

By Senators Winner, Albertson, Ballance, Conder, Cooper, Dalton, Gulley, Hoyle, Lee, Lucas, Martin of Guilford, Miller, Odom, Perdue, Plyler, Rand, Reeves, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons:

S.B. 4, A BILL TO BE ENTITLED AN ACT TO ENACT THE SAFE SCHOOLS ACT OF 1997.

Pursuant to Rule 43, the bill is ordered held in the office of the Principal Clerk pending referral to committee.
By Senators Winner, Albertson, Conder, Cooper, Gulley, Hoyle, Kinnaird, Lee, Lucas, Martin of Guilford, Odom, Perdue, Plyler, Rand, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons:

S.B. 5, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO CHANGE THE COMPOSITION OF THE STATE BOARD OF EDUCATION AND MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE STATE BOARD OF EDUCATION, AND TO MAKE CORRESPONDING STATUTORY CHANGES.

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

By Senators Winner, Albertson, Cochrane, Conder, Cooper, Dalton, Foxx, Gulley, Hoyle, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Perdue, Plyler, Rand, Soles, Warren, Weinstein, and Wellons:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATED TO THE PUBLIC SCHOOL CALENDAR TO PROVIDE LOCAL BOARDS OF EDUCATION AND SCHOOLS GREATER FLEXIBILITY AND LOCAL CONTROL.

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

By Senators Cooper, Albertson, Cochrane, Dalton, Gulley, Hoyle, Jordan, Kerr, Lee, Lucas, Miller, Odom, Plyler, Rand, Reeves, Shaw of Cumberland, Warren, Weinstein, Wellons, and Winner:

S.B. 7, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION’S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF CERTAIN CONTROLLED SUBSTANCES.

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

By Senators Cooper, Albertson, Dalton, Dannelly, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Miller, Odom, Plyler, Rand, Reeves, Warren, Weinstein, Wellons, and Winner:

S.B. 8, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION’S RECOMMENDATION TO AMEND THE STRUCTURED SENTENCING PROVISIONS REGARDING THE CALCULATION OF PRIOR RECORD LEVELS.

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

By Senators Miller, Albertson, Cochrane, Cooper, Dalton, Gulley, Jordan, Lee, Lucas, Odom, Perdue, Plyler, Rand, Weinstein, Wellons, and Winner:

S.B. 9, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION’S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN

January 30, 1997
EMBEZZLEMENT OFFENSES.

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

By Senators Reeves, Cooper, Gulley, Hoyle, and Miller:

S.B. 10, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO RECLASSIFY THE OFFENSE OF ACCESSORY AFTER THE FACT.

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

By Senators Gulley, Albertson, Cooper, Dannelly, Foxx, Hoyle, Kerr, Lee, Lucas, Miller, Odom, Perdue, Phillips, Plyler, Rand, Shaw of Cumberland, Soles, Warren, Weinstein, Wellons, and Winner:

S.B. 11, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION THAT THE OFFENSE OF VOLUNTARY MANSLAUGHTER BE INCREASED FROM A CLASS E FELONY TO A CLASS D FELONY.

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

By Senators Phillips, Albertson, Cochrane, Cooper, Dalton, Foxx, Gulley, Hoyle, Jenkins, Jordan, Kinnard, Lee, Martin of Guilford, Odom, Perdue, Rand, Reeves, Shaw of Cumberland, Warren, and Winner:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO REQUIRE ACTIVE TIME FOR HABITUAL IMPAIRED DRIVING CONVICTIONS.

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

By Senators Conder, Albertson, Ballance, Cooper, Dalton, Dannelly, Hoyle, Kerr, Lee, Martin of Guilford, Odom, Plyler, Rand, Warren, Weinstein, Wellons, and Winner:

S.B. 13, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE.

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

By Senators Jenkins, Albertson, Cooper, Dalton, Gulley, Hoyle, Kerr, Lucas, Miller, Odom, Perdue, Phillips, Rand, Warren, Weinstein, and Wellons:

S.B. 14, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN OFFENSES COMMITTED WHILE A PERSON IS INCARCERATED.

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

By Senators Ballance, Albertson, Dalton, Dannelly, Gulley, and Miller:

S.B. 15, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S
RECOMMENDATION TO ADD TO THE LIST OF AGGRAVATING FACTORS THAT CERTAIN PEOPLE WERE SERIOUSLY INJURED AS A RESULT OF THE OFFENSE.

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

By Senators Ballance, Albertson, Cooper, Dannelly, Gulley, and Miller:
S.B. 16, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY SERVICE.

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

By Senators Perdue, Albertson, Cooper, Hoyle, Kerr, Warren, and Wellons:
S.B. 19, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STUDENTS MASTER THE BASICS AT ONE GRADE LEVEL BEFORE THEY ARE PROMOTED TO THE NEXT GRADE LEVEL.

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

By Senators Perdue, Albertson, Hoyle, Kerr, and Warren:
S.B. 20, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT A NATIONAL MEMORIAL HONORING ALL WOMEN MILITARY PERSONNEL.

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

By Senators Conder, Albertson, Ballance, Cooper, Dalton, Dannelly, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Odom, Plyler, Rand, Warren, Weinstein, Wellons, and Winner:
S.B. 21, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT POLITICAL ADVERTISEMENTS PLACED BY A POLITICAL COMMITTEE (WHICH INCLUDES POLITICAL PARTIES AND PACS) ON BEHALF OF A CANDIDATE TRUTHFULLY STATE WHETHER OR NOT THE ADVERTISEMENT WAS AUTHORIZED BY THE CANDIDATE.

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

By Senators Conder, Albertson, Hoyle, and Warren:
S.B. 22, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INSTALLATION OF NONPRESSURIZED DRY FIRE HYDRANTS IN RURAL...
AREAS OF THE STATE.

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

By Senators Reeves, Martin of Guilford, and Miller:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT EVERY DWELLING UNIT LEASED AS RENTAL PROPERTY IN CERTAIN CITIES BE FURNISHED WITH A SOURCE OF HEAT.

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

By Senators Ballance, Albertson, Cochrane, Dannelly, and Warren:

S.J.R. 24, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE ITS STUDY OF THE GUARDIAN AD LITEM PROGRAM.

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

By Senators Horton, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Kincaid, Ledbetter, McDaniel, Miller, Page, Rucho, Shaw of Guilford, and Webster:

S.B. 25, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE SALES TAX ON FOOD BY ONE-THIRD.

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

By Senators Odom, Albertson, Ballance, Conder, Cooper, Dalton, Dannelly, Gulley, Horton, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Martin of Pitt, Miller, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Weinstein, Wellons, and Winner:

S.B. 26, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FOOD BANKS IN NORTH CAROLINA.

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

APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read as follows:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603-8001
January 28, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

January 30, 1997
Dear Mr. President:

Pursuant to General Statute 62-10, I hereby appoint William R. Pittman to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Pittman will complete the unexpired term of Judge Hugh Wells. His term will begin immediately on an interim basis pending legislative confirmation and will expire on June 30, 2001.

Enclosed is biographical information on Mr. Pittman. Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt Jr.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
January 29, 1997

Mr. 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: Harold J. Brubaker
Speaker Pro Tempore: Stephen W. Wood
Principal Clerk: Denise G. Weeks

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

Reading Clerk: Susan M. Johnson
Sergeant-At-Arms: Clyde Cook, Jr.

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

Majority Leader: N. Leo Daughtry
Majority Whip: Julia C. Howard

Respectfully,
S/Denise Weeks
Principal Clerk

January 30, 1997
EXECUTIVE ORDERS

Executive Orders received following adjournment *sine die* of the 1995 General Assembly (see Appendix) are presented to the Senate and ordered filed in the office of the Principal Clerk with the papers of the Senate:

**Executive Order Number 98**, Amending Executive Order Number 97, Concerning Emergency Relief for Damage Caused by Hurricane Bertha.

**Executive Order Number 99**, Emergency Relief for Damage Caused by Hurricane Fran.

**Executive Order Number 100**, Establishing the Government Information Locator Service Coordinating Committee.

**Executive Order Number 101**, Psychologists and Social Workers Licensed or Certified out of State Permitted to Provide Crisis Counseling for Victims of Hurricane Fran.

**Executive Order Number 102**, Amending Executive Order Number 99, Concerning Emergency Relief for Damage Caused by Hurricane Fran.

**Executive Order Number 103**, Amending Executive Order Number 99 and Executive Order Number 102, Concerning Emergency Relief for Damage Caused by Hurricane Fran.

**Executive Order Number 104**, Creating the North Carolina Disaster Recovery Task Force, Center, and Action Team.

**Executive Order Number 105**, Amending Executive Order Number 99, Executive Order Number 102, and Executive Order Number 103, Concerning Emergency Relief for Damage Caused by Hurricane Fran.

**Executive Order Number 106**, Hurricane Fran Disaster Leave.

RESOLUTION FROM ANOTHER STATE

The following resolution received December 23, 1996, from another Legislative Body is presented to the Senate and is ordered filed in the office of the Principal Clerk with the papers of the Senate:

**Michigan Senate Concurrent Resolution 278**, a concurrent resolution to memorialize the Congress of the United States to pass and submit to the States for ratification an amendment to the Constitution of the United States to protect taxpayer rights from judicial taxation by prohibiting courts from ordering any state or political subdivision to levy or increase any tax and to urge other states to direct a similar memorial to Congress.
REPORTS TO GENERAL ASSEMBLY

Commissions, and Agencies directed to report to the General Assembly submit reports (see Addendum) which are ordered placed on file in the Legislative Library, as follows:

Pursuant to G.S. 131F-30(c), The North Carolina Department of Human Resources, Division of Facility Services submits the Annual Report on Solicitation of Contributions.

Pursuant to Chapter 507, Section 23.11A of the 1995 Session Laws, the North Carolina Department of Human Resources submits its report, Adult Care Homes.

Pursuant to Chapter 324, Section 18.17 of the 1995 Session Laws, Drivers License Medical Evaluation Program Study Commission submits the Final Report.

Pursuant to Chapter 18, Section 10 of the 1996 Second Extra Session Laws, the North Carolina Department of Administration submits the report, Utilization of State-owned Space.

COMMITTEE APPOINTMENTS

Pursuant to Rules 31 and 34, Senator Basnight, President Pro Tempore, announces appointments to standing committees, as follows:

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES

Chairman: Senator Albertson
Vice-Chairmen: Senator Gulley, Senator Horton, Senator Wellons
Ranking Minority Member: Senator Cochrane
Members: Senators Clark, Conder, Cooper, East, Foxx, Garwood, Jenkins, Kinnaird, McDaniel, Miller, Odom, Page, Perdue, Phillips, and Weinstein

APPROPRIATIONS

Co-Chairmen: Senator Perdue, Senator Plyler
Vice-Chairmen: Senator Allran, Senator Conder, Senator Forrester, Senator Kincaid, Senator Rand

January 30, 1997
Appropriations on Department of Transportation
Chairman: Senator Jordan
Vice-Chairman: Senator Albertson
Ranking Minority Member: Senator Carpenter
Members: Senators Senator Horton and Shaw of Cumberland

Appropriations on Education/Higher Education
Co-Chairmen: Senator Lee
Senator Winner
Vice-Chairman: Senator Conder
Ranking Minority Member: Senator Hartsell
Members: Senators Dalton and Garwood

Appropriations on General Government
Chairman: Senator Warren
Vice-Chairman: Senator Lucas
Members: Senators Kinnaird, Ledbetter, and Page

Appropriations on Human Resources
Chairman: Senator Martin of Guilford
Vice-Chairman: Senator Dannelly
Ranking Minority Member: Senator Forrester
Members: Senators Clark, Miller, and Phillips

Appropriations on Justice and Public Safety
Chairman: Senator Gulley
Vice-Chairman: Senator Ballance
Ranking Minority Member: Senator East
Members: Senators Blust, Rand, and Wellons

Appropriations on Natural and Economic Resources
Chairman: Senator Martin of Pitt
Vice-Chairman: Senator Jenkins
Ranking Minority Member: Senator Cochrane
Members: Senators Reeves, Rucho, and Weinstein

BASE BUDGET
Chairman: Senator Odom
Vice-Chairmen: Senator Allran
Senator Conder
Senator Forrester
Senator Kincaid
Senator Rand

January 30, 1997
CHILDREN AND HUMAN RESOURCES

Chairman:  Senator Lucas
Vice-Chairmen:  Senator Dannelly
Senator Kinnaird
Senator Martin of Guilford
Senator Winner
Ranking Minority Member:  Senator Forrester
Members:  Senators Allran, Clark, Cochrane, Cooper, East, Foxx,
Kerr, Kincaid, Phillips, Warren, and Wellons

COMMERCE

Chairman:  Senator Soles
Vice-Chairmen:  Senator Cochrane
Senator Hoyle
Senator Martin of Pitt
Vice-Chairman:  Senator Warren
Ranking Minority Member:  Senator Kincaid
Members:  Senators Ballance, Ballantine, Carpenter, Conder,
Dalton, Forrester, Hartsell, Jordan, Kerr, Ledbetter,
Lee, Plyler, Rand, Reeves, Shaw of Cumberland,
and Shaw of Guilford

EDUCATION/HIGHER EDUCATION

Co-Chairmen:  Senator Lee
Senator Winner
Vice-Chairmen:  Senator Dannelly
Senator Hartsell
Senator Hoyle
Senator Warren
Ranking Minority Member:  Senator Allran
Member
Senators Cochrane, Conder, Cooper, Dalton,
Forrester, Foxx, Garwood, Gulley, Horton, Lucas,
Martin of Guilford, Perdue, and Rucho

FINANCE

Co-Chairmen:  Senator Hoyle
Senator Kerr
Vice-Chairmen:  Senator Conder
Senator Cooper
Senator Shaw of Guilford
Senator Soles
Ranking Minority Member:  Senator Allran
Member:  Senators Albertson, Ballantine, Blust, Carrington,
Cochrane, Dalton, Dannelly, Foxx, Gulley,
Hartsell, Lee, McDaniel, Phillips, Rand, Reeves,
Shaw of Cumberland, Webster, Weinstein,
Wellons, and Winner

January 30, 1997
SENATE JOURNAL

1997

JUDICIARY

Chairman: Senator Cooper
Vice-Chairmen: Senator Miller
Sen. Odom
Sen. Soles
Sen. Winner

Ranking Minority Member: Senator Carpenter
Members: Senators Albertson, Ballance, Ballantine, Blust, Carrington, Forrester, Gulley, Hartsell, Horton, Hoyle, Kerr, Kincaid, Lee, Lucas, Martin of Guilford, Rand, Reeves, Rucho, Shaw of Guilford

PENSIONS AND RETIREMENT AND INSURANCE

Chairman: Senator Jenkins
Vice-Chairmen: Senator Kincaid
Sen. Martin of Pitt
Sen. Reeves
Sen. Shaw of Cumberland

Ranking Minority Member: Senator Shaw of Guilford
Members: Senators Carpenter, Carrington, East, Jordan, Kinnaird, McDaniel, Odom, Plyler, Soles, Webster, Weinstein, and Wellons

RULES AND OPERATIONS OF THE SENATE

Chairman: Senator Rand
Vice-Chairmen: Senator Carrington
Sen. Gulley
Sen. Phillips

Ranking Minority Member: Senator Forrester
Members: Senators Blust, Cooper, Horton, Hoyle, Jordan, Kinnaird, Ledbetter, Miller, Page, Plyler, and Soles

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL

Chairman: Senator Miller
Vice-Chairmen: Senator Dalton
Sen. Jordan

Ranking Minority Member: Senator Shaw of Guilford
Members: Senators Albertson, Ballance, Carrington, Hartsell, Jenkins, Ledbetter, Soles, and Webster

TRANSPORTATION

Chairman: Senator Shaw of Cumberland
Vice-Chairmen: Senator Carpenter
Sen. Gulley
Sen. Lee
Sen. Weinstein

Ranking Minority Member: Senator Clark
Members: Senators Garwood, Martin of Pitt, McDaniel, Odom, Page, Plyler, and Rand

January 30, 1997
WAYS AND MEANS
Chairman: Senator Dannelly
Vice-Chairmen: Senator Kerr
Senator Lucas
Ranking Minority Member: Senator Allran
Members: Senators Ballance, Ballantine, Blust, Carrington, Clark, East, Hoyle, Jenkins, Ledbetter, Martin of Pitt, Martin of Guilford, Odom, Perdue, Plyler, Warren, and Webster

SELECT COMMITTEE ON CONGRESSIONAL REDISTRICTING
Chairman: Senator Cooper
Members: Senators Albertson, Ballance, Ballantine, Cochrane, Conder, Forrester, Gulley, Hoyle, Kincaid, Martin of Pitt, Martin of Guilford, Rand, Soles, and Winner

SELECT COMMITTEE ON THE FUTURE OF THE COURTS
Chairman: Senator Ballance
Members: Senators Carrington, Cooper, Dalton, Dannelly, Hartsell, Horton, Kerr, Martin of Pitt, Martin of Guilford, Odom, Rand, Reeves, Soles, and Winner

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

Michelle Crawford, Goldsboro; Tocarra Ellis, Raleigh; Kanika Johnson, Knightdale; Mina Leach, Raleigh; Amanda Midgette, Vanceboro; Jana Stam, Apex; Nadia Stone, Clayton; Jennifer Taylor, Vanceboro; David A. Ward, Raleigh; and Femi David-Yerumo, Durham.

On motion of Senator Basnight, seconded by Senator Phillips, the Senate adjourns at 10:38 A.M. to meet Monday, February 3, at 7:00 P.M.

THIRD DAY
Senate Chamber
Monday, February 3, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:
"An old Hasidic legend claims that for the sake of ten righteous people, God does not destroy the world. They live scattered in any nation under heaven, are members of any class, of any profession which may be imagined. They are invisible to the world. These ten do not even know the significance of their lives. Such ignorance is their righteousness. They merely live as other people live. But Heaven knows the difference.

"O Lord, what a difference it would make in the events of this week if by chance, no, by the wonderful mercy of God, if each of us in this room lived as though we might be one of the ten. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, January 30, has been examined and is found to be correct. On 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. Rhett High from Raleigh, who is serving the Senate as Doctor of the Day.

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 Rand:
S.B. 27, A BILL TO BE ENTITLED AN ACT TO MAKE PROCEDURAL CHANGES IN THE CONFORMING LEGISLATION CONCERNING GUBERNATORIAL VETO.
Referred to Judiciary Committee.

By Senators Jordan, Gulley, and Warren:
S.J.R. 28, A JOINT RESOLUTION TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY CONSUMER PROTECTION ISSUES.
Referred to Rules and Operations of the Senate Committee.

By Senators Jordan and Gulley:
S.B. 29, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE ESTABLISHMENT OF PYRAMID DISTRIBUTION PLANS.
Referred to Judiciary Committee.

By Senator Jordan:
S.B. 30, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE ONE HUNDRED DOLLAR PENALTY FOR SPEEDING IN A HIGHWAY WORK ZONE IS IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER PENALTY FOR A SPEEDING OFFENSE.
Referred to Judiciary Committee.

By Senator Jordan:
S.B. 31, A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CHANGES TO THE LP GAS STATUTE.
Referred to Commerce Committee.
By Senators Rand, Ballance, Carrington, Clark, Dannelly, Foxx, Hoyle, Rucho, and Warren:

S.B. 32, A BILL TO BE ENTITLED AN ACT TO CREATE A LEGISLATIVE COMMISSION ON JOB TRAINING PROGRAMS TO REORGANIZE THE WORKFORCE DEVELOPMENT SYSTEM IN NORTH CAROLINA.
Referred to Rules and Operations of the Senate Committee.

By Senators Cochrane, Foxx, Kerr, Shaw of Cumberland, Soles, and Warren:

S.B. 33, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES
Referred to Finance Committee.

By Senators Cochrane, Cooper, Kerr, Shaw of Cumberland, and Soles:

S.B. 34, A BILL TO BE ENTITLED AN ACT TO ADJUST THE SHARE THE CITIES RECEIVE FROM THE STATE GROSS RECEIPTS TAX TO MAKE THE DISTRIBUTION MORE EQUITABLE.
Referred to Finance Committee.

By Senators Kerr, Cochrane, Cooper, Foxx, Hoyle, Shaw of Cumberland, Soles, and Warren:

S.B. 35, A BILL TO BE ENTITLED AN ACT TO CREATE A STATUTORY REVENUE LAWS STUDY COMMITTEE.
Referred to Rules and Operations of the Senate Committee.

By Senators Kerr, Cochrane, Cooper, Foxx, Hoyle, Shaw of Cumberland, and Soles:

S.B. 36, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A UNIFORM TAX ON PIPED NATURAL GAS BY CONVERTING THE SALES TAX AND GROSS RECEIPTS TAX ON PIPED NATURAL GAS INTO A TAX BASED ON VOLUME OF THERMS.
Referred to Finance Committee.

By Senators Martin of Guilford, Clark, Dannelly, Foxx, and Lucas:

S.B. 37, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STUDY COMMISSION ON THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES.
Referred to Rules and Operations of the Senate Committee.

By Senators Hoyle, Albertson, Cochrane, Cooper, Dalton, Forrester, Foxx, Garwood, Hartsell, Kerr, Kincaid, Lee, Martin of Pitt, Page, Plyler, Rand, Warren, Weinstein, and Wellons:

S.B. 38, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA.
Referred to Rules and Operations of the Senate Committee.

By Senators Shaw of Cumberland, Cochrane, Cooper, Kerr, Soles, and Weinstein:

S.B. 39, A BILL TO BE ENTITLED AN ACT TO REVISE THE SETOFF DEBT COLLECTION ACT.
Referred to Judiciary Committee.
By Senators Horton, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Garwood, Hartsell, Kincaid, Ledbetter, McDaniel, Page, Rucho, Shaw of Guilford, and Webster:

**S.B. 40**, **A BILL TO BE ENTITLED** **AN ACT TO END PAYMENT OF LEGISLATIVE PER DIEM FOR THE REGULAR SESSION AFTER JUNE 30.**

Referred to Rules and Operations of the Senate Committee.

By Senators Webster, Allran, Blust, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Horton, Ledbetter, McDaniel, Page, Rucho, Shaw of Guilford, and Webster:

**S.B. 41**, **A BILL TO BE ENTITLED** **AN ACT TO EXEMPT** **ALL PRESCRIPTION DRUGS FROM SALES AND USE TAX.**

Referred to Finance Committee.

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

Edwin M. Braswell III, Kinston; Christopher Noel Chilton, Ararat; Greta Jo Cutrell, Columbia; William Joel DeBerry, Camden; Tocarra Ellis, Raleigh; Allison Carol Florio, Charlotte; Laura Beth Forehand, Camden; Amber Lynne Gallop, Columbia; Mina K. Leach, Raleigh; Sabrina Little, Lansing; Nina LeAnn Moore, LaGrange; Micheal George O’Connor, Raleigh; and Nadia L. Stone, Clayton.

The President introduces Mrs. Tonita Stephenson who is serving as Page Supervisor for the 1997 Session.

**COMMITTEE REFERRALS**

The Chair recognizes Senator Rand, Chairman of the Rules and Operations of the Senate Committee, who makes referrals of the following bills and a resolution, ordered held in the Office of the Principal Clerk on January 30, pursuant to Rule 43:

**S.B. 1**, **A BILL TO BE ENTITLED** **AN ACT TO REFORM THE CAMPAIGN LAWS OF NORTH CAROLINA.**

Referred to Judiciary Committee.

**S.B. 2**, **A BILL TO BE ENTITLED** **AN ACT TO PROVIDE FOR A LATER PRIMARY DATE.**

Referred to Judiciary Committee.

**S.B. 3**, **A BILL TO BE ENTITLED** **AN ACT TO PROVIDE A ONE-YEAR WAITING PERIOD BEFORE FORMER LEGISLATORS MAY BECOME LOBBYISTS.**

Referred to Judiciary Committee.

**S.B. 4**, **A BILL TO BE ENTITLED** **AN ACT TO ENACT THE SAFE SCHOOLS ACT OF 1997.**

Referred to Education/Higher Education Committee.

February 3, 1997
S.B. 5, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO CHANGE THE COMPOSITION OF THE STATE BOARD OF EDUCATION AND MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE STATE BOARD OF EDUCATION, AND TO MAKE CORRESPONDING STATUTORY CHANGES.
Referred to Education/Higher Education Committee.

S.B. 6, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATED TO PUBLIC SCHOOL CALENDAR TO PROVIDE LOCAL BOARDS OF EDUCATION AND SCHOOLS GREATER FLEXIBILITY AND LOCAL CONTROL.
Referred to Education/Higher Education Committee.

S.B. 7, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF CERTAIN CONTROLLED SUBSTANCES.
Referred to Judiciary Committee.

S.B. 8, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO AMEND THE STRUCTURED SENTENCING PROVISIONS REGARDING THE CALCULATION OF PRIOR RECORD LEVELS.
Referred to Judiciary Committee.

S.B. 9, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN EMBEZZLEMENT OFFENSES.
Referred to Judiciary Committee.

S.B. 10, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO RECLASSIFY THE OFFENSE OF ACCESSORY AFTER THE FACT.
Referred to Judiciary Committee.

S.B. 11, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION THAT THE OFFENSE OF VOLUNTARY MANSLAUGHTER BE INCREASED FROM A CLASS E FELONY TO A CLASS D FELONY.
Referred to Judiciary Committee.

S.B. 12, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO REQUIRE ACTIVE TIME FOR HABITUAL IMPAIRED DRIVING CONVICTIONS.
Referred to Judiciary Committee.

February 3, 1997
S.B. 13, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE.
   Referred to Judiciary Committee.

S.B. 14, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN OFFENSES COMMITTED WHILE A PERSON IS INCARCERATED.
   Referred to Judiciary Committee.

S.B. 15, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION’S RECOMMENDATION TO ADD TO THE LIST OF AGGRAVATING FACTORS THAT CERTAIN PEOPLE WERE SERIOUSLY INJURED AS A RESULT OF THE OFFENSE.
   Referred to Judiciary Committee.

S.B. 16, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY SERVICE.
   Referred to Judiciary Committee.

S.B. 19, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STUDENTS MASTER THE BASICS AT ONE GRADE LEVEL BEFORE THEY ARE PROMOTED TO THE NEXT GRADE LEVEL.
   Referred to Education/Higher Education Committee.

S.B. 20, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT A NATIONAL MEMORIAL HONORING ALL WOMEN MILITARY PERSONNEL.
   Referred to Appropriations Committee.

S.B. 21, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT POLITICAL ADVERTISEMENTS PLACED BY A POLITICAL COMMITTEE (WHICH INCLUDES POLITICAL PARTIES AND PACS) ON BEHALF OF A CANDIDATE TRUTHFULLY STATE WHETHER OR NOT THE ADVERTISEMENT WAS AUTHORIZED BY THE CANDIDATE.
   Referred to Judiciary Committee.

S.B. 22, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INSTALLATION OF NONPRESSURIZED DRY FIRE HYDRANTS IN RURAL AREAS OF THE STATE.
   Referred to Appropriations Committee.
S.B. 23, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT EVERY DWELLING UNIT LEASED AS RENTAL PROPERTY IN CERTAIN CITIES BE FURNISHED WITH A SOURCE OF HEAT.
Referred to Commerce Committee.

S.J.R. 24, A JOINT RESOLUTION AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO CONTINUE ITS STUDY OF THE GUARDIAN AD LITEM PROGRAM.
Referred to Rules and Operations of the Senate Committee.

S.B. 25, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE SALES TAX ON FOOD BY ONE-THIRD.
Referred to Finance Committee.

S.B. 26, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FOOD BANKS IN NORTH CAROLINA.
Referred to Appropriations Committee.

On motion of Senator Basnight, seconded by Senator Garwood, the Senate adjourns at 7:22 P.M. to meet tomorrow, Tuesday, February 4, at 2:00 P.M.

FOURTH DAY

Senate Chamber
Tuesday, February 4, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, we would live lives that are worthy in Your Sight. It is impossible, we have learned, to please everyone, even when we are doing our best and what we believe is right.

“So, while we want the approval of others, it is more important that we gain Your Approval. More important than a pat on the back by our peers is Your Affirmation, ‘Well done good and faithful servant.’ Amen.”

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, February 3, has been examined and is found to be correct. On 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. Chalmers Nunn from Rocky Mount, who is serving the Senate as Doctor 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 Perdue:
S.B. 42, A BILL TO BEENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY AND HOME CARE SERVICES FOR THE AGING.
Referred to Appropriations Committee.

By Senators McDaniel, Cochrane, and Horton:
S.B. 43, A BILL TO BEENTITLED AN ACT TO ALLOW THE FORSYTH COUNTY JAIL TO HOUSE JUVENILES ON A SEPARATE FLOOR.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Lucas, Allran, Conder, Dannelly, Forrester, Kincaid, Martin of Guilford, Odom, Shaw of Cumberland, and Weinstein:
S.B. 44, A BILL TO BEENTITLED AN ACT TO PROVIDE FOR AN EXPANSION OF RIGHTS UNDER EXISTING LAW PERTAINING TO GRANDPARENT VISITATION.
Referred to Children and Human Resources Committee.

REPORTS TO GENERAL ASSEMBLY

Commissions and Agencies directed to report to the General Assembly submit reports (see Addendum) which are ordered placed on file in the Legislative Library, as follows:


The North Carolina Department of Revenue, along with the Office of State Controller, and the Office of State Budget and Management, submit the State of North Carolina Summary of Financial Condition, December 31, 1996.

Pursuant to Chapter 507, Section 26.9(1) of the 1995 Session Laws, the Heart Disease and Stroke Prevention Task Force submits an interim report.

Pursuant to Chapter 507, Section 23.11A of the 1995 Session Laws, the North Carolina Department of Human Resources submits a report on Adult Home Care Financing.

COMMITTEE APPOINTMENTS

The President Pro Tempore announces changes in assignments to Standing and Select Committees, as follows:
APPROPRIATIONS
BASE BUDGET
Senator Cochrane is named a Vice-Chairman.
Appropriations on Natural and Economic Resources
Senator Horton is appointed.
Senator Reeves is removed.
Senator Rucho is removed.
Senator Shaw of Cumberland is appointed.

Appropriations on Department of Transportation
Senator Horton is removed.
Senator Reeves is appointed.
Senator Shaw of Cumberland is removed.

FINANCE
Senator Perdue is appointed.

JUDICIARY
Senator Allran is appointed.
Senator Carrington is removed.
Senator Hartsell is appointed Vice-Chairman.

PENSIONS AND RETIREMENT AND INSURANCE
Senator McDaniel is appointed as Ranking Minority Member.
Senator Shaw of Guilford is removed as Ranking Minority Member.

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL
Senator Carrington is removed.
Senator Garwood is appointed.
Senator Ledbetter is appointed as Ranking Minority Member.
Senator Shaw of Guilford is removed as Ranking Minority Member.
Senator Reeves is appointed.
Senator Webster is appointed Vice-Chairman.

TRANSPORTATION
Senator Carrington is appointed.
Senator Hoyle is appointed.

SELECT COMMITTEE ON THE FUTURE OF THE COURTS
Senator Allran is appointed.
Senator Carrington is removed.
Senator Wellons is appointed.

On motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns at 2:31 P.M. to meet tomorrow, Wednesday, February 5, at 2:30 P.M.

February 4, 1997
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Gracious God, we are reminded in our prayer of a clergyman who visited a very old woman in the hospital. 'What shall I pray for?', he asked. 'Pray that I get well,' she said. After the prayer the old woman jumped out of her bed and ran up and down the hospital hall, thanking God and shouting in celebration.

"When the unsettled clergyman returned to his car, he looked heavenward and said, 'Don't You ever do that to me again please.' We pray here in the Senate everyday. Let us always pray expecting You to heal and answer our prayers. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, February 4, has been examined and is found to be correct. On 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 Drs. Charles O. Boyette and Brent Chafin from Belhaven, who are serving the Senate as Doctors of the Day.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 1, A BILL TO BE ENTITLED AN ACT TO REFORM THE CAMPAIGN 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 1523 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 Jordan:

S.B. 45, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE NORTH CAROLINA STATE PORTS AUTHORITY AND THE NORTH CAROLINA PORTS
RAILWAY COMMISSION TO THE DEPARTMENT OF TRANSPORTATION, AND TO AMEND THE RESPONSIBILITIES OF THE BOARD OF TRANSPORTATION.
Referred to Appropriations Committee.

By Senators McDaniel and Horton:
S.B. 46, A BILL TO BE ENTITLED AN ACT TO MAKE IT A CLASS I FELONY TO SHOOT A HORSE.
Referred to Judiciary Committee.

REFERRAL TO COMMITTEE

The Governor's January 28 appointment of William R. Pittman to the North Carolina Utilities Commission, presented to the Senate on January 30, is referred to the Commerce Committee.

ADDITIONAL SPONSOR

Senator Shaw of Cumberland requests to be added as a sponsor of previously introduced legislation:
S.B. 38, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA.

On motion of Senator Basnight, seconded by Senator Miller, the Senate adjourns at 2:44 P.M. to meet tomorrow, Thursday, February 6, at 11:30 A.M.

SIXTH DAY

Senate Chamber
Thursday, February 6, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable Austin M. Allran, Senator from Catawba County, as follows:

"Let us pray together please. Gracious God, as we start a new Legislative Session our prayer to You is for a giving spirit, a kind heart, a compassionate attitude. Help us to do Thy Will. Guide us; protect us; enlighten us. Keep us in the path. Give us a tolerant disposition and a desire to understand the other person's point of view. Give us the strength to express Thy Will with self control and a good heart. Amen."

Senator Rand, Chairman of the Rules and Operations of the Senate Committee, announces that the Journal of yesterday, Wednesday, February 5, has been examined and
is found to be correct. On 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. H. D. Tyndall from Goldsboro, who is serving the Senate as Doctor of the Day.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

S.J.R. 18, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES. (Res. 1)

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 27, A BILL TO BE ENTITLED AN ACT TO MAKE PROCEDURAL CHANGES IN THE CONFORMING LEGISLATION CONCERNING GUBERNATORIAL VETO, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8515 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 Martin of Pitt:

S.B. 47, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN WASHINGTON COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Cochrane, Carpenter, Dannelly, East, Forrester, Foxx, Garwood, Kincaid, Ledbetter, Martin of Pitt, Page, and Rucho:

S.B. 48, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INDIVIDUAL INCOME TAX CREDIT FOR PREMIUMS PAID ON LONG-TERM CARE INSURANCE.
Referred to Finance Committee.
By Senators Cochrane, Carpenter, Dannelly, East, Forrester, Foxx, Garwood, Ledbetter, Martin of Pitt, Page, and Rucho:

S.B. 49, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE FUNDING FOR IN-HOME AIDE SERVICES AND CAREGIVER SUPPORT SERVICES.

Referred to Appropriations Committee.

By Senators Cochrane, Carpenter, Dannelly, East, Forrester, Foxx, Garwood, Ledbetter, Martin of Pitt, and Page:

S.B. 50, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE ALZHEIMER’S ASSOCIATIONS.

Referred to Appropriations Committee.

By Senators Martin of Pitt, Carpenter, Cochrane, Dannelly, Forrester, and Hoyle:

S.B. 51, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE STATE ADULT DAY CARE PROGRAM.

Referred to Appropriations Committee.

By Senators Carpenter, Cochrane, Dannelly, and Martin of Pitt:

S.B. 52, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE ANNUAL AUDITED REPORTS ARE TO BE SUBMITTED BY ADULT CARE HOMES TO THE DEPARTMENT OF HUMAN RESOURCES.

Referred to Children and Human Resources Committee.

By Senators Dannelly, Albertson, Ballance, Carpenter, Cochrane, Hoyle, Lucas, Martin of Pitt, Martin of Guilford, Perdue, and Winner:

S.B. 53, A BILL TO BE ENTITLED AN ACT TO ADJUST ADMINISTRATIVE PENALTIES FOR ADULT CARE HOMES AND NURSING HOMES WHICH ARE FOUND TO BE IN VIOLATION OF APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS.

Referred to Children and Human Resources Committee.

By Senators Cochrane, Carpenter, Dannelly, Forrester, Foxx, Ledbetter, and Martin of Pitt:

S.B. 54, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE.

Referred to Children and Human Resources Committee.

By Senators Horton, Allran, Ballantine, Carpenter, Clark, East, Forrester, Foxx, Garwood, Kincaid, Ledbetter, Page, and Webster:

S.B. 55, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE.

Referred to Judiciary Committee.
By Senator Allran:
S.B. 56, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA.
Referred to State Government, Local Government, and Personnel Committee.

By Senators McDaniel, Allran, Ballantine, and East:
S.B. 57, A BILL TO BE ENTITLED AN ACT TO REPEAL THE DEFENSE OF NOT GUILTY BY REASON OF INSANITY AND TO ESTABLISH THE SENTENCE OF GUILTY BUT MENTALLY ILL.
Referred to Judiciary Committee.

By Senators Kincaid and Garwood:
S.B. 58, A BILL TO BE ENTITLED AN ACT TO ADD BURKE, CALDWELL, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Ballance:
S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Winner:
S.B. 60, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RULES FOR MAKING LEFT TURNS ON VARIOUS ROADWAYS.
Referred to Transportation Committee.

By Senators Hartsell, Cochrane, and Odom:
S.B. 61, A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST TWO REPRESENTATIVES FROM A MUNICIPALITY’S EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION ON THE PLANNING AGENCY.
Referred to Judiciary Committee.

By Senators Hartsell, Cochrane, and Odom:
S.B. 62, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL MUNICIPAL SERVICES TO BE PROVIDED TO A NEWLY ANNEXED AREA ON THE DATE OF ANNEXATION.
Referred to Judiciary Committee.

By Senators Hartsell, Cochrane, and Odom:
S.B. 63, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ANNEXATION LAWS.
Referred to Judiciary Committee.
CALENDAR

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

S.B. 1 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE CAMPAIGN LAWS OF NORTH CAROLINA.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

The Senate recesses at 11:40 A.M. to reconvene at 12:00 Noon.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

S.B. 1 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE CAMPAIGN LAWS OF NORTH CAROLINA, temporarily displaced earlier.

Senator Gulley offers Amendment No. 1 which is adopted (50-0).
Senator Blust offers Amendment No. 2 which fails of adoption (20-30).
Senator Kincaid offers Amendment No. 3 which fails of adoption (20-30).
Senator Kinnaird offers Amendment No. 4 which is adopted (34-16).
Senator Webster offers Amendment No. 5 which fails of adoption (20-30).
Senator McDaniel offers Amendment No. 6 which is adopted (50-0).
Senator Shaw of Guilford offers Amendment No. 7 which fails of adoption (20-30).
Senator Gulley offers Amendment No. 8 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second reading (50-0).

Senator Page objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, February 10, for further consideration upon third reading.

On motion of Senator Basnight, seconded by Senator Jenkins, the Senate adjourns at 1:54 P.M. to meet Monday, February 10, at 7:00 P.M.

SEVENTH DAY

Senate Chamber
Monday, February 10, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

“We are grateful for the personal renewal that occurs during the time that Senators and staff are at home.

“For most of us, going back to work on Monday is like walking into another world. Sometimes, we even feel it necessary to be different people.

“Remind us that at creation, You made us in Your Image. Regardless of the place in which we find ourselves, reshape us into Your Likeness, for we confess that we have often put on the masks of other gods. Our land is filled with them.

“Today and this week, may we project the image of Your Light in all that we do and say. Amen.”

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, February 6, has been examined and is found to be correct. On 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 Hall from Raleigh, who is serving the Senate as Doctor of the Day.

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 Martin of Pitt:
S.B. 64, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Hoyle:
S.B. 65, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE ONE-DOLLAR FEE FOR MAIL-IN VEHICLE REGISTRATION.
Referred to Transportation Committee.

By Senator Hoyle:
S.B. 66, A BILL TO BE ENTITLED AN ACT TO REDUCE BY HALF THE NUMBER OF SALVAGE INSPECTIONS PERFORMED BY DMV ENFORCEMENT AND TO ELIMINATE ISSUANCE OF UNBRANDED TITLES FOR VEHICLES BRANDED IN OTHER STATES.
Referred to Transportation Committee.

By Senators Hoyle and Forrester:
Pursuant to Rule 43, the joint resolution is ordered held in the office of the Principal Clerk pending referral to committee.

February 10, 1997
By Senator Hoyle:
S.B. 68, A BILL TO BE ENTITLED AN ACT TO INDEMNIFY STATE EMPLOYEES FOR ANY LEGAL COSTS ASSOCIATED WITH NONCOMPLIANCE WITH FEDERAL DRIVER'S PRIVACY PROTECTION ACT.
Referred to Judiciary Committee.

By Senators Foxx and East:
S.B. 69, A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Lucas, Dannelly, Hartsell, Lee, Perdue, Shaw of Cumberland, and Winner:
S.B. 70, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES.
Referred to Education/Higher Education Committee.

By Senators Hartsell, Dannelly, Jordan, Lee, Lucas, Perdue, and Winner:
S.B. 71, A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS AND FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION.
Referred to Education/Higher Education Committee.

By Senators Dannelly, Albertson, Dalton, Hartsell, Hoyle, Kinnaird, Lee, Lucas, Martin of Pitt, Perdue, Rand, Reeves, Shaw of Cumberland, Weinstein, and Winner:
S.B. 72, A BILL TO BE ENTITLED AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION OF CERTIFICATES.
Referred to Education/Higher Education Committee.

By Senator Albertson:
S.B. 73, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE SECTIONS OF CHAPTER 106 OF THE NORTH CAROLINA GENERAL STATUTES.
Referred to Judiciary Committee.

By Senator Albertson:
S.B. 74, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION.
Referred to Appropriations Committee.

February 10, 1997
By Senators Albertson, Hoyle, Jordan, Kerr, Odom, Rand, Warren, and Weinstein:
S.B. 75, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OFFENSES OF TRESPASS ON PINE STRAW PRODUCTION LAND AND LARCENY OF PINE STRAW.
Referred to Judiciary Committee.

By Senators Albertson, Cooper, Dannelly, Hoyle, Jordan, Kerr, Martin of Pitt, Odom, Perdue, Rand, Shaw of Cumberland, Warren, and Weinstein:
S.B. 76, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PURCHASE OF FOREST FIRE AIRCRAFT.
Referred to Appropriations Committee.

By Senators Winner, Conder, Cooper, Dalton, Dannelly, Hartsell, Lee, Lucas, Odom, and Perdue:
S.B. 77, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO RECEIVE A REFUND ON SALES TAX PAID FOR ITEMS PURCHASED FROM THE CAPITAL OUTLAY FUND.
Referred to Finance Committee.

By Senator Ballance:
S.B. 78, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Hartsell and Jordan:
S.B. 79, A BILL TO BE ENTITLED AN ACT TO REPEAL MORE ANTIQUATED LAWS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

By Senators Plyler, Albertson, Conder, Dannelly, Hartsell, Hoyle, Jordan, Lucas, Odom, Perdue, and Soles:
S.B. 80, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.
Referred to Appropriations Committee.

By Senators Shaw of Cumberland, Dannelly, Jordan, Lee, Lucas, Martin of Guilford, Miller, Plyler, Warren, and Weinstein:
S.B. 81, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA HOUSING TRUST FUND.
Referred to Appropriations Committee.

February 10, 1997
ADDITIONAL SPONSOR

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

S.B. 62, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL MUNICIPAL SERVICES TO BE PROVIDED TO A NEWLY ANNEXED AREA ON THE DATE OF ANNEXATION.

S.B. 63, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ANNEXATION LAWS.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PROCEDURAL CHANGES IN THE CONFORMING LEGISLATION CONCERNING VETO.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REFORM THE CAMPAIGN LAWS OF NORTH CAROLINA, as amended, upon third reading.

Senator Page offers Amendment No. 9 which fails of adoption (20-30).

The Committee Substitute bill, as amended, passes its third reading (50-0) and is ordered engrossed and sent to the House of Representatives.

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

Mike Badders, Apex; Karla Barritt, Raleigh; Erica Brewington, Raleigh; Amy Burton, Dover; Melvena Ebron, Knightdale; Elisha Paige Fisher, Fayetteville; Alana Lynn Holyfield, Dobson; Cameron Johnson, Raleigh; Avia Mainor, Magnolia; Jennifer Page Malcolm, Burlington; and Shina Miller, Kenansville.

ESCORT COMMITTEE

The Chair recognizes Senator Basnight, President Pro Tempore, who appoints Senator Soles, Chairman; Senator Conder; Senator Ballance; Senator Winner; Senator Shaw of Guilford; and Senator Page as the Committee to greet and escort the Honorable James B. Hunt, Jr., Governor, to the Joint Session of the General Assembly tomorrow, Tuesday, February 11, pursuant to Resolution 1.

APPOINTMENTS TO SELECT COMMITTEE

The Chair recognizes Senator Basnight, President Pro Tempore, who announces, pursuant to Rule 31, the establishment of a Senate Select Committee on Session Limits and makes the following appointments: Senator Cooper, Chairman; Senator Ballance; Senator Blust; Senator Cochrane; Senator Conder; Senator Dalton; Senator Forrester;
Senator Gulley; Senator Hartsell; Senator Hoyle; Senator Kincaid; Senator Lucas; Senator Rand; Senator Shaw of Guilford; Senate Soles; and Senator Winner.

On motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns at 7:43 P.M. to meet tomorrow, Tuesday, February 11, at 11:45 A.M.

EIGHTH DAY

Senate Chamber
Tuesday, February 11, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Someone has said that the smallest deed is better than the grandest intention. "Our prayer today, O Lord, is that the great expectations these Senators have for legislation in this Session, and the grand intentions that we all possess for our lives, be built on small deeds done in behalf of others, one day at a time. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, February 11, has been examined and is found to be correct. On 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. Marion Griffin of Asheboro, who is serving the Senate as Doctor of the Day.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 12, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO REQUIRE ACTIVE TIME FOR HABITUAL IMPAIRED DRIVING CONVICTIONS, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

S.B. 15, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S
RECOMMENDATION TO ADD TO THE LIST OF AGGRAVATING FACTORS THAT CERTAIN PEOPLE WERE SERIOUSLY INJURED AS A RESULT OF THE OFFENSE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the bill, as amended, is re-referred to the Appropriations Committee.

ESCORT COMMITTEE

Pursuant to Resolution 1, the Chair orders a special message sent to the House of Representatives informing that Honorable Body of the Committee appointed on the part of the Senate to escort the Governor, Honorable James B. Hunt, Jr., to the Joint Session today in the Hall of the House of Representatives.

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 Webster, Allran, Ballantine, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Kincaid, Ledbetter, McDaniel, Page, and Rucho:

S.B. 82, A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK WITH INTEREST FOR THE 1992 THROUGH 1994 TAX YEARS.

Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Lee, Cooper, Dannelly, Hartsell, Lucas, Perdue, and Winner:

S.B. 83, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHO IS EXEMPT FROM THE PUBLIC SCHOOL ADMINISTRATOR EXAM.

Referred to Education/Higher Education Committee.

By Senator Ballantine:

S.B. 84, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS IN THE TOWN OF ATLANTIC BEACH.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Martin of Pitt, Cooper, and Wellons:

S.B. 85, A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Hartsell and Soles:

S.B. 86, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF
PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

By Senators Hartsell and Soles:
S.B. 87, A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED ARTICLE 8 OF THE UNIFORM COMMERCIAL CODE AND CONFORMING AND MISCELLANEOUS AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

By Senators Lee and Winner:
S.R. 88, 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 Reeves requests to be added as a sponsor of previously introduced legislation:
S.B. 66, A BILL TO BE ENTITLED AN ACT TO REDUCE BY HALF THE NUMBER OF SALVAGE INSPECTIONS PERFORMED BY DMV ENFORCEMENT AND TO ELIMINATE ISSUANCE OF UNBRANDED TITLES FOR VEHICLES BRANDED IN OTHER STATES.

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 pursuant to S.J.R. 18, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following special messages are received from the House of Representatives:

S.J.R. 18 House of Representatives
February 10, 1997

Mr. President:

Pursuant to S.J.R. 18, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the Speaker appoints the following members of
the House of Representatives to serve with a like Committee of the Senate to escort Governor James B. Hunt, Jr. to the Joint Session:

Representative Daughtry,
Representative Ramsey,
Representative Alexander,
Representative Morris,
Representative Wainwright, and
Representative Sherrill

Respectfully,
S/Denise Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

S.J.R. 18

House of Representatives
February 11, 1997

Mr. President:

It is ordered that a message be sent your Honorable Body with the message that pursuant to S.J.R. 18, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES B. HUNT, JR., THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES, the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

Senator Basnight offers a motion, seconded by Senator Conder, 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 and on his further motion, upon dissolution of the Joint Session, to adjourn to meet Wednesday, February 12, at 2:00 P.M., which motions prevail.

The Chair declares the Senate in recess. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing.
The Speaker continues to preside and recognizes the Sergeant-at-Arms of the House of Representatives who announces the members of the Governor's Cabinet. The Speaker directs the Sergeant-at-Arms to open the doors of the House of Representatives and to escort the members of the Governor's Cabinet to their seats.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the Chief Judge and Associate Judges of the North Carolina Court of Appeals. The Speaker directs the Sergeant-at-Arms of the House to open the doors of the House of Representatives and to escort the Chief Judge and Associate Judges of the North Carolina Court of Appeals to their seats.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the Chief Justice and Associate Justices of the Supreme Court of North Carolina. The Speaker directs the Sergeant-at-Arms to open the doors of the House of Representatives and to escort the Chief Justice and Associate Justices of the Supreme Court of North Carolina to their seats.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the members of the Council of State. The Speaker directs the Sergeant-at-Arms to open the doors of the House of Representatives and to escort the members of the Council of State to their seats.

The Speaker extends courtesies of the gallery to Mrs. James B. Hunt, Jr., wife of the Governor, and all guests.

The Speaker relinquishes the gavel to Lieutenant Governor Dennis A. Wicker, 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, Governor James B. Hunt, Jr. The President of the Senate 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 presents the Governor to the President of the Senate. The President of the Senate presents His Excellency, Governor James B. Hunt, Jr., who delivers the State-of-the-State address to the 1997 General Assembly. (See Appendix)

Upon the conclusion of his address, the escort Committees of the Senate and House of Representatives escort the Governor from the Hall of the House of Representatives.

On motion of Senator Basnight, seconded by Senator Gulley, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned at 12:43 P.M. to meet Wednesday, February 12, at 2:00 P.M.

February 11, 1997
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, yesterday, we heard Governor Hunt speak about the importance of education and teaching of children.

‘Long ago, the writer of Proverbs set the foundation for such advocacy when he wrote, ‘Train children in the right way and when old they will not stray.’

‘Whatever important legislation is considered and written on behalf of education and the worthy calling to teach, remind all of us that ‘Fifty years from now it will not matter what kind of car we drove, what kind of house we lived in, how much wealth we accumulated, what our clothes looked like, but the world will be a little better because we were important in the life of a child.’

‘Renew in us a personal commitment to that end for Your Sake. Amen.”

With unanimous consent, the President grants leaves of absences for today to Senator Basnight and to Senator Rand.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Tuesday, February 11, has been examined and is found to be correct. On 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. David Johnson from Durham, who is serving the Senate as Doctor of the Day.

REPORTS OF COMMITTEES

A bill 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 Gulley, Vice-Chairman, for Senator Rand, Chairman, for the Rules and Operations of the Senate Committee:

S.B. 38, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE 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 7519 is adopted and engrossed.

February 12, 1997
By Senator Lee for the Education/Higher Education Committee:

S.R. 88, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, with a favorable report as to adoption.

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. 89, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

By Senator Hartsell:
S.B. 90, 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 GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

By Senators Kincaid and Garwood:
S.B. 91, A BILL TO BE ENTITLED AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Ballance:
S.B. 92, A BILL TO BE ENTITLED AN ACT TO CHANGE THE JUVENILE STATUTES TO PROVIDE GUIDELINES FOR AND MAKE DISCOVERY AVAILABLE PRIOR TO TRANSFER HEARINGS.
Referred to Judiciary Committee.

By Senators Hoyle, Ballantine, Perdue, and Rand:
S.B. 93, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO REMOVE THE SUNSET ON THE STATE PORTS TAX CREDIT AND TO RAISE THE MAXIMUM CUMULATIVE CREDIT TO FIVE MILLION DOLLARS.
Referred to Finance Committee.

By Senators Hoyle, Ballantine, Perdue, and Rand:
S.B. 94, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO
ESTABLISH THE STATE PORTS FACILITIES IMPROVEMENTS FUND FROM ONE PERCENT OF CORPORATE INCOME TAX COLLECTIONS.
Referred to Appropriations Committee.

By Senators Rand, Ballance, Blust, Cooper, Dalton, Hartsell, Horton, Kinnaird, Miller, Odom, Reeves, Soles, Wellons, and Winner:
S.B. 95, A BILL TO BE ENTITLED AN ACT TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE DECEMBER 31, 1996.
Referred to Judiciary Committee.

By Senator Kerr:
S.B. 96, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT PAWNSHOP RECORDS BE MADE AVAILABLE TO LOCAL LAW ENFORCEMENT.
Referred to Commerce Committee.

By Senators Kerr, Cochrane, Cooper, Shaw of Cumberland, and Soles:
S.B. 97, A BILL TO BE ENTITLED AN ACT TO ENHANCE COMPLIANCE AND ENFORCEMENT OF EXISTING TAX LAWS BY APPROPRIATING FUNDS TO EXPAND THE NUMBER OF AUDITORS AND SUPPORT PERSONNEL IN THE INTERSTATE AUDIT DIVISION OF THE DEPARTMENT OF REVENUE, AND TO PROVIDE THAT PERSONNEL WHO ADMINISTER THE INSURANCE GROSS PREMIUMS TAX SHALL CONTINUE TO BE FUNDED FROM THE INSURANCE REGULATORY CHARGE.
Referred to Appropriations Committee.

By Senators Kerr, Cochrane, Cooper, Shaw of Cumberland, and Soles:
S.B. 98, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ADMINISTRATION OF THE MOTOR FUEL TAX LAWS.
Referred to Finance Committee.

By Senators Lee and Foxx:
S.B. 99, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA BOTANICAL GARDEN AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL AND TO PROVIDE THAT THE NORTH CAROLINA BOTANICAL GARDEN AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL IS THE OFFICIAL STATE BOTANICAL GARDEN.
Referred to Appropriations Committee.

By Senator Shaw of Cumberland:
S.B. 100, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO PROVIDE ECONOMIC INCENTIVES TO NORTH CAROLINA CITIES VYING TO HOST THE CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION (CIAA) BASKETBALL TOURNAMENT.
Referred to Appropriations Committee.

February 12, 1997
By Senator Jenkins:

S.B. 101, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO NORTH CAROLINA INTERNATIONAL FOLK FESTIVAL, INC., FOR FOLKMOOT USA.

Referred to Appropriations Committee.

By Senators McDaniel, Ballantine, Foxx, and Winner:

S.B. 102, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FROM A MISDEMEANOR TO A CLASS I FELONY FOR THE OFFENSES OF FALSELY REPORTING THAT A BOMB OR OTHER DESTRUCTIVE DEVICE MAY EXPLODE AND PERPETUATING A HOAX BY USING A FALSE DESTRUCTIVE DEVICE.

Referred to Judiciary Committee.

ADDITIONAL SPONSOR

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

S.B. 71, A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS AND FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION.

PERSONAL PRIVILEGE

Senator Shaw of Cumberland rises to a point of personal privilege and, with unanimous consent upon his motion, his remarks eulogizing Billy Wellons are spread upon the Journal, as follows:

By Senator Shaw of Cumberland:

"Thank you Mr. President. Honorable ladies and gentlemen of the Senate, I stand to rise to honor a fallen star in Cumberland County. You notice Senator Rand is out today. A dear friend of ours is being eulogized. Someone in the community who has put service in the community above all others. This gentleman’s named Billy Wellons, a wonderful first-rate citizen. He served our county wonderfully, as well as the State. He was a business man, industrialist, humanitarian, community man, and a man of God, more importantly. And he didn’t just wait until the end of his life to try to make these inroads, his life spoke well for him. Although he has passed on, he had a ton of money and all other kinds of wealth, but the real wealth he had was his deeds that he left in the community. And we are certainly going to miss him."

On motion of Senator Ballance, seconded by Senator Rucho, the Senate adjourns at 2:27 P.M. to meet tomorrow, Thursday, February 12, at 11:00 A.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"If truth be known, O Lord, all of us would prefer the mountaintop experiences, those occasional high days when we clearly receive Your Blessings or hear plainly Your Answers to our prayers. "But to live day in and out, all kinds of days, tedious and mundane days in simple dependence on You, that is the real test of our faith. "So help us to use our time and words carefully. Both are gifts from You for use on good days and bad, and both are irretrievable. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, February 12, has been examined and is found to be correct. On 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. Sam Atkinson from Greenville, who is serving the Senate as Doctor of the Day.

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 East, Cochrane, Foxx, McDaniel, Page, Rand, and Webster:

S.B. 103, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT QUALIFIED LAW ENFORCEMENT OFFICERS AND QUALIFIED FORMER LAW ENFORCEMENT OFFICERS ARE EXEMPT FROM THE FIREARMS SAFETY AND TRAINING INSTRUCTION AND FROM THE BACKGROUND CHECKS REQUIRED TO OBTAIN A CONCEALED HANDGUN PERMIT.

Referred to Judiciary Committee.

By Senators Horton and Hoyle:

S.B. 104, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION.

Referred to Transportation Committee.
By Senators Foxx and East:

S.B. 105, A BILL TO BE ENTITLED AN ACT TO ADD ALLEGHANY AND ROCKINGHAM COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Cooper, Cochrane, Kerr, Shaw of Cumberland, and Soles:

S.B. 106, A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL SALES OF PERSONAL PROPERTY SEIZED FOR UNPAID TAXES TO BE HELD IN ANY COUNTY.

Referred to Finance Committee.

By Senators Cooper and Reeves:

S.J.R. 107, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF WILLIAM R. PITTMAN MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

Referred to Commerce Committee.

By Senators Warren, Albertson, Ballance, Garwood, Jenkins, Jordan, Martin of Guilford, Odom, Reeves, Weinstein, and Wellons:

S.B. 108, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS TO CONTINUE THE STRIKE OUT STROKE PROJECT IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE.

Referred to Appropriations Committee.

By Senators Warren, Albertson, Ballance, Garwood, Jenkins, Jordan, Martin of Guilford, Odom, Reeves, Weinstein, and Wellons:

S.B. 109, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AND FUND PHYSICAL FITNESS PROGRAMS AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE.

Referred to Appropriations Committee.

By Senators Perdue and Odom:

S.B. 110, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ENVIRONMENTAL CABINET WITHIN THE OFFICE OF THE GOVERNOR.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Perdue and Odom:

S.B. 111, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CITIZEN WATER QUALITY MONITORING PROGRAM IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

Referred to Appropriations Committee.

CALENDAR

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

February 13, 1997
S.R. 88, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, for adoption.

On motion of Senator Lee, the Senate resolution is adopted (45-2). *(The text of this resolution appears in the Appendix.)*

S.B. 38 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

COURTESIES

With unanimous consent, on motion of Senator Soles, privileges of the floor are extended to legislative dignitaries from Russia. The President announces Senator Soles of Columbus, Senator Ballance of Warren, and Senator Winner of Mecklenburg as the Committee appointed by Senator Basnight, President Pro Tempore, to escort the legislative dignitaries from Russia to the Well of the Senate. The guests are escorted to the Well of the Senate and received with a standing ovation.

Senator Soles presents the Honorable Aledsandr Yuryevich Shaposhnikov, Chairman, House of Representatives, Sverdlovsk Oblast Legislative Assembly; the Honorable Viktor Mikhaylovich Anufriyev, Deputy Speaker, Vologda Oblast; the Honorable Vladimir Vasilyevich Yakunin, Deputy Chairman, Ryazan Oblast Duma; and the Honorable Andrei Ivanovich Bychkov, Speaker, Kostroma Oblast Duma, to the President of the Senate who recognizes Speaker Bychkov to address the Senate. Through an interpreter, Speaker Bychkov explains the main themes of their visit are to observe and learn about the American legislative structure and process, especially on the state level and to study the relationship between the state, federal, and local governments in the American federal system in light of the recent adoption of the Russian Constitution. The Members respond to his remarks with a standing ovation.

The President of the Senate offers remarks welcoming the visitors and supporting their efforts in democracy. The President presents Speaker Bychkov with a North Carolina State Flag, and recognizes the Committee who escort the guests from the Chamber to a standing ovation.

On motion of Senator Ballance, seconded by Senator Dalton, the Senate adjourns at 11:31 A.M. to meet Monday, February 17, at 7:00 P.M.

ELEVENTH DAY

Senate Chamber
Monday, February 17, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

“Our Father, if our calendars are not already full this week, surely they will be! Remind us that the time we spend fulfilling our personal commitments to others does not differ from the time we spend fulfilling our personal commitment to You.

“In the noise and confusion generated by several people calling on us at the same time for different things, we possess in You a source for great tranquillity, a peace to calm such a hurried pace.

“We thank You for the promise, O Lord, that in You we live and move and have our being. Amen.”

With unanimous consent, the President grants a leave of absence for tonight to Senator Perdue.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, February 13, has been examined and is found to be correct. On 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. Mike Brennan from Burlington, who is serving the Senate as Doctor of the Day.

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, Forrester, and Plyler:
S.B. 112, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENDITURES AT THE CENTER FOR APPLIED TEXTILE TECHNOLOGY.
Referred to Appropriations Committee.

By Senators Horton, Albertson, Cooper, and Odom:
S.B. 113, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE WETLANDS RESTORATION PROGRAM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Appropriations Committee.

By Senators Horton, Albertson, Cooper, and Odom:
S.B. 114, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.
By Senators Gulley, Odom, and Rand:
S.B. 115, A BILL TO BE ENTITLED AN ACT TO ALLOW COMMUNITY PENALTIES PROGRAMS TO OBTAIN CRIMINAL RECORD CHECKS OF TARGETED OFFENDERS.
Referred to Judiciary Committee.

By Senators Gulley, Odom, and Rand:
S.B. 116, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT THAT MAY BE IN CONTROVERSY IN DISTRICT AND SUPERIOR CIVIL COURTS AND TO MAKE CORRESPONDING CHANGES TO THE RULES OF CIVIL PROCEDURE AND NONBINDING ARBITRATION.
Referred to Judiciary Committee.

By Senators Gulley, Hoyle, Horton, Kerr, Martin of Pitt, and Rand:
S.B. 117, A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITIONS OF "OUT-OF-STATE DRIVING CONVICTION" AND "MOPED" USED IN THE MOTOR VEHICLE LAWS.
Referred to Judiciary Committee.

By Senators Perdue, Albertson, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, McDaniel, Miller, Odom, Phillips, Plyer, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Weinstein, and Wellons:
S.B. 118, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Perdue, Ballantine, Hoyle, and Rand:
S.B. 119, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE STATE PORTS.
Referred to Appropriations Committee.

By Senators Kerr, Carpenter, Carrington, Foxx, McDaniel, Warren, and Webster:
S.B. 120, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SOIL AND WATER CONSERVATION COMMISSION FROM SETTING LOWER FUNDING CAPS FOR APPLICANTS UNDER THE AGRICULTURE COST SHARE PROGRAM BASED UPON THE TYPE OF AGRICULTURAL OPERATION.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Ledbetter, Carpenter, and Clark:
S.B. 121, A BILL TO BE ENTITLED AN ACT TO INCLUDE BUNCOMBE, MADISON, MCDOWELL, AND YANCEY COUNTIES IN THE STATEWIDE SEASONS FOR TAKING BEAVER.
Referred to State Government, Local Government, and Personnel Committee.
By Senator Wellons:

S.B. 122, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE LAKE ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES.

Referred to Transportation Committee.

By Senators Ballantine, Allran, Carpenter, Carrington, Clark, Cochrane, Forrester, Foxx, Hartsell, Horton, Hoyle, Jordan, Kerr, Martin of Pitt, McDaniel, Page, Rand, Rucho, Shaw of Guilford, Soles, Warren, and Webster:

S.B. 123, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES TAX AUDIOVISUAL MASTER TAPES USED IN THE MOTION PICTURE, TELEVISION, AND AUDIO PRODUCTION INDUSTRIES.

Referred to Finance Committee.

By Senators Odom and Kinnaird:

S.B. 124, A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO REPEAL THE WHITE GOODS DISPOSAL TAX SUNSET, TO PROVIDE THAT WHITE GOODS TAX REVENUE THAT IS NOT NEEDED FOR THE MANAGEMENT OF DISCARDED WHITE GOODS MAY BE USED TO CLEAN UP ILLEGAL DUMP SITES, AND TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX.

Referred to Finance Committee.

By Senators Odom, Albertson, Cooper, Horton, Kinnaird, and Martin of Pitt:

S.B. 125, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO APPROVE THE IMPOSITION OF RESTRICTIONS ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Odom, Albertson, Cooper, Horton, Kinnaird, and Martin of Pitt:

S.B. 126, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT AN APPLICANT FOR A PERMIT UNDER THE STATUTES GOVERNING SOLID WASTE MANAGEMENT BE FINANCIALLY QUALIFIED AND DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Odom, Albertson, Cooper, Horton, Kinnaird, and Martin of Pitt:

S.B. 127, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CLEANUP OF DRY-CLEANING SOLVENT RELEASES IN NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Finance Committee and upon a favorable report, re-referred to the Commerce Committee.
By Senator Odom:
S.B. 128, A BILL TO BE ENTITLED AN ACT TO ELIMINATE INFRACTIONS FROM CONSIDERATION IN THE SAFE DRIVER INCENTIVE PLAN, TO PROVIDE FOR A GRADUATED INSURANCE POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN AUTOMOBILE ACCIDENTS, AND TO PROHIBIT INSURANCE POINTS AND SURCHARGES IF BODILY INJURY DOES NOT OCCUR.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Odom:
S.B. 129, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PERFORMANCE AUDIT OF THE DIVISION OF ADULT PROBATION AND PAROLE IN THE DEPARTMENT OF CORRECTION.
Referred to Appropriations Committee.

By Senator Odom:
S.B. 130, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF DAVIDSON TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN ITS SPHERE OF INFLUENCE.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Odom, Perdue, and Plyler:
S.B. 131, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CRITICAL NEEDS AND CAPITAL IMPROVEMENTS AT THE WESTERN CAROLINA CENTER.
Referred to Appropriations Committee.

By Senators Odom and Rand:
S.B. 132, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE'S AND CHILDREN'S YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE.
Referred to Judiciary Committee.

By Senators Odom and Rucho:
S.B. 133, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF PINEVILLE TO PROVIDE LOCAL EXCHANGE AND EXCHANGE ACCESS SERVICES TO THE TERRITORY WITHIN ITS CORPORATE LIMITS AND IN CONTIGUOUS AREAS OUTSIDE THE CORPORATE LIMITS IN THE GENERAL VICINITY OF THE TOWN.
Referred to Commerce Committee.

By Senators Odom, Conder, Jordan, Perdue, and Plyler:
S.B. 134, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STATE FIRE PROTECTION FUND.
Referred to Appropriations Committee.

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By Senators Odom, Albertson, Ballance, Conder, Cooper, Dalton, Dannelly, Gulley, Hartsell, Hoyle, Jenkins, Jordan, Kerr, Lee, Martin of Guilford, Martin of Pitt, Miller, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Warren, Weinstein, Wellons, and Winner:

**S.B. 135**, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CLARIFY THAT PERSONS CONVICTED OF SEX OFFENSES IN FEDERAL COURT ARE REQUIRED TO REGISTER.

Referred to Judiciary Committee.

By Senator Odom:

**S.B. 136**, 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, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Appropriations Committee.

By Senator Odom:

**S.B. 137**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCOUNT WITHIN THE STATE REVOLVING LOAN AND GRANT FUND SO THAT FUNDS MADE AVAILABLE UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1996 MAY BE USED BY THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Appropriations Committee.

By Senator Odom:

**S.B. 138**, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senator Odom:

**S.B. 139**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE ENVIRONMENTAL EDUCATION TRUST FUND TO ASSURE THE FUNDING OF ENVIRONMENTAL EDUCATION AND TO APPROPRIATE FUNDS TO THAT FUND, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Appropriations Committee.

By Senator Odom:

**S.B. 140**, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Rand, Hoyle, and Perdue:

**S.B. 141**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO EXEMPT

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THE STATE PORTS AUTHORITY FROM STATE PURCHASE AND CONTRACT REQUIREMENTS.
Referred to Commerce Committee.

By Senators Rand, Hoyle, and Perdue:
S.B. 142, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE PORTS.
Referred to Commerce Committee.

By Senators Rand, Albertson, Ballantine, Blust, Carrington, Cochrane, Cooper, Dannelly, East, Forrester, Garwood, Gulley, Hartsell, Hoyle, Jordan, Kinnaird, Martin of Guilford, Miller, Page, Perdue, Phillips, Plyler, Reeves, Rucho, Soles, and Winner:
S.B. 143, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE.
Referred to Judiciary Committee.

By Senators Rand, Ballance, Blust, Carrington, Conder, Cooper, Dalton, Horton, Hoyle, Jenkins, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Odom, Perdue, Phillips, Plyer, Reeves, Rucho, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons:
S.B. 144, A BILL TO BE ENTITLED AN ACT TO IMPROVE EDUCATIONAL OPPORTUNITIES FOR NORTH CAROLINIANS ATTENDING COMMUNITY COLLEGES.
Referred to Appropriations Committee.

By Senators Rand and Odom:
S.B. 145, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE CHILD SUPPORT ENFORCEMENT AGENCY SHALL REPRESENT OBLIGEES IN IV-D UIFSA CASES AND TO APPROPRIATE FUNDS.
Referred to Appropriations Committee.

By Senators Rand and Odom:
S.B. 146, A BILL TO BE ENTITLED AN ACT TO ADD CLERKS OF COURT TO THE SENTENCING AND POLICY ADVISORY COMMISSION, THE CRIMINAL JUSTICE ADVISORY BOARD, AND THE GOVERNOR'S CRIME COMMISSION.
Referred to Judiciary Committee.

By Senators Winner, Dannelly, and Odom:
S.B. 147, A BILL TO BE ENTITLED AN ACT TO INCREASE THE UNIFORM FEE FOR A CERTIFIED BIRTH, DEATH, OR MARRIAGE CERTIFICATE.
Referred to Finance Committee.

By Senators Winner, Allran, Cooper, Dannelly, and Gulley:
S.B. 148, A BILL TO BE ENTITLED AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.
Referred to Judiciary Committee.
By Senators Cooper, Albertson, Allran, Ballantine, Blust, Carpenter, Carrington, Cochran, Dalton, Dannels, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Hoyle, Jordan, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, McDaniel, Miller, Odom, Page, Perdue, Phillips, Reeves, Rucho, Shaw of Guilford, Wellons, and Winner:

S.B. 149, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.

Referred to Judiciary Committee.

By Senators Cooper, Horton, and Odom:

S.B. 150, A BILL TO BE ENTITLED AN ACT TO REDUCE THE FREQUENCY OF THE REPORT ON THE INACTIVE HAZARDOUS SUBSTANCE RESPONSE ACT OF 1987 FROM ANNUALLY TO EVERY TWO YEARS AND TO CLARIFY THE PUBLIC COMMENT PERIOD ON REMEDIAL ACTION PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Cooper, Horton, and Odom:

S.B. 151, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Cooper, Horton, and Odom:

S.B. 152, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADMINISTRATIVE SEARCH WARRANTS TO BE SERVED AT HOURS OTHER THAN BETWEEN 8:00 A.M. AND 8:00 P.M. WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ACTIVITY THAT JUSTIFIES THE ADMINISTRATIVE SEARCH Warrant WILL OCCUR AT OTHER HOURS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Judiciary Committee.

By Senator Odom:

S.B. 153, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Commerce Committee.

By Senator Odom:

S.B. 154, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROTECT PUBLIC HEALTH AND SAFETY BY ASSURING ADEQUATE INSPECTION OF DAMS AND TO IMPROVE THE IMPLEMENTATION OF THE
DAM SAFETY ACT OF 1967, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Appropriations Committee.

By Senator Odom:
S.B. 155, A BILL TO BE ENTITLED AN ACT TO LIMIT THE SCOPE OF REVIEW BY THE RULES REVIEW COMMISSION TO THE SPECIFIC RULE CHANGE SUBMITTED FOR REVIEW.
Referred to Judiciary Committee.

By Senator Hartsell:
S.B. 156, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO LIENS DUE MEDICAL PROVIDERS FOR MEDICAL SERVICES PROVIDED, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

By Senators Odom and Hartsell:
S.B. 157, A BILL TO BE ENTITLED AM ACT TO AMEND THE LAW GOVERNING DISSENTERS' RIGHTS PROCEDURES AND THE FILING OF DOCUMENTS BY LIMITED LIABILITY COMPANIES, TO ALLOW FACSIMILE SIGNATURES AND ADVISORY REVIEW OF DOCUMENTS BY THE SECRETARY OF STATE, AND TO CLARIFY CORRECTIONS PROCEDURES, LIMITED LIABILITY NAME AVAILABILITY, AND THE DEFINITION OF FOREIGN PROFESSIONAL CORPORATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Commerce Committee.

By Senators Hartsell, Foxx, and Odom:
S.B. 158, A BILL TO BE ENTITLED AN ACT TO EXPAND THE TIME CORPORATIONS AND LIMITED LIABILITY COMPANIES MAY APPLY FOR REINSTatement FROM ADMINISTRATIVE DISSOLUTION, TO INCREASE THE FEE CORPORATIONS MUST PAY FOR REINSTatement AFTER ADMINISTRATIVE DIssolution, TO ESTABLISH A FEE LIMITED LIABILITY COMPANIES MUST PAY FOR REINSTatement AFTER ADMINISTRATIVE DISSOLUTION, AND TO PROVIDE THAT ANNUAL REPORTS OF BUSINESS CORPORATIONS AND LIMITED LIABILITY COMPANIES SHALL BE FILED WITH THE DEPARTMENT OF REVENUE RATHER THAN THE SECRETARY OF STATE, AS RECOMMENDED BY THE GENERAL STATUTES STUDY COMMISSION.
Referred to Commerce Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Hartsell:
S.B. 159, A BILL TO BE ENTITLED AN ACT TO SUPPLEMENT CLARK'S CALENDAR, WHICH MAY BE INTRODUCED IN EVIDENCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

By Senators Hartsell and Cooper:
S.B. 160, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT BY WHICH AN UPSET BID ON REAL PROPERTY IN JUDICIAL SALES

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AND EXECUTION SALES MUST EXCEED THE REPORTED SALE PRICE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to Judiciary Committee.

By Senators Hartsell and Winner:
S.B. 161, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR CONDUCTING JUDICIAL SALES OF TIMBER BY SEALED BID, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to Judiciary Committee.

By Senators Hartsell and Winner:
S.B. 162, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO CHAPTER 48 OF THE GENERAL STATUTES AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to Judiciary Committee.

By Senators Hartsell, Carpenter, and Odom:
S.B. 163, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to Commerce Committee.

By Senators Plyler, Albertson, Allran, Ballantine, Ballance, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Miller, Odom, Page, Perdue, Phillips, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, and Wellons:
S.J.R. 164, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WESLEY DAVIS WEBSTER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to Rules and Operations of the Senate Committee.

By Senator Hoyle:
S.B. 165, A BILL TO BE ENTITLED AN ACT TO INCREASE THE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS BY NONITEMIZERS.

Referred to Finance Committee.

By Senators Hoyle and Carpenter:
S.B. 166, A BILL TO BE ENTITLED AN ACT TO INCREASE GIVING TO CHARITABLE NONPROFIT ORGANIZATIONS BY EXPANDING THE STATE CORPORATE INCOME TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

Referred to Finance Committee.

By Senators Hoyle and Carpenter:
S.B. 167, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION.

Referred to Transportation Committee.
S.B. 168, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXAMINATION AND CERTIFICATION FEES COLLECTED UNDER THE NURSING PRACTICE ACT.
Referred to Finance Committee.

By Senator Albertson:
S.B. 169, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.

ADDITIONAL SPONSOR

Senator Martin of Guilford requests to be added as a sponsor of previously introduced legislation:
S.B. 92, A BILL TO BE ENTITLED AN ACT TO CHANGE THE JUVENILE STATUTES TO PROVIDE GUIDELINES FOR AND MAKE DISCOVERY AVAILABLE PRIOR TO TRANSFER HEARINGS.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
February 13, 1997

Mr. President:

It is ordered that a message be sent to the Senate informing that Honorable Body that the House has been notified of the election of the following party officers:

James B. Black Minority Leader
Milton F. Fitch, Jr. Deputy Minority Leader
Martha Alexander Minority Whip
Jerry Braswell Minority Whip

Respectfully,
S/Denise Weeks
Principal Clerk

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

Tracy Nicole Applewhite, Raleigh; Lori Elizabeth Beck, Lumberton; Sarah Elizabeth Crumpler, Mount Olive; Mary Katherine Gray, Kill Devil Hills; Elizabeth G. Hinnant, Knightdale; William P. Hinnant, Knightdale; Jennifer Levenbook, Raleigh; Seth P. Miller, Boone; Olivia Anne Neely, Gastonia; Jennalee Russell, Clayton; Stephanie Denise Thorb, Raleigh; and Tia Todd, Zebulon.

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COMMITTEE APPOINTMENTS

The President recognizes Senator Basnight, President Pro Tempore, who announces the following changes to standing committee appointments:

STATE GOVERNMENT, LOCAL GOVERNMENT, AND PERSONNEL

Senator Blust is appointed
Senator Garwood is removed.

On motion of Senator Basnight, seconded by Senator Weinstein, the Senate adjourns at 7:33 P.M. to meet tomorrow, Tuesday, February 18, at 2:00 P.M.

TWELFTH DAY

Senate Chamber
Tuesday, February 18, 1997

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, quoting John Ruskin as follows:

"Almighty God, someone has written that 'Every noble life leaves the fiber of it interwoven in the work of the world.' Today, help us all so inwardly and outwardly to conduct our lives that whether we find things going our way or not, we still may be counted among the honorable company of Your true servants who lift this world and do not lean upon it, ever working to make it a better place in which You may be Father to Your human family. To Your Glory we pray, Amen."

With unanimous consent, the President Pro Tempore grants leaves of absences for today to Senators Jenkins and Ledbetter to attend the funeral for former Representative Gordon Greenwood and to Senator Wellons to attend the funeral for former Representative Barney Paul Woodard.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Monday, February 17, has been examined and is found to be correct. On 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 Senators Carpenter, Albertson, Allran, Ledbetter, and Martin of Pitt:

S.B. 170, A BILL TO BE ENTITLED AN ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR EQUINE ACTIVITIES.
Referred to Judiciary Committee.

By Senator Ballance:

S.B. 171, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA LEGAL EDUCATION ASSISTANCE FOUNDATION FOR ITS LOAN REPAYMENT ASSISTANCE PROGRAM FOR NORTH CAROLINA PUBLIC SERVICE ATTORNEYS.
Referred to Appropriations Committee.

By Senators Albertson, Carpenter, Carrington, Cooper, Dannelly, Foxx, Kincaid, Martin of Guilford, Martin of Pitt, Shaw of Guilford, Warren, and Wellons:

S.B. 172, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF HUNTING LICENSES FOR CERTAIN DISABLED HUNTERS WHO HAVE NOT COMPLIED WITH THE HUNTING SAFETY COURSE REQUIREMENT.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Hoyle, Gulley, Horton, Kerr, Martin of Pitt, and Rand:

S.B. 173, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE PERFORMANCE AUDIT OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION BY ELIMINATING THE POSITION OF COMMISSIONER OF MOTOR VEHICLES AND ALLOWING THE SECRETARY OF TRANSPORTATION TO DESIGNATE A DEPUTY TO BE THE HEAD OF THE DIVISION.
Referred to Transportation Committee.

By Senators Kerr, Hartsell, Hoyle, Odom, Plyler, Rand, and Reeves:

S.B. 174, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO MATCH FEDERAL WATER SUPPLY ASSISTANCE AND FEDERAL WASTEWATER FUNDS.
Referred to Appropriations Committee.

By Senators Kinnaird, Horton, Hoyle, Jenkins, Lee, Miller, Phillips, Rand, and Reeves:

S.B. 175, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FACILITATION AND ASSISTANCE GRANT FUND TO SUPPORT A CONSERVATION EASEMENTS PROGRAM FOR THE PROTECTION OF NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Appropriations Committee.

By Senators Kinnaird, Horton, Hoyle, Jenkins, Lee, Phillips, Rand, and Reeves:

S.B. 176, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONSERVATION EASEMENTS PROGRAM THAT USES CONSERVATION TAX CREDITS FOR THE PROTECTION OF NATURAL RESOURCES AND THAT

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FURTHERS APPROPRIATE PUBLIC USE OF NATURAL RESOURCES, TO CREATE THE FACILITATION AND ASSISTANCE GRANT FUND TO SUPPORT COOPERATIVE CONSERVATION EFFORTS, AND TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Finance Committee.

By Senators Kinnaird, Horton, Hoyle, Jenkins, Lee, Phillips, and Rand:

S.B. 177, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF THE CLEAN WATER MANAGEMENT TRUST FUND FOR LOANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Horton, Hoyle, Jenkins, Kinnaird, Lee, Phillips, Rand, Reeves, and Shaw of Guilford:

S.B. 178, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND EXTEND THE PROTECTION OF THE STATE'S NATURAL LANDS BY EXTENDING THE AUTHORIZED EXPENDITURES FROM THE NATURAL HERITAGE TRUST FUND AND BY ALLOWING QUALIFIED PRIVATE NONPROFIT LAND TRUST ORGANIZATIONS TO HOLD TITLE TO ACQUIRED LANDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Blust, Ballantine, Carpenter, Carrington, Clark, Cochrane, Conder, East, Garwood, Hartsell, Horton, Kerr, Kincaid, Ledbetter, Odom, Page, Phillips, Rand, Rucho, Shaw of Guilford, Warren, and Webster:

S.B. 179, A BILL TO BE ENTITLED AN ACT TO EXEMPT ALL INTANGIBLE PROPERTY FROM PROPERTY TAX.

Referred to Finance Committee.

REPORT TO GENERAL ASSEMBLY

A Commission directed to report to the General Assembly submits its report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 17, Section 15.1 of the 1996 Second Extra Session Laws, the General Statutes Commission submits Report to the 1997 General Assembly of North Carolina on Corporate Reinstatement After Dissolution.

REPORT OF COMMITTEE

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:

February 18, 1997
By Senator Cooper for the Judiciary Committee:

S.B. 86, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

On motion of Senator Ballance, seconded by Senator Horton, the Senate adjourns at 2:10 P.M. to meet tomorrow, Wednesday, February 19, at 2:00 P.M.

THIRTEENTH DAY

Senate Chamber
Wednesday, February 19, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Most Gracious God, if Holy Scripture truly is our teacher and a light for our pathways, we understand that on some days we will be granted a measure of success. Thank You in advance for these days.
"But we also know that on some days, as Your servants, we are not called upon to succeed at anything. In fact, it might be said that we are called upon to fail. Even on those days, however, we are still asked to love.
"Help us to face days of success and failure vigorously and joyfully. For Your Sake, Amen."

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, February 18, has been examined and is found to be correct. On 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 Poehlman from Greenville, who is serving the Senate as Doctor of the Day.

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:

February 19, 1997
By Senator Hoyle for the Finance Committee:

S.B. 98, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ADMINISTRATION OF THE MOTOR FUEL TAX LAWS, with a favorable report.

S.B. 33, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 58, A BILL TO BE ENTITLED AN ACT TO ADD BURKE, CALDWELL, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, with a favorable report.

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, with a favorable report.

S.B. 64, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES, with a favorable report.

S.B. 69, A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, with a favorable report.

S.B. 85, A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY, with a favorable report.

By Senator Cooper for the Judiciary Committee:

S.B. 3, A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-YEAR WAITING PERIOD BEFORE FORMER LEGISLATORS MAY BECOME LOBBYISTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6542 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:

February 19, 1997
By Senator Soles:
S.B. 180, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTIES AND MUNICIPALITIES IN THE 18TH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senator Soles:
S.B. 181, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTIES AND MUNICIPALITIES IN THE 18TH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senators Kincaid and Albertson:
S.B. 182, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT RULES ADOPTED BY THE WILDLIFE RESOURCES COMMISSION TO BECOME EFFECTIVE UPON APPROVAL BY THE RULES REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Rand, Albertson, Ballance, Ballantine, Dalton, Dannelly, Jenkins, Jordan, Kinnaird, Lucas, Phillips, Reeves, Shaw of Cumberland, Soles, and Weinstein:
S.B. 183, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPROVE WATER QUALITY IN THE CAPE FEAR RIVER, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Appropriations Committee.

By Senator Conder:
S.B. 184, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE AUTISM FOUNDATION OF NORTH CAROLINA FOR THE COMPLETION OF SEVERAL CAPITAL PROJECTS.
Referred to Appropriations Committee.

By Senators Hoyle, Conder, Cooper, Forrester, Jordan, Kerr, Perdue, Plyler, and Rand:
S.B. 185, A BILL TO BE ENTITLED AN ACT TO EXEMPT INTANGIBLE PERSONAL PROPERTY FROM PROPERTY TAX.
Referred to Finance Committee.

By Senators Foxx and East:
S.B. 186, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Kerr, Ballance, Foxx, and McDaniel:
S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE LAWS ON ADMINISTRATIVE PROCEDURE.
Referred to Judiciary Committee.
By Senators Warren, Albertson, Conder, Jordan, Kerr, Martin of Pitt, and Phillips:

S.B. 188, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR PLANNING THE SCIENCE LABORATORIES AND TECHNOLOGY BUILDING AT EAST CAROLINA UNIVERSITY.
Referred to Appropriations Committee.

By Senators Warren, Albertson, Conder, Jordan, Martin of Pitt, and Phillips:

S.B. 189, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO COMPLETE THE EXPANSION OF THE DOWDY-FICKLEN STADIUM AT EAST CAROLINA UNIVERSITY.
Referred to Appropriations Committee.

By Senators Warren, Albertson, Conder, East, Garwood, Jordan, Kerr, Page, Phillips, Plyler, Reeves, and Soles:

S.B. 190, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.
Referred to Pensions & Retirement and Insurance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Albertson, Dannelly, Hoyle, Jordan, Martin of Pitt, Odom, Perdue, Rand, and Warren:

S.B. 191, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MATCHING FUNDS REQUIREMENT FOR THE FUNDS APPROPRIATED IN 1996 TO CONDUCT AN ODOR CONTROL TECHNOLOGY STUDY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Albertson, Dannelly, Hoyle, Jordan, Odom, Perdue, Rand, and Warren:

S.B. 192, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE OWNERS AND OPERATORS OF ANIMAL WASTE MANAGEMENT SYSTEMS TO PARTICIPATE IN CERTAIN RESEARCH STUDIES DIRECTED BY THE GENERAL ASSEMBLY BY LIMITING ENFORCEMENT ACTIONS FOR UNINTENTIONAL AND NONNEGLIGENCE VIOLATIONS OF WATER QUALITY STANDARDS THAT ARE IDENTIFIED IN THE COURSE OF THOSE RESEARCH STUDIES AND TO CLARIFY THE REPORTING DATES FOR THOSE RESEARCH STUDIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Albertson, Dannelly, Hoyle, Jordan, Odom, Perdue, Rand, and Warren:

S.B. 193, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO EVALUATE SEPTIC TANKS IN THE NEUSE RIVER BASIN.
Referred to Appropriations Committee.

February 19, 1997
By Senators Albertson, Dannelly, Hoyle, Jordan, Odom, Perdue, Rand, and Warren:

S.B. 194, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Albertson, Dannelly, Hoyle, Jordan, Martin of Pitt, Odom, Perdue, Rand, and Warren:

S.B. 195, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

Referred to Agriculture/Environment/Natural Resources Committee.

ADDITIONAL SPONSOR

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

S.B. 170, A BILL TO BE ENTITLED AN ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR EQUINE ACTIVITIES.

CALENDAR

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

S.B. 86, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

COMMITTEE APPOINTMENT

The President recognizes Senator Basnight, President Pro Tempore, who announces the appointment of Senator Webster to the Select Committee on Congressional Redistricting.

On motion of Senator Basnight, seconded by Senator Shaw of Cumberland, the Senate adjourns at 2:25 P.M. to meet tomorrow, Thursday, February 20, at 10:00 A.M.

FOURTEENTH DAY

Senate Chamber
Thursday, February 20, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"The psalmist speaks to us because so long ago he spoke for us. We hear his prayer of thanksgiving as our own.

"We bless the Lord who gives us counsel; even in the night our hearts instruct us. We keep the Lord always before us because He is at our right hand; we shall not be moved.

"Our hearts are glad and our souls rejoice for You do not give up on us. You show us the path of life. In Your Presence, there is fullness of joy, and in Your Right Hand are pleasures evermore. We thank You, O God, for such a promise of Your Abiding Presence. Amen."

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, February 19, has been examined and is found to be correct. On 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 Tomlin from Harrisburg, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 27, AN ACT TO MAKE PROCEDURAL CHANGES IN THE CONFORMING LEGISLATION CONCERNING GUBERNATORIAL VETO.

REPORT OF COMMITTEE

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 Miller for the State Government, Local Government, and Personnel Committee:

S.B. 47, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN WASHINGTON 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 7555 is adopted and engrossed.

S.B. 56, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6544 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 Shaw of Guilford, Albertson, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, East, Forrester, Foxx, Garwood, Hartsell, Horton, Hoyle, Kerr, Kincaid, Ledbetter, Martin of Pitt, McDaniel, Odom, Page, Perdue, Rand, Rucho, Soles, Warren, and Webster:
S.B. 196, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE REMOVAL OF DISRUPTIVE STUDENTS FROM THE CLASSROOM OR SCHOOL.
Referred to Education/Higher Education Committee.

By Senator Wellons:
S.B. 197, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT A PROVISION ALLOWING SAVINGS IN EMPLOYER FICA CONTRIBUTIONS TO BE USED TO PAY FOR ADMINISTRATIVE EXPENSES OF FLEXIBLE COMPENSATION PROGRAMS FOR STATE EMPLOYEES AND EMPLOYEES OF EDUCATIONAL INSTITUTIONS SUPPORTED BY THE STATE.
Referred to Finance Committee.

By Senators Jenkins and Carpenter:
S.B. 198, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Soles:
S.B. 199, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINTIVE AND ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Soles:
S.B. 200, 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 Soles:
S.B. 201, 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 Ballantine, Hoyle, and McDaniel:
S.B. 202, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PUNISHMENT IMPOSED FOR GANG-RELATED CRIMINAL OFFENSES.
Referred to Judiciary Committee.
By Senator Reeves:
S.B. 203, A BILL TO BE ENTITLED AN ACT RELATING TO THE COUNTIES AND MUNICIPALITIES IN THE FOURTEENTH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senator Reeves:
S.B. 204, 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 Reeves:
S.B. 205, 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 Perdue, Plyler, and Rand:
S.B. 206, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXHIBITS FOR THE NEW NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES.
Referred to Appropriations Committee.

By Senators Foxx, Ballance, Kerr, McDaniel, Warren, and Webster:
S.B. 207, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AMENDMENTS TO THE STATUTES PROVIDING FOR CRIMINAL HISTORY RECORD CHECKS OF INDIVIDUALS INVOLVED IN PROVIDING CHILD FOSTER CARE AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.
Referred to Children and Human Resources Committee.

By Senators Foxx, Allran, Ballance, Ballantine, Blust, Carrington, Clark, Cochrane, East, Forrester, Garwood, Hartsell, Horton, Hoyle, Kerr, Kinnaird, Ledbetter, McDaniel, Page, Rand, Rucho, Soles, Warren, and Webster:
S.B. 208, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE SANITIZATION OF COOKING UTENSILS PROVIDED BY LODGING ESTABLISHMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.
Referred to Commerce Committee.

By Senators Albertson, Cooper, Dannelly, Hoyle, Kerr, Martin of Pitt, Martin of Guilford, and Warren:
S.B. 209, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR AGRONOMIC ADVISORY SERVICES.
Referred to Appropriations Committee.
By Senators Warren, Albertson, Ballantine, Blust, Cochrane, Conder, Dalton, East, Forrester, Foxx, Garwood, Horton, Hoyle, Jenkins, Kincaid, Lucas, Martin of Pitt, McDaniel, Phillips, Soles, and Weinstein:

**S.B. 210**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF CORRECTION MAY DEDUCT FUNDS FROM AN INMATE'S ACCOUNT TO REPAY COSTS RESULTING FROM INMATE MISCONDUCT.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Forrester, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, East, Foxx, Garwood, Hartsell, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Lee, Lucas, Miller, Odom, Page, Perdue, Phillips, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, Webster, Weinstein, and Wellons:

**S.J.R. 211**, A JOINT RESOLUTION NAMING BILLY GRAHAM AS THEOLOGIAN LAUREATE.

Referred to Rules and Operations of the Senate Committee.

By Senators Webster, Allran, Ballantine, Blust, Carrington, Cochrane, East, Forrester, Foxx, Hartsell, Kerr, Lucas, McDaniel, Rucho, Shaw of Cumberland, and Warren:

**S.B. 212**, A BILL TO BE ENTITLED AN ACT PERTAINING TO RULES ADOPTED BY THE CHILD DAY CARE COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

Referred to Children and Human Resources Committee.

By Senators Webster, Allran, Ballance, Blust, Carrington, East, Forrester, Foxx, Garwood, Hartsell, Kerr, Lucas, McDaniel, Page, Shaw of Cumberland, and Warren:

**S.B. 213**, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT A RECOMMENDATION OF THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE TO MODIFY THE METHOD AND REPORTING PERIOD FOR FAMILY CARE HOMES.

Referred to Children and Human Resources Committee.

By Senators Ledbetter, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Dalton, Foxx, Hartsell, Horton, Jenkins, Kincaid, McDaniel, Page, Rand, Rucho, Shaw of Cumberland, Shaw of Guilford, and Webster:

**S.B. 214**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FROM A MISDEMEANOR TO A CLASS G FELONY FOR THE OFFENSES OF FALSELY REPORTING THAT A BOMB OR OTHER DESTRUCTIVE DEVICE MAY EXPLODE AND PERPETUATING A HOAX BY USING A FALSE DESTRUCTIVE DEVICE.

Referred to Judiciary Committee.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

February 20, 1997
S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.
With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business, and on his further motion is re-referred to the Finance Committee.

S.B. 69, A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.
With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business, and on his further motion, the bill is re-referred to the Finance Committee.

S.B. 58, A BILL TO BE ENTITLED AN ACT TO ADD BURKE, CALDWELL, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 64, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 85, A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 33, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, as amended, upon second reading.
The bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:
Voting in the negative: None.
The bill, as amended, is ordered placed on the Calendar for Monday, February 24, for further consideration upon third reading.

S.B. 98, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ADMINISTRATION OF THE MOTOR FUEL TAX LAWS, upon second reading.
The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, February 24, for further consideration upon third reading.

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-YEAR WAITING PERIOD BEFORE FORMER LEGISLATORS MAY BECOME LOBBYISTS.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Hartsell offers Amendment No. 1 which is adopted (49-0), changing the title to read S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-YEAR WAITING PERIOD BEFORE FORMER LEGISLATORS AND FORMER MEMBERS OF THE COUNCIL OF STATE MAY BECOME LOBBYISTS.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Shaw of Cumberland offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered. Following the debate, Senator McDaniel offers a substitute motion to re-refer the Committee Substitute bill, as amended, to the Judiciary Committee, which motion fails to prevail (13-36). Senator Shaw of Cumberland subsequently withdraws his motion to reconsider Amendment No. 1.

The Committee Substitute bill, as amended, passes its second reading (44-5).

Senator McDaniel objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, February 24, for further consideration upon third reading.

On motion of Senator Basnight, seconded by Senator Jordan, the Senate adjourns at 11:10 A.M. to meet Monday, February 24, at 7:00 P.M.

FIFTEENTH DAY

Senate Chamber
Monday, February 24, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

February 24, 1997
“We often arrive at the end of a day, O Lord, feeling as if all we’ve done that day is give explanations for our actions. The Senators and staff must know that feeling.

"With Your Help, this week, may we live more proactively, lives of affirmation and exclamation rather than explanation.

"As we seek Your Guidance, we ask that You take charge of our attitude so that someone else won’t choose it for us!

"Believing that You will complete the good work that You have begun in us we pray, Amen.”

With unanimous consent, the President grants a leave of absence for tonight to Senator Soles.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, February 20, has been examined and is found to be correct. On 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. C. B. Gantt from Sanford, who is serving the Senate as Doctor 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 Winner and Lee:
S.B. 215, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE EXPANSION BUDGET REQUEST OF THE STATE BOARD OF EDUCATION.
Referred to Appropriations Committee.

By Senator Rucho:
S.B. 216, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLEBURG BOARD OF EDUCATION.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Albertson and Warren:
S.B. 217, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR A NEW MOTOR FUELS LABORATORY.
Referred to Appropriations Committee.

By Senators Albertson and Warren:
S.B. 218, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR IMPROVEMENTS TO THE ROLLINS LABORATORY.
Referred to Appropriations Committee.

February 24, 1997
By Senators Albertson and Warren:
S.B. 219, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR SMALL FARM ASSISTANCE PROGRAMS.
Referred to Appropriations Committee.

By Senators Albertson and Warren:
S.B. 220, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR ANALYSIS OF ANIMAL WASTE, SOIL, AND PLANTS.
Referred to Appropriations Committee.

By Senators Horton, Albertson, and Cooper:
S.B. 221, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WATER QUALITY OF THE SURFACE WATERS OF THIS STATE BY FURTHER LIMITING THE AMOUNT OF NITROGEN THAT CERTAIN LARGE FACILITIES DISCHARGE TO NUTRIENT SENSITIVE WATERS WHERE NITROGEN IS A NUTRIENT OF CONCERN AND TO AUTHORIZE THE USE OF UP TO TWENTY-FIVE PERCENT OF THE FUNDS IN THE CLEAN WATER MANAGEMENT TRUST FUND FOR A PORTION OF THE COSTS TO LOCAL GOVERNMENTS OF MODIFYING EXISTING FACILITIES TO SATISFY THIS STRICTER LIMIT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Rand, Albertson, Ballance, Conder, Cooper, Dalton, Hoyle, Jordan, Kerr, Lee, Lucas, Martin of Pitt, Martin of Guilford, Perdue, Plyler, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons:
S.B. 222, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LOW-WEALTH SCHOOL SYSTEMS' SUPPLEMENTAL FUNDING.
Referred to Appropriations Committee.

By Senators Martin of Pitt, Albertson, Hoyle, and Rand:
S.B. 223, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR A MULTIPURPOSE EVENTS BUILDING AT THE STATE FAIR.
Referred to Appropriations Committee.

By Senators Martin of Pitt, Albertson, Hoyle, and Rand:
S.B. 224, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR NEW BUILDINGS AT THE PIEDMONT-TRIAD FARMERS MARKET.
Referred to Appropriations Committee.

By Senators Martin of Pitt, Albertson, Hoyle, and Rand:
S.B. 225, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BIOTECHNOLOGY CENTER FOR THE BUSINESS DEVELOPMENT PROGRAM.
Referred to Appropriations Committee.

February 24, 1997
By Senator Martin of Pitt:
S.B. 226, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA TECHNOLOGICAL DEVELOPMENT AUTHORITY, INC.
Referred to Appropriations Committee.

By Senators Winner, Dannelly, Odom, and Rucho:
S.B. 227, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Winner, Allran, Cooper, and Martin of Guilford:
S.B. 228, A BILL TO BE ENTITLED AN ACT TO IMPOSE A CRIMINAL PENALTY FOR THE WILLFUL FAILURE TO REPORT CHILD ABUSE, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.
Referred to Judiciary Committee.

By Senator Rand:
S.B. 229, A BILL TO BE ENTITLED AN ACT TO ALLOW THE VOTERS OF THE CITY OF FAYETTEVILLE TO RECALL THE MAYOR AND CITY COUNCIL.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Warren:
S.B. 230, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF GREENVILLE FOR AN URBAN DESIGN PLAN.
Referred to Appropriations Committee.

By Senator Warren:
S.B. 231, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RENOVATE THE HISTORIC OLD CITY HALL IN THE CITY OF WASHINGTON.
Referred to Appropriations Committee.

By Senators Kerr, Albertson, Ballance, Ballantine, Carpenter, Conder, Cooper, Dalton, Horton, Hoyle, Jordan, Martin of Pitt, Odom, Perdue, Rand, Soles, Warren, Weinstein, and Wellons:
S.B. 232, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS.
Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.
By Senator Reeves:
S.B. 233, A BILL TO BE ENTITLED AN ACT TO EXPAND THE DEFINITION OF CONSUMER WITHIN THE MEANING OF THE LAW PROHIBITING CERTAIN ACTS BY DEBT COLLECTORS.
Referred to Commerce Committee.

By Senators Kincaid, Carpenter, Cochrane, and Garwood:
S.B. 234, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY AMOUNTS THAT DETERMINE THE ASSESSMENT OF SAFE DRIVER INCENTIVE PLAN POINTS.
Referred to Pensions & Retirement and Insurance Committee.

ADDITIONAL SPONSOR

Senator Wellons requests to be added as a sponsor of previously introduced legislation:
S.B. 206, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXHIBITS FOR THE NEW NORTH CAROLINA STATE MUSEUM OF NATURAL SCIENCES.

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, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA.
Referred to Finance Committee.

H.B. 84, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THREE OF THE MEMBERS ELECTED TO THE PINEHURST VILLAGE COUNCIL IN 1995 SHALL SERVE FOUR-YEAR TERMS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 103, A BILL TO BE ENTITLED AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 113, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXPANSION OF THE BOARD OF TRUSTEES OF THE COLLEGE OF THE ALBEMARLE.
Referred to Education/Higher Education Committee.

DESIGNATION BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read as follows:

February 24, 1997
February 20, 1997

Ms. Janet Pruitt  
Principal Clerk  
North Carolina Senate  
Legislative Building  
Raleigh, North Carolina 27603-5925

Dear Ms. Pruitt:

This is written to comply with Sections 1 and 2 of Executive Order Number 107.

This shall serve as my official designation of Room 504 within the Legislative Office Building as the "Office of the Governor's Legislative Counsel" as referenced in Section 1.

I hereby designate the following employees of the Governor's Office as the officials to whom delivery of bills can be made under the provisions of Section 2:

a. Franklin Freeman;  
b. Beryl Wade;  
c. Curt Williams;  
d. Jack Jenkins; and  
e. Sheryl Harvey.

Thank you for your attention to this matter.

My warmest personal regards.

Sincerely,

S/James B. Hunt Jr.

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and ordered filed in the office of the Principal Clerk with the papers of the Senate, as follows:

Executive Order Number 107, Designation of Office and Hunt Administration Officials Authorized to Receive Bills under Article II, Section 22, of the North Carolina Constitution.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:
S.B. 56 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA, upon second reading.

With unanimous consent on motion of Senator Kerr, the Committee Substitute bill is re-referred to the Finance Committee.

S.B. 47 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN WASHINGTON COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 33, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill, as amended and previously engrossed, is ordered sent to the House of Representatives.

S.B. 98, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE ADMINISTRATION OF THE MOTOR FUEL TAX LAWS, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 3 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A ONE-YEAR WAITING PERIOD BEFORE FORMER LEGISLATORS AND FORMER MEMBERS OF THE COUNCIL OF STATE MAY BECOME LOBBYISTS, as amended, upon third reading.

Senator McDaniel offers Amendment No. 2 which fails of adoption (12-37).

The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

February 24, 1997
The President recognizes the following pages serving in the Senate this week:

Kasey Baker, New Bern; Tracey Bleau, New Bern; Lindsay Boole, Raleigh; Amber Nicole Brewington, Raleigh; Danielle Sherell Chavis, Butner; William Edward Dupree, Jr., Red Springs; Ebony Ebron, Knightdale; Mary Catherine Floyd, Garner; Clint E. Fuller, Fair Bluff; Robert Edwin Hall, Raleigh; Kia Hood, Clayton; Brigette Veater Jacobs, Lumberton, Adam Ross Johnson, Greensboro; Jennifer Levenbook, Raleigh; Karen E. Perkins, Garner; Tasha Sheree Perkins, Raleigh; Christine Marie Quigless, Raleigh; Elizabeth Ann Rudiger, Goldsboro; Stephanie Simmons, Oxford; Fletcher K. Thompson, Rocky Mount; Emily Dawn Tolbert, Stanley; and Robin Yamakawa, Goldsboro.

RECOGNITION OF BLACK HISTORY MONTH

With unanimous consent upon motion of Senator Perdue, the comments of the Members of the Black Caucus, speaking to points of personal privilege, are spread upon the Journal as follows:

Senator Ballance:
"Thank you Mr. President. We celebrate this month, Black History Month. And some years ago historian Carter G. Woodson started this project because African-Americans were left out of the history books at that time, of one day. Later on, it moved up to one week, and now it's a whole month. We're glad that because of the progress that we've made in this country. There will come a time when we will not need to set aside a month because every day will be black history day. Tonight, those of us who are members of the, Senate Members, of the Legislative Black Caucus would like to pause ever so briefly to acknowledge Black History Month and to make brief remarks, each of us. We know that the pages whom you've just introduced could probably do a better job on these poems that some of us will give but we're gonna give it a try. I will start with Langston Hughes and several others will also do Langston Hughes and Maya Angelou and various other great writers that we know.

'The Negro speaks of rivers.
I've known rivers.
I've known rivers ancient as the world, and older than the flow of human blood in human veins.
My soul has grown deep like the rivers.
I bathed in the Euphrates when dawns were young.
I built my hut near the Congo and it lulls me to sleep.
I looked upon the Nile and raised the pyramids above it.
I heard the singing of the Mississippi when Abe Lincoln went down to New Orleans.
And I've seen its muddy bosom turn all golden in the sunset.
I've known rivers, ancient, dusty rivers.
My soul has grown deep like the rivers.'

"Thank you."
Senator Dannelly:

"Thank you Mr. Chairman. I will do two articles, one a poem by a living North Carolinian who has worked hard to make our State what it is, Willie J. Stradford, Sr. Title of poem is Black Is My Hand.

'Black is my hand
that held the hand that clutched the side of the boat over the ocean wide in 1619.
Black is my hand that held the shackles and tried to catch the whip.
Black is my hand
that worked the fields, cooked the meals, made the beds, raised the white chaps and mine.
Black is my hand that dug the ditches, built the road, and ran the race of toil.
Black is my hand that wiped the sweat of the slavery and caught the tears of fear.
Black is my hand that reached for freedom on the underground railroad.
Black is my hand that claps with joy in celebration to My Lord, Jesus Christ.
Black is my hand that shook the hands of Abe, Martin, Robert, and John.
Black is my hand that did the labor, fired the guns in all America's wars.
Black is my hand that points towards heaven for hope, freedom, that's only found in God.
Black is my hand that's ever reaching.'

"Yesterday, I read an article, and though this is Black History Month, black Americans are still struggling under various kinds of oppression. And I don't think we should forget it. This article, very small, is entitled 'Racism With A Smile', and is by Angela Bousman in Newsweek. It says, 'For a large group of black Americans, particularly those of us trying to make it in Corporate America, racism is not experienced the way it is depicted in the movies, that is rednecks, six-packs, bad hair cuts, and baseball bats. It's better explained by the absence of minorities in certain areas of life: board rooms, film directors' chairs, or editors' desks. In these instances, black Americans are generally denied the opportunity to participate with a few harrowed exceptions where they are explicitly required. That kind of racism is subtle and insidious, not something that can be photographed, like a corpse swinging from a tree or a burning cross. It's a racism that smiles at you, shakes your hand, wishes you luck, but its effects are clear and measurable.' I read that so that I could thank this august Body for the historical things you have done this year. On January 29, 1997, this Body voted unanimously to make Senator Frank Ballance Deputy President Pro Tempore for the first time in the State of North Carolina. Thank you for that historical moment." (Applause)

Senator Jordan:

"Thank you Mr. President. I rise to share the words of Langston Hughes.
'I, too, sing America.
I'm the darker brother they send to eat in the kitchen when company comes.
But allowed and eat well and grow strong.
Tomorrow I'll be at the table when company comes.
Nobody dare say to me eat in the kitchen then,
besides they'll see how beautiful I am and be ashamed.
I, too, am America'"
Senator Lee:

"Thank you Mr. President, Members of the Senate. I rise as a symbol of the progress we've made in America. And I've been around long enough as many of you to remember when it was illegal in the State of Georgia to teach about Black History. And I've seen it progress to this time. I long for the day, like many of you, when our history will be very much like a stew, where as potatoes, peas, carrots, all maintain their identity but are held together by a common solution. That's how I see America, as a stew. With each of us maintaining our identity, but all of us being held together by a common solution.

"My ego is so big that I'm gonna read my own poem. This one I wrote in 1961, while sitting above the thirty-eighth parallel in Korea. These words came to me late one night and I wrote them by a lantern light, on a floor covered with three inches of ice in a bivouac tent.

'I am the black man who has traveled far.
I had to walk; I had no car.
I bore the whip and torture pain.
I was called boy. I had no name.
But now I am doing the best I can to make myself a better American.'

"As I look to the future I'm very optimistic. And I sometimes think that there's nothing else I can learn about history of black Americans. But each month in each year this month comes around I learn something new. For the last six years I played golf. Until this morning, while watching television, I did not know that Dr. George Grant invented the golf tee, Fountain, a black man. Now, I'm gonna play golf with a whole lot more enthusiasm, Richard. When I hit that ball from now on I expect it to go on a lot farther. Thank you all for being who you are. Thank you for the sacrifices you make. And thank you for being part of a progress of America. And thank all of us for celebrating this time together."

Senator Lucas:

"Thank you Mr. President, Senator Basnight, Senator Ballance, Members of the Senate.

'In the thirties, in Germany, when they came for the communists, I didn't speak up because I wasn't a communist. Then they came for the Jews and I didn't speak up because I wasn't a Jew. Then they came for the trade unionist and I didn't speak up because I wasn't a trade unionist. Then they came for the Catholics and I didn't speak up because I was Protestant. Then they came for me and by that time there was no one left to speak up.'

"That's from Pastor Martin Nemoler. In memory of all the African Americans who helped to make this country great, let those of us who are Senators speak up for the homeless, for those who are poor, for those who practice prejudices let's speak against them. Let us speak up for those things which show that we believe in justice. Maya Angelou said,

'Out of the huts of history's shame I rise.
Up from the past that's rooted in pain, I rise.
I'm a black ocean leaping and wide swelling and welling
I bear in the tide leaving behind nights of terror and pain I rise.
Into a daybreak that you made possible, that's wonderfully clear, I rise.
Bringing the gift that my ancestors gave I am the dream and the hope of the slave.
I rise, I rise.'

"I rise as the first African American female ever to be seated in this Chamber. Thank you."

Senator Martin of Guilford:

"Thank you Mr. President and all Members of the Body and audience gathered here. Each time period that we encounter and there's one in which people find there own champion and each time period itself has its own champions. And during the last half of the Nineteenth Century and the first part of the Fourteenth Century, there were many citizens of African heritage in the United States who found champions among such notable individuals as various educators, various scholars, various protagonists, orators, thinkers. Including among those was the person that we somewhat celebrate tonight, Carter G. Woodson. Carter G. Woodson had many contemporaries the names of whom you probably know, but include persons such as W. B. DuBois, persons such as Ida B. Wells, Cedric Douglas, and also Booker T. Washington, many others. Now, this occasion began in 1926 at the direction, under the leadership of Carter G. Woodson, who was a Virginian who went on to further his education, to begin his education in fact, in West Virginia. He could not attend high school in Virginia at that time. He later graduated and went to the University of Chicago after completing, getting his Bachelors in literature. And at Chicago, he obtained a Masters, and then a Ph.D. in Harvard, then studied abroad including Le Sorbonne in France. His accomplishments were many, including among which you've probably heard, I'm sure of, the Journal Of Negro History, which is still being published today, and also many books, many manuscripts, one of which is referred to, entitled The Miseducation of the Negro, which was published in 1933, and I want to take the liberty just to read a couple of portions from that particular book that was published.

"The idea of leadership looms high in the Negro mind. It always develops thus among oppressed people. The oppressor must have some dealing with the despised group, and rather than have contact with individuals he approaches the masses through his own spokesman. The term itself connotes a backward condition. In its strides upward erase, lifts through its shuffles of its leaders because they originate outside of the group. They constitute a lull that sinks the oppressed in the mire of trials and tribulations. Leadership is usually superimposed for the purpose of directing the course of the ostracized group along same lines. This was accomplished during the days of slavery by restricting the assembly of Negroes to certain times and places, and compelling them to meet in the presence of a stipulated number of the "wisest and discrete men in the community". These supervisors of the conduct of Negroes would prevent them from learning the truth which might make them unruly or ambitious to become free. No people can go forward when the majority of those who should know better have chosen to go backward, but this is exactly what most of our misleaders do. Not being learned in the history and background of the race, they figure out that there is no hope for the masses and they decide then that the best thing that they can do is exploit these people for all they..."
can and use the accumulation selfishly. Such persons have no vision and therefore perish at their own hands. It is an injustice to the Negro, however, to miseducate him and suffer his manners to be corrupted from infancy until old age and then blame him for making the mistakes with such guidance necessitates. People who've been restricted and held down naturally condescend to the lower levels of delinquency when education has been entirely neglected or improperly managed. We see the worst passions ruling with uncontrolled and incessant sway. Good sense degenerates into craft, anger, wrangles into malignity. Restraint which is brought low solidarity comes too late and the most judicial admonitions are urged in vain.'

"You cannot serve people by giving them orders as to what to do. The real servant of the people must live among them, think with them, feel for them, and die for them. The real servant of the people then will give more attention to those to be served than to use that somebody may want to make of them. He will be more concerned with what he can do to increase the ease, comfort, and happiness of the Negro than how the Negro may be used to contribute to the ease, comfort, and happiness of others."

"And then finally, a quotation that many of you have probably heard.

"When you control a man's thinking you do not have to worry about his actions. You do not have to tell him to stand or go yonder. He will find his proper place and stay in it. You do not need to send him to the back door. He will go without being told. In fact, if there is no back door he will cut one for his special benefit. His education makes it necessary."

"In the time when we place so much emphasis upon education we must remember that it must be handled in a way that it uplifts persons rather than control persons. We must remember as Members of this Body are doing that there is a role to play and that there is a future that can be glorious. Thank you very much."

Senator Shaw of Cumberland:

"Thank you Mr. President, the Honorable Senator Basnight, and Frank Ballance, Honorable ladies and gentlemen of the Senate. I rise to thank you for this moment of privilege. America shines at its brightest when we honor each other and give expression to our aspirations. There was a movie on last night that I think spoke very dearly to all of this, Schindler's List. I'm told by the scholars that as far back in Egyptian history as you can find, there's no mention at all of Moses coming. So I don't take exception to the lack of knowledge of our contribution as well. I think we are in good company. I thank you for the opportunity to say a few words about this precious moment. And I termed it We Were There.

"My Lord, we were there when you commanded us to leave our homes and family, and to take the knowledge in the light from a rock o'er across the straight of Gibraltar into Spain. It was around 700 A.D. and the dark ages prevailed over the land. But we took our knowledge of the signs and the map and built cities like Andalusia, Seville, Grenada, Cordoba, and Toledo. We made them the life of Europe. We contributed to science and agriculture. We taught others to find the sweet water beneath the surface. We built canals and taught irrigation and food preservation and distribution. My Lord, for eight hundred years we served You until there came a king and a queen and a mighty army and the
inquisition. We were there, My Lord, and we witnessed a favor which you bestowed upon us. From the great Atlantic Ocean to the great Sahara Desert, along the Niger River You gave us an abundance of all things. The land was rich and fertile and it produced beyond our needs. Our trade caravans went to and fro and many other journeys produced even greater riches for our land. You gave us great universities and governments and societies of great learning. For over a thousand years we served You, and we served You alone. You bestowed dynasties and empires with continuity like Ghana, Mali, and Sunghi. We built great cities like Jao, Jaeme, and Timbuktu. The richness of the minerals, the salt mines, the copper mines, the gold mines. You gave us the Ivory Coast, and the Gold Coast. Yes, My Lord, as long as we served You and walked in Your Way You favored us. But we began to fall out of favor. We left the light. And as Jesus told Peter to walk upon the waters as He walked upon the water, 'to keep your eyes upon Me.' And as long as Peter kept his eyes upon the Master, he walked the waters. For he began to entertain doubt and confusion, and he lost his faith along the way. And just like Joseph, whose brothers threw him in the bottom of the well, and he went into a foreign land, our brothers, too, threw us in the bottom of the well, the well of the middle passage. O horror upon horror. But You were Merciful Lord. You blinded us to this. There was work to be done and You called upon us to do our deed. Go to this land, a great democracy, a new experiment, a new Jerusalem. We have never forgotten Your Covenant, from Adam to Noah, to Abraham, to Isaac, to Ishmael, to Jacob, and to Joseph, and the tribes. Call it manifest destiny, the Monroe Doctrine, or simply divine decree. We came and we served in each moment in history and at every level, from the Buffalo soldier to the Tuskegee airmen, from Dr. Carver to Dr. Bunch, from Doug Wilder to Colon Powell. My Lord as always, You never deserted us. And for this we say thank you.

"Thank you ladies and gentlemen."

REPORT OF COMMITTEE

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 Winner for the Education/Higher Education Committee:

S.B. 70, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.
S.B. 71, A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS AND FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT 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 7558, which changes the title to read S.B. 71, A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION, AND TO MAKE TECHNICAL CORRECTIONS REGARDING THE REVIEW BY THE LOCAL GOVERNMENT COMMISSION OF CERTAIN LEASES, LEASE PURCHASE CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS, is adopted and engrossed.

On motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 7:53 P.M. in honor of Black History Month to meet tomorrow, Tuesday, February 25, at 1:30 P.M.

SIXTEENTH DAY

Senate Chamber
Tuesday, February 25, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, as the Senate convenes, we know deep within us that in the midst of all the tasks to be accomplished, we need these few seconds of waiting upon Your Presence. “In the midst of all the words said to us, we ask to hear Your Word. In the midst of a culture that would shape us and mold us in its image, we need to be reminded of who we are, and of Whose we are. “We are Your Creation, Your Children. Fill us with Your Presence today. In Your Holy Name we pray, Amen.”

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, February 24, has been examined and is found to be correct. On 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 Turner from Winterville, who is serving the Senate as Doctor of the Day.
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. 142, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE PORTS, with a favorable report.

S.B. 157, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING DISSENTERS' RIGHTS PROCEDURES AND THE FILING OF DOCUMENTS BY LIMITED LIABILITY COMPANIES, TO ALLOW FACSIMILE SIGNATURES AND ADVISORY REVIEW OF DOCUMENTS BY THE SECRETARY OF STATE, AND TO CLARIFY CORRECTIONS PROCEDURES, LIMITED LIABILITY NAME AVAILABILITY, AND THE DEFINITION OF FOREIGN PROFESSIONAL CORPORATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

With unanimous consent, on motion of Senator Soles, the bill is re-referred to the Finance Committee.

By Senator Cooper for the Judiciary Committee:

S.B. 79, A BILL TO BE ENTITLED AN ACT TO REPEAL MORE ANTIQUATED LAWS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

S.B. 95, A BILL TO BE ENTITLED AN ACT TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE DECEMBER 31, 1996, 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 Senator Martin of Pitt:

S.B. 235, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to Pensions & Retirement and Insurance Committee.

By Senators Blust, Cochrane, Foxx, and Horton:

S.B. 236, A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL PERSONNEL TO USE REASONABLE FORCE TO MAINTAIN ORDER IN SCHOOL

February 25, 1997
OR AT SCHOOL-RELATED ACTIVITIES, AND TO MAKE SCHOOL OFFICERS AND EMPLOYEES IMMUNE FROM CIVIL LIABILITY FOR ANY ACTION CARRIED OUT TO CONTROL OR DISCIPLINE STUDENTS.

Referred to Education/Higher Education Committee.

By Senator Perdue:

S.B. 237, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PERSONS RENDERING MANICURING SERVICES FOR COMPENSATION TO BE REGULATED BY THE STATE BOARD OF COSMETIC ART AND TO PAY A FEE FOR THESE PROCEDURES.

Referred to Rules and Operations of the Senate Committee.

By Senators Ledgebetter, Carpenter, Carrington, Clark, Cochrane, Forrester, Forxx, Garwood, Horton, McDaniel, Page, Rucho, Shaw of Guilford, and Webster:

S.B. 238, 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 Committee.

By Senators Ballantine and Jordan:

S.B. 239, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT LOCAL MOSQUITO CONTROL DISTRICTS AND OTHER UNITS OF LOCAL GOVERNMENT ENGAGED IN MOSQUITO CONTROL.

Referred to Appropriations Committee.

By Senators Gulley and Page:

S.B. 240, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LIMITATION ON CERTAIN KINDS OF POLITICAL FUND-RAISING WHILE THE GENERAL ASSEMBLY IS IN REGULAR SESSION.

Referred to Judiciary Committee.

By Senator Kerr:

S.B. 241, A BILL TO BE ENTITLED AN ACT RELATING TO THE GOVERNANCE OF WAYNE COUNTY.

Referred to Rules and Operations of the Senate Committee.

ADDITIONAL SPONSOR

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

S.B. 176, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONSERVATION EASEMENTS PROGRAM THAT USES CONSERVATION TAX CREDITS FOR THE PROTECTION OF NATURAL RESOURCES AND THAT FURTHERS APPROPRIATE PUBLIC USE OF NATURAL RESOURCES, TO CREATE THE FACILITATION AND ASSISTANCE GRANT FUND TO SUPPORT COOPERATIVE CONSERVATION EFFORTS, AND TO INCREASE THE CAP ON
THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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. 4, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TOWN OF YADKINVILLE FROM CERTAIN STATUTORY REQUIREMENTS IN THE EXPANSION AND IMPROVEMENT OF THE TOWN'S SEWAGE TREATMENT PLANT.

Referred to Agriculture/Environment/Natural Resources Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 70, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES.

Senator Winner offers Amendment No. 1 which is adopted (43-6).

The bill, as amended, passes its second (45-4) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 71 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION, AND TO MAKE TECHNICAL CORRECTIONS REGARDING THE REVIEW BY THE LOCAL GOVERNMENT COMMISSION OF CERTAIN LEASES, LEASE PURCHASE CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS.

The Committee Substitute bill passes its second (48-2) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Hoyle, the Senate adjourns at 2:12 P.M. to meet tomorrow, Wednesday, February 26, at 1:30 P.M.

February 25, 1997
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Philip Wiehe, Episcopal Chaplain at North Carolina State University, as follows:

"Almighty God, who hast given us this good land for our heritage: We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy Will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion; from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in Thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy Law, we may show forth Thy Praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; We beseech Thee so to guide and bless our Senators and Representatives in the Legislature of this State, that they may enact such laws as shall please Thee, to the glory of Thy Name and the welfare of this people; through Jesus Christ our Lord. Amen."

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Tuesday, February 25, has been examined and is found to be correct. On 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 Foushee from Statesville, 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 Miller for the State Government, Local Government, and Personnel Committee:

S.B. 84, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS IN THE TOWN OF ATLANTIC BEACH, with a favorable report.

S.B. 105, A BILL TO BE ENTITLED AN ACT TO ADD ALLEGHANY AND ROCKINGHAM COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY, with a favorable report.
S.B. 121, A BILL TO BE ENTITLED AN ACT TO INCLUDE BUNCOMBE, MADISON, MCDOWELL, AND YANCEY COUNTIES IN THE STATEWIDE SEASONS FOR TAKING BEAVER, with a favorable report.

S.B. 186, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, with a favorable report.

S.B. 199, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINTIVE AND ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES, with a favorable report.

S.B. 229, A BILL TO BE ENTITLED AN ACT TO ALLOW THE VOTERS OF THE CITY OF FAYETTEVILLE TO RECALL THE MAYOR AND CITY COUNCIL, with a favorable report.

By Senator Winner for the Education/Higher Education Committee:

NORTH CAROLINA GENERAL ASSEMBLY
Senate Chamber
State Legislative Building
Raleigh 27601-1096

February 26, 1997

TO: Members of the Senate

FROM: Senators Lee and Winner, Co-Chairs s/Leslie Winner
       Education/Higher Education Committee s/Howard Lee

RE: Board of Governors Nominations

Pursuant to Senate Resolution 88, the Education/Higher Education Committee has met and nominates the following individuals to serve in the four at-large positions on the Board of Governors of the University of North Carolina:

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<tr>
<th>NOMINEE</th>
<th>SENATE SPONSOR(S)</th>
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</thead>
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<tr>
<td>G. Irvin Aldridge</td>
<td>Senator Lee</td>
</tr>
<tr>
<td>Ray S. Farris</td>
<td>Senator Odom</td>
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<tr>
<td>Wallace N. Hyde</td>
<td>Senator Perdue</td>
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<td>Jack P. Jordan</td>
<td>Senator Conder</td>
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<td>Jim Phillips</td>
<td>Senator Plyler</td>
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<td>James Bradley Wilson</td>
<td>Senator Cooper</td>
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<td>Senator Martin of Guilford</td>
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<td>Senator Rand</td>
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February 26, 1997
The Committee nominates the following individuals to serve in two Minority Race Category positions on the Board of Governors of the University of North Carolina:

Bert Collins 
Dennis Lowery 
Maxine O’Kelly

Senator Lucas 
Senator Weinstein 
Senator Martin of Guilford

The Committee nominates the following individuals to serve in the two Woman Category positions on the Board of Governors of the University of North Carolina:

Lois Britt 
Helen Rhyne Marvin

Senator Albertson 
Senator Hoyle

Since the date of the committee meeting, the following individuals have withdrawn their consent to be nominated and should not appear on the ballot:

Jack P. Jordan 
Dennis Lowery 
Wallace N. Hyde

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 G.S. 116-6 and S.R. 88, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, the President recognizes Senator Winner, Co-Chairman of the Education/Higher Education Committee, for the purpose of explaining the voting rules. The ballots are distributed and the Senators proceed to vote by marking and signing their ballots. Senator Winner announces Senator Lee, Senator Dalton, and Senator Hartsell as her assistants to collect and canvass the ballots. Further, Senator Winner requests dismissal from the Chamber for herself and the appointed Members to canvass the vote. The President excuses Senator Dalton, Senator Lee, Senator Hartsell, and Senator Winner from the Chamber to canvass the votes.

REPORTS OF COMMITTEES (Continued)

By Senator Kerr for the Finance Committee:

H.B. 34, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA, with a favorable report.

S.B. 106, A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL SALES OF PERSONAL PROPERTY SEIZED FOR UNPAID TAXES TO BE HELD IN ANY COUNTY, with a favorable report.

February 26, 1997
By Senator Soles for the Commerce Committee:

S.B. 141, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO EXEMPT THE STATE PORTS AUTHORITY FROM STATE PURCHASE AND CONTRACT 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 A551 is adopted and engrossed.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

S.B. 140, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 110, A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ENVIRONMENTAL CABINET WITHIN THE OFFICE OF THE GOVERNOR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8540 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 Ballantine:

S.B. 242, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF HAMPSTEAD.
Referred to Rules and Operations of the Senate Committee.

By Senator Ballantine:

S.B. 243, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CASTLE HAYNE, SUBJECT TO A REFERENDUM.
Referred to Rules and Operations of the Senate Committee.

By Senators Weinstein, Albertson, Conder, Rand, Shaw of Cumberland, Soles, and Wellons:

S.B. 244, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMPLETION OF THE SOUTHEASTERN FARMERS' MARKET AND AGRICULTURAL CENTER.
Referred to Appropriations Committee.

By Senators Ledbetter, Blust, Carrington, Clark, East, Foxx, Garwood, Horton, Kincaid, Rucho, Shaw of Guilford, and Webster:

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS TO USE INSTALLMENT PURCHASE
FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT.

Referred to Finance Committee.

By Senators Rand, Albertson, Ballance, Carrington, Cooper, Dannelly, East, Garwood, Gulley, Hartsell, Hoyle, Jenkins, Kerr, Kincaid, Kinnaird, Lee, Martin of Guilford, Miller, Perdue, Phillips, Plyler, Reeves, Warren, and Wellons:

S.B. 246, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PARTS MAY BE REMOVED FROM CONFISCATED WEAPONS PRIOR TO THE DESTRUCTION OF THE WEAPONS TO REPAIR EXISTING LAW ENFORCEMENT WEAPONS.

Referred to Commerce Committee.

By Senators Rand, Albertson, Ballance, Ballantine, Blust, Carrington, Clark, Cooper, Dannelly, Foxx, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Ledbetter, Lee, McDaniel, Odom, Perdue, Plyler, Rucho, Shaw of Guilford, Soles, Warren, Wellons, and Winner:

S.B. 247, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE GENERAL STATUTE PERTAINING TO CONFIDENTIALITY OF HEALTH CARE CONTRACTS.

Referred to Judiciary Committee.

By Senators Dalton, Albertson, Garwood, Hoyle, Kincaid, Weinstein, and Wellons:

S.B. 248, A BILL TO BE ENTITLED AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE.

Referred to Judiciary Committee.

By Senators Carpenter, Cochrane, Conder, Garwood, Kerr, Hartsell, and Warren:

S.B. 249, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY REVENUE BONDS AND SPECIAL OBLIGATION BONDS AND TO ADD AN ADDITIONAL CONDITION FOR APPROVAL OF REVENUE BONDS.

Referred to Finance Committee.

By Senators Wellons, Blust, Dalton, Gulley, Hartsell, and Kerr:

S.B. 250, A BILL TO BE ENTITLED AN ACT TO CLARIFY PERFECTION OF A SECURITY INTEREST IN AFTER-ACQUIRED REAL PROPERTY.

Referred to Judiciary Committee.

By Senators Wellons, Dalton, and Hartsell:

S.B. 251, A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMMON LAW TO PERMIT THE CREATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS BY A LANDOWNER.

Referred to Judiciary 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. 11, A BILL TO BE ENTITLED AN ACT TO GIVE THE CRAVEN COUNTY BOARD OF EDUCATION ADDITIONAL FLEXIBILITY IN MAKING UP SCHOOL DAYS LOST DUE TO INCLEMENT WEATHER.
Referred to Education/Higher Education Committee.

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.
Referred to Finance Committee.

H.B. 51, A BILL TO BE ENTITLED AN ACT TO GIVE MUNICIPALITIES IN BUNCOMBE COUNTY GENERAL LAW POWERS AS TO DOWNTOWN DEVELOPMENT PROJECTS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 77, A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES TO DISSOLVE CERTAIN AREA MENTAL HEALTH AUTHORITIES.
Referred to Children and Human Resources Committee.

H.B. 137, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO ADD TO THE LIST OF AGGRAVATING FACTORS THAT CERTAIN PEOPLE WERE SERIOUSLY INJURED AS A RESULT OF THE OFFENSE.
Referred to Judiciary Committee.

H.B. 221, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING.
Referred to Judiciary Committee.

ANNOUNCEMENT OF MEMBERS ELECTED TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA

Pursuant to S.R. 88, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and with forty-eight ballots having been properly completed, Senator Winner, Co-Chairman of the Education/Higher Education Committee, announces the results of the election to the Board of Governors of the University of North Carolina, as follows:

AT-LARGE CATEGORY - FOUR YEAR TERM

G. Irvin Aldridge  
Ray S. Farris  
Jim Phillips  
James Bradley Wilson

February 26, 1997
MINORITY RACE CATEGORY - FOUR YEAR TERM

Bert Collins
Maxine O'Kelly

WOMAN CATEGORY - FOUR YEAR TERM

Lois Britt
Helen Rhyne Marvin

The President declares G. Irvin Aldridge, Ray S. Farris, Jim Phillips, James Bradley Wilson, Bert Collins, Maxine O'Kelly, Lois Britt, and Helen Rhyne Marvin duly elected to the Board of Governors of the University of North Carolina, and he further orders a special message sent to the House of Representatives informing that Honorable Body of such action. The President also directs Senator Lee and Senator Winner, Co-Chairmen of 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.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 79, A BILL TO BE ENTITLED AN ACT TO REPEAL MORE ANTIQUATED LAWS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 95, A BILL TO BE ENTITLED AN ACT TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE DECEMBER 31, 1996.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 142, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE PORTS.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Carrington, the Senate adjourns at 2:03 P.M. to meet tomorrow, Thursday, February 27, at 11:00 A.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Let us pray together, please.

"Our Heavenly Father, if we too often are centered upon ourselves, the smallest risk is too great for us because success and failure take on too a great a proportion. But when we are centered on You first, and then others, no risk is too great because success is already guaranteed. The successful union of You with us, Creator and creature, beside which everything else pales in significance.

"Help us today to be great risk takers always in harmony with Your Will. Amen."

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, February 26, has been examined and is found to be correct. On 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 M. Treadway from Winston-Salem, North Carolina and Destin, Florida, 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:

S.B. 27, AN ACT TO MAKE PROCEDURAL CHANGES IN THE CONFORMING LEGISLATION CONCERNING GUBERNATORIAL VETO. (Became law upon approval of the Governor February 27, 1997—S.L. 1997-1)

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. 252, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES FOR THE BUSINESS/INDUSTRY SKILLS TRAINING CENTER AT THE SOUTHEASTERN COMMUNITY COLLEGE.

Referred to Appropriations Committee.
By Senators Winner, Gulley, Lee, and Odom:

S.B. 253, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF TELEPHONIC SELLERS IN NORTH CAROLINA, TO MAKE THE OFFERING OF TELEPHONE SALES RECOVERY SERVICES A CRIMINAL OFFENSE, AND TO RESTRICT THE TIME PERIOD WITHIN WHICH UNSOLICITED AUTOMATIC DIALING AND RECORDED MESSAGES MAY BE MADE BY PHONE.

Referred to Commerce Committee.

By Senators Odom, Ballance, Carpenter, Conder, Dalton, Dannelly, Forrester, Garwood, Hoyle, Jordan, Kerr, Kinnaird, Martin of Pitt, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Wellons, and Winner:

S.B. 254, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION.

Referred to Pensions & Retirement and Insurance Committee.

By Senators Odom, Carpenter, Ballance, Conder, Dalton, Dannelly, Forrester, Garwood, Hoyle, Jordan, Kerr, Kinnaird, Martin of Pitt, Martin of Guilford, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Wellons, and Winner:

S.B. 255, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CANCER CONTROL.

Referred to Appropriations Committee.

By Senators Odom, Albertson, Allran, Ballantine, Blust, Carrington, Clark, Cooper, Dannelly, Gulley, Horton, Hoyle, Jordan, Ledbetter, Lucas, Martin of Guilford, McDaniel, Miller, Perdue, Plyer, Reeves, Rucho, Shaw of Guilford, Soles, Warren, and Winner:

S.B. 256, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE GRASSROOTS SCIENCE MUSEUM COLLABORATIVE BY THE MUSEUM OF NATURAL SCIENCES TO IMPROVE STATE PROGRAMS IN SCIENCE AND ENVIRONMENTAL EDUCATION.

Referred to Appropriations Committee.

By Senators Odom, Dannelly, and Winner:

S.B. 257, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND THE CAPACITY OF THE GATLING JUVENILE DETENTION CENTER.

Referred to Appropriations Committee.

By Senators Odom, Ballance, Conder, Cooper, Dalton, Gulley, Jenkins, Jordan, Kinnaird, Lee, Martin of Pitt, Miller, Perdue, Phillips, Rand, Reeves, Shaw of Cumberland, Warren, Weinstein, Wellons, and Winner:

S.B. 258, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR DOMESTIC VIOLENCE PREVENTION AND PROGRAMS.

Referred to Appropriations Committee.

By Senator Odom:

S.B. 259, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL WASTEWATER SYSTEMS THAT MUST BE PERMITTED TO DISCHARGE
Waste to have an on-site generator, as recommended by the Environmental Review Commission.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Odom, Albertson, Cooper, Dannelly, Gulley, Hoyle, Kerr, Plyler, Rucho and Winner:
S.B. 260, a bill to be entitled an act to modify the penalty schedule for violations of the vehicle emission inspection program, to clarify the procedure for imposing the penalties, and to make other changes to the vehicle emission inspection laws, as recommended by the Environmental Review Commission.

Referred to Transportation Committee.

By Senator Odom:
S.B. 261, a bill to be entitled an act to create the well contractors certification commission, to require that well contractors be certified, and to make various amendments to the well construction act, as recommended by the Environmental Review Commission.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senator Odom:
S.B. 262, a bill to be entitled an act to authorize the town of Huntersville to enter into an agreement for payments in lieu of annexation.

Referred to Finance Committee.

By Senator Odom:
S.B. 263, a bill to be entitled an act to amend the workers' compensation act so that nonresident aliens receive compensation equal to that received by other workers under the act.

Referred to Judiciary Committee.

By Senators Horton, Albertson, Blust, Carpenter, Carrington, Clark, Cochrane, Dalton, Forrester, Garwood, Hoyle, Jenkins, Kerr, Ledbetter, Martin of Pitt, McDaniel, Odom, Rand, Rucho, Soles, Weinstein, and Wellons:
S.B. 264, a bill to be entitled an act to provide limited liability to employers who disclose information about an employee when the employer is providing a reference.

Referred to Judiciary Committee.

By Senator Lee:
S.B. 265, a bill to be entitled an act to amend the statutes on special responsibility constituent institutions in the University of North Carolina system to clarify the role of the Office of the State Auditor.

Referred to Education/Higher Education Committee.
By Senators Ledbetter, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Horton, Kincaid, McDaniel, Page, Rucho, Shaw of Guilford, and Webster:

S.B. 266, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Kincaid, Allran, Ballantine, Carrington, Clark, Cochrane, Conder, East, Forrester, Garwood, Hartsell, Horton, Kerr, Ledbetter, McDaniel, Page, Rand, Rucho, Shaw of Guilford, and Webster:

S.B. 267, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS.
Referred to Judiciary Committee.

By Senator Kerr:

S.B. 268, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ADDITION TO THE EQUIPMENT BUILDING AT THE WAYNE COUNTY FORESTRY HEADQUARTERS.
Referred to Appropriations Committee.

By Senator Warren:

S.B. 269, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE PURCHASE AND RENOVATION OF THE HISTORIC TURNAGE THEATERS BUILDING IN THE CITY OF WASHINGTON.
Referred to Appropriations Committee.

By Senator Warren:

S.B. 270, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE PROMOTION OF THE WASHINGTON SUMMER FESTIVAL.
Referred to Appropriations Committee.

By Senators Shaw of Cumberland, Jenkins, and Phillips:

S.B. 271, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CAPITAL ACCESS AUTHORITY, WHICH WILL CREATE 25,000 JOBS FOR NORTH CAROLINA BY PROVIDING LOAN GUARANTEES FOR SMALL AND MEDIUM-SIZED BUSINESSES.
Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.


S.B. 272, A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT.
Referred to Education/Higher Education 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. 35, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED GOVERNMENT ENTITIES AND NONPROFIT ENTITIES FOR CLAIMING SALES TAX REFUNDS.
Referred to Finance Committee.

H.B. 42, A BILL TO BE ENTITLED AN ACT TO EXTEND AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE CAROLINA TRACE COMMUNITY IN LEE COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 269, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC.
Referred to State Government, Local Government, and Personnel Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 34, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA, upon second reading.
The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:
 Voting in the negative: None.
The bill is ordered placed on the Calendar for Monday, March 3, for further consideration upon third reading.

S.B. 84, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS IN THE TOWN OF ATLANTIC BEACH.
The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 105, A BILL TO BE ENTITLED AN ACT TO ADD ALLEGHANY AND ROCKINGHAM COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH
THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 121, A BILL TO BE ENTITLED AN ACT TO INCLUDE BUNCOMBE, MADISON, MCDOWELL, AND YANCEY COUNTIES IN THE STATEWIDE SEASONS FOR TAKING BEAVER.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 186, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN ALLEGHANY COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 229, A BILL TO BE ENTITLED AN ACT TO ALLOW THE VOTERS OF THE CITY OF FAYETTEVILLE TO RECALL THE MAYOR AND CITY COUNCIL.

The bill passes its second and third readings. Senator Shaw of Cumberland requests to be recorded voting "no".

The bill is ordered sent to the House of Representatives.

S.B. 106, A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL SALES OF PERSONAL PROPERTY SEIZED FOR UNPAID TAXES TO BE HELD IN ANY COUNTY.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 110 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ENVIRONMENTAL CABINET WITHIN THE OFFICE OF THE GOVERNOR.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

S.B. 140, A BILL TO BE ENTITLED AN ACT TO ADD TWO MEMBERS TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS COMMISSION TO EXEMPT THE STATE PORTS AUTHORITY FROM STATE PURCHASE AND CONTRACT REQUIREMENTS.

The Committee Substitute bill passes its second reading (48-1).

On motion of Senator Rand, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.
S.B. 199, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINTIVE AND ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

The Chair declares the voting equipment inoperative.

S.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS COMMISSION TO EXEMPT THE STATE PORTS AUTHORITY FROM STATE PURCHASE AND CONTRACT REQUIREMENTS, temporarily displaced earlier, upon third reading.

With unanimous consent, on motion of Senator Rand, further consideration of the Committee Substitute bill is postponed until Monday, March 3.

PERSONAL PRIVILEGE

With unanimous consent, upon motion of Senator Foxx, the remarks of Senator Ballantine to a point of personal privilege are spread upon the Journal, as follows:

Senator Ballantine:

"Ladies and gentlemen of the Senate, if you have noticed we’ve got an Executive Order, Number 108, on our desks. It’s rather disturbing to me that in House Bill 53, the big appropriations bill that passed last year, specifically stated that any item or issue specifically brought up by the General Assembly, considered and rejected, cannot become effective by Executive Order. That’s been in place since Governor Martin. And this isn’t a Republican issue. I would hope that the Democrats would also be concerned if by chance one day there is another Republican Governor. I don’t think you would want the Governor to just disregard the debate that occurred in this Body. This issue has more lives than a cat. It’s died several times and now has risen from the dead. And I am quite concerned about this. I have talked with staff attorneys and they say that this Executive Order is flatly illegal. So, I would hope that it would concern every Member in this Body who cares about the democratic process because it concerns me, and I just wanted to make a note of that, Mr. President."

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and ordered filed in the office of the Principal Clerk with the papers of the Senate, as follows:

Executive Order Number 108, North Carolina Interim Lead Abatement Program.

On motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns at 11:35 A.M. to meet Monday, March 3, at 7:00 P.M.

February 27, 1997
1997] SENATE JOURNAL
NINETEENTH DAY
Senate Chamber
Monday, March 3, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Almighty God, the world exalts bigness, success, self-sufficiency. As long as we're not consumed by such a world view, some measure of each is valuable in the living of our lives.

"As we begin a new week, please don't let us forget what it's like to be small, needy, dependent; like being the new kid in the third grade class at school, or just getting back the lowest grade on an algebra test, or being infirmed, old, and alone.

"Having revisited our own smallness and neediness, we shall serve You better each day because Your Love for the least of these is well documented, and we are they. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, February 27, has been examined and is found to be correct. On 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 Podgorny from Winston-Salem, who is serving the Senate as Doctor 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 Forrester, Cochrane, Hoyle, Lucas, and Perdue:
S.B. 273, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE COVERAGE OF POSTMASTECTOMY INPATIENT CARE UNDER HEALTH INSURANCE PLANS.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Gulley:
S.B. 274, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ASSIST APPROVED CHARTER SCHOOLS TO MEET THEIR START-UP COSTS.
Referred to Appropriations Committee.

By Senator Jenkins:
S.B. 275, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR THE MOUNTAIN STATE FAIR.
Referred to Appropriations Committee.

March 3, 1997
By Senators Conder, Carpenter, Dannelly, East, Forrester, Garwood, Hartsell, Hoyle, Kerr, Ledbetter, Martin of Pitt, Odom, Rucho, Shaw of Guilford, Warren, and Weinstein:

**S.B. 276**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS FOR CAPITAL IMPROVEMENTS AT THE INSTITUTE OF GOVERNMENT.
Referred to Appropriations Committee.

By Senators Gulley and Lucas:

**S.B. 277**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A NEW EXHIBIT AT THE NORTH CAROLINA MUSEUM OF LIFE AND SCIENCE.
Referred to Appropriations Committee.

By Senators Rand, Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Cooper, Dalton, Dannelly, Foxx, Gulley, Hartsell, Horton, Hoyle, Jordan, Kinnaird, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, Perdue, Rucho, Shaw of Cumberland, Warren, Weinstein, and Winner:

**S.B. 278**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CENTER FOR COMMUNITY SELF-HELP TO FURTHER A STATEWIDE PROGRAM OF LENDING FOR HOME OWNERSHIP.
Referred to Appropriations Committee.

By Senator Miller:

**S.B. 279**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE CURRENT STATUTES REGARDING FRAUDULENT CONVEYANCES AND TO ADOPT THE UNIFORM FRAUDULENT TRANSFER ACT IN ORDER TO MODERNIZE NORTH CAROLINA LAW AND HARMONIZE OUR LAW ON THIS SUBJECT WITH THOSE STATES THAT HAVE ADOPTED THIS UNIFORM ACT.
Referred to Judiciary Committee.

By Senators Odom, Dannelly, and Winner:

**S.B. 280**, A BILL TO BE ENTITLED AN ACT TO ALLOW A STATE EARNED INCOME TAX CREDIT.
Referred to Finance Committee.

By Senators Odom, Dannelly, Foxx, and Winner:

**S.B. 281**, A BILL TO BE ENTITLED AN ACT TO ALLOW LEFT TURNS ON RED IN CERTAIN SITUATIONS.
Referred to Judiciary Committee.

By Senators Odom and Dannelly:

**S.B. 282**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Warren, Albertson, Carrington, Conder, Cooper, Dannelly, Gulley, Hartsell, Hoyle, Martin of Guilford, Miller, Odom, Perdue, and Reeves:

**S.B. 283**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE ACTIVITIES OF THE HEART DISEASE AND STROKE PREVENTION TASK FORCE.
Referred to Rules and Operations of the Senate Committee.
By Senators Warren, Albertson, Carrington, Conder, Cooper, Dannelly, Garwood, Gulley, Hartsell, Hoyle, Lucas, Martin of Guilford, Miller, Odom, Rand, and Reeves:

S.B. 284, A BILL TO BE ENTITLED AN ACT TO PROVIDE FUNDS FOR THE ESTABLISHMENT OF A CARDIOVASCULAR DISEASE HEALTH OUTCOME DATA UNIT, AS RECOMMENDED BY THE HEART DISEASE AND STROKE PREVENTION TASK FORCE.

Referred to Appropriations Committee.

By Senator Winner:

S.B. 285, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO CONCEAL MERCHANDISE BY USING A LEAD-LINED OR ALUMINUM-LINED BAG OR OTHER DEVICE THAT WILL PREVENT THE ACTIVATION OF AN ANTISHOPLIFTING CONTROL DEVICE.

Referred to Judiciary Committee.

By Senators Perdue, Odom, and Plyler:

S.B. 286, A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM.

Referred to Appropriations Committee.

By Senator Perdue:

S.B. 287, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REGULAR MONITORING OF THE WATER QUALITY OF COASTAL WATERS TO PROTECT SWIMMERS AND OTHERS USING THOSE WATERS FOR RECREATIONAL ACTIVITIES.

Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Cooper and Hartsell:

S.B. 288, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO CONTINUE THE COMMISSION.

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. 19, A BILL TO BE ENTITLED AN ACT TO INCREASE GIVING TO CHARITABLE NONPROFIT ORGANIZATIONS BY EXPANDING THE STATE CORPORATE INCOME TAX DEDUCTION FOR CHARITABLE CONTRIBUTIONS.

Referred to Finance Committee.
H.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RAFFLE CASH PRIZES AND THE FAIR MARKET VALUE OF RAFFLE MERCHANDISE PRIZES.
Referred to Commerce Committee.

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OFFENSES OF TRESPASS ON PINE STRAW PRODUCTION LAND AND LARCENY OF PINE STRAW.
Referred to Judiciary Committee.

H.B. 116 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 210, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

H.B. 240, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MATCHING FUNDS REQUIREMENT FOR THE FUNDS APPROPRIATED IN 1996 TO CONDUCT AN ODOR CONTROL TECHNOLOGY STUDY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

H.B. 280, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES.
Referred to State Government, Local Government, and Personnel Committee.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 34, A BILL TO BE ENTITLED AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA, upon third reading.
The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:
Voting in the negative: None.
The bill is ordered enrolled.

March 3, 1997
S.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS COMMISSION TO EXEMPT THE STATE PORTS AUTHORITY FROM STATE PURCHASE AND CONTRACT REQUIREMENTS, upon third reading.

With unanimous consent, on motion of Senator Rand, further consideration of the Committee Substitute bill is postponed until Thursday, March 6.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 2, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1577, which changes the title to read S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE; TO ABOLISH THE RUNOFF PRIMARY; AND TO CHANGE THE DATE OF THE PRESIDENTIAL PRIMARY, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Wednesday, March 5, for further consideration.

COMMITTEE REFERRAL RECALL

S.B. 97, A BILL TO BE ENTITLED AN ACT TO ENHANCE COMPLIANCE AND ENFORCEMENT OF EXISTING TAX LAWS BY APPROPRIATING FUNDS TO EXPAND THE NUMBER OF AUDITORS AND SUPPORT PERSONNEL IN THE INTERSTATE AUDIT DIVISION OF THE DEPARTMENT OF REVENUE, AND TO PROVIDE THAT PERSONNEL WHO ADMINISTER THE INSURANCE GROSS PREMIUMS TAX SHALL CONTINUE TO BE FUNDED FROM THE INSURANCE REGULATORY CHARGE, referred to the Appropriations Committee on February 12.

Pursuant to Rule 47(a), Senator Plyler offers a motion the bill be taken from the Appropriations Committee and referred to the Finance Committee, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and refers the measure to the Finance 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:

On motion of Senator Rand, the rules are suspended without objection, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

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

Matthew Paul Aubry, Weaverville; Ruth Ann Badgett, Toast; Stephanie Louise Blackmon, Kitty Hawk; Susan Caroline Bullock, Manteo; Wheeler Carol Burns, Kinston; Melanie Jane Carriker, Mount Airy; Alice Chang, Raleigh; Alison Chu, Raleigh; Kimberlee Brooke Clemmer, Bessemer City; Kara Grinnell, Raleigh; Eric Thomas Hawkins, Yanceyville; Alexis-Leigh Hunter, Raleigh; Meredith P. Joyner, Kitty hawk; Calliope Mankedick, Kill Devil Hills; William Douglas Monday, Raleigh; Lithia Rae Randall, Bessemer City; Larry Stanford, Raleigh; and Matthew Tepper, Cary.

On motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 7:29 P.M. in memory of former Representative Russell Swindell to meet tomorrow, Tuesday, March 4, at 2:00 P.M.

TWENTIETH DAY
Senate Chamber
Tuesday, March 4, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Dear God, we pray today for peace of mind and heart, peace with our neighbors, a peace that passes all understanding.

"It is easy to live at peace with those who are like-minded. But to live at peace with those who oppose us is a great grace and a commendable achievement.

"Teach us humility in the face of adversity. Impart to us the secret of endurance so that we may enjoy the greatest peace. Then we will be conquerors of self, friends of You, O Lord, and heirs to Heaven. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Basnight, Senator Conder, and Senator Plyler.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Monday, March 3, has been examined and is found to be correct. On 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. Celia Entwistle from Concord, who is serving the Senate as Doctor of the Day.

March 4, 1997
ENROLLED BILL AND RESOLUTION

The Enrolling Clerk reports the following local bill and resolution properly enrolled and they are duly ratified and sent to the Office of the Secretary of State:

**H.B. 34**, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA.


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. 34**, AN ACT CONCERNING VOLUNTARY SATELLITE ANNEXATIONS BY THE TOWN OF CATAWBA. (Became law upon ratification March 4, 1997—S.L. 1997-2)

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 Soles for the Commerce Committee:


**S.B. 153**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

With unanimous consent, on motion of Senator Soles, the bill is re-referred to the Finance Committee.

**S.B. 158**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE TIME CORPORATIONS AND LIMITED LIABILITY COMPANIES MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION, TO INCREASE THE FEE CORPORATIONS MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, TO ESTABLISH A FEE LIMITED LIABILITY COMPANIES MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, AND TO PROVIDE THAT ANNUAL REPORTS OF BUSINESS

March 4, 1997
CORPORATIONS AND LIMITED LIABILITY COMPANIES SHALL BE FILED WITH THE DEPARTMENT OF REVENUE RATHER THAN THE SECRETARY OF STATE, AS RECOMMENDED BY THE GENERAL STATUTES STUDY COMMISSION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee, with a recommendation that the bill be re-referred to the Finance Committee upon a favorable report from the Appropriations Committee.

S.B. 163, A BILL TO BE ENTITLED AN ACT TO ENACT THE UNIFORM TRANSFER ON DEATH (TOD) SECURITY REGISTRATION ACT AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

With unanimous consent, on motion of Senator Soles, the bill is re-referred to the Finance Committee.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 4, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TOWN OF YADKINVILLE FROM CERTAIN STATUTORY REQUIREMENTS IN THE EXPANSION AND IMPROVEMENT OF THE TOWN'S SEWAGE TREATMENT PLANT, with a favorable report.

S.B. 138, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

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 Hoyle:

S.B. 289, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE AMOUNT OF BONDS THAT MAY BE ISSUED BY THE NORTH CAROLINA HOUSING FINANCE AGENCY.

Referred to Finance Committee.

By Senator Dalton:

S.B. 290, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF RUTHERFORDTON CONCERNING THE DISTRIBUTIONS OF PROFITS FROM THE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Wellons, Miller, Page, and Reeves:

S.B. 291, A BILL TO BE ENTITLED AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION.

Referred to State Government, Local Government, and Personnel Committee.

March 4, 1997
By Senator Conder:
S.B. 292, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO
MAINTAIN THE CURRENT LEVEL OF SERVICES TO PERSONS WITH AUTISM.
Referred to Appropriations Committee.

By Senators Reeves, Ballance, and Miller:
S.R. 293, A SENATE RESOLUTION HONORING THE MEN'S BASKETBALL
TEAM AT ST. AUGUSTINE'S COLLEGE ON WINNING THE CIAA CHAMPIONSHIP.
Referred to Rules and Operations of the Senate Committee.

By Senators Hoyle and Martin of Pitt:
S.B. 294, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO
REFURBISH A HELICOPTER FOR FIRE CONTROL IN LINCOLN AND GASTON
COUNTIES AND FOR OPERATING THE HELICOPTER AND CREW.
Referred to Appropriations Committee.

By Senators McDaniel, Allran, Carpenter, Carrington, Cochrane, Conder, Dalton,
East, Forrester, Foxx, Garwood, Gulley, Hoyle, Kincaid, Lucas, Page, Phillips, Rand,
Rucho, Shaw of Cumberland, and Weinstein:
S.B. 295, A BILL TO BE ENTITLED AN ACT TO PROHIBIT GREYHOUND
RACING IN NORTH CAROLINA.
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. 36, A BILL TO BE ENTITLED AN ACT TO RELIEVE CONSUMERS OF
THE REQUIREMENT OF FILING MONTHLY USE TAX RETURNS.
Referred to Finance Committee.

H.B. 149, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL
GOVERNMENTS TO ACCOUNT FOR 911 SURCHARGES IN THEIR ANNUAL
FINANCIAL STATEMENTS.
Referred to Finance Committee.

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
INCORPORATE THE CITY OF TRINITY.
Referred to Rules and Operations of the Senate Committee.

APPOINTMENT OF ESCORT COMMITTEE

Pursuant to H.J.R. 320, A JOINT RESOLUTION INVITING THE HONORABLE
BURLEY B. MITCHELL, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO
ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE

March 4, 1997
SENATE, the Chair recognizes Senator Ballance, Deputy President Pro Tempore, who announces that Senator Martin of Guilford, Chairman; Senator Allran; Senator Ballantine; Senator Cooper; Senator Lucas; and Senator Rand have been appointed by the President Pro Tempore 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 tomorrow, Wednesday, March 5, at 2:00 P.M.

Upon motion of Senator Ballance, the Chair orders a special message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
March 4, 1997

Mr. President:

Pursuant to HJR 320, A JOINT RESOLUTION INVITING THE HONORABLE BURLEY B. MITCHELL, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, the Speaker appoints the following members of the House of Representatives to serve with a like Committee of the Senate to escort Chief Justice Burley B. Mitchell, Jr. to the Joint Session:

Representative Neely,
Representative Hardy,
Representative Daughtry,
Representative Fitch,
Representative Blue, and
Representative Hensley,

Respectfully,
S/Denise Weeks
Principal Clerk

On motion of Senator Ballance, seconded by Senator Carrington, the Senate adjourns at 2:28 P.M. to meet tomorrow, Wednesday, March 5, at 1:00 P.M.

TWENTY-FIRST DAY

Senate Chamber
Wednesday, March 5, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

“When a Roman educator who gave up his status and wealth for the solitude of the desert, prayed, ‘Lord, lead me into the way of salvation,’ he heard a voice saying, ‘Be silent.’

“O God, we are so accustomed to relying on our words to manage and control. Silence is a worthy discipline because it frees us from our need to control others.

“Help us today to know when to be silent and when we speak wash our words over our own souls first. For Your Sake, Amen.”

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Tuesday, March 4, has been examined and is found to be correct. On 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. Joe Woody from Charlotte, 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 Miller for the State Government, Local Government, and Personnel Committee:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES, with a favorable report.

By Senator Shaw of Cumberland for the Transportation Committee:

S.B. 260, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 167, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION, with a favorable report.

S.B. 122, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE LAKE ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES, with a favorable report.
S.B. 104, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION, with a favorable report.

S.B. 60, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RULES FOR MAKING LEFT TURNS ON VARIOUS ROADWAYS, 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 Albertson, Ballance, Carpenter, Carrington, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Odom, Perdue, Phillips, Plyler, Rand, Reeves, Shaw of Cumberland, Warren, Weinstein, and Winner:
S.B. 296, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PLEDGE FOR PERSONS TO TAKE AT THE BEGINNING OF THEIR CANDIDACIES FOR PUBLIC OFFICE, TO PROVIDE FOR PUBLICITY ABOUT WHO SIGNED THE PLEDGE, AND TO PROVIDE A COMPLAINT MECHANISM FOR VIOLATION OF THE CORRUPT PRACTICES ACT.
Referred to Judiciary Committee.

By Senator Gulley:
S.B. 297, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.
Referred to Education/Higher Education Committee.

By Senators Lee, Ballance, Gulley, Kinnaird, Martin of Guilford, Miller, Rand, and Winner:
S.B. 298, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ENGLISH AS A SECOND LANGUAGE PROGRAM.
Referred to Appropriations Committee.

By Senators Martin of Pitt, Albertson, Hoyle, Kerr, and Perdue:
S.B. 299, A BILL TO BE ENTITLED AN ACT TO PROVIDE LONG-TERM CARE BENEFITS FOR QUALIFIED EMPLOYEES, RETIRED EMPLOYEES, AND THEIR DEPENDENTS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.
Referred to Pensions & Retirement and Insurance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Martin of Guilford and Blust:
S.B. 300, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE CITY OF HIGH POINT TO DELEGATE ZONING POWERS TO THE HIGH POINT PLANNING AND ZONING COMMISSION.
Referred to State Government, Local Government, and Personnel Committee.

March 5, 1997
By Senators Martin of Guilford, Blust, Perdue, and Shaw of Guilford:

**S.B. 301, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL RETIRED HIGH POINT FIREMEN TO RECEIVE PENSION BENEFITS.**
Referred to Pensions & Retirement and Insurance Committee.

By Senators Rand and Perdue:

**S.B. 302, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE COORDINATION OF LEGISLATIVE REQUESTS FOR SPECIAL AUDIT ASSISTANCE.**
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Rand, Carrington, Cooper, Dalton, Dannelly, Forrester, Gulley, Hartsell, Horton, Kerr, Kinnaird, Lee, Martin of Guilford, McDaniel, Miller, Odom, Perdue, Phillips, Soles, Warren, Wellons, and Winner:

**S.B. 303, A BILL TO BE ENTITLED AN ACT SETTING THE SALARIES OF INDUSTRIAL COMMISSIONERS AT THE SAME RATE AS THE SALARIES ESTABLISHED BY THE GENERAL ASSEMBLY FOR DISTRICT ATTORNEYS.**
Referred to Appropriations Committee.

By Senator Odom:

**S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES WITH FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE DAY CARE FRAUD AND OVERPAYMENTS BY PAYING COUNTIES TWENTY-FIVE PERCENT OF ACTUAL COLLECTIONS.**
Referred to Children and Human Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Odom:

**S.B. 305, A BILL TO BE ENTITLED AN ACT TO REINSTATE THE OPTION THAT A LICENSED SOLICITOR OF CHARITABLE SOLICITATIONS MAY SUBMIT A CERTIFICATE OF DEPOSIT IN LIEU OF A SECURITY BOND.**
Referred to Children and Human Resources Committee.

By Senator Lee:

**S.B. 306, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENSES OF THE NORTH CAROLINA HIGH SCHOOL ATHLETIC ASSOCIATION.**
Referred to Appropriations Committee.

By Senator Martin of Guilford:

**S.B. 307, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE INDEPENDENT STUDY COMMISSION ON THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES.**
Referred to Children and Human Resources Committee.

March 5, 1997
By Senators Martin of Guilford, Allran, Cooper, and Martin of Pitt:
S.B. 308, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO IMPROVE THE DEFINITION OF "DEPENDENT JUVENILE".
Referred to Children and Human Resources Committee.

By Senators Martin of Guilford, Allran, Cooper, and Martin of Pitt:
S.B. 309, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO BROADEN THE ACCESS TO CONFIDENTIAL RECORDS FOR THE PURPOSES OF CHILD FATALITY REVIEW AND PREVENTION.
Referred to Judiciary Committee.

By Senators Martin of Guilford, Allran, Cooper, and Martin of Pitt:
S.B. 310, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE MATERNAL OUTREACH PROGRAM, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.
Referred to Appropriations Committee.

By Senator Martin of Guilford:
S.B. 311, A BILL TO BE ENTITLED AN ACT TO IMPOSE A CIVIL PENALTY AND TO MAKE IT A CLASS 3 MISDEMEANOR IF A LANDLORD FAILS TO PROVIDE, INSTALL, REPLACE, OR REPAIR A SMOKE DETECTOR IN A RESIDENTIAL RENTAL DWELLING.
Referred to Judiciary Committee.

By Senators Jordan, Ballance, Lucas, and Shaw of Guilford:
S.B. 312, A BILL TO BE ENTITLED AN ACT TO REGULATE CHECK-CASHING BUSINESSES.
Referred to Commerce Committee and upon a favorable report, re-referred to the Finance Committee.

By Senators Dannelly, Albertson, Ballance, Hoyle, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Odom, Rand, Warren, and Weinstein:
S.B. 313, A BILL TO BE ENTITLED AN ACT TO PERMIT THE GARNISHMENT OF WAGES TO RECOUP FRAUDULENT OR ERRONEOUS PUBLIC ASSISTANCE PROGRAM PAYMENTS, TO PROVIDE INVESTIGATORY SUBPOENA POWER TO LOCAL DEPARTMENTS OF SOCIAL SERVICES AND THE DEPARTMENT OF HUMAN RESOURCES, AND TO CREATE AN OFFENSE FOR ILLEGAL POSSESSION OR USE OF FOOD STAMPS.
Referred to Judiciary Committee.

By Senators Webster, Carpenter, Carrington, Clark, Cochran, East, Forrester, Foxx, Garwood, Hartsell, Ledbetter, Page, and Rucho:
S.B. 314, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND THE INSTITUTIONS OF THE COMMUNITY COLLEGE SYSTEM TO OBTAIN REFUNDS OF SALES AND USE TAXES.
Referred to Finance Committee.
By Senators Webster, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Kincaid, Ledbetter, Page, and Rucho:

**S.B. 315**, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN REFUNDS OF SALES AND USE TAXES.

Referred to Finance Committee.

By Senators Kerr, Gulley, Hartsell, Hoyle, and Lucas:

**S.B. 316**, 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 Winner, Cooper, Hartsell, Hoyle, Kerr, and Odom:

**S.B. 317**, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT PURCHASE AND LEASE DEBTS, TO REQUIRE LOCAL GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBTS, AND TO CAP THE AMOUNT OF INSTALLMENT PURCHASE AND LEASE DEBT COUNTRIES AND CITIES MAY INCUR.

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. 8**, A BILL TO BE ENTITLED AN ACT TO REPEAL RESTRICTIONS ON HUNTING ON THE LAND OF ANOTHER IN MACON COUNTY.

Referred to State Government, Local Government, and Personnel Committee.

**H.B. 20**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE INCOME TAX CREDIT FOR CHARITABLE CONTRIBUTIONS BY NONITEMIZERS.

Referred to Finance Committee.

**H.B. 59**, 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.

Referred to Finance Committee.

**H.B. 202** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT BY WHICH AN UPSET BID ON REAL PROPERTY IN JUDICIAL SALES AND EXECUTION SALES MUST EXCEED THE REPORTED SALE PRICE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

Referred to Judiciary Committee.

March 5, 1997
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 Cooper for the Judiciary Committee:

S.B. 149, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
Pursuant to Rule 45.1, the proposed Committee Substitute bill 1588 is adopted and engrossed.
With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Finance Committee.

By Senator Lee for the Education/Higher Education Committee:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATED TO THE PUBLIC SCHOOL CALENDAR TO PROVIDE LOCAL BOARDS OF EDUCATION AND SCHOOLS GREATER FLEXIBILITY AND LOCAL CONTROL, 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, as amended, is re-referred to the Pensions & Retirement and Insurance Committee.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 4, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE TOWN OF YADKINVILLE FROM CERTAIN STATUTORY REQUIREMENTS IN THE EXPANSION AND IMPROVEMENT OF THE TOWN'S SEWAGE TREATMENT PLANT.
The bill passes its second and third readings and is ordered enrolled.

S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE; TO ABOLISH THE RUNOFF PRIMARY; AND TO CHANGE THE DATE OF THE PRESIDENTIAL PRIMARY.
The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.
Senator McDaniel offers Amendment No. 1 which fails of adoption (21-29).
Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.
The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

March 5, 1997
The following special message is received from the House of Representatives:

House of Representatives
March 5, 1997

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to H.J.R. 320, A JOINT RESOLUTION INVITING THE HONORABLE BURLEY B. MITCHELL, JR., CHIEF JUSTICE OF THE SUPREME COURT, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, the House stands ready to receive your Honorable Body in Joint Session.

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 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.

The President recognizes Senator Basnight, President Pro Tempore, who offers a motion, in accordance with Resolution 2, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session, and further, upon dissolution of the Joint Session to return to the Senate Chamber for further consideration of business, which motions prevail.

Pursuant to the motions of Senator Basnight, the President declares the Senate in recess at 1:57 P.M. 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 for the purpose of receiving the address of the Chief Justice of the Supreme Court of North Carolina.

JOINT SESSION

The Senate is received with the Members of the House of Representatives standing and the Joint Session is called to order by the Honorable Harold J. Brubaker, Speaker of the House of Representatives.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Chief Judge and Associate Judges of the North Carolina Court of Appeals who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Members of the Court of Appeals to the Well of the House to be seated. The Senate and House of Representatives stand and receive the Members of the Court of Appeals.
The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Associate Justices of the Supreme Court of North Carolina, who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Associate Justices to the Well of the House to be seated. The Senate and House of Representatives stand and receive the Associate Justices of the Supreme Court.

The Speaker extends courtesies of the Gallery to Mrs. Burley B. Mitchell, Jr., wife of the Chief Justice of the Supreme Court of North Carolina, and all guests.

The Speaker relinquishes the gavel to the Honorable Dennis A. Wicker, Lieutenant Governor and President of the Senate, who presides.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Honorable Burley B. Mitchell, 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 Burley B. Mitchell, Jr., Chief Justice of the Supreme Court of North Carolina, to the President of the Senate. The President presents the Honorable Burley B. Mitchell, Jr. to the General Assembly whereupon he delivers his address. (See Appendix)

The General Assembly responds 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.

On motion of Senator Basnight, President Pro Tempore, the Joint Session is dissolved and pursuant to motion heretofore made, the Senate returns to its Chamber to resume the consideration of further business.

The Senate meets pursuant to recess and is called to order at 2:36 P.M. by the Honorable Dennis A. Wicker Lieutenant Governor, and resumes the consideration of business.

CALENDAR (continued)

S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE; TO ABOLISH THE RUNOFF PRIMARY; AND TO CHANGE THE DATE OF THE PRESIDENTIAL PRIMARY, temporarily displaced earlier.

Following debate, Senator Gulley calls the previous question, seconded by Senator Rand. The call is sustained (27-19).

The Committee Substitute bill passes its second reading (28-18).

Senator Shaw of Guilford objects to the third reading of the measure.

With unanimous consent upon a motion of Senator Gulley, the Chair orders the measure placed on the Calendar for Tuesday, March 11, for further consideration upon third reading.

REPORT OF COMMITTEE

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:

March 5, 1997
By Senator Hoyle for the Finance Committee:

S.B. 97, A BILL TO BE ENTITLED AN ACT TO ENHANCE COMPLIANCE AND ENFORCEMENT OF EXISTING TAX LAWS BY APPROPRIATING FUNDS TO EXPAND THE NUMBER OF AUDITORS AND SUPPORT PERSONNEL IN THE INTERSTATE AUDIT DIVISION OF THE DEPARTMENT OF REVENUE, AND TO PROVIDE THAT PERSONNEL WHO ADMINISTER THE INSURANCE GROSS PREMIUMS TAX SHALL CONTINUE TO BE FUNDED FROM THE INSURANCE REGULATORY CHARGE, with a favorable report

With unanimous consent, on motion of Senator Hoyle, the bill is re-referred to the Appropriations Committee.

CALENDAR (continued)

S.J.R. 107, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF WILLIAM R. PITTMAN MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

The joint resolution passes its second (45-1) and third readings and is ordered sent to the House of Representatives.

The Chair extends courtesies of the gallery and congratulations to William R. Pittman

S.B. 138, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

REPORT TO GENERAL ASSEMBLY

An agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 324, Section 21.1 of the 1995 Session Laws, the Administrative Office of the Courts submits a report on the savings generated by the pilot program on cost savings accrued from allowing jurors to waive payment of the per diem jury fees.

On motion of Senator Basnight, seconded by Senator Gulley, the Senate adjourns at 3:02 P.M. to meet tomorrow, Thursday, March 6, at 11:00 A.M.
TWENTY-SECOND DAY

Senate Chamber
Thursday, March 6, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, each day life presents a series of choices, between the bad and the good, the better, the best. Everything depends on which way we choose. Sometimes our self-will allows the alternatives to get in each other’s way.

“When choosing is difficult, help us to make the greatest choice, that is to let You choose for us.

“Scripture says choose this day, whom you will serve. Let us reply, ‘Speak Lord, your servants are listening.’ Amen.”

With unanimous consent, the President grants leaves of absence for today to Senator Gulley to attend the SERVE Board meeting out of town and to Senator Perdue for personal business.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, March 5, has been examined and is found to be correct. On 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. Lee Jobe from Raleigh, who is serving the Senate as Doctor of the Day.

COMMITTEE REFERRAL RECALL


Pursuant to Rule 47(a), Senator Rand offers a motion that the resolution be taken from the Rules and Operations of the Senate Committee and placed before the Senate for immediate consideration for adoption, which motion prevails with unanimous consent.

The Chair orders the resolution recalled from the Rules and Operations of the Senate Committee and places it before the Body for adoption.

With unanimous consent on motion of Senator Reeves, the resolution is read in its entirety. (See Appendix)

With unanimous consent on motion of Senator Ballance, the remarks of Senator Kerr and Senator Rand to the resolution are spread upon the Journal, as follows:

Senator Kerr:

“Thank you. Very quickly, Mr. President and ladies and gentlemen of the Senate, for thirty-two years Norvell Lee coached in my home town, Goldsboro, Goldsboro, Wayne County. He was an inspirational leader. I don’t know whether any of you all, anybody who’s ever been down at half-time or at any point in your life should go into the locker

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room and hear one of Coach Lee’s inspirational talks, I guess motivation. But, I’ve known Coach Lee for thirty-some years we have a lot of members of the staff are from Goldsboro. Four of his players are Goldsboro people. Norvell grew up in Johnston County, a great friend of Frank Holding and his family, and he came to Wayne County, and he did a great job for us and our community bringing it together during some troubled, troubled times. And at all times he cared for his students, his student athletes, and I’d just like to urge everybody’s support for this resolution. We love Coach Lee, and we’re glad. Very few people can go back to your alma mater and win, and that’s what he did. And I know that he’ll be pulling for one of his other favorite coaches this weekend. Thank you."

Senator Rand:

“Thank you Mr. President, ladies and gentlemen of the Senate. Senator Shaw and I are going to vote for this, but we do so with a heavy heart because St. Augustine beat Fayetteville State in the finals, but we’re gonna go with it. Thank you Mr. President.”

On motion of Senator Reeves, the Senate resolution is adopted (48-0).

COURTESIES

The President recognizes Senator Basnight, President Pro Tempore, who appoints Senator Carrington of Wake, Senator Ballance of Warren, Senator Miller of Wake, Senator Rand of Cumberland, and Senator Reeves of Wake as the Committee to escort Coach Norvell Lee, his Assistants, and the members of the St. Augustine’s College basketball team to the Well of the Senate.

The Sergeant-at-Arms announces Coach Norvell Lee, his Assistants, and the members of the St. Augustine’s College basketball team are at the door and await the pleasure of the Senate.

With unanimous consent, on motion of Senator Reeves, privileges of the floor are extended, and the President directs the Sergeant-at-Arms and the Committee to escort Coach Norvell Lee, his Assistants, and the members of the St. Augustine’s College basketball team to the Well of the Senate. The guests are received with a standing ovation.

Senator Ballance, Deputy President Pro Tempore, presents Coach Norvell Lee and St. Augustine’s Champions to the President of the Senate who recognizes the Coach to address the Senate.

With unanimous consent on motion of Senator Ballance, the remarks of Coach Norvell Lee, the St. Augustine team members, and the President of the Senate, Lieutenant Governor Wicker, are spread upon the Journal, as follows:

Coach Norvell Lee:

“Thank you Senator Ballance. Mr. President, Members of the great Senate of this great State of North Carolina, I didn’t come prepared to make a speech, but you know being an old Baptist, you always stay prepared. (Laughter) This is truly a great day for me. It is truly a great day for my family. It’s a great day for St. Augustine’s College. It’s a great day for St. Augustine’s College Men’s Basketball Team, and it’s a great day for the City of Raleigh, North Carolina. (Applause) When the Senator from Wayne County, Senator Kerr, was giving his remarks a minute ago, it kind of brought little tears to my eyes because we’ve come a long ways. And as I reflect back to education when I first started to learn, I’ve seen a lot of changes, a lot of them, man, a lot of them. When I started they had separate buses and separate schools, but we lived through it all, and we

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can tell the story. And I’m just so happy to be a part of history. I am so happy for St. Augustine’s College, a school that has limited resources, no great arenas, no big expense budget. But, by the Grace of God, we’ve managed to keep turning the wheel over and over, and we surrounded ourselves three years ago with some fine, fine young men who dared not to be second to anybody. And we got up at five o’clock in the mornings and we practiced basketball and we worked hard because we believed in the dream. And in order to believe in the dream it makes the journey easy to accomplish the mission. And ladies and gentlemen, we’ve done that. It is my great pleasure to be honored here today on behalf of me and my basketball team, and the young men, especially two young men that have been so instrumental in my being a success, my chief assistant, Coach Chris Kennedy, who came with me from Goldsboro, North Carolina as a student, as a scholar, as a trainer, as a coach, and as a fine young man, Chris. (Applause) And another young man, Carlos Fox. I taught Carlos. And you know, coming out of the project, sometimes you just don’t see things right. And he’s a good boy but he just didn’t behave himself. So I told him, ‘Son, you can play basketball now. The only way you’re gonna help yourself, you got to get an education.’ So when he was in the seventh grade I went and got him, and he used to hang around the gym all the time. And he played on the ninth grade team, and I monitored him, and I take him with me home so he wouldn’t get in trouble and stuff. Ole Carlos graduated and played for me as my captain, and I sent him to college, North Carolina Central. I said, ‘Son, if you graduate I’m gonna give you a job.’ This summer he got his degree. A young man that could have been serving time in the prison some place. But you’ve got to go down and get ‘em, and you’ve got to wash ‘em up and let ‘em know that there is a God somewhere. And you can make it if you try, but you’ve gotta work hard. (Applause) And I hired him. Carlos, come here. (Applause) So I’m gonna close by saying this. We did it not because of, but in spite of. We did it at St. Aug and I’m just so happy to be here today, and thank y’all very, very much. It’s been our pleasure and I’m certain these young men will remember this and the great State of North Carolina and what you have done for us today. May the Lord bless you and keep you making wise decisions that influence the life of the people of this great State, the State of North Carolina, forever. Thank you very, very much. (Applause) Okay, I’m gonna let them do it. I want every boy, a young man that plays for me to come give your name, and where you’re from, okay, and your classification.”

St. Augustine’s College Basketball Team:
“My name is Keith Hines. I’m from Goldsboro, North Carolina, and I’m a Senior.” “My name is Mike Harrington, and I’m from Chesapeake, Virginia, and I’m a Sophomore.” “My name is Chris Elliot. I’m from Norfolk, Virginia, and I’m a Sophomore.” “My name is Rashad Gardners. I’m from Cleveland, Ohio, and I’m a Junior.” “My name is Roderick Beddingsfield. I’m from Gaithersburg, North Carolina, and I’m a Junior.” “My name is James Dickenson, and I’m from Gary, Indiana, and I’m a Junior.” “My name is James Gaines. I’m from Tacoma, Washington, and I’m a Junior.” “My name is Lafonte Moses. I’m from Goldsboro, North Carolina, and I’m a Sophomore.” “My name is Joseph Best. I’m from Goldsboro, North Carolina, and I’m a Senior.” “My name is Bernard Heard. I’m a Junior, and I’m from Fort Lauderdale, Florida.” “My name is Eric Harris. I’m from Pompano Beach, Florida, and I’m a Senior.” “My name is Julian Pick. I’m a Junior, and I’m from Goldsboro, North Carolina.” “My name is Lamar Jones. I’m a Sophomore from Jacksonville, North Carolina.” “My name is Marvin Lee. I’m from Smithfield, North Carolina, and I’m a Junior.”
Lieutenant Governor Wicker:
"Coach Lee, on behalf of the Senate, we want to offer our hardiest congratulations to you and your team and College. It's obvious, I think, from the response that you received here today that you have brought the very best out of these young men, and the very best out of the State of North Carolina. We are extraordinarily proud of you and your team. And I don't think anybody will ever doubt that you have discipline on this team, particularly, as I observed, they walked in according to height, (laughter) in that order. We are very, very proud of you, and we wish you the best of success with these young people in the years ahead.” (Applause)

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

ENROLLED BILL

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

H.B. 4, AN ACT TO EXEMPT THE TOWN OF YADKINVILLE FROM CERTAIN STATUTORY REQUIREMENTS IN THE EXPANSION AND IMPROVEMENT OF THE TOWN'S SEWAGE TREATMENT PLANT.

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. 4, AN ACT TO EXEMPT THE TOWN OF YADKINVILLE FROM CERTAIN STATUTORY REQUIREMENTS IN THE EXPANSION AND IMPROVEMENT OF THE TOWN'S SEWAGE TREATMENT PLANT. (Became law upon ratification March 6, 1997—S.L. 1997-3)

INTRODUCTION OF BILLS AND 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 Rand:
S.J.R. 334, A JOINT RESOLUTION INVITING THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

On motion of Senator Rand, the joint resolution is placed before the Senate for immediate consideration, upon its passage.

The joint resolution passes it second (44-0) and third readings and is ordered sent to the House of Representatives.

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

**S.B. 318**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA SECURITIES ACT TO THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996.
Referred to Commerce Committee.

By Senators Plyler and Conder:

**S.B. 319**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A NEW MULTICAMPUS COMMUNITY COLLEGE THAT WILL SERVE ANSON AND UNION COUNTIES.
Referred to Education/Higher Education Committee.

By Senators Rand, Ballance, Cochrane, Cooper, Forrester, Gulley, Hartsell, Kinnaird, Lee, Miller, Odom, Perdue, Reeves, Rucho, Warren, and Wellons:

**S.B. 320**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN LICENSED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT PAYMENT TO NURSES WHO PROVIDE THIS SERVICE.
Referred to Judiciary Committee.

By Senator Kerr:

**S.B. 321**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Kincaid and Garwood:

**S.B. 322**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT PETITIONS TO QUALIFY INDEPENDENT CANDIDATES ON THE BALLOT FOR COUNTY OFFICE IN AVERY COUNTY RECEIVE THE MINIMUM AMOUNT OF SIGNATURES FROM EACH PRECINCT.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Horton, Albertson, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, Martin of Pitt, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Weinstein, Wellons, and Winner:

**S.B. 323**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES.
Referred to Finance Committee.

By Senators Ballance, Odom, and Shaw of Cumberland:

**S.B. 324**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON IS NOT LIABLE UNDER THE CONCEALED HANDGUN LAWS FOR POSTING OR NOT POSTING PREMISES OF WHICH THE PERSON IS IN LEGAL POSSESSION OR CONTROL.
Referred to Judiciary Committee.

March 6, 1997
ADDITIONAL SPONSOR

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

S.B. 289, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE AMOUNT OF BONDS THAT MAY BE ISSUED BY THE NORTH CAROLINA HOUSING FINANCE AGENCY.

RECALL FROM ENGROSSING

S.B. 6, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATED TO THE PUBLIC SCHOOL CALENDAR TO PROVIDE LOCAL BOARDS OF EDUCATION AND SCHOOLS GREATER FLEXIBILITY AND LOCAL CONTROL, as amended and ordered engrossed.

Senator Rand offers a motion to the end that the bill, as amended, be recalled from the Engrossing Office for further consideration, which motion prevails.

The Engrossing Clerk presents the bill, as amended. With unanimous consent, on motion of Senator Rand, the bill, as amended, and the committee report submitted by the committee on March 5, 1997, are recommitted to the Education/Higher Education Committee.

The Senate recesses at 11:36 A.M. for the purpose of an Education/Higher Education Committee meeting to reconvene at 11:45 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

REPORT OF COMMITTEE

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 Lee for the Education/Higher Education Committee:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATED TO THE PUBLIC SCHOOL CALENDAR TO PROVIDE LOCAL BOARDS OF EDUCATION AND SCHOOLS GREATER FLEXIBILITY AND LOCAL CONTROL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2576 is adopted and engrossed.

With unanimous consent, on motion of Senator Lee, the Committee Substitute bill is re-referred to the Pensions & Retirement and Insurance Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

March 6, 1997
S.B. 198, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

With unanimous consent, on motion of Senator Hoyle, the bill is taken up out of its regular order of business and on his further motion is re-referred to the Finance Committee.

S.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS COMMISSION TO EXEMPT THE STATE PORTS AUTHORITY FROM STATE PURCHASE AND CONTRACT REQUIREMENTS, upon third reading.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and placed on the Calendar for Tuesday, March 11, for further consideration.

S.B. 122, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE LAKE ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 260, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

Senator Cochrane offers Amendment No. 1 which is adopted (44-0).

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 1, as follows:


Voting in the negative: Senator Shaw of Guilford—1.

The bill, as amended, is ordered placed on the Calendar for Monday, March 10, for further consideration upon third reading.

S.B. 60, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RULES FOR MAKING LEFT TURNS ON VARIOUS ROADWAYS.

The Chair announces the voting equipment inoperative.

The bill passes its second (48-0) and third readings and is ordered sent the House of Representatives.

The Chair announces the voting equipment operative.
S.B. 104, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION.

On motion of Senator Horton, the Chair orders, without objection, the bill temporarily displaced.

S.B. 167, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 104, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION, temporarily displaced earlier.

With unanimous consent, on motion of Senator Horton, the bill is withdrawn from today’s Calendar and placed on the Calendar for Monday, March 10.

On motion of Senator Basnight, seconded by Senator Page, the Senate adjourns at 12:20 P.M. to meet Monday, March 10, at 7:00 P.M.

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TWENTY-THIRD DAY

Senate Chamber
Monday, March 10, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Heavenly Father, the Summit on Agriculture which convened tonight in Raleigh encourages us to be other directed in our thoughts. Though well-intended, our prayers of blessing around the table and over bountiful meals this week probably won’t go deep enough.

“We are always careful to thank You, O God. Sometimes we even remember the people who have prepared our meals. But not often enough do we call to mind the dedicated families in North Carolina who work the land, who grow the crops and livestock in our behalf.

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“Tonight, in the Senate, we celebrate and ask Your Special Blessings on these men and women, boys and girls. We remember them with gratitude and we hold them in high esteem.

“It is they whose families for generations have made farming their honored calling. It is they who have forged a partnership with You, O God, that those of us who grew up in the city will never really understand. It is they who by perseverance and a strong work ethic have succeeded against great odds. All North Carolinians are better people because of the rich heritage that they pass along to us. We pray, tonight, with the assurance that our prayers in their behalf for a bright future shall be answered because the earth is the Lord’s and the fullness thereof. Amen.”

With unanimous consent, the President grants leaves of absences for tonight to Senator Hoyle who is out of town and to Senator Hartsell.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, March 6, has been examined and is found to be correct. On 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. Sidney Martin from Raleigh, who is serving the Senate as Doctor of the Day.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 143, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE, unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6565, which changes the title to read S.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROHIBITING THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS, 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 Odom, Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Clark, Dalton, Dannelly, Foxx, Gulley, Horton, Hoyle, Jenkins, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, McDaniel, Miller, Perdue, Phillips, Plyler, Reeves, Rucho, Soles, Webster, Weinstein, Wellons, and Winner:

S.B. 325, A BILL TO BE ENTITLED AN ACT TO EXEMPT A SWORN LAW

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ENFORCEMENT OFFICER OR A RETIRED SWORN LAW ENFORCEMENT OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN ONE YEAR OF RETIREMENT.

Referred to Judiciary Committee.

By Senators Odom, Dannelly, Rucho, and Winner:
S.B. 326, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Miller:
S.B. 327, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE GENERAL STATUTES GOVERNING THE DEPARTMENT OF CULTURAL RESOURCES AND THE NORTH CAROLINA HISTORICAL COMMISSION.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Kinnaird, Ballance, Dannelly, Gulley, Jenkins, Jordan, Lee, Lucas, Odom, and Shaw of Cumberland:
S.B. 328, A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE SALES TAX ON FOOD BY AN ADDITIONAL TWO CENTS.
Referred to Finance Committee.

By Senators Dalton, Soles, and Warren:
S.B. 329, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS.
Referred to Commerce Committee.

By Senators Dalton, Soles, and Warren:
S.B. 330, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SAFE-DEPOSIT BOXES.
Referred to Commerce Committee.

By Senator Reeves:
S.B. 331, A BILL TO BE ENTITLED AN ACT CLARIFYING WHERE APPEALS FROM AGRICULTURAL EMPLOYERS WILL BE HEARD.
Referred to Judiciary Committee.

By Senators Lucas, Allran, Blust, Carpenter, Carrington, Clark, Dalton, Dannelly, Foxx, Horton, Jenkins, Kinnaird, Ledbetter, Martin of Guilford, McDaniel, Phillips, Rucho, Weinstein, Wellons, and Winner:
S.B. 332, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COMPLETION OF FOSTER CARE TRAINING BY FOSTER PARENTS WITHIN SIX MONTHS AFTER A PROVISIONAL LICENSE IS ISSUED AND BY FOSTER CARE AND
ADOPTION SOCIAL WORKERS WITHIN SIX MONTHS AFTER ASSUMING DSS DUTIES.

Referred to Children and Human Resources Committee.

By Senators Dalton and Hartsell:
S.B. 333, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PROCEDURE FOR ENTRY OF ORDERS IN THE COMMODITIES ACT.

Referred to Commerce Committee.

By Senators Albertson, Hoyle, Kerr, Martin of Pitt, Warren, Weinstein, and Wellons:
S.B. 335, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE CENTER FOR ENVIRONMENTAL FARMING SYSTEMS.

Referred to Appropriations Committee.

By Senators Albertson, Hoyle, Kerr, Martin of Pitt, Warren, Weinstein, and Wellons:
S.B. 336, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR RESEARCH AND DEMONSTRATION OF ENVIRONMENTAL FARMING TECHNIQUES AT THE CENTER FOR ENVIRONMENTAL FARMING SYSTEMS.

Referred to Appropriations Committee.

By Senators Albertson, Hoyle, Kerr, Martin of Pitt, Warren, Weinstein, and Wellons:
S.B. 337, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SALMONELLA TESTING OF MEAT FOOD PRODUCTS.

Referred to Appropriations Committee.

By Senators Albertson, Ballantine, Hoyle, Kerr, Martin of Pitt, Warren, Weinstein, and Wellons:
S.B. 338, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE OPERATION OF FIRE TOWERS.

Referred to Appropriations Committee.

By Senators Conder and Plyler:
S.B. 339, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JOBS TAX CREDIT FOR TIER ONE COUNTIES.

Referred to Finance Committee.

By Senators Basnight, Carpenter, Albertson, Allran, Ballance, Ballantine, Blust, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, and Wellons:
S.J.R. 340, A JOINT RESOLUTION INVITING THE REVEREND BILLY GRAHAM TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE.

Referred to Rules and Operations of the Senate Committee.

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By Senators Warren and Martin of Pitt:

**S.B. 341**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF THE INDUSTRIAL CONSTRUCTION BUILDING AT PITT COMMUNITY COLLEGE.
Referred to Appropriations Committee.

By Senator Warren:

**S.B. 342**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CONSTRUCTION OF A CLASSROOM AND PHYSICAL EDUCATION BUILDING AT BEAUFORT COMMUNITY COLLEGE.
Referred to Appropriations Committee.

By Senator Warren:

**S.B. 343**, A BILL TO BE ENTITLED AN ACT RELATING TO THE DUTIES OF COMMISSIONERS OF THE MID-EAST REGIONAL HOUSING AUTHORITY UNDER THE PROVISIONS OF ARTICLE 1 OF CHAPTER 157 OF THE GENERAL STATUTES.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Reeves, Carrington, Miller, and Rucho:

**S.B. 344**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA CENTER FOR THE PREVENTION OF SCHOOL VIOLENCE.
Referred to Appropriations Committee.

By Senators Reeves and Hartsell:

**S.B. 345**, A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Dannelly, Albertson, Cooper, Hartsell, Hoyle, Jordan, Lucas, Martin of Pitt, Martin of Guilford, Odom, and Warren:

**S.B. 346**, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY OF JUVENILE GUARDIANS AND TO ALLOW THE COURT TO APPOINT PERSONS OTHER THAN RELATIVES AS JUVENILE CARETAKERS OR GUARDIANS.
Referred to Children and Human Resources Committee.

By Senators Plyler, Perdue, Odom, Conder, Hoyle, Rand, Soles, and Wellons:

**S.B. 347**, A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS TO PROVIDE CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.
Referred to Appropriations Committee.

By Senators Wellons, Ballance, Carpenter, Dalton, Gulley, Jenkins, Jordan, Kinnaird, Lucas, Rand, Reeves, Shaw of Cumberland, and Weinstein:

**S.B. 348**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION
OF NORTH CAROLINA TO ALLOW A CRIMINAL DEFENDANT IN A NONCAPITAL CASE TO WAIVE A JURY TRIAL.
Referred to Judiciary Committee.

By Senators Shaw of Guilford, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Horton, Kincaid, Ledbetter, McDaniel, Page, and Rucho:
S.B. 349, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A PERSON CONVICTED OF HABITUAL IMPAIRED DRIVING MUST BE SENTENCED TO PRISON AND MUST SERVE THE ENTIRE TIME OF IMPRISONMENT.
Referred to Judiciary Committee.

By Senator Soles:
S.B. 350, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE INSURANCE COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Miller:
S.B. 351, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE SOCIAL SERVICES COMMISSION HAS THE AUTHORITY TO SET PERSONNEL REQUIREMENTS IN MATERNITY HOMES, CHILD PLACING AGENCIES, AND CHILD CARE INSTITUTIONS.
Referred to Children and Human Resources Committee.

By Senators Plyler, Odom, and Perdue:
S.B. 352, 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 Committee.

ADDITIONAL SPONSOR

Senator Allran requests to be added as a sponsor of previously introduced legislation:
S.B. 298, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ENGLISH AS A SECOND LANGUAGE PROGRAM.

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. 17, A BILL TO BE ENTITLED AN ACT TO REPEAL AN ACT RELATING TO DISCLOSURE OF BUSINESS INTEREST IN GUILFORD COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

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H.B. 28, A BILL TO BE ENTITLED AN ACT TO ALLOW THE FIFTH MEMBER OF A COUNTY BOARD OF SOCIAL SERVICES TO BE SELECTED BY MAJORITY VOTE OF THE FOUR OTHER MEMBERS.
Referred to Children and Human Resources Committee.

H.B. 68, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF ROANOKE RAPIDS TO DONATE UNCLAIMED BICYCLES TO CHARITY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 69, A BILL TO BE ENTITLED AN ACT TO EXTEND TO THE CITY OF ROANOKE RAPIDS PROVISIONS OF A LOCAL ACT WHICH PROVIDES THAT SERVICE OF COMPLAINTS OR ORDERS ISSUED IN HOUSING CODE CASES IS SUFFICIENT WHERE THE COMPLAINTS OR ORDERS ARE SENT BY REGISTERED OR CERTIFIED MAIL IN CONJUNCTION WITH REGULAR MAIL AND THE REGISTERED OR CERTIFIED MAIL IS RETURNED, BUT THE REGULAR MAIL IS NOT RETURNED WITHIN TEN DAYS AFTER MAILING.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 70, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF ROANOKE RAPIDS TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 203, A BILL TO BE ENTITLED AN ACT TO SUPPLEMENT CLARK'S CALENDAR, WHICH MAY BE INTRODUCED IN EVIDENCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

H.B. 281, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ALEXANDER COUNTY BOARD OF COMMISSIONERS MUST FILL A VACANCY WITH THE PERSON NOMINATED BY THE APPROPRIATE POLITICAL PARTY IF THE NOMINATION IS MADE ON A TIMELY BASIS.
Referred to State Government, Local Government, and Personnel Committee.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 260, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, as amended, upon third reading.

The 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, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East,

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Voting in the negative: None.
The bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 104, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION.

Senator Horton offers Amendment No. 1 which is adopted (46-0).
Senator Kerr offers Amendment No. 2 which is adopted (46-1).
Senator Horton offers a motion that the bill, as amended, be recommitted to the Judiciary Committee, which motion he subsequently withdraws.

With unanimous consent on motion of Senator Horton, the bill, as amended, is re-referred to the Rules and Operations of the Senate Committee.

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

Melissa Dawn Ball, Fayetteville; Samantha E. Blake, Clayton; Aliya Boone, Garner; Tara Bradlie Boshart, Cherryville; Joy Annette Bowen, Yadkinville; Yolanda Sheree Brown, Fayetteville; Lisa Carr, Four Oaks; Patrice Clark, Charlotte; Erin E. Coffey, Raleigh; Aarika Ann Cupp, Lexington; Laura Jane Dameron, Dallas; Hannah DeWitt, Cary; Kristi Dove, Raleigh; Laura Frazier, Chapel Hill; Rachel Martin, McLeansville; Lura Elizabeth Parton, Concord; Leslie A. Schnell, Cary; Anna Slivensky, Hickory; Danielle Marguerite Stephens, Jacksonville; Katherine Grace Thigpen, Kinston; Pam Widlak, Jacksonville; and Lindsey Yates, Lumberton.

On motion of Senator Basnight, seconded by Senator East, the Senate adjourns at 7:56 P.M. to meet tomorrow, Tuesday, March 11, at 2:00 P.M.

TWENTY-FOURTH DAY

Senate Chamber
Tuesday, March 11, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable Howard N. Lee, Senator from Orange County, as follows:

"Please bow your heads and join with me in a prayer of faith.
"Almighty God, each of us has fought many battles, some of which we’ve lost. On the other hand, each of us have won enough victories to believe in the struggle and to

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keep on fighting. Each of us has extended our love and suffered broken hearts, but each of us has received enough love in return to keep on loving. Each of us has trusted friends who have failed us. However, we have known more than our share of faithful friends to forever believe in friendship and to keep on trusting. Each of us has had many dreams that never came true. But in the meantime, we've had enough dreams to come true to believe eternally in dreams and to keep on dreaming. Where we're empty, grant us fullness. Where we're weak, grant us strength. Where we are misguided, grant us comfort. And where we are distraught, guide us in a straight path. O God of Power, we ask that You give us the strength to keep on struggling, to keep on trusting, to keep on loving, and to keep on dreaming. Amen."

Senator Basnight, President Pro Tempore, announces that the Journal of yesterday, Monday, March 10, has been examined and is found to be correct. On 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 Bowman from Concord, who is serving the Senate as Doctor of the Day.

PRIVILEGES OF FLOOR

The President extends courtesies of the floor to Leslie Dickens, an honor student from Rocky Mount Academy and the guest of Senator Cooper of Nash.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 33, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES.

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 Cooper for the Judiciary Committee:

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE LAWS ON ADMINISTRATIVE PROCEDURE, with a favorable report.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

S.B. 150, A BILL TO BE ENTITLED AN ACT TO REDUCE THE FREQUENCY OF THE REPORT ON THE INACTIVE HAZARDOUS SUBSTANCE RESPONSE ACT OF 1987 FROM ANNUALLY TO EVERY TWO YEARS AND TO CLARIFY
THE PUBLIC COMMENT PERIOD ON REMEDIAL ACTION PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 151, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 126, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT AN APPLICANT FOR A PERMIT UNDER THE STATUTES GOVERNING SOLID WASTE MANAGEMENT BE FINANCIALLY QUALIFIED AND DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 A572 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 Rand:
S.B. 353, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION.
Referred to Judiciary Committee.

By Senators Rand and Shaw of Cumberland:
S.B. 354, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FOREST RESOURCES DIVISION OF THE DEPARTMENT OF ENVIRONMENT, HEALTH AND NATURAL RESOURCES FOR A NEW MAINTENANCE SHOP AND EQUIPMENT SHELTER AT THE FAYETTEVILLE DISTRICT OFFICE.
Referred to Appropriations Committee.

By Senators Lee and Gulley:
S.B. 355, A BILL TO BE ENTITLED AN ACT PROVIDING A FUNDING FORMULA AND A SELECTION PROCESS FOR THE INCLUSION OF WORKS OF ART FOR PUBLIC PLACES.
Referred to Appropriations Committee.
By Senators Foxx and East:
S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Warren:
S.B. 357, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF A FARMERS MARKET IN THE TOWN OF AYDEN.
Referred to Appropriations Committee.

By Senators Jordan and Ballance:
S.B. 358, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR A MEMORIAL TO COMMEMORATE THE HISTORIC EVENTS OF NOVEMBER OF 1898 IN THE CITY OF WILMINGTON.
Referred to Appropriations Committee.

By Senators Albertson, Ballance, Carpenter, Cooper, Gulley, Kerr, Soles, and Winner:
S.B. 359, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THERE IS AN OPTION OF CONDITIONAL RELEASE FROM A MENTAL FACILITY FOR A PERSON FOUND NOT GUILTY BY REASON OF INSANITY IN ADDITION TO DISCHARGE AND RELEASE FROM THE FACILITY.
Referred to Judiciary Committee.

By Senators Albertson, Carpenter, Dannelly, Jordan, Kerr, Kincaid, Martin of Pitt, Warren, and Weinstein:
S.B. 360, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE RESOURCES COMMISSION TO ISSUE CERTIFICATES OF BOAT NUMBER AND TO AMEND THE DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS.
Referred to Judiciary Committee and upon a favorable report, re-referred to the Finance Committee.

By Senator Cooper:
S.B. 361, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORIZED USERS AND USES OF THE NORTH CAROLINA INFORMATION HIGHWAY.
Referred to Commerce Committee.

By Senators Cooper, Lee, Kinnaird, Rucho, and Phillips:
S.B. 362, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE DIAGNOSTIC AND TREATMENT SERVICES FOR CHILDREN WITH

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CRANIOFACIAL ANOMALIES INCLUDING CLEFT LIP/PALATE.
Referred to Appropriations Committee.

By Senator Page:
S.B. 363, A BILL TO BE ENTITLED AN ACT TO ALLOW HARNETT COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Page, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Kincaid, Ledbetter, McDaniel, Rucho, Shaw of Guilford, and Webster:
S.B. 364, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT PERSONS CONVICTED OF CERTAIN CRIMES REGARDING MINORS BE SENTENCED TO AN ACTIVE PUNISHMENT OF IMPRISONMENT AND TO AMEND THE LAW REGARDING PRIOR CONVICTIONS AND THEIR EFFECT ON THE PRIOR RECORD LEVEL FOR FELONY SENTENCING.
Referred to Judiciary Committee.

By Senators Rucho, Ballantine, Clark, Cochrane, Conder, Cooper, Dannelly, Forrester, Garwood, Horton, Hoyle, Ledbetter, Odom, Rand, Shaw of Guilford, Weinstein, and Winner:
S.B. 365, A BILL TO BE ENTITLED AN ACT TO EXTEND THE NUMBER OF YEARS FOR WHICH A TAXPAYER CAN REQUEST A PROPERTY TAX REFUND FOR TAXES IMPOSED AS THE RESULT OF A CLERICAL OR MATHEMATICAL ERROR AND TO ALLOW LOCAL UNITS OF GOVERNMENT TO INCREASE THE ASSESSED VALUE OF PROPERTY FOR THE SAME NUMBER OF YEARS WHEN THE VALUE WAS DETERMINED BY ERROR.
Referred to Finance Committee.

By Senator Winner:
S.B. 366, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING SCHOOL BUDGET DISPUTES BETWEEN LOCAL BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES.
Referred to Education/Higher Education Committee.

By Senators Dannelly, Albertson, Gulley, Kerr, Martin of Pitt, Martin of Guilford, Odom, Rand, Rucho, Warren, and Winner:
S.B. 367, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE SIX PRESCRIPTION LIMIT FOR MEDICAID RECIPIENTS.
Referred to Children and Human Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Odom, Cooper, Forrester, Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Cochrane, Conder, Dannelly, East, Foxx, Garwood, Gulley, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, McDaniel,
Phillips, Plyler, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Weinstein, Wellons, and Winner:

**S.B. 368, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR'S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED.**

Referred to Judiciary Committee.

By Senators Odom, Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Jenkins, Jordan, Kerr, Kincaid, Ledbetter, Lee, Lucas, Martin of Pitt, McDaniel, Miller, Phillips, Rand, Reeves, Rucho, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons:

**S.B. 369, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANDING THE DRUG AND ALCOHOL RECOVERY TREATMENT CONTINUING CARE PROGRAM AND TO REQUIRE THE EXPANSION OF THE DRUG ABUSE RESISTANCE EDUCATION PROGRAM TO THE SEVENTH AND NINTH GRADES AS PART OF THE GOVERNOR'S DRIVING WHILE IMPAIRED INITIATIVES.**

Referred to Appropriations Committee.

By Senators Odom and Rand:

**S.B. 370, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR THE ENFORCEMENT OF ARBITRATION AWARDS PURSUANT TO THE ACT ENTERED OUTSIDE NORTH CAROLINA AND TO GIVE A PARTY THE RIGHT TO BE REPRESENTED BY AN ATTORNEY AT A PROCEEDING PURSUANT TO THE ACT.**

Referred to Judiciary Committee.

By Senators Odom and Rand:

**S.B. 371, A BILL TO BE ENTITLED AN ACT TO EXTEND THE INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR CONCILIATION OF DISPUTES.**

Referred to Judiciary Committee.

By Senators Odom and Rand:

**S.B. 372, A BILL TO BE ENTITLED AN ACT TO REMOVE, FOR SERVICE IN A CIVIL ACTION UPON A DEFENDANT LOCATED OUTSIDE THE UNITED STATES, THE TIME LIMITS REGARDING THE SECURING OF AN ENDORESEMENT UPON THE ORIGINAL SUMMONS OR THE SUING OUT OF AN ALIAS OR PLURIES SUMMONS WHEN THE DEFENDANT IS NOT SERVED WITHIN THE TIME ALLOWED FOR SERVICE.**

Referred to Judiciary Committee.

By Senators Odom and Rand:

**S.B. 373, A BILL TO BE ENTITLED AN ACT TO EXEMPT INTERNATIONAL COMMERCIAL ARBITRATION AWARDS AS CONTRACTS AGAINST PUBLIC POLICY.**

Referred to Judiciary Committee.
By Senators Odom, Conder, Gulley, Plyler, Soles, and Weinstein:
S.B. 374, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX CERTAIN NUTRITIONAL SUPPLEMENTS DISPENSED BY CHIROPRACTORS.
Referred to Finance Committee.

CALENDAR

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

S.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS COMMISSION TO EXEMPT THE STATE PORTS AUTHORITY FROM STATE PURCHASE AND CONTRACT REQUIREMENTS.
With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today's Calendar and recommitted to the 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. 13, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND REDUCE INHERITANCE TAXES.
Referred to Finance Committee.

H.B. 61, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE SECTIONS OF CHAPTER 106 OF THE NORTH CAROLINA GENERAL STATUTES.
Referred to Judiciary Committee.

H.B. 87, A BILL TO BE ENTITLED AN ACT TO DIRECT VARIOUS STATE OFFICERS AND OTHERS TO DEVELOP A PLAN TO ESTABLISH LOCAL INTERAGENCY AGREEMENTS TO ADDRESS THE NEEDS OF AT-RISK STUDENTS.
Referred to Education/Higher Education Committee.

H.B. 134, A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED ARTICLE 8 OF THE UNIFORM COMMERCIAL CODE AND CONFORMING AND MISCELLANEOUS AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Commerce Committee.

H.B. 142, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO RECLASSIFY THE OFFENSE OF ACCESSORY AFTER

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THE FACT.
Referred to Judiciary Committee.

H.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE ANNUAL AUDITED REPORTS ARE TO BE SUBMITTED BY ADULT CARE HOMES TO THE DEPARTMENT OF HUMAN RESOURCES.
Referred to Children and Human Resources Committee.

H.B. 144, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION THAT THE OFFENSE OF VOLUNTARY MANSLAUGHTER BE INCREASED FROM A CLASS E FELONY TO A CLASS D FELONY.
Referred to Judiciary Committee.

H.B. 267, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FROM A MISDEMEANOR TO A CLASS G FELONY FOR THE OFFENSES OF FALSELY REPORTING THAT A BOMB OR OTHER DESTRUCTIVE DEVICE MAY EXPLODE AND PERPETRATING A HOAX BY USING A FALSE DESTRUCTIVE DEVICE.
Referred to Judiciary Committee.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROHIBITING THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS.
Senator Blust offers Amendment No. 1 which is adopted (48-0).
Senator McDaniel rises to a point of order under Rule 42.3A as to a fiscal note attached to the Committee Substitute bill, as amended.
The Chair announces that a fiscal note is not attached to the Committee Substitute bill, as amended, and subsequently rules that Rule 42.3A is not applicable to the measure.
The Committee Substitute bill, as amended, passes its second reading (42-8).
Senator Kincaid objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, March 12, for further consideration upon third reading.

S.B. 2 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A LATER PRIMARY DATE; TO ABOLISH THE RUNOFF PRIMARY; AND TO CHANGE THE DATE OF THE PRESIDENTIAL PRIMARY, upon third reading.
The Committee Substitute bill passes its third reading (32-18) and is ordered 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 for concurrence which is presented to the Senate, read, and disposed of, as follows:

S.J.R. 334 (House Committee Substitute), A JOINT RESOLUTION INVITING THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., for concurrence in the House Committee Substitute joint resolution.

On motion of Senator Rand, the rules are suspended without objection and the House Committee Substitute joint resolution is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute joint resolution (47-3) and the measure is ordered enrolled.

REPORT TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:


COMMITTEE REFERRAL RECALL

S.B. 158, A BILL TO BE ENTITLED AN ACT TO EXPAND THE TIME CORPORATIONS AND LIMITED LIABILITY COMPANIES MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION, TO INCREASE THE FEE CORPORATIONS MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, TO ESTABLISH A FEE LIMITED LIABILITY COMPANIES MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, AND TO PROVIDE THAT ANNUAL REPORTS OF BUSINESS CORPORATIONS AND LIMITED LIABILITY COMPANIES SHALL BE FILED WITH THE DEPARTMENT OF REVENUE RATHER THAN THE SECRETARY OF STATE, AS RECOMMENDED BY THE GENERAL STATUTES STUDY COMMISSION, referred to the Appropriations Committee on March 4.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from the Appropriations Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and refers the measure to the Finance Committee.

LEGISLATIVE ETHICS COMMITTEE APPOINTMENTS

Pursuant to G.S. 120-99, Senator Basnight, President Pro Tempore, appoints the following Members to the Legislative Ethics Committee:

Senator Cooper, Chairman; Senator Cochrane; Senator Hartsell; Senator Odom; and Senator Perdue.
On motion of Senator Basnight, seconded by Senator Martin of Guilford, the Senate adjourns at 3:06 P.M. to meet tomorrow, Wednesday, March 12, at 2:00 P.M.

TWENTY-FIFTH DAY

Senate Chamber
Wednesday, March 12, 1997

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:

“Our Father, help us to understand that there are no ordinary people. Though we all act like mere mortals some days, if we look close enough and listen well enough we shall see and hear the divine spark of Your Image in the faces and stories of those we encounter.

“Then we shall understand that it is immortals whom we joke with, debate across the committee table, work alongside of.

“Next to You, O Lord, our neighbors are the greatest gift You have given us. Help us to treat them as such. For Your Sake, Amen.”

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Tuesday, March 11, has been examined and is found to be correct. On 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. A. Clark Gaither from Goldsboro, who is serving the Senate as Doctor of the Day.

ENROLLED RESOLUTION

The Enrolling Clerk reports the following resolution properly enrolled and it is duly ratified and sent to the Office of the Secretary of State:

S.B. 334 (House Committee Substitute), A JOINT RESOLUTION INVITING THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR. (Res. 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 Cooper for the **Judiciary Committee:**

**S.B. 247**, A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE GENERAL STATUTE PERTAINING TO CONFIDENTIALITY OF HEALTH CARE 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 7594, which changes the title to read **S.B. 247** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO CONFIDENTIALITY OF HEALTH CARE CONTRACTS, is adopted and engrossed.

By Senator Lucas for the **Children and Human Resources Committee:**

**H.B. 77**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES TO DISSOLVE CERTAIN AREA MENTAL HEALTH AUTHORITIES, with a favorable report.

By Senator Miller for the **State Government, Local Government and Personnel Committee:**

**S.B. 282**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

**S.B. 290**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF RUTHERFORDTON CONCERNING THE DISTRIBUTIONS OF PROFITS FROM THE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM, with a favorable report.

**S.B. 291**, A BILL TO BE ENTITLED AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION, with a favorable report.

**S.B. 327**, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE GENERAL STATUTES GOVERNING THE DEPARTMENT OF CULTURAL RESOURCES AND THE NORTH CAROLINA HISTORICAL COMMISSION, with a favorable report.

By Senator Jenkins for the **Pensions & Retirement and Insurance Committee:**

**S.B. 273**, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE COVERAGE OF POSTMASTECTOMY INPATIENT CARE UNDER HEALTH INSURANCE PLANS, with a favorable report.

By Senator Soles for the **Commerce Committee:**

**H.B. 29** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
INCREASE THE MAXIMUM RAFFLE CASH PRIZES AND THE FAIR MARKET VALUE OF RAFFLE MERCHANDISE PRIZES, with a favorable report.

S.B. 31, A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CHANGES TO THE LP GAS STATUTE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8570 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 Wellons:
S.B. 375, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN ADDITIONAL MAGISTRATE FOR FRANKLIN COUNTY.
Referred to Appropriations Committee.

By Senator Warren:
S.B. 376, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TEACHING HOSPITALS AFFILIATED WITH CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS LAW ENFORCEMENT AGENCIES.
Referred to Judiciary Committee.

By Senators Allran, Forrester, Garwood, Kincaid, Ledbetter, Odom, and Phillips:
S.B. 377, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER.
Referred to Judiciary Committee.

By Senators Foxx and East:
S.B. 378, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT.
Referred to State Government, Local Government, and Personnel Committee.

By Senators East, Garwood, Page, and Webster:
S.B. 379, A BILL TO BE ENTITLED AN ACT TO EXEMPT OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES WHO HAVE FIVE YEARS CONTINUOUS EXPERIENCE IMMEDIATELY PRECEDING JANUARY 1, 1998, FROM THE TRAINING COURSE REQUIREMENT FOR OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES.
Referred to Commerce Committee.

By Senators Odom, Perdue, and Plyler:
S.B. 380, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO
THE ALBEMARLE FOOD BANK/FOOD PANTRY, INC., FOR CAPITAL IMPROVEMENTS TO ITS FOOD STORAGE FACILITY.

Referred to Appropriations Committee.

By Senators Gulley, Ballance, Dannelly, Forrester, Jordan, Kinnaird, Lee, Lucas, Martin of Guilford, Miller, Odom, and Winner:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF COMPLETE PUBLIC FINANCING OF ELECTIONS FOR GOVERNOR, COUNCIL OF STATE, AND GENERAL ASSEMBLY; AND TO MAKE RELATED CHANGES.
Referred to Judiciary Committee.

By Senators Winner, Ballance, Cooper, Dannelly, Gulley, Hartsell, and Rand:

S.B. 382, A BILL TO BE ENTITLED AN ACT REDEFINING THE BASE PERIOD FOR UNEMPLOYMENT BENEFITS AND ELIMINATING THE ONE AND ONE-HALF TIMES TEST.
Referred to Commerce Committee.

COMMITTEE REFERRAL RECALL

S.B. 238, 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 the Transportation Committee on February 25.

Pursuant to Rule 47(a), Senator Shaw of Cumberland offers a motion that the bill be withdrawn from the Transportation Committee and re-referred to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Transportation Committee and refers the measure to the Appropriations Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT AN APPLICANT FOR A PERMIT UNDER THE STATUTES GOVERNING SOLID WASTE MANAGEMENT BE FINANCIALLY QUALIFIED AND DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

S.B. 150, A BILL TO BE ENTITLED AN ACT TO REDUCE THE FREQUENCY OF THE REPORT ON THE INACTIVE HAZARDOUS SUBSTANCE RESPONSE ACT OF 1987 FROM ANNUALLY TO EVERY TWO YEARS AND TO CLARIFY THE PUBLIC COMMENT PERIOD ON REMEDIAL ACTION PLANS, AS
RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 151, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today’s Calendar and placed on the Calendar for Tuesday, March 18.

S.B. 187, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE LAWS ON ADMINISTRATIVE PROCEDURE.

The bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROHIBITING THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS, as amended, upon third reading.

   Senator Kincaid offers Amendment No. 2 which fails of adoption (20-30).
   Senator Rand calls the previous question, seconded by Senator Conder. The call is sustained (35-14).

The Committee Substitute bill, as amended, passes its third reading (40-10), and is ordered engrossed and 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 Winner for the Education/Higher Education Committee:

S.B. 319, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A NEW MULTICAMPUS COMMUNITY COLLEGE THAT WILL SERVE ANSON AND UNION COUNTIES, with a favorable report.

By Senator Kerr for the Finance Committee:

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX
TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT, with a favorable report.

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, with a favorable report.

S.B. 69, A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, with a favorable report.

S.B. 316, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION 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 7601 is adopted and engrossed.

On motion of Senator Ballance, seconded by Senator Lee, the Senate adjourns at 3:12 P.M. to meet tomorrow, Thursday, March 13, at 9:45 A.M.

TWENTY-SIXTH DAY

Senate Chamber
Thursday, March 13, 1997

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. Dumas A. Harshaw, Jr., Pastor, First Baptist Church, Wilmington Street in Raleigh, as follows:

"O God, our help in ages past,  
Our hope for years to come.  
Our shelter from the stormy blast,  
And our eternal home!

Under the shadow of Thy throne,  
Still may we dwell secure,  
Sufficient is Thine Arm alone,  
And our defense is sure."

"Dear Heavenly Father, we are grateful for yet another day to live and enjoy the blessing of Thy grace in our lives. We thank Thee for the simple things of life and for the great opportunities. You have provided for making life meaningful and worthwhile. We
pause on this day to acknowledge Your goodness, the many expressions of Your care for
us, which sustain our lives. It is with a sense of hope and confidence that we embrace the
glories of another day.

"As we reflect upon Your mercy expressed to us, we ask forgiveness for all the
weaknesses in our minds and spirits, for 'slowness of heart and for all the ways by which,
the creative flow of Thy mind and Thy spirit through us may be frustrated and held at
bay.' Give us big hearts and generous ways to enter the frays of the world and to bring
Thy children the light of love, peace, and hope.

"Dear Lord, we pray this morning for this great Body of leaders and shapers of our
government and society. We thank Thee for each one and the families they represent.
We think of the various roads they have each traveled and the diligent, awesome, labor of
the years that have brought them to this place of responsibility and influence. May Your
grace surround them in their roles of leadership, may Your vision rest upon their brows,
may Your love empower them, and may Your laws inform and guide them in their sacred
deliberations.

"As the tide of anxiety, despair, hunger, poverty, division, turmoil, violence, and
hatred rises in our world and country, may Your presence in this place be felt in every
way. To give help, healing, health, harmony, and happiness to many who suffer in our
City, our State, our Nation, and the world.

"We are delighted for the encouraging visit of our President, William Jefferson
Clinton, upon whose shoulders rest the aspirations and destiny of so many human beings.
We pray for his strength and that of his family. We pray that You, O God, will undergird
the President of the United States with Your wisdom, and give to President Clinton the
essential aid and encouragement required for the awesome responsibility with which You
have blessed him. May the words of promise recorded in the prophecy of Isaiah embrace
his spirit on this day:

>'Fear thou not; for I am with thee; be not dismayed;
   for I am thy God: I will strengthen thee;
   yea, I will help thee; yea, I will uphold thee with the right hand of my
   righteousness.'

"Dear Lord, as we approach once again the message of Easter Morning, educate us all
in the ways of Thy power, love, justice, and reconciliation. May we bring to this great
land and to the totality of our lives and society, a renewed sense of life, liberty, and the
pursuit of happiness.

>'God of our weary years,
   God of our silent tears,
   Thou who hast brought us thus far on the way.

   Thou who hast by Thy Might,
   Led us into the light,
   Keep us forever in the path, we pray;

   Lest our feet stray from the places, our God, where we met Thee,
   Lest, our hearts drunk with the wine of the world, we forget Thee.

   Shadowed beneath Thy hand,
   May we forever stand,
   True to our God, true to our native land!'

"In the name of Jesus Christ, Amen."

March 13, 1997
With unanimous consent, the President grants a leave of absence for today to Senator Gulley due to a medical emergency.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Wednesday, March 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

REPORT OF COMMITTEE

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 Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 234, A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY AMOUNTS THAT DETERMINE THE ASSESSMENT OF SAFE DRIVER INCENTIVE PLAN POINTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7596, which changes the title to read S.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY AMOUNTS THAT DETERMINE THE ASSESSMENT OF SAFE DRIVER INCENTIVE PLAN POINTS AND TO PROVIDE FOR A GRADUATED INSURANCE POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN AUTOMOBILE ACCIDENTS, 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 Perdue, Forrester, and Martin of Guilford:

S.B. 383, A BILL TO BE ENTITLED AN ACT TO TRANSFER HEALTH SERVICES TO THE DEPARTMENT OF HUMAN RESOURCES, TO CHANGE THE NAME OF THE DEPARTMENT OF HUMAN RESOURCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO CHANGE THE NAME OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND TO MAKE TECHNICAL AND CONFORMING STATUTORY CHANGES.

Referred to Children and Human Resources Committee.

By Senators Dalton, Allran, Ballance, Horton, Miller, Reeves, Soles, and Weinstein:

S.B. 384, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC RECORDS LAW TO PROTECT THE IDENTITY OF EMPLOYEES OF FINANCIAL INSTITUTIONS IN THE EVENT OF ROBBERY.

Referred to Judiciary Committee.

March 13, 1997
By Senators Shaw of Guilford and Foxx:
S.B. 385, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT A NATIONAL MEMORIAL HONORING ALL WOMEN MILITARY PERSONNEL.
Referred to Appropriations Committee.

By Senator Ballantine:
S.B. 386, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIRCUMSTANCES UNDER WHICH AN ATTORNEY-IN-FACT MAY MAKE GIFTS.
Referred to Judiciary Committee.

By Senators Carpenter, Albertson, and Martin of Guilford:
S.B. 387, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADULT DEVELOPMENTAL VOCATIONAL PROGRAMS, AS RECOMMENDED BY THE TASK FORCE TO DETERMINE THE MINIMUM REIMBURSEMENT RATE FOR ADULT DEVELOPMENTAL ACTIVITY PROGRAMS.
Referred to Appropriations Committee.

By Senators Hoyle, Foxx, and Kerr:
S.B. 388, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ASSESSMENT OF INTANGIBLES TAX FROM TAXPAYERS WHO BENEFITED FROM THE TAXABLE PERCENTAGE DEDUCTION IN THE FORMER INTANGIBLES TAX STATUTE.
Referred to Finance Committee.

By Senators Hoyle, Martin of Guilford, McDaniel, and Shaw of Guilford:
S.B. 389, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA TRIAD METROPOLITAN BASEBALL PARK DISTRICT AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS.
Referred to Finance Committee.

By Senator Odom:
S.B. 390, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Odom, Conder, and Plyler:
S.B. 391, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ST. MARK'S, INCORPORATED, FOR CAPITAL EXPENSES IN BUILDING A REGIONAL FACILITY TO SERVE CHILDREN WITH DEVELOPMENTAL DISABILITIES.
Referred to Appropriations Committee.

By Senators Ballance, East, Gulley, Kinnaird, Rand, and Wellons:
S.B. 392, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE JUDICIAL DEPARTMENT FOR AN ADDITIONAL ATTORNEY POSITION FOR THE GUARDIAN AD LITEM OFFICE AND FOR THE PRODUCTION AND
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. 86 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, March 17.

H.B. 65, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 78, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHO IS EXEMPT FROM THE PUBLIC SCHOOL ADMINISTRATOR EXAM.
Referred to Education/Higher Education Committee.

H.B. 81 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE.
Referred to Children and Human Resources Committee.

H.B. 89 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE JUVENILE COURT COUNSELORS TO NOTIFY BUILDING PRINCIPAL IN CERTAIN CASES WHEN A JUVENILE IS ADJUDICATED DELINQUENT AND IS ORDERED TO ATTEND SCHOOL AS A CONDITION OF PROBATION, TO PROVIDE FOR THE MAINTENANCE OF THE NOTIFICATIONS, AND TO ENCOURAGE THE ASSIGNMENT OF COURT COUNSELORS TO INDIVIDUAL SCHOOLS.
Referred to Education/Higher Education Committee.

H.B. 101, A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.
Referred to Finance Committee.

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF JACKSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY.
Referred to Finance Committee.

March 13, 1997
H.B. 139 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CLARIFY THAT PERSONS CONVICTED OF SEX OFFENSES IN FEDERAL COURT AND OTHER STATES ARE REQUIRED TO REGISTER.
Referred to Judiciary Committee.

H.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN EMBEZZLEMENT OFFENSES.
Referred to Judiciary Committee.

H.B. 197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR CONDUCTING JUDICIAL SALES OF TIMBER BY SEALED BID, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

H.B. 198 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A COUNTY TO ARRANGE FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 248 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES.
Referred to Judiciary Committee.

H.B. 309, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS.
Referred to State Government, Local Government, and Personnel Committee.

The hour having arrived, pursuant to S.J.R. 334 (House Committee Substitute), A JOINT RESOLUTION INVITING THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., the President Pro Tempore 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, there to sit in Joint Session with that Honorable Body for the purpose of receiving a message from the Honorable William J. Clinton, President of the United States of America.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

March 13, 1997
Mr. President:

It is ordered that a message be sent your Honorable Body with the message that pursuant to House Committee Substitute for S.J.R. 334, A JOINT RESOLUTION INVITING THE HONORABLE WILLIAM J. CLINTON, PRESIDENT OF THE UNITED STATES, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

Senator Ballance, Deputy President Pro Tempore, offers a motion, seconded by Senator Carrington, 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 a message from His Excellency, The Honorable William J. Clinton, President of the United States of America, and further moves, upon dissolution of the Joint Session, to adjourn to meet Monday, March 17, at 5:00 P.M., which motions prevail. The Chair declares the Senate in recess. The Senate, preceded by its Officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives standing. Speaker Brubaker presents the gavel to Lieutenant Governor Dennis A. Wicker, President of the Senate. The Joint Session is called to order by the President of the Senate.

The President of the Senate recognizes the Sergeant-at-Arms of the House of Representatives, who announces the presence of the Governor of the State of North Carolina, the Honorable James B. Hunt, Jr. The Governor is escorted in and seated in the Hall of the House.

The President of the Senate recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the President of the United States, the Honorable William J. Clinton, who approaches the Well of the House of Representatives and delivers his message. (See Appendix)

Following the President’s address, the President of the Senate directs the Sergeants-at-Arms of the House of Representatives and Senate to escort the Honorable William J. Clinton, President of the United States of America, from the Hall of the House of Representatives. The President departs to a standing ovation.

On motion of Senator Basnight, seconded by Representative Morgan, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned at 12:00 Noon to meet Monday, March 17, at 5:00 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O God, most of us come to the end of this Monday with a long list of expected events for this week, both personal and corporate. We expect to gather in this chamber daily, introduce bills or have bills considered in committee meetings. We expect to meet multiple obligations for our time and energy.

“But right now, before we begin all of that, stir in our hearts a holy expectancy so that we will be ready and open to Your voice.

“May our spirit be open to the calling of Your spirit, that in listening for You we might hear You, that in waiting for You we might meet You, that in meeting You we might follow You in all that we do this week. In Your Holy Name we pray, Amen.”

With unanimous consent, the President grants leaves of absence for tonight to Senator Garwood due to a death in his family; to Senator Gulley due to surgery; to Senator Hartsell; to Senator Rucho to cover his dental practice; and to Senator Webster.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of Thursday, March 13, has been examined and is found to be correct. On 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 Dameron from Raleigh, who is serving the Senate as Doctor of the Day, in absentia.

CALENDAR

A bill on today’s Calendar is taken up and disposed of, as follows:

S.B. 31 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CONFORMING CHANGES TO THE LP GAS STATUTE.

With unanimous consent, on motion of Senator Jordan, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and recommitted to the Commerce Committee.

REPORT OF COMMITTEE

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 Miller for the State Government, Local Government, and Personnel Committee:

S.B. 130, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF DAVIDSON TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN ITS 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 A550, which changes the title to read S.B. 130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE, is adopted and engrossed.

CALENDAR (Continued)

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business and, on his further motion, the bill is withdrawn from today’s Calendar and placed on the Calendar for Wednesday, March 19.

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.

With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business and, on his further motion, the bill is withdrawn from today’s Calendar and placed on the Calendar for Monday, March 24.

INTRODUCTION OF BILLS

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

By Senators Rand, Ballantine, Cooper, Gulley, Miller, Perdue, Plyler, Reeves, Soles, and Warren:

S.B. 393, A BILL TO BE ENTITLED AN ACT TO MANDATE THE REVOCATION OF A PERSON’S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY SERVICE.

Referred to Judiciary Committee.

By Senators Rand, Ballantine, Cooper, Gulley, Hartsell, Miller, Perdue, Plyler, Reeves, Soles, and Warren:

S.B. 394, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS AND TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION.

Referred to Judiciary Committee and upon a favorable report, re-referred to the Appropriations Committee.

March 17, 1997
By Senator Rand:
**S.B. 395**, A BILL TO BE ENTITLED AN ACT RELATING TO THE TWENTY-FOURTH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senator Rand:
**S.B. 396**, A BILL TO BE ENTITLED AN ACT RELATING TO CUMBERLAND COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Jordan:
**S.B. 397**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RESTORATION OF THE HISTORIC PINE FOREST CEMETERY IN THE CITY OF WILMINGTON.
Referred to Appropriations Committee.

By Senators Martin of Pitt, Albertson, Conder, Dannelly, Hoyle, Perdue, and Warren:
**S.B. 398**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE COMPLETION OF THE EASTERN 4-H ENVIRONMENTAL EDUCATION CENTER.
Referred to Appropriations Committee.

By Senators Martin of Pitt, Albertson, Dannelly, Hoyle, and Perdue:
**S.B. 399**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA BIOTECHNOLOGY CENTER FOR PLANNING FOR CONSTRUCTION OF A PARKING DECK.
Referred to Appropriations Committee.

By Senators Winner, Carpenter, Conder, Dannelly, Forrester, Gulley, Kinnaird, Ledbetter, Martin of Guilford, Phillips, and Rucho:
**S.B. 400**, A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Kinnaird and Lee:
**S.B. 401**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THREE OF THE MEMBERS ELECTED TO THE PINEHURST VILLAGE COUNCIL IN 1995 SHALL SERVE FOUR-YEAR TERMS.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Webster, Ballance, Ballantine, Blust, Carpenter, Carrington, Clark, Cooper, East, Forrester, Foxx, Garwood, Horton, Ledbetter, McDaniel, Odom, Page, and Shaw of Guilford:
**S.B. 402**, A BILL TO BE ENTITLED AN ACT TO EXEMPT SIMPLE RETIREMENT ACCOUNTS FROM THE CLAIMS OF CREDITORS.
Referred to Judiciary Committee.

By Senator Ballance:
**S.B. 403**, A BILL TO BE ENTITLED AN ACT TO RESTORE THE RIGHTS OF

March 17, 1997
CITIZENSHIP OF A CONVICTED PERSON IF THAT PERSON IS RELEASED FROM INCARCERATION OR IS GIVEN A SENTENCE WITHOUT INCARCERATION.
Referred to Judiciary Committee.

By Senators Kincaid, Carpenter, East, Foxx, and Garwood:
S.B. 404, A BILL TO BE ENTITLED AN ACT TO ALLOCATE PART OF THE INVESTMENT EARNINGS ON THE 1996 PUBLIC SCHOOL BUILDING BONDS FOR SMALL COUNTY SCHOOL SYSTEMS.
Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Plyler, Conder, and Rand:
S.B. 405, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EDUCATE LAW ENFORCEMENT MANAGERS BY FUNDING THE ADMINISTRATIVE OFFICERS MANAGEMENT PROGRAM AT NORTH CAROLINA STATE UNIVERSITY.
Referred to Appropriations Committee.

By Senators Blust, Clark, Cochrane, Foxx, Horton, Ledbetter, and Shaw of Guilford:
S.B. 406, A BILL TO BE ENTITLED AN ACT MODIFYING THE MANNER OF DESIGNATING POSITIONS AS EXEMPT FROM THE STATE PERSONNEL ACT, REQUIRING THE APPROVAL OF THE GENERAL ASSEMBLY BEFORE CERTAIN POSITIONS MAY BE DESIGNATED AS POLICY-MAKING CONFIDENTIAL POSITIONS EXEMPT FROM THE STATE PERSONNEL ACT, AND CHANGING THE TREATMENT OF POLICY-MAKING CONFIDENTIAL EMPLOYEES RELATIVE TO COVERAGE UNDER CERTAIN PROVISIONS OF THE STATE PERSONNEL ACT.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Blust, Clark, Cochrane, Foxx, Horton, Ledbetter, and Shaw of Guilford:
S.B. 407, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROVIDE FOR THE OPEN, FAIR, AND NONPOLITICAL SELECTION OF THE MOST QUALIFIED PERSONS FOR STATE GOVERNMENT EMPLOYMENT BY LIMITING POLITICAL HIRINGS, TO PROVIDE FOR BROADER PROTECTIONS FOR STATE EMPLOYEES REPORTING MISMANAGEMENT AND IMPROPER GOVERNMENT ACTIVITIES, AND TO PROVIDE FOR THE REPORTING OF CERTAIN HIRINGS AND OTHER MATTERS TO THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.
Referred to State Government, Local Government, and Personnel Committee.

The Chair acknowledges Senator Webster's presence in the Chamber, and the leave of absence granted previously is withdrawn.

CALENDAR (Continued)

Bills on the Calendar carried forward as unfinished business from Thursday, March 13, are taken up and disposed of, as follows:

March 17, 1997
S.B. 282, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND, taken up out of its regular order of business.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 290, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF RUTHERFORDTON CONCERNING THE DISTRIBUTIONS OF PROFITS FROM THE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM, taken up out of its regular order of business.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 291, A BILL TO BE ENTITLED AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION, taken up out of its regular order of business.

The bill passes its second and third readings and is ordered sent the House of Representatives.

S.B. 69, A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and placed on the Calendar for Tuesday, March 18.

S.B. 247 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO CONFIDENTIALITY OF HEALTH CARE CONTRACTS.

The Committee Substitute bill passes its second (40-2) and third readings and is ordered sent to the House of Representatives.

S.B. 273, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE COVERAGE OF POSTMASTECTOMY INPATIENT CARE UNDER HEALTH INSURANCE PLANS.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives.

S.B. 319, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF A NEW MULTICAMPUS COMMUNITY COLLEGE THAT WILL SERVE ANSON AND UNION COUNTIES.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 327, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL
CHANGES TO THE GENERAL STATUTES GOVERNING THE DEPARTMENT OF CULTURAL RESOURCES AND THE NORTH CAROLINA HISTORICAL COMMISSION.

The bill passes its second (42-1) and third readings and is ordered sent to the House of Representatives.

H.B. 29 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RAFFLE CASH PRIZES AND THE FAIR MARKET VALUE OF RAFFLE MERCHANDISE PRIZES.

The Committee Substitute bill passes its second (30-12) and third readings, is ordered enrolled, and is ordered sent to the Governor.

S.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY AMOUNTS THAT DETERMINE THE ASSESSMENT OF SAFE DRIVER INCENTIVE PLAN POINTS AND TO PROVIDE FOR A GRADUATED INSURANCE POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN AUTOMOBILE ACCIDENTS, on today’s Calendar.

With unanimous consent, on motion Senator Cochrane, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion, consideration of the Committee Substitute bill is postponed until Tuesday, March 18.

H.B. 77, A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES TO DISSOLVE CERTAIN AREA MENTAL HEALTH AUTHORITIES.

The bill passes its second (43-0) and third readings, is ordered enrolled, and is ordered sent to the Governor.

A bill on today’s Calendar is taken up and disposed of, as follows:

S.B. 86 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Shaw of Guilford, the House Committee Substitute bill is withdrawn from today’s Calendar and placed on the Calendar for Tuesday, March 18.

COMMITTEE REFERRAL RECALL

H.B. 248 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES, referred to the Judiciary Committee on March 13.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Judiciary Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 recalled from the Judiciary Committee and refers the measure to the Finance Committee.

March 17, 1997
PERSONAL PRIVILEGE

With unanimous consent on motion of Senator Basnight, the remarks of Senator Lee, who rises to a point of personal privilege, recognizing the accomplishments of Dean Smith, Coach of the University of North Carolina Basketball Team, are spread upon the Journal, as follows:

Senator Lee:

"Thank you Mr. President. Mr. President and Members of the Senate, each of us in this Chamber has either been a part of making history or have witnessed history in the making. I am delighted that North Carolina can claim that history was written on Saturday afternoon when Coach Dean Smith of the University of North Carolina at Chapel Hill became the winningest coach in the history of basketball. I had the delightful pleasure of being with Senator Ballantine on Thursday evening when the record was tied, and again with Senator Kerr on Saturday afternoon when the record was broken. I've had the distinct pleasure of knowing Coach Smith since arriving in North Carolina in 1964. And I recall meeting him when my wife and my family joined Binkley Baptist Church in Chapel Hill where he is a member. And the first time I was introduced to him, and he was presented as Dean Smith, I recall asking him what he was Dean of. I was set straight fairly quickly and then on Saturday afternoon I saw this sign, Senator Rand, in the crowd that said, 'Dean of Basketball', and now I know.

"But I hope when historians, Mr. President, sit to write of these times that they won't just look at a record that was setting, that was set without looking at the total man. Dean Smith is a fantastic human being who has sent forth into the world many young men who are making contributions to the betterment of our society and whose children will also make contributions because, as one philosopher said, 'Each time we teach a person, we teach that person’s children and we teach that person’s grandchildren.' The character with which these young men live their lives can be attributed to the quality of man Coach Dean Smith is.

"But I hope people will also remember him and historians will write that he was a man who cared about more than basketball. He has been the one, more than anyone else, who’s kept it in perspective when he keeps saying, Senator Basnight, 'Basketball is just a game.'

"And he has taken position on social issues such as disarmament, nuclear controls. He’s cared about people and the plights of lives with which they’ve lived. He has been involved in bringing about social change as he joined with several people in Chapel Hill to test the public accommodation laws. When I was having trouble buying a house in Chapel Hill, Dean Smith was there as one of the people to encourage and to support me. And I could go on citing a litany of contributions this man has made beyond just the record. The number itself will change, and I hope it will change two weekends from now, Monday a week from, two weeks from now, when the number will be eight hundred eighty-one. And he will have won the National Championship of the NCAA.

"So I hope that we will keep in perspective that we are in the presence of grace that Dean Smith is a man of character. And I can think of no better model for young people than to have a man such as this hold the record. And I hope they will look at the men he has sent forward and look at his life and pattern their lives after his. I am proud that he is a North Carolinian. I am proud that he has the record. I am proud that I can call him friend, and I ask all of you to join with me in sharing in this tremendous accomplishment which we in North Carolina are blessed to have in our own midst. It’s a great day in Carolina."
On motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns at 6:09 P.M. in honor of James D. Speed, former Senator from Franklin County, to meet tomorrow, Tuesday, March 18, at 2:00 P.M.

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TWENTY-EIGHTH DAY

Senate Chamber
Tuesday, March 18, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Almighty God, we have been taught by life to become 'wordsmiths' carefully crafting everything from the letters we write to the conversations we have.

"We want the translation of our communications to be received precisely because we don’t want to be misunderstood or misquoted.

"Teach us our Father that it is no use making such articulate precise translations of our words, if we cannot get the words translated into the heart and conduct of our lives. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Garwood due to a death in his family.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, March 17, has been examined and is found to be correct. On 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 F. Brooker from Winston-Salem, 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 Soles for the Commerce Committee:

S.B. 23, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT EVERY DWELLING UNIT LEASED AS RENTAL PROPERTY IN CERTAIN CITIES BE FURNISHED WITH A SOURCE OF HEAT, with a favorable report.

S.B. 246, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PARTS MAY BE REMOVED FROM CONFISCATED WEAPONS PRIOR TO THE DESTRUCTION
OF THE WEAPONS TO REPAIR EXISTING LAW ENFORCEMENT WEAPONS, with a favorable report.

S.B. 329, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS, with a favorable report.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 210, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee.

S.B. 114, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 266, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER, with a favorable report.

With unanimous consent, on motion of Senator Albertson the bill is re-referred to the Finance Committee.

By Senator Perdue for the Appropriations Committee:

S.B. 286, A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, with a favorable report.

By Senator Winner for the Education/Higher Education Committee:

S.B. 265, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES ON SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTIONS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO CLARIFY THE ROLE OF THE OFFICE OF THE STATE AUDITOR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8576 is adopted and engrossed.

By Senator Hoyle for the Finance Committee:

H.B. 149, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO ACCOUNT FOR 911 SURCHARGES IN THEIR ANNUAL...
FINANCIAL STATEMENTS, with a favorable report.

S.B. 249, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY REVENUE BONDS AND SPECIAL OBLIGATION BONDS AND TO ADD AN ADDITIONAL CONDITION FOR APPROVAL OF REVENUE BONDS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2596, which changes the title to read S.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY REVENUE BONDS AND SPECIAL OBLIGATION BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 29, AN ACT TO INCREASE THE MAXIMUM RAFFLE CASH PRIZES AND THE FAIR MARKET VALUE OF RAFFLE MERCHANDISE PRIZES.

H.B. 77, AN ACT TO DIRECT THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES TO DISSOLVE CERTAIN AREA MENTAL HEALTH AUTHORITIES.

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 Shaw of Guilford and Cochrane:
S.B. 408, A BILL TO BE ENTITLED AN ACT TO ENHANCE, ENSURE, AND PROTECT THE PUBLIC'S RIGHT TO CONTINUED ACCESS TO RENEWABLE RESOURCE ENERGY GENERATED BY SMALL POWER PRODUCERS OF FIVE MEGAWATTS OR LESS BY PROVIDING THAT AVOIDED COSTS TO A UTILITY FROM THAT ENERGY BE CALCULATED BY THE RESIDUAL REVENUE METHOD.

Referred to Commerce Committee.

By Senator Shaw of Guilford:
S.B. 409, A BILL TO BE ENTITLED AN ACT TO PERMIT AIRPORT LAW ENFORCEMENT AGENCIES TO ENTER COOPERATION AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

Referred to Judiciary Committee.

By Senators Ledbetter, Carpenter, and Clark:
S.B. 410, A BILL TO BE ENTITLED AN ACT TO CHANGE THE ELECTION METHOD FOR THE BOARD OF COMMISSIONERS OF BUNCOMBE COUNTY.

Referred to State Government, Local Government, and Personnel Committee.

March 18, 1997
By Senator Martin of Pitt:

S.B. 411, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Carpenter and Jenkins:

S.B. 412, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO MACON COUNTY FOR COSTS IN ESTABLISHING AN OVERNIGHT RESPITE CENTER.

Referred to Appropriations Committee.

By Senators Kinnaird, Ballance, Forrester, Foxx, Lucas, Odom, Phillips, Shaw of Cumberland, Weinstein, and Wellons:

S.B. 413, A BILL TO BE ENTITLED AN ACT TO PROVIDE MEDICAID RECIPIENTS DIRECT ACCESS TO OBSTETRICIAN-GYNECOLOGISTS.

Referred to Children and Human Resources Committee.

By Senators Rand, Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, Forrester, Foxx, Horton, Jenkins, Jordan, Kerr, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Miller, Odom, Page, Perdue, Phillips, Plyler, Reeves, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, Wellons, and Winner:

S.J.R. 414, A JOINT RESOLUTION HONORING THE ACCOMPLISHMENTS OF COACH DEAN EDWARDS SMITH AND THE MEN'S BASKETBALL PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

Referred to Rules and Operations of the Senate Committee.


S.B. 415, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES THAT WILL ENCOURAGE HIGH SCHOOL STUDENTS TO TAKE ADVANCE PLACEMENT COURSES AND COLLEGE LEVEL COURSES WHILE IN HIGH SCHOOL, ENCOURAGE THE UNIVERSITY OF NORTH CAROLINA, THE COMMUNITY COLLEGES, AND THE PUBLIC SCHOOLS TO MAKE THOSE COURSES AVAILABLE TO STUDENTS, TO ENCOURAGE STUDENTS TO TAKE THEIR FIRST TWO YEARS OF GENERAL EDUCATION COURSES THROUGH THE COMMUNITY COLLEGE SYSTEM, AND TO APPROPRIATE FUNDS TO FINANCE THOSE INCENTIVES.

Referred to Education/Higher Education Committee.

By Senators Kerr, Horton, Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Cooper, Dannelly, Forrester, Foxx, Jenkins, Kinnaird, Ledbetter, Lee, Martin of Guilford, Martin of Pitt, Page, Perdue, Phillips, Plyler, Rand, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Wellons, and Winner:

S.R. 416, A SENATE RESOLUTION COMMEMORATING THE FIFTIETH
ANNIVERSARY OF THE NORTH CAROLINA MUSEUM OF ART.
Referred to Rules and Operations of the Senate Committee.

By Senators Shaw of Cumberland, Ballance, and Jordan:
S.B. 417, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE BONDING REQUIREMENTS FOR PUBLIC CONTRACTS WITH A VALUE OF ONE MILLION DOLLARS OR LESS.
Referred to Commerce Committee.

By Senators Shaw of Cumberland, Ballance, and Jordan:
S.B. 418, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SECRETARY OF ADMINISTRATION TO SET BUSINESS SIZE STANDARDS AND APPLY THEM TO THE PROCUREMENT PROCEDURES TO PROMOTE INCREASED PROCUREMENTS FROM SMALL AND MEDIUM-SIZED BUSINESSES.
Referred to Commerce Committee.

By Senators Martin of Guilford, Winner, Albertson, Carpenter, Clark, Conder, Cooper, Dannelly, Forrester, Jenkins, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Miller, Odom, Perdue, Phillips, Plyler, Rand, Reeves, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons:
S.B. 419, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COALITION 2001.
Referred to Appropriations Committee.

By Senators Martin of Guilford and Winner:
S.B. 420, A BILL TO BE ENTITLED AN ACT TO AMEND THE MEMBERSHIP OF THE STATE FIRE AND RESCUE COMMISSION.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Cooper, Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Cochrane, Conder, Dalton, Dannelly, Forrester, Foxx, Hartsell, Hoyle, Jenkins, Kinnaird, Liedbetter, Lee, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Miller, Odom, Perdue, Phillips, Plyler, Rand, Reeves, Shaw of Cumberland, Shaw of Guilford, Soles, Weinstein, Wellons, and Winner:
S.B. 421, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA 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.

MESSAGES 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, and disposed of, as follows:

March 18, 1997
S.B. 85 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is ordered held in the office of the Principal Clerk.

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. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CONSTRUCTION OF CERTAIN COMPONENTS OF LIQUID ANIMAL WASTE MANAGEMENT SYSTEMS WITHIN THE ONE HUNDRED-YEAR FLOODPLAIN.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 39, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE INCORPORATION OF THE TOWN OF SWEPSONVILLE AND THE SIMULTANEOUS DISSOLUTION OF THE SWEPSONVILLE SANITARY DISTRICT.
Referred to Rules and Operations of the Senate Committee.

H.B. 62 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO NONANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.
Referred to Finance Committee.

H.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE ADMINISTRATION OF THE GASTONIA POLICEMEN'S SUPPLEMENTAL RETIREMENT FUND AND THE GASTONIA FIREMEN'S SUPPLEMENTAL RETIREMENT FUND FROM THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.
Referred to Finance Committee.

H.B. 102, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THERE BE AT LEAST ONE VOTING PLACE IN MITCHELL COUNTY WITHIN EVERY TOWNSHIP THAT EXISTED IN 1995.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 238 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE OWNERS AND OPERATORS OF ANIMAL WASTE MANAGEMENT SYSTEMS TO PARTICIPATE IN CERTAIN RESEARCH STUDIES DIRECTED BY THE GENERAL ASSEMBLY BY LIMITING ENFORCEMENT ACTIONS FOR UNINTENTIONAL AND NONNEGLIGENCE VIOLATIONS OF WATER QUALITY STANDARDS THAT ARE IDENTIFIED IN THE COURSE OF THOSE RESEARCH STUDIES AND TO CLARIFY THE REPORTING DATES FOR THOSE RESEARCH STUDIES.

March 18, 1997
STUDIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 265, A BILL TO BE ENTITLED AN ACT TO ADD VARIOUS COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAFY.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL BOARDS OF EDUCATION TO OBTAIN REFUNDS OF SALES AND USE TAXES.

Referred to Finance Committee.

H.B. 272 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA AND THE INSTITUTIONS OF THE COMMUNITY COLLEGE SYSTEM TO OBTAIN REFUNDS OF SALES AND USE TAXES.

Referred to Finance Committee.

H.B. 298 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING FROM FIVE TO SEVEN THE MEMBERSHIP OF THE COLUMBUS COUNTY AIRPORT AUTHORITY.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 336, A BILL TO BE ENTITLED AN ACT TO ALLOW TWO MEMBERS OF THE VICTIM'S FAMILY TO BE PRESENT AT AN EXECUTION.

Referred to Judiciary Committee.

H.B. 374, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIM'S COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS AND TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION.

Referred to Judiciary Committee.

WITHDRAWAL FROM CALENDAR

S.B. 286, A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, placed earlier today on the Calendar for Wednesday, March 19.

Senator Perdue offers a motion that the bill be withdrawn from the Calendar for Wednesday, March 19, and placed on today's Calendar in its regular order of business, which motion prevails with unanimous consent.

The Chair orders the bill withdrawn from the Calendar for Wednesday, March 19, and places it on today’s Calendar in its regular order of business.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:
S.B. 130 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO EXERCISE EXTRATERITORIAL JURISDICTION WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, upon second reading.

Senator Kerr offers Amendment No. 1, held to be material, which is adopted (49-0), constituting the first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, March 19, for further consideration upon second reading.

S.B. 151, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

With unanimous consent, on motion of Senator Cooper, further consideration of the bill is postponed until Thursday, March 20.

S.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY AMOUNTS THAT DETERMINE THE ASSESSMENT OF SAFE DRIVER INCENTIVE PLAN POINTS AND TO PROVIDE FOR A GRADUATED INSURANCE POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN AUTOMOBILE ACCIDENTS.

The Committee Substitute bill passes its second reading (48-1).

Senator Jenkins objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Wednesday, March 19, for further consideration upon third reading.

S.B. 286, A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, placed on the Calendar earlier today.

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

RECALL FROM CLERK'S OFFICE

S.B. 85 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY, ordered held in the office of the Principal Clerk earlier today.
With unanimous consent, on motion of Senator Rand, the rules are suspended to the end and the House Committee Substitute bill is recalled from the office of the Principal Clerk and placed before the Senate for immediate consideration 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.

**CALENDAR (Continued)**

S.B. 86 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (47-0), the measure is ordered enrolled, and is ordered sent to the Governor.

**COMMITTEE REFERRAL RECALL**

S.B. 369, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANDING THE DRUG AND ALCOHOL RECOVERY TREATMENT CONTINUING CARE PROGRAM AND TO REQUIRE THE EXPANSION OF THE DRUG ABUSE RESISTANCE EDUCATION PROGRAM TO THE SEVENTH AND NINTH GRADES AS PART OF THE GOVERNOR'S DRIVING WHILE IMPAIRED INITIATIVES, referred to the Appropriations Committee on March 11.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the Appropriations Committee and re-referred to the Education/Higher Education Committee, and upon a favorable report re-referred to the Appropriations Committee, which motions prevail with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and refers the measure to the Education/Higher Education Committee, and upon a favorable report re-referred to the Appropriations Committee.

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

Sarah Blackburn, Durham; Nathan Blair Clark, Clyde; Bambi Michell Crawford, Goldsboro; Katherine Elizabeth Erwin, Raleigh; LaShilda Marcelle Glover, Siler City; Jessica Lynn Goldston, Siler City; Shemicka Hodge, Raleigh; Courtney Valencia Horton, Lumberton; Atasha Isley, Siler City; Chenise Jones, Wendell; Jonathan Avon Jones, Kinston; Angus McKellar, Chapel Hill; Gena Elizabeth Miller, Burlington; Rebekah Lane Miller, Burlington; Jeremy Newman, Durham; Kristina Nicole Page, Gastonia; Amy Denise Pasour, Dallas; Kyle Trevor Phillips, Hurdle Mills; Lauren Michelle Rhoney, Gastonia; Andrew Braxton Strickland, Stedman; and Lauren Taylor, Warsaw.

On motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 3:15 P.M. to meet tomorrow, Wednesday, March 19, at 2:00 P.M.

March 18, 1997
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O Lord our God, sharpen our vision and adjust our focus, otherwise we might mistake small things for great; we might confuse the temporary with the eternal; or we might believe that faith is a matter of having all the right answers.

"Be present now to the men and women of the Senate during this hour of their deliberations. For Your sake, Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, March 18, has been examined and is found to be correct. On 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. D. E. Ward from Lumberton, 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. 86, AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Enrolling Clerk reports the following local bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State.

S.B. 85, AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY.

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 Kerr for the Finance Committee:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES, with a favorable report.
S.B. 262, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, with a favorable report.

S.B. 388, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ASSESSMENT OF INTANGIBLES TAX FROM TAXPAYERS WHO BENEFITED FROM THE TAXABLE PERCENTAGE DEDUCTION IN THE FORMER INTANGIBLES TAX STATUTE, with a favorable report.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 302, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE COORDINATION OF LEGISLATIVE REQUESTS FOR SPECIAL AUDIT ASSISTANCE, with a favorable report.

With unanimous consent, on motion of Senator Miller, the bill is re-referred to the Appropriations Committee.

S.B. 321, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, with a favorable report.

S.B. 343, A BILL TO BE ENTITLED AN ACT RELATING TO THE DUTIES OF COMMISSIONERS OF THE MID-EAST REGIONAL HOUSING AUTHORITY UNDER THE PROVISIONS OF ARTICLE 1 OF CHAPTER 157 OF THE GENERAL STATUTES, with a favorable report.

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, with a favorable report.

With unanimous consent, on motion of Senator Miller, the bill is re-referred to the Finance Committee.

S.B. 363, A BILL TO BE ENTITLED AN ACT TO ALLOW HARNETT COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY, with a favorable report.

By Senator Soles for the Commerce Committee:

S.B. 333, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PROCEDURE FOR ENTRY OF ORDERS IN THE COMMODITIES 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 7609 is adopted and engrossed.

March 19, 1997
By Senator Cooper for the Judiciary Committee:

S.B. 296, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PLEDGE FOR PERSONS TO TAKE AT THE BEGINNING OF THEIR CANDIDACIES FOR PUBLIC OFFICE, TO PROVIDE FOR PUBLICITY ABOUT WHO SIGNED THE PLEDGE, AND TO PROVIDE A COMPLAINT MECHANISM FOR VIOLATION OF THE CORRUPT PRACTICES 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 8581 is adopted and engrossed.

H.B. 202 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT BY WHICH AN UPSET BID ON REAL PROPERTY IN JUDICIAL SALES AND EXECUTION SALES MUST EXCEED THE REPORTED SALE PRICE, AS RECOMMENDED BY THE GENERAL STATUTES 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 1161 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 Conder and Jenkins:
S.B. 422, A BILL TO BE ENTITLED AN ACT TO REDUCE THE SHARE OF NONFEDERAL PAYMENTS FOR MEDICAL ASSISTANCE AND SOCIAL SERVICES FOR CERTAIN ECONOMICALLY DISADVANTAGED COUNTIES.
Referred to Children & Human Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Perdue:
S.B. 423, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SENIOR CENTERS.
Referred to Appropriations Committee.

By Senator Miller:
S.B. 424, A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WAKE FOREST.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Miller:
S.B. 425, A BILL TO BE ENTITLED AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS.
Referred to Commerce Committee.

By Senators Hoyle and Martin of Pitt:
S.B. 426, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL MOTOR
VEHICLE REGISTRATION PLATES FOR MAGISTRATES.
   Referred to Transportation Committee.

By Senators Hoyle, Jenkins, and Martin of Pitt:
S.B. 427, A BILL TO BE ENTITLED AN ACT TO INCLUDE WOOD CHIP TRANSPORTERS IN THE LIGHT DUTY ROAD WEIGHT EXEMPTIONS.
   Referred to Transportation Committee.

By Senators Gulley and Lucas:
S.B. 428, A BILL TO BE ENTITLED AN ACT TO CREATE THE BUTNER PLANNING COUNCIL.
   Referred to State Government, Local Government, and Personnel Committee.

By Senators Odom, Dannelly, Rucho, and Winner:
S.B. 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD.
   Referred to State Government, Local Government, and Personnel Committee.

By Senators Odom, Cochrane, Cooper, Lucas, Reeves, and Shaw of Cumberland:
S.B. 430, A BILL TO BE ENTITLED AN ACT TO PROVIDE TITLE PROTECTION FOR THE PROFESSION OF INDUSTRIAL HYGIENISTS.
   Referred to Judiciary Committee.

By Senators Odom and Hoyle:
S.B. 431, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE QUESTION OF PAVING AND MAINTAINING OF ALL UNPAVED ROADS IN NORTH CAROLINA.
   Referred to Rules and Operations of the Senate Committee.

By Senators Odom and Horton:
S.B. 432, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON STORM HAZARD MITIGATION.
   Referred to Rules and Operations of the Senate Committee.

By Senator Cooper:
S.B. 433, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.
   Referred to Select Committee on Congressional Redistricting.

MESSAGES 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, and disposed of, as follows:

S.B. 84, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-
HALF MARINA CONDOMINIUMS IN THE TOWN OF ATLANTIC BEACH, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 84 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS AND THE HOOP POLE CREEK AREA IN THE TOWN OF ATLANTIC BEACH, which is placed on the Calendar for tomorrow, Thursday, March 20.

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. 136 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN LATE CHARGES FOR THE LATE RETURN OF RENTED PROPERTY ARE SUBJECT TO SALES TAX AND TO PROVIDE FOR TREBLE DAMAGES IN A CIVIL ACTION TO ENFORCE PAYMENT OF CERTAIN LATE CHARGES FOR THE LATE RETURN OF A RENTED VIDEOCASSETTE TAPE.

Referred to Finance Committee.

H.B. 71, A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF HALIFAX AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 191, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FILING AND REGISTRY OF CERTIFIED COPIES OF OUT-OF-STATE CUSTODY DECREES AND FOR THE VALIDATION OF CERTIFIED COPIES OF WILLS RECORDED WITHOUT PROBATE.

Referred to Judiciary Committee.

H.B. 295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT MOST INTANGIBLE PERSONAL PROPERTY FROM PROPERTY TAX.

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
March 18, 1997

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to HR 323, A HOUSE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF

March 19, 1997
GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, INCLUDING A PROHIBITION ON NOMINATIONS FROM THE FLOOR, A REQUIREMENT THAT A NOMINEE RECEIVE THE VOTES OF A MAJORITY OF THE MEMBERS PRESENT AND VOTING IN THE NOMINEE'S CATEGORY IN ORDER TO BE ELECTED, AND TO PROVIDE THAT AT LEAST TWO PERSONS ON THE AT-LARGE BALLOT SHALL BE MEMBERS OF THE MAJORITY POLITICAL PARTY, the House has elected the following persons to serve for a four-year term:

At-Large Category (6):

H. Frank Grainger
Robert Franklin Warwick
Henry McKoy
Bradley T. Adcock
J. Craig Souza
D. Wayne Peterson

Minority Political Party (2):

John F. A. V. Cecil
Timothy Keith Moore

Respectfully,
S/Denise Weeks
Principal Clerk

WITHDRAWAL FROM CALENDAR

S.B. 84, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS IN THE TOWN OF ATLANTIC BEACH, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 84 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS AND THE HOOP POLE CREEK AREA IN THE TOWN OF ATLANTIC BEACH, earlier today placed on the Calendar for tomorrow, March 20, for concurrence.

With unanimous consent on motion of Senator Rand, the rules are suspended to the end, and the House Committee Substitute bill is withdrawn from the Calendar for March 20, and placed on today’s Calendar for concurrence in its regular order of business.

CALENDAR

Bills on today’s Calendar are taken up and disposed of, as follows:

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

The bill passes its second and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.
S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, as amended, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill, as amended, is withdrawn from today's Calendar and placed on the Calendar for Tuesday, March 25.

S.B. 23, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT EVERY DWELLING UNIT LEASED AS RENTAL PROPERTY IN CERTAIN CITIES BE FURNISHED WITH A SOURCE OF HEAT.

Senator Miller offers Amendment No. 1 which is adopted (46-2).

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Webster.

The bill, as amended, passes its second (47-2) and third readings and is ordered engrossed and sent to the House of Representatives.

COURTESIES

With unanimous consent, on motion of Senators Ballantine, Jordan, and Soles, privileges of the floor are extended to the Azalea Festival Princess and her Court, and Senator Ballantine of New Hanover, Senator Jordan of New Hanover, and Senator Soles of Columbus are directed to escort the guests to the Well of the Senate. The guests are received with a standing ovation.

Liz Harris, Azalea Princess, extends an invitation to the Members to attend the upcoming Azalea Festival in Wilmington. The Azalea Festival Court introduce themselves and present a framed print commemorating the Festival to the President of the Senate, Lieutenant Governor Wicker. The President accepts the gift on behalf of the Senate, thanks the Azalea Festival Princess and her Court, and recognizes Senator Jordan who recognizes members of the Azalea Festival Committee present in the Gallery. The guests are escorted from the Chamber to a standing ovation.

CALENDAR (Continued)

S.B. 114, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Senator Horton offers Amendment No. 1, proposing to change the title to read S.B. 114, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, AND TO MAKE A LIMITED ADJUSTMENT TO THE LEAKING UNDERGROUND STORAGE TANK CLEANUP PROGRAM.

Without objection, on motion of Senator Albertson, the bill is withdrawn from today's Calendar and recommitted to the Agriculture/Environment/Natural Resources Committee with Amendment No. 1 pending.

S.B. 246, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PARTS MAY
BE REMOVED FROM CONFISCATED WEAPONS PRIOR TO THE DESTRUCTION
OF THE WEAPONS TO REPAIR EXISTING LAW ENFORCEMENT WEAPONS.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY REVENUE BONDS AND SPECIAL OBLIGATION BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS.

Senator Carpenter offers a motion to suspend the rules to allow Sabra Faires of the Fiscal Research Division privileges of the floor to assist with the explanation of the Committee Substitute bill, which motion prevails.

The President Pro Tempore rules the Committee Substitute bill requires a call of the roll.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 2, as follows:


Voting in the negative: Senators McDaniel and Rucho—2.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, March 20, for further consideration upon third reading.

S.B. 265 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES ON SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTIONS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO CLARIFY THE ROLE OF THE OFFICE OF THE STATE AUDITOR.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 329, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 149, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL GOVERNMENTS TO ACCOUNT FOR 911 SURCHARGES IN THEIR ANNUAL FINANCIAL STATEMENTS.

The bill passes its second (49-0) and third readings, is ordered enrolled, and is ordered sent to the Governor.
S.B. 234 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE STATUTORY AMOUNTS THAT DETERMINE THE ASSESSMENT OF SAFE DRIVER INCENTIVE PLAN POINTS AND TO PROVIDE FOR A GRADUATED INSURANCE POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN AUTOMOBILE ACCIDENTS, upon third reading.

Senator Wellons 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. 84, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS IN THE TOWN OF ATLANTIC BEACH, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 84 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS AND THE HOOP POLE CREEK AREA IN THE TOWN OF ATLANTIC BEACH, placed on the Calendar earlier today.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled.

On motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 3:55 P.M. to meet tomorrow, Thursday, March 20, at 2:00 P.M.

THIRTIETH DAY

Senate Chamber
Thursday, March 20, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting Hudson Taylor as follows:

"O God, stories in Holy Scripture about the heroes of our faith tradition, Moses, Abraham, David, Jesus, the Disciples all share a common denominator. The tasks to which You called them must have seemed impossible to accomplish.

"May the men and women of the Senate find encouragement for the tasks to which they have been called, by remembering that in these stories the 'three stages of progression always moved from the impossible, to the difficult, to done!' In gratitude we pray, Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Shaw of Guilford.
Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, March 19, has been examined and is found to be correct. On 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 Lancaster from Raleigh, 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. 149, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO ACCOUNT FOR 911 SURCHARGES IN THEIR ANNUAL FINANCIAL STATEMENTS.

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

S.B. 84, AN ACT TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS AND THE HOOP POLE CREEK AREA IN THE TOWN OF ATLANTIC BEACH.

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. 85, AN ACT TO REGULATE DEER HUNTING IN WILSON COUNTY. (Became law upon ratification March 19, 1997—S.L. 1997-4)

REPORTS OF COMMITTEES

Bills filed 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 Cooper for the Judiciary Committee:

H.B. 139 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CLARIFY THAT PERSONS CONVICTED OF SEX OFFENSES IN FEDERAL COURT AND OTHER STATES ARE REQUIRED TO REGISTER, with a favorable report.

S.B. 152, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADMINISTRATIVE SEARCH WARRANTS TO BE SERVED AT HOURS OTHER THAN BETWEEN 8:00 A.M. AND 8:00 P.M. WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ACTIVITY THAT JUSTIFIES THE ADMINISTRATIVE SEARCH WARRANT WILL OCCUR AT OTHER HOURS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.
By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

S.B. 172, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF HUNTING LICENSES FOR CERTAIN DISABLED HUNTERS WHO HAVE NOT COMPLIED WITH THE HUNTING SAFETY COURSE REQUIREMENT, with a favorable report.

By Senator Cooper for the Select Committee on Congressional Redistricting:

S.B. 433, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS, 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 Forrester, Albertson, Cochrane, East, Garwood, Hoyle, Jenkins, Lee, Page, Plyler, Rand, Reeves, and Soles:

S.B. 434, A BILL TO BE ENTITLED AN ACT TO PROVIDE HEALTH BENEFITS FOR NATIONAL GUARD MEMBERS AND THEIR ELIGIBLE DEPENDENTS WHO DO NOT HAVE ACCESS TO COMPREHENSIVE GROUP HEALTH BENEFITS BY ALLOWING VOLUNTARY PARTICIPATION IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Forrester and Winner:

S.B. 435, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HEALTH BENEFIT PLANS FROM RESTRICTING COMMUNICATIONS BETWEEN A PATIENT AND THE PATIENT'S HEALTH CARE PROVIDER.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Winner, Odom, and Rucho:

S.B. 436, A BILL TO BE ENTITLED AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.
Referred to State Government, Local Government, and Personnel Committee.

By Senators East and Foxx:

S.B. 437, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Reeves:

S.B. 438, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENFORCEMENT PROCEDURES RELATED TO THE REGISTRATION OF SECURITIES AND TO
INVESTMENT ADVISERS AND TO ESTABLISH THE CONFIDENTIALITY OF RECORDS RELATING TO CRIMINAL INVESTIGATIONS AND ENFORCEMENT PROCEEDINGS.

Referred to Commerce Committee.

By Senator Reeves:

S.B. 439, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA SECURIATIES ACT AND THE INVESTMENT ADVISERS ACT TO THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996.

Referred to Commerce Committee.

By Senators Plyler and Conder:

S.B. 440, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE POWERS AND AUTHORITY OF THE NORTH CAROLINA NATIONAL GUARD.

Referred to Judiciary Committee.

By Senators Plyler, Conder, Rand, and Soles:

S.B. 441, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT ALLOCATED TO SHERIFFS FROM THE FEES CHARGED FOR CONCEALED HANDGUN APPLICATIONS AND RENEWALS.

Referred to Finance Committee.

By Senators Allran, Albertson, Ballance, Ballantine, Blust, Carpenter, Clark, Cochrane, East, Forrester, Foxx, Hartsell, Hoyle, Jordan, Ledbetter, Lucas, Martin of Pitt, Odom, Page, Perdue, Rand, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, and Webster:

S.B. 442, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE INSTRUCTION ON OUR AMERICAN HERITAGE.

Referred to Education/Higher Education Committee.

By Senator Hartsell:

S.B. 443, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO L.I.F.E. CENTER, INC., FOR CAPITAL COSTS IN EXPANDING A FACILITY FOR USE AS AN ADULT DAY CARE CENTER.

Referred to Appropriations Committee.

By Senators Hartsell, Blust, Cooper, Horton, Reeves, and Soles:

S.B. 444, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY AND CLARIFY CRIMINAL DISCOVERY FOR THE STATE AND THE DEFENDANT AND TO MAKE CONFORMING CHANGES.

Referred to Judiciary Committee.

By Senator Rand:

S.B. 445, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA BOARD OF NURSING TO ENTER INTO INTERSTATE COMPACTS TO FACILITATE THE PRACTICE AND REGULATION OF NURSING.

Referred to Children & Human Resources Committee.

March 20, 1997
By Senators Ledbetter, Albertson, Ballantine, Foxx, Kincaid, Kinnaird, McDaniel, Perdue, and Rand:

S.B. 446, A BILL TO BE ENTITLED AN ACT TO PROVIDE RELIEF FOR LOW-INCOME FEDERAL RETIREES AND THE SURVIVING SPOUSES OF FEDERAL RETIREES.

Referred to Finance Committee.

By Senators Weinstein, Conder, Odom, Rand, Shaw of Cumberland, Soles, and Wellons:

S.B. 447, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LUMBERTON ECONOMIC DEVELOPMENT AND TOURIST DISTRICT AND TO AUTHORIZE THE ISSUANCE OF CERTAIN ABC PERMITS IN THIS TYPE OF DISTRICT.

Referred to Finance Committee.

By Senators Martin of Pitt, Albertson, Carpenter, Hoyle, Jenkins, Kerr, and Kincaid:

S.B. 448, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FOR THE DIVISION OF FOREST RESOURCES TO FUND THE RECOMMENDATIONS OF A PERSONNEL CLASSIFICATION STUDY AND FOR TAKING OTHER PERSONNEL ACTIONS.

Referred to Appropriations Committee.

By Senators Plyler and Conder:

S.B. 449, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN ARCHAEOLOGICAL CURATION AND EDUCATION FACILITY ON THE GROUNDS OF THE TOWN CREEK INDIAN MOUND STATE HISTORIC SITE IN MONTGOMERY COUNTY.

Referred to Appropriations 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. 95 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A THREE-YEAR CYCLE FOR BUILDING CODE AMENDMENTS BEGINNING IN 1999 AND TO MAKE RELATED CHANGES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CODE.

Referred to Commerce Committee.

H.B. 153, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO IMPROVE THE DEFINITION OF "DEPENDENT JUVENILE".

Referred to Children & Human Resources Committee.

H.B. 477, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS TO ADMINISTER
COMPUTER-BASED EXAMINATIONS AND TO KEEP CERTAIN RECORDS CONFIDENTIAL.
Referred to Judiciary Committee.

RESOLUTION FROM ANOTHER STATE

The following resolution received from another Legislative Body is presented to the Senate and is ordered placed on file in the Legislative Library:

Alaska Senate Joint Resolution 9, Urging the United States Congress to pass legislation to open the coastal plain of the Arctic National Wildlife Refuge, Alaska to oil and gas exploration, development, and production. (See Appendix)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 262, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 4, as follows:


Voting in the negative: Senators East, Garwood, Rucho, and Webster-4.

The bill is ordered placed on the Calendar for Monday, March 24, for further consideration upon third reading.

S.B. 363, A BILL TO BE ENTITLED AN ACT TO ALLOW HARNETT COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY.

With unanimous consent, on motion of Senator Miller, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today's Calendar and placed on the Calendar for Monday, March 24.

S.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY REVENUE BONDS AND SPECIAL OBLIGATION BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS, upon third reading.

With unanimous consent, on motion of Senator Carpenter, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today's Calendar and placed on the Calendar for Monday, March 24.
S.B. 198, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

The President rules the bill requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 45, noes 3, as follows:


Voting in the negative: Senators East, McDaniel, and Webster-3.

The bill is ordered placed on the Calendar for Monday, March 24, for further consideration upon third reading.

S.B. 321, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 343, A BILL TO BE ENTITLED AN ACT RELATING TO THE DUTIES OF COMMISSIONERS OF THE MID-EAST REGIONAL HOUSING AUTHORITY UNDER THE PROVISIONS OF ARTICLE 1 OF CHAPTER 157 OF THE GENERAL STATUTES.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 388, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ASSESSMENT OF INTANGIBLES TAX FROM TAXPAYERS WHO BENEFITED FROM THE TAXABLE PERCENTAGE DEDUCTION IN THE FORMER INTANGIBLES TAX STATUTE.

With unanimous consent, on motion of Senator Hoyle, the bill is taken up out of its regular order of business.

Without objection, Senator Horton is excused from voting on the bill for the stated reason “a possible perception of conflict.”

The bill passes its second (48-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 151, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL

March 20, 1997
REVIEWS COMMISSION.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today’s Calendar and placed on the Calendar for Wednesday, March 26.

S.B. 296 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A PLEDGE FOR PERSONS TO TAKE AT THE BEGINNING OF THEIR CANDIDACIES FOR PUBLIC OFFICE, TO PROVIDE FOR PUBLICITY ABOUT WHO SIGNED THE PLEDGE, AND TO PROVIDE A COMPLAINT MECHANISM FOR VIOLATION OF THE CORRUPT PRACTICES ACT.

With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is withdrawn from today’s Calendar and recommitted to the Judiciary Committee.

S.B. 333 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PROCEDURE FOR ENTRY OF ORDERS IN THE COMMODITIES ACT.

With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Hoyle.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 202 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MINIMUM AMOUNT BY WHICH AN UPSET BID ON REAL PROPERTY IN JUDICIAL SALES AND EXECUTION SALES MUST EXCEED THE REPORTED SALE PRICE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The Senate Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

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 take its place on the Calendar, as follows:

By Senator Cooper for the Judiciary Committee:

S.B. 16, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY 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 8591 is adopted and engrossed.
On motion of Senator Basnight, seconded by Senator Soles, the Senate adjourns at 3:29 P.M. to meet Monday, March 24, at 7:00 P.M.

THIRTY-FIRST DAY

Senate Chamber
Monday, March 24, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, a motto in an old country doctor’s office here in North Carolina reads: ‘It’s what you learn after you know it all that counts!’

“This week, create in us a clean heart, a right spirit, and eager minds, O God, so that we shall know when to let experience be our best teacher, when we need to learn something new, and when we need to unlearn some things we already know. For Your Sake we pray, Amen.”

With unanimous consent, the President grants leaves of absence for tonight to Senator Hartsell to speak at a teacher awards ceremony and to Senator Webster.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, March 20, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CHAPTERED BILL

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. 84, a bill to be entitled an act TO ESTABLISH A NO-WAKE ZONE WITHIN THE CANALS AND WATERWAYS OF THE EIGHT AND ONE-HALF MARINA CONDOMINIUMS AND THE HOOP POLE CREEK AREA IN THE TOWN OF ATLANTIC BEACH. (Became law upon ratification, March 20, 1997—S.L. 1997-5)

S.B. 33, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE REVENUE LAWS AND RELATED STATUTES. (Became law upon approval of the Governor, March 21, 1997—S.L. 1997-6)

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 Miller for the State Government, Local Government and Personnel Committee:
S.B. 78, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A592, which changes the title to read S.B. 78 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS, is adopted and engrossed.

By Senator Lee for the Education/Higher Education Committee:

S.B. 272, A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS 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 2618 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 Page:
S.B. 450, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SUMMERVILLE.
Referred to Rules and Operations of the Senate Committee.

By Senator Ballance:
S.B. 451, A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES, TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS, AND TO PROVIDE THAT THOSE CLAIMS MUST BE BROUGHT WITHIN FIVE YEARS.
Referred to Judiciary Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Cooper:
S.B. 452, A BILL TO BE ENTITLED AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES.
Referred to Judiciary Committee.

By Senators Ballantine, Jordan, and Soles:
S.B. 453, A BILL TO BE ENTITLED AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.
Referred to State Government, Local Government, and Personnel Committee.

March 24, 1997
By Senators Hoyle, Albertson, Allran, Dalton, Forrester, Garwood, Kincaid, and Martin of Pitt:

S.B. 454, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE WILDLIFE RESOURCES COMMISSION FOR ACQUISITION OF GAMELANDS IN THE SOUTH MOUNTAINS.
Referred to Appropriations Committee.

By Senators Hoyle, Cochrane, Dalton, East, Kincaid, Lee, Lucas, Martin of Pitt, Plyler, Reeves, and Shaw of Cumberland:

S.B. 455, A BILL TO BE ENTITLED AN ACT TO IMPROVE HMO SERVICES BY PROTECTING PHYSICIAN COMMUNICATIONS REGARDING TREATMENT, REQUIRING COVERAGE FOR EMERGENCY CARE, PROVIDING PEER REVIEW PROTECTION, AND ALLOWING THE USE OF RATES UPON FILING; AND TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS REGARDING RENEWABILITY OF HEALTH INSURANCE POLICIES.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Reeves:

S.B. 456, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE 1995 AMENDMENTS TO THE LAWS PROVIDING FOR THE ESTABLISHMENT OF CARTWAYS.
Referred to Judiciary Committee.


S.B. 457, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM TO PROVIDE INSTRUCTION ON THE PERFORMANCE OF CARDIOPULMONARY RESUSCITATION AND THE HEIMLICH MANEUVER.
Referred to Education/Higher Education Committee.

By Senator Shaw of Guilford:

S.B. 458, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF TRAFFICKING IN MARIJUANA BY CHANGING THE AMOUNT OF MARIJUANA THAT WOULD BE CONSIDERED TRAFFICKING.
Referred to Judiciary Committee.

By Senator Shaw of Guilford:

S.B. 459, A BILL TO BE ENTITLED AN ACT RELATING TO LOCAL GOVERNMENT IN GUILFORD COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Shaw of Guilford:

S.B. 460, A BILL TO BE ENTITLED AN ACT RELATING TO LOCAL GOVERNMENT IN GUILFORD COUNTY.
Referred to Rules and Operations of the Senate Committee.

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By Senator Shaw of Guilford:
S.B. 461, A BILL TO BE ENTITLED AN ACT RELATING TO LOCAL GOVERNMENT IN GUILFORD COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Lee:
S.B. 462, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE COMMON LAW PRESUPPOSITIONS REGARDING DOMICILE APPLY WHEN DETERMINING RESIDENCY FOR TUITION PURPOSES.
Referred to Judiciary Committee.

By Senator Plyler:
S.B. 463, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 1997-98 FISCAL YEAR.
Referred to Appropriations Committee.

By Senators Horton and McDaniel:
S.B. 464, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN, BUT WHO CANNOT BE SERVED BY THE PUBLIC OFFICER AFTER EXERCISING REASONABLE DILIGENCE.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Shaw of Cumberland:
S.B. 465, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH FISCAL POLICIES FOR ENGINEERING AND DESIGN CONTRACTS WHICH WILL PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE MAXIMUM COMPETITION AMONG COMPETING PROFESSIONAL FIRMS.
Referred to Commerce Committee.

By Senators Hartsell and Lee:
S.B. 466, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INCOME FROM THE PARENTAL SAVINGS TRUST FUND FROM STATE INCOME TAX.
Referred to Finance Committee.

By Senators Hartsell and Lee:
S.B. 467, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR INITIAL OPERATIONAL AND MARKETING SUPPORT FOR THE PARENTAL SAVINGS TRUST FUND PROGRAM OF THE STATE EDUCATION ASSISTANCE AUTHORITY.
Referred to Appropriations Committee.

By Senators Hartsell, Cochrane, Foxx, Garwood, Lee, Lucas, and Warren:
S.B. 468, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE PREPAID POSTSECONDARY EDUCATION EXPENSE PROGRAM, THE PREPAID POSTSECONDARY EDUCATION EXPENSE TRUST FUND, THE NORTH CAROLINA PREPAID POSTSECONDARY EDUCATION EXPENSE BOARD, THE

March 24, 1997
NORTH CAROLINA PREPAID TUITION SCHOLARSHIP PROGRAM, AND TO INCREASE THE LEGISLATIVE TUITION GRANTS.
Referred to Education/Higher Education Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Hartsell:
S.B. 469, A BILL TO BE ENTITLED AN ACT TO REDUCE RELIANCE ON DEBT FOR PUBLIC SCHOOL CONSTRUCTION IN CABARRUS COUNTY BY AUTHORIZING THE COUNTY TO LEVY A TEMPORARY SALES AND USE TAX OF ONE PERCENT, A TEMPORARY ONE PERCENT LAND TRANSFER TAX, OR BOTH, IF APPROVED BY THE VOTERS OF THE COUNTY, FOR PUBLIC SCHOOL CONSTRUCTION.
Referred to Finance Committee.

By Senator Hartsell:
S.B. 470, A BILL TO BE ENTITLED AN ACT RELATING TO CABARRUS COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Hartsell:
S.B. 471, A BILL TO BE ENTITLED AN ACT RELATING TO CABARRUS COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senators Cochrane, Albertson, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Conder, Dannelly, East, Forrester, Foxx, Garwood, Hartsell, Horton, Hoyle, Jordan, Kerr, Kincaid, Ledbetter, Lucas, Martin of Pitt, McDaniel, Page, Perdue, Phillips, Plyler, Rucho, Shaw of Guilford, Webster, and Weinstein:
S.B. 472, A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM HIGHER EDUCATION ADMISSION REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS.
Referred to Education/Higher Education Committee.

By Senator Plyler:
S.B. 473, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 1997-98 FISCAL YEAR.
Referred to Appropriations Committee.

By Senator Odom:
S.B. 474, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THE TOWNS.
Referred to State Government, Local Government, and Personnel Committee.

The Chair acknowledges Senator Webster's presence in the Chamber, and the leave granted previously is withdrawn.

March 24, 1997
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. 122**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.
Referred to State Government, Local Government, and Personnel Committee.

**H.B. 178** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE FROM ONE YEAR TO TWO YEARS THE RENEWAL PERIOD FOR LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTORS.
Referred to Transportation Committee.

**H.B. 389**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE CRIMINAL OFFENSE OF FELONY CHILD ABUSE.
Referred to Judiciary Committee.

**H.B. 409**, A BILL TO BE ENTITLED AN ACT CLARIFYING WHERE APPEALS FROM AGRICULTURAL EMPLOYERS WILL BE HEARD.
Referred to Agriculture/Environment/Natural Resources Committee.

**H.B. 510**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LOCAL BOARDS OF EDUCATION IN CERTAIN COUNTIES TO SCHEDULE LONGER SCHOOL DAYS SO AS TO OFFSET DAYS LOST DUE TO INCLEMENT WEATHER.
Referred to Education/Higher Education Committee.

DESIGNATION BY THE GOVERNOR

The President directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603-8001

March 20, 1997

Ms. Janet Pruitt
Principal Clerk
North Carolina Senate
Legislative Building
Raleigh, North Carolina 27603-5925

Dear Ms. Pruitt:

This is written to comply with Sections 1 and 2 of Executive Order Number 107.

March 24, 1997
This shall serve as my official designation of Room 1039 within the Administration Building as the “Office of the Governor’s Legislative Counsel” as referenced in Section 1.

I hereby designate the following employees of the Governor’s Office as the officials to whom delivery of bills can be made under the provisions of Section 2:

a. Franklin Freeman;
b. Beryl Wade;
c. Curt Williams;
d. Sheryl Harvey; and,
e. Annette Ethridge

Thank you for your attention to this matter.

My warmest personal regards

Sincerely,

S/James B. Hunt Jr.

CALENDAR

Bills on tonight’s Calendar are taken up and disposed of, as follows:

S.B. 198, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES, upon third reading.

With unanimous consent, on motion of Senator Kerr, the bill is withdrawn from tonight’s Calendar and placed on the Calendar for Tuesday, March 25, for consideration upon third reading.

COMMITTEE REFERRAL RECALL

H.B. 62, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO NONANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES, referred to the Finance Committee on March 18.

Pursuant to Rule 47(a), Senator Kerr offers a motion that the bill be withdrawn from the Finance Committee and placed on the Calendar for Tuesday, March 25, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Finance Committee and places it on the Calendar for Tuesday, March 25, for consideration upon its passage.

CALENDAR (Continued)

S.B. 363, A BILL TO BE ENTITLED AN ACT TO ALLOW HARNETT COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE
COUNTY.

With unanimous consent, on motion of Senator Miller, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from tonight's Calendar and is re-referred to the Finance Committee.

S.B. 262, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 3, as follows:


Voting in the negative: Senators Clark, East, and McDaniel–3.

The bill is ordered sent to the House of Representatives.

S.B. 433, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

With unanimous consent, on motion of Senator Cooper, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, March 25, for consideration upon its passage.

S.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY REVENUE BONDS AND SPECIAL OBLIGATION BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS, upon third reading.

Senator Carpenter offers Amendment No. 1, changing the title to read S.B. 249 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY SPECIAL OBLIGATION BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY
STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY SERVICE.

The Committee Substitute bill passes its second reading (48-1).

Senator McDaniel objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, March 25, for further consideration upon third reading.

S.B. 152, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ADMINISTRATIVE SEARCH WARRANTS TO BE SERVED AT HOURS OTHER THAN BETWEEN 8:00 A.M. AND 8:00 P.M. WHEN THERE IS PROBABLE CAUSE TO BELIEVE THAT THE ACTIVITY THAT JUSTIFIES THE ADMINISTRATIVE SEARCH WARRANT WILL OCCUR AT OTHER HOURS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (46-2) and third readings and is ordered sent to the House of Representatives.

S.B. 172, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF HUNTING LICENSES FOR CERTAIN DISABLED HUNTERS WHO HAVE NOT COMPLIED WITH THE HUNTING SAFETY COURSE REQUIREMENT.

With unanimous consent, on motion of Senator Albertson, the bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, March 25, for consideration upon its passage.

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.

With unanimous consent, on motion of Senator Kerr, the bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, March 25, for consideration upon its passage.

H.B. 139 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CLARIFY THAT PERSONS CONVICTED OF SEX OFFENSES IN FEDERAL COURT AND OTHER STATES ARE REQUIRED TO REGISTER.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

CHAPTERED BILLS

The President announces that all Chaptered Bills will be noted in the Journal for the Biennium.

COMMITTEE REFERRAL RECALL

S.B. 287, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR REGULAR MONITORING OF THE WATER QUALITY OF COASTAL WATERS TO PROTECT
SWIMMERS AND OTHERS USING THOSE WATERS FOR RECREATIONAL ACTIVITIES, referred to the Agriculture/Environment/Natural Resources Committee on March 3.

Pursuant to Rule 47(a), Senator Albertson offers a motion that the bill be withdrawn from the Agriculture/Environment/Natural Resources Committee and re-referred to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Agriculture/Environment/Natural Resources Committee and refers the measure to the Appropriations 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. 371, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ERWIN LAMBETH, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

On motion of Senator Cochrane, the rules are suspended without objection, and the joint resolution is placed before the Senate for immediate consideration, and on her further motion, the joint resolution is read in its entirety.

With unanimous consent, on motion of Senator Basnight, the remarks of Senators Cochrane and Phillips memorializing the life and memory of James Erwin Lambeth, Jr., former member of the General Assembly, are spread upon the Journal, as follows:

Senator Cochrane:

“Thank you Mr. President. Ladies and gentlemen of the Senate, I had the opportunity to serve with Jim Lambeth in the North Carolina House. You all know about him as a public individual here in the General Assembly. I learned a little bit more about him because I had the good fortune also to get to know his wife, Kay, who is a graduate of my alma mater, Meredith. So we had that in common as well as our service here in the Body. What I hope you know is what a good human being Jim Lambeth was. He was a family man and he instilled in his children the kind of values that have led at least one of his sons, that I know of, to also be involved, involved in public service, and serves on the Town Board there in Thomasville. He’s a fine upstanding community, all of the members of his family are. He was also a hunter, and that’s something probably you fellows know a little bit more about than I do. The thing that always impressed me about Jim as I served with him in the North Carolina House was his very serious commitment to representing the people in the Thomasville area as well as all of Davidson County. Davidson was fortunate to have had someone from Lexington and Thomasville at that time when he was serving here. And they did a very good job of representing the entire county by remembering those two municipalities that are the large centers of population there. We frequently read resolutions and we sort of pay attention to what they say, mostly I fear we do not, and that’s a sad thing for us because we have lost the charitable contributions that an individual has made in their lifetime in this Body. The community of Thomasville, the County of Davidson, and the State of North Carolina is better because there were people like Jim Lambeth who cared about the business community, the church community, and the citizenry at large. We will miss him and we very much appreciate the distinguished service that he provided this community. Thank you Mr. President.”

March 24, 1997
Senator Phillips:

"Ladies and gentlemen of the Senate, as most of you, all of you know in fact, this is my first time to rise and being a Member of this Body. And what a timely occasion it is for me because I, too, knew Jim Lambeth as a real human being. He cared about people more than he cared about himself. He cared about his family more than he cared about himself. He made significant contributions to his community, to this State, and to all that passed him by. I’m grateful for him because he cared about people. He was a kind man, a decent man, and a gentleman. I’m grateful to his wife and family because they, too, care about people in our community, the County of Davidson, the City of Thomasville, and this State. Always his first thought was how could he make this a better place to live, a better community to live, and what could he do to serve his community. He did it well, always quietly, never bragging, but with always with a good heart. And I thank you for honoring him and his family tonight. Thank you Mr. President."

The joint resolution passes its second reading (48-0) and third reading unanimously with Members standing, and is ordered enrolled.

The President extends courtesies of the Gallery to the family of James Erwin Lambeth, Jr.:

His wife, Katherine Lambeth; his son, William R. Lambeth; his sister, Molly Johnson; and his brother, Frank Lambeth, and his wife, Virginia.

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

Stephen P. Brown, Leicester; Julie Cloninger, Dallas; Hollis E. Dickens, Raleigh; Diana Ellis, Raleigh; Constance Louise Fleming, Southern Pines; Jamie Harper, Jacksonville; Amenda Huestis, Dallas; Sarah E. Kinsey, Cary; Mortimer Leach, Knightdale; Charish Samantha Martin, Yadkinville; Morgan McKinney, Cary; Laura Elizabeth Moore, Gastonia; Christine Lenora Parker, High Shoals; Curtis A. Thomas, Greensboro; and Warren Britt Treece, Raleigh.

On motion of Senator Basnight, seconded by Senator McDaniel, the Senate adjourns at 8:04 P.M. to meet tomorrow, Tuesday, March 25, at 2:30 P.M.

THIRTY-SECOND DAY

Senate Chamber
Tuesday, March 25, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Rabbi Lucy H. F. Dinner of Temple Beth Or in Raleigh, as follows:
"Eternal One, we thank You for the rich and glorious tapestry of life that lies before us. When we contemplate the scope of Your creations it fills us with awe and reverence. We tremble before its mystery, its enormity, its beauty.

"Yet many are the times when we fail to heed the precious nature of all Your works. We forget what it means to fear, to love, to build in harmony. So casually we dismiss that which makes our community rich and whole.

"Turn us back to reverence and awe. Renew our sense of wonder, our recognition of beauty in even the most mundane. Grant us guidance and strength that we resolve to fulfill our role by using our freedom to protect and uphold the community which we are entrusted to lead."

With unanimous consent, the President grants leaves of absence for today to Senator Odom to attend a hearing in Charlotte and to Senator Shaw of Cumberland who is attending the Small Business Administration Board meeting in Atlanta.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, March 24, has been examined and is found to be correct. On 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 M. Palmer from Tryon, who is serving the Senate as Doctor of the Day.

**ENROLLED BILL AND RESOLUTION**

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**H.B. 139, AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CLARIFY THAT PERSONS CONVICTED OF SEX OFFENSES IN FEDERAL COURT AND OTHER STATES ARE REQUIRED TO REGISTER.**

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

**H.J.R. 371, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF JAMES ERWIN LAMBETH, JR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 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 Albertson for the Agriculture/Environment/Natural Resources Committee:

**H.B. 240, A BILL TO BE ENTITLED AN ACT TO REMOVE THE MATCHING FUNDS REQUIREMENT FOR THE FUNDS APPROPRIATED IN 1996 TO CONDUCT AN ODOR CONTROL TECHNOLOGY STUDY, AS RECOMMENDED**

March 25, 1997
BY THE ENVIRONMENTAL REVIEW 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 7140 is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

By Senator Hoyle for the Finance Committee.

S.B. 289, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE AMOUNT OF BONDS THAT MAY BE ISSUED BY THE NORTH CAROLINA HOUSING FINANCE AGENCY, with a favorable report.

By Senator Soles for the Commerce Committee:

S.B. 96, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT PAWNSHOP RECORDS BE MADE AVAILABLE TO LOCAL LAW ENFORCEMENT, with a favorable report.

S.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS COMMISSION TO EXEMPT THE STATE PORTS AUTHORITY FROM STATE PURCHASE AND CONTRACT REQUIREMENTS, with an unfavorable report as to Committee Substitute bill as written by the Commerce Committee, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, A601, which changes the title to read S.B. 141 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN GOVERNMENTAL ENTITIES FROM STATE PURCHASE AND CONTRACT REQUIREMENTS, 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 Perdue, Conder, Jordan, Kerr, Martin of Guilford, Odom, Rand, Shaw of Cumberland, Warren, and Winner:

S.B. 475, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS.

Referred to Finance Committee.

By Senators Perdue, Cochrane, Conder, Foxx, Jordan, Kerr, Martin of Guilford, Miller, Odom, Rand, Shaw of Cumberland, Warren, and Winner:

S.B. 476, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE
OSTEOPOROSIS PREVENTION TASK FORCE, AND TO APPROPRIATE FUNDS THEREFOR.
Referred to Appropriations Committee.

By Senator Perdue:
S.B. 477, A BILL TO BE ENTITLED AN ACT TO DEVELOP GUIDELINES FOR BEST MANAGEMENT PRACTICES FOR THE INSTALLATION, REPAIR, REPLACEMENT, AND MAINTENANCE OF SEPTIC SYSTEMS AND TO PROVIDE TAX CREDITS FOR IMPLEMENTING BEST MANAGEMENT PRACTICES.
Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Finance Committee.

By Senators Kinnaird, Ballance, Ballantine, Gulley, Horton, Jordan, Lucas, Miller, and Odom:
S.B. 478, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS LAWS IMPACTING SWINE PRODUCTION IN NORTH CAROLINA.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Lucas, Dalton, Dannelly, Forrester, Hartsell, Jordan, Shaw of Cumberland, Soles, and Weinstein:
S.B. 479, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REQUIRING THE REGISTER OF DEEDS TO DISTRIBUTE INFORMATION ON THE DANGERS OF DRUG AND ALCOHOL ABUSE DURING PREGNANCY WITH EACH MARRIAGE LICENSE.
Referred to Children & Human Resources Committee.

By Senators Lucas, Conder, Dannelly, Forrester, Gulley, Jordan, and Shaw of Cumberland:
S.B. 480, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS.
Referred to Finance Committee.

By Senators Lucas, Conder, Dannelly, Hartsell, Jenkins, Jordan, Odom, Shaw of Cumberland, Soles, and Wellons:
S.B. 481, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA.
Referred to Children & Human Resources Committee.

By Senators Lucas, Dannelly, Gulley, Hartsell, Jordan, Kinnaird, and Martin of Guilford:
S.B. 482, A BILL TO BE ENTITLED AN ACT TO INCREASE THE LATE PAYMENT FEE AND TO CREATE A REINSTATEMENT FEE FOR PERMITS SUSPENDED FOR FAILURE TO PAY PERMIT FEES.
Referred to Finance Committee.

By Senators Lucas, Dannelly, Hartsell, Jordan, Kinnaird, McDaniel, Odom, and Shaw of Cumberland:
S.B. 483, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT
PAID TO PHYSICIANS TO READ X-RAY FILMS FOR THE DUSTY TRADES PROGRAM.

Referred to Children & Human Resources Committee and upon a favorable report, re-referred to Appropriations Committee.

By Senators Lucas, Conder, Dannelly, Forrester, Gulley, Hartsell, Jordan, Kinnaird, and Shaw of Cumberland:

S.B. 484, A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES FOR VITAL RECORDS.

Referred to Children & Human Resources Committee and upon a favorable report, re-referred to Finance Committee.

By Senators Lucas, Carrington, Dalton, Forrester, Gulley, Hartsell, Jenkins, Jordan, Kinnaird, Martin of Guilford, Odom, Shaw of Cumberland, Weinstein, and Wellons:

S.B. 485, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF COUNTY MEDICAL INVESTIGATORS.

Referred to Children & Human Resources Committee.

By Senators Lucas, Carrington, Dalton, Dannelly, Forrester, Foxx, Gulley, Hartsell, Jenkins, Jordan, Kinnaird, Martin of Guilford, Odom, Shaw of Cumberland, Weinstein, and Wellons:

S.B. 486, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF ESTABLISHMENTS THAT ARE SUBJECT TO REGULATION AS FOOD AND LODGING FACILITIES.

Referred to Children & Human Resources Committee.

By Senator Forrester:

S.B. 487, A BILL TO BE ENTITLED AN ACT TO PROVIDE A TAX CREDIT FOR EMPLOYERS WHO HIRE MEMBERS OF THE MILITARY RESERVES AND THE NORTH CAROLINA NATIONAL GUARD.

Referred to Finance Committee.

By Senator Kinnaird:

S.B. 488, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS OF SELECTING THE CHAIR OF THE VOCATIONAL REHABILITATION ADVISORY COUNCIL TO CONFORM WITH FEDERAL LAW AND TO PROVIDE THAT THE CHAIR'S TERM SHALL NOT EXCEED THREE YEARS.

Referred to Children & Human Resources Committee.

By Senator Ledbetter:

S.B. 489, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to Finance Committee.

By Senator Perdue:

S.B. 490, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 1997-98 FISCAL YEAR.

Referred to Appropriations Committee.

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By Senator Perdue:
S.B. 491, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 1997-98 FISCAL YEAR.
Referred to Appropriations Committee.

By Senator Perdue:
S.B. 492, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO DEVELOP A REGIONAL WASTEWATER SYSTEM THAT USES AN INNOVATIVE TECHNOLOGY DESIGNED TO REDUCE NUTRIENT AND ORGANIC LOADINGS TO SURFACE WATERS.
Referred to Appropriations Committee.

By Senator Rand:
S.B. 493, A BILL TO BE ENTITLED AN ACT TO ALLOCATE A PORTION OF COURT COSTS TO PROVIDE ACCESS TO CIVIL JUSTICE.
Referred to Appropriations Committee.

By Senators Rand, Ballance, Gulley, and Wellons:
S.B. 494, A BILL TO BE ENTITLED AN ACT TO INCLUDE PUBLIC DEFENDERS AND THE APPELLATE DEFENDER AS MEMBERS OF THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM.
Referred to Appropriations Committee.

By Senators Conder and Plyler:
S.B. 495, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR SCOTLAND COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Odom:
S.B. 496, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 1997-98 FISCAL YEAR.
Referred to Appropriations Committee.

By Senator Odom:
S.B. 497, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 1997-98 FISCAL YEAR.
Referred to Appropriations Committee.

By Senators Odom, Ballance, Ballantine, Conder, Dalton, Gulley, Horton, Kinnaird, Miller, Reeves, Rucho, Soles, Wellons, and Winner:
S.B. 498, A BILL TO BE ENTITLED AN ACT TO ALLOW INJURED EMPLOYEES SUBJECT TO THE WORKERS' COMPENSATION ACT TO SELECT OR CHANGE TREATING PHYSICIANS ONE TIME WITHOUT THE NEED TO GET THE APPROVAL OF THE INDUSTRIAL COMMISSION.
Referred to Judiciary Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Odom and Winner:
S.B. 499, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF
CHARLOTTE TO ADOPT ORDINANCES RELATING TO THE PARKING OR STANDING OF MOTOR VEHICLES NEAR FIRE HYDRANTS AND FIRE STATIONS AND IN FIRE LANES.

Referred to State Government, Local Government, and Personnel Committee.

By Senator Odom:
S.B. 500, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Gulley, Lucas, and Webster:
S.B. 501, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Conder and Plyer:
S.B. 502, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR HOKE COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senators Conder and Plyer:
S.B. 503, 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 Conder and Plyer:
S.B. 504, 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 Conder and Plyer:
S.B. 505, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR HOKE COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senators Conder and Plyer:
S.B. 506, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR RICHMOND COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senators Plyler and Conder:
S.B. 507, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR MONTGOMERY COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senators Plyler and Conder:
S.B. 508, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL
LEGISLATION FOR UNION COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
    Referred to Rules and Operations of the Senate Committee.

By Senators Plyler and Conder:
S.B. 509, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR STANLY COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
    Referred to Rules and Operations of the Senate Committee.

By Senators Plyler and Conder:
S.B. 510, 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 Conder:
S.B. 511, 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 Conder:
S.B. 512, 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 Conder:
S.B. 513, 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 Conder:
S.B. 514, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR ANSON COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
    Referred to Rules and Operations of the Senate Committee.

ADDITIONAL SPONSOR

Senator Warren requests to be added as a sponsor of previously introduced legislation:
S.B. 448, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FOR THE DIVISION OF FOREST RESOURCES TO FUND THE RECOMMENDATIONS OF A PERSONNEL CLASSIFICATION STUDY AND FOR TAKING OTHER PERSONNEL ACTIONS.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

March 25, 1997
S.B. 198, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES, upon third reading.

With unanimous consent, on motion of Senator Jenkins, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, March 26, for consideration upon third reading.

H.B. 62 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO NONANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

With unanimous consent, on motion of Senator Jenkins, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, March 26, for consideration upon its passage.

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, as amended, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill, as amended, is withdrawn from today’s Calendar, and is placed on the Calendar for Thursday, March 27, for consideration upon second reading.

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.

With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business, and on his further motion the bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, March 27, for consideration on its passage.

S.B. 78 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 172, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF HUNTING LICENSES FOR CERTAIN DISABLED HUNTERS WHO HAVE NOT COMPLIED WITH THE HUNTING SAFETY COURSE REQUIREMENT.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 272 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT.

Senator Winner offers Amendment No. 1 which is adopted (48-0).
Senator Blust offers Amendment No. 2 which fails of adoption (19-29).
The President extends courtesies of the Gallery and privileges of the floor to Herman Moore, former President Pro Tempore from Mecklenburg County.
The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Foxx offers Amendment No. 3 which fails of adoption (20-27).
Senator Horton offers Amendment No. 4.
Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Amendment No. 4, offered by Senator Horton, fails of adoption (19-29).
Senator Webster rises to a point of order as to the measure involving a question of taxation.
The Chair rules that the Committee Substitute bill, as amended, does not raise revenue.
Senator Rand calls the previous question, seconded by Senator Winner. The call is sustained (37-9).
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.

COMMITTEE REFERRAL RECALL

Pursuant to Rule 47(a), Senator Rand offers a motion that the Senate resolution be withdrawn from the Rules and Operations of the Senate Committee and placed on the Calendar for Wednesday, March 26, which motion prevails with unanimous consent.
The Chair orders the Senate resolution recalled from the Rules and Operations of the Senate Committee and places it on the Calendar for Wednesday, March 26, for adoption.

REPORT OF COMMITTEE

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. 248 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES, 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 2185, which changes the title to read H.B. 248 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES AND MOTORCYCLE LEARNERS' PERMITS, is adopted and engrossed.

CALENDAR (Continued)

S.B. 433, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

March 25, 1997
With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, March 26, for consideration upon its passage.

S.B. 16 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY SERVICE, upon third reading.

The Committee Substitute bill passes its third reading (45-1), and is ordered sent to the House of Representatives.

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 REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES.

Referred to Finance Committee.

H.B. 158, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN OFFENSES COMMITTED WHILE IN PRISON.

Referred to Judiciary Committee.

H.B. 159, A BILL TO BE ENTITLED AN ACT TO RECLASSIFY CERTAIN OFFENSES RELATED TO ESCAPE FROM CORRECTIONAL FACILITIES.

Referred to Judiciary Committee.

H.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PASSENGER AND PRIVATE PROPERTY-HAULING VEHICLES WEIGHING UP TO SIX THOUSAND POUNDS TO BE ISSUED "FIRST IN FLIGHT" PLATES AND TO CLARIFY THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE PERSONALIZED COMMERCIAL LICENSE PLATES.

Referred to Transportation Committee.

H.B. 286 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF DORCHES AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF ROCKY MOUNT.

Referred to Rules and Operations of the Senate Committee.
H.B. 429, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED BICYCLES TO CHARITY. 
Referred to State Government, Local Government, and Personnel Committee.

On motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns at 5:01 P.M. to meet tomorrow, Wednesday, March 26, at 2:00 P.M.

THIRTY-THIRD DAY

Senate Chamber
Wednesday, March 26, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Robert Montgomery of Athens Drive Baptist Church in Raleigh, as follows:

“O God, our Heavenly Father, we praise Your Mighty Name. You are our Creator, Sustainer, and the Lord of our lives. It is in You that we live, and move, and have our being.

“Thank You for this beautiful, spring afternoon. We recognize these in this assembly room to whom have been entrusted leadership and decision-making. We pray for them, as they meet, that You will fill them with wisdom and with insight. May the decisions they make, and the actions they take be according to Your will, that the people of our great State may best be served. In Your most Holy Name we pray, Amen.”

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

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Tuesday, March 25, has been examined and is found to be correct. On 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. Rick Potts from Goldsboro, who is serving the Senate as Doctor of the Day, in absentia.

With unanimous consent, on motion of Senator Rand, Rule 67 is suspended to the end and Joe Gaspar of Daktronics is granted privileges of the floor to monitor the voting equipment.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

March 26, 1997
S.B. 79, AN ACT TO REPEAL MORE ANTIQUATED LAWS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

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. 77, AN ACT TO DIRECT THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES TO DISSOLVE CERTAIN AREA MENTAL HEALTH AUTHORITIES. ( Became law upon approval of the Governor, March 26, 1997—S.L. 1997-7)

H.B. 149, AN ACT TO REQUIRE LOCAL GOVERNMENTS TO ACCOUNT FOR 911 SURCHARGES IN THEIR ANNUAL FINANCIAL STATEMENTS. ( Became law upon approval of the Governor, March 26, 1997—S.L. 1997-8)

S.B. 86, AN ACT TO MAKE TECHNICAL CORRECTIONS TO TWO SECTIONS OF THE GENERAL STATUTES IN NEED OF PROMPT CORRECTIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. ( Became law upon approval of the Governor, March 26, 1997—S.L. 1997-9)

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 Miller for the State Government, Local Government, and Personnel Committee:

S.B. 322, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT PETITIONS TO QUALIFY INDEPENDENT CANDIDATES ON THE BALLOT FOR COUNTY OFFICE IN AVERY COUNTY RECEIVE THE MINIMUM AMOUNT OF SIGNATURES FROM EACH PRECINCT, with a favorable report.

S.B. 390, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, with a favorable report.

With unanimous consent, on motion of Senator Miller, the bill is re-referred to the Finance Committee.

S.B. 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD, with a favorable report.

With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Basnight.
By Senator Soles for the Commerce Committee:

S.B. 330, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SAFE-DEPOSIT BOXES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1648, 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, Allran, Ballance, Ballantine, Blust, Cooper, Gulley, Hartsell, Horton, Kinnaird, Miller, Odom, Rand, Reeves, Weinstein, Wellons, and Winner:
S.B. 515, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO PROVIDE INFORMATION PRIOR TO LITIGATION REGARDING POLICY PROVISIONS AND POLICY LIMITS UPON WRITTEN REQUEST AND TO GIVE AN INSURER WHO PROVIDES SUCH INFORMATION THE OPTION OF INITIATING MEDIATION WITH THE PERSON WHO SOUGHT THE INFORMATION.
Referred to Judiciary Committee.

By Senators Ballance, Jordan, Kinnaird, Lee, Odom, and Winner:
S.B. 516, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM.
Referred to Finance Committee.

By Senators Ballance, Albertson, Gulley, Jordan, and Kinnaird:
S.B. 517, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CRIMINAL CASES IN SUPERIOR COURT TO BE CALENDARED BY THE COURT.
Referred to Judiciary Committee.

By Senators Perdue, Ballantine, Rand, and Shaw of Cumberland:
S.B. 518, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EACH COUNTY OF THE STATE TO LEVY A TEMPORARY ONE CENT LOCAL SALES TAX FOR A PERIOD OF ONE YEAR, IF APPROVED BY THE VOTERS OF THE COUNTY.
Referred to Finance Committee.

By Senators Perdue and Ballantine:
S.B. 519, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANSION OF THE THREE NORTH CAROLINA AQUARIUMS.
Referred to Appropriations Committee.

By Senator Jenkins:
S.B. 520, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONSTRUCT A FINE AND PERFORMING ARTS CENTER AT WESTERN CAROLINA UNIVERSITY.
Referred to Appropriations Committee.

March 26, 1997
By Senator Carpenter:

**S.B. 521**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEXUAL ASSAULT PROGRAM FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

Referred to Children & Human Resources Committee.

By Senator Kincaid:

**S.B. 522**, A BILL TO BE ENTITLED AN ACT TO AMEND THE AVERY COUNTY ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to Finance Committee.

By Senator Lee:

**S.B. 523**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CONTINUE SUPPORT FOR THE CAROLINA CHILDREN'S COMMUNICATIVE DISORDERS PROGRAM TO IMPLEMENT THE COCHLEAR IMPLANT PROCEDURE AND OTHER SERVICES FOR DEAF CHILDREN.

Referred to Appropriations Committee.

By Senator Allran:

**S.B. 524**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

Referred to State Government, Local Government, and Personnel Committee.

By Senator East:

**S.B. 525**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TIME OF ELECTION OF THE SURRY COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO NONPARTISAN AT THE TIME OF THE GENERAL ELECTION.

Referred to Rules and Operations of the Senate Committee.

By Senators Jordan, Albertson, and Ballantine:

**S.B. 526**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ONSLOW COUNTY FOR CAPITAL EXPENSES IN CONSTRUCTING A NEW EMERGENCY OPERATIONS CENTER.

Referred to Appropriations Committee.

By Senator Jordan:

**S.B. 527**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A LIVING WAGE BY INCREASING THE STATE MINIMUM WAGE.

Referred to Commerce Committee.

By Senator Jordan:

**S.B. 528**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REMOVE HURRICANE DEBRIS FROM RIVERS AND OTHER PUBLIC-MAINTAINED DRAINAGE WAYS IN PENDER, NEW HANOVER, AND ONSLOW COUNTIES IN ORDER TO PROTECT PUBLIC HEALTH AND TO PREVENT FURTHER WATER QUALITY DEGRADATION.

Referred to Appropriations Committee.
By Senators Rand and Weinstein:

**S.B. 529**, A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS.

Referred to State Government, Local Government, and Personnel Committee.

**REPORT OF COMMITTEE**

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 Winner for the Education/Higher Education Committee:

**H.B. 78**, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHO IS EXEMPT FROM THE PUBLIC SCHOOL ADMINISTRATOR EXAM, with a favorable report.


**S.B. 72**, A BILL TO BE ENTITLED AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION OF CERTIFICATES, 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 for concurrence are presented to the Senate, read, and disposed of, as follows:

**S.B. 38** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, March 27.

**S.B. 70** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, March 27.

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:

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H.B. 186, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AMENDMENTS TO THE STATUTES PROVIDING FOR CRIMINAL HISTORY RECORD CHECKS OF INDIVIDUALS INVOLVED IN PROVIDING CHILD FOSTER CARE AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.
   Referred to Children & Human Resources Committee.

H.B. 192, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MEMBERSHIP OF THE NORTH CAROLINA COURTS COMMISSION.
   Referred to Judiciary Committee.

H.B. 372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND.
   Referred to State Government, Local Government, and Personnel Committee.

H.B. 488, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS.
   Referred to Finance Committee.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 393, A BILL TO BE ENTITLED AN ACT TO MANDATE THE REVOCATION OF A PERSON'S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY 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 7637, which changes the title to read S.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE THE REVOCATION OF A PERSON'S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY SERVICE AND TO ELIMINATE THE REQUIREMENT FOR JUDICIAL INVOLVEMENT IN THE APPOINTMENT OF COMMUNITY SERVICE COORDINATORS, is adopted and engrossed.

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

H.B. 62 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO NONANNEXATION AND PAYMENT IN LIEU OF TAX
AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion is withdrawn from today's Calendar and recommitted to the Finance Committee.

S.B. 198, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES, upon third reading.

The President acknowledges Senator Basnight’s presence in the Chamber and the leave of absence granted previously is withdrawn.

The bill passes its third reading by roll-call vote, ayes 45, noes 3, as follows:


Voting in the negative: Senators Clark, East, and Webster—3.

The bill is ordered sent to the House of Representatives.

S.B. 289, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE AMOUNT OF BONDS THAT MAY BE ISSUED BY THE NORTH CAROLINA HOUSING FINANCE AGENCY, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, March 27, for further consideration upon third reading.


With unanimous consent, on motion of Senator Kerr, the resolution is taken up out of its regular order of business, and on his further motion the resolution is read in its entirety. (See Appendix)

With unanimous consent, on motion of Senator Odom, the remarks of the Senators speaking to the resolution are spread upon the Journal, as follows:

Senator Kerr:

"Thank Mr. President. Ladies and gentlemen of the House, almost fifty years ago on April 5, 1947, the last day of the Session, the General Assembly appropriated one million dollars for the purchase of art for a museum that we didn’t even have. The Senate, as
usual, under the leadership of Mr., Senator Robert Lee Humber of Greenville and, also, Governor R. Craig Cherry had gotten the appropriation bill through the Senate, but it was in serious trouble in the House and about everybody had given up on it. The next to the last day of the Session, the Appropriations Committee went behind the dais in the old, behind the Speaker's desk in the Old Capitol and had a meeting. And the only way they could get the bill out was saying it's really not going to pass, but let's move it out without prejudice. So the bill got to the floor and as the paper said that day in talking about this, 'million dollar art gallery approved in the Senate close, bitter fight proceeds House approval of contingent appropriation.’ This was made contingent on giving a match fund of one million dollars and also contingent, Senator Plyler, that there be some money left over at the end of the year to pay it. So this was an early Royall amendment. And I think we know what that was. But, in the debate no one knew how the million dollars was coming up, but I think Senator Humber had gotten to know Mr. Samuel Kress. But the only thing they said on the floor that some man, some rich man up north, would, could come through with the money. Well, it ended up that there was money at the end of the fiscal year and the match was made. The match was in seventy-some pieces of artwork that was then probably valued at two point five million. So everything came to an end that day. This was the first appropriation of any State to support the purchase of art. And these commissions were, these conditions to the, this thing, was satisfied and we moved on. And I think it was an historic day for this State. The Art Museum started out in the old Highway Building on Morgan Street in 1953. It moved out to the new facility, I think, in 1983 on Blue Ridge Road. It has a hundred and forty acre site. The architect for both this building and that, the new Art Museum, was Holloway and Reaves of Raleigh and Mr. Edward, I think it's Stone, from New York City. In moving on, I’d like to say, and I had staff to do this, a million dollars in 1947, a million dollars equated to the State budget would equal today eighty-five million dollars. And the original Kress collection is probably worth at least a hundred and fifty million dollars today. One painting in that original seventy-seven is supposed to be appraised in excess of sixty million dollars. And I will say, Senator Plyler, and Senator Odom, and Senator Perdue, that the Chairman of the Appropriations Committee in the House who actually resided in Wake County where the museum ended up was against this appropriation because he said they couldn’t get one million dollars for the ports and ten million dollars for school buildings. And so it was a kind of a courageous act, a pace setting act, and it keeps North Carolina as being First in Flight, First in Art, First in a lot of things. Hopefully, first in basketball this week. (Laughter) And I commend this resolution to you, Mr. President, and at the appropriate time I’d like if you could recognize some members of the Gala Committee who are in the balcony. And on behalf of the Gala Committee, we’ve all been invited to a celebration, a fiftieth celebration, next Thursday night, April the third, at the Art Museum, and you and your spouse or guest should be there, can be there, and we hope you will be, and I commend this resolution to the Body. Thank you Mr. President.”

Senator Ballance:
“Mr. President.”

Lieutenant Governor Wicker:
“For what purpose does Senator Ballance arise?”

Senator Ballance:
“Would the gentleman from Wayne yield?”
Lieutenant Governor Wicker:  
"Does he yield?"

Senator Kerr:  
"Yes sir, Senator Ballance."

Senator Ballance:  
"Senator Kerr, I'm from Warren County, as you know, and since you have a great history of this legislation, I wonder if you know if the Representative from Warren County in 1947 was involved in this?"

Senator Kerr:  
"Well he, he's a gentleman had the same name as mine, but he was a lot smarter in parliamentary procedure. And he also, he and Tom Pearsall about got into a fight over this bill." (Laughter)

Senator Horton:  
"Mr. President."

Lieutenant Governor Wicker:  
"For what purpose does Senator Horton arise?"

Senator Horton:  
"To debate the bill."

Lieutenant Governor Wicker:  
"Senator has the floor."

Senator Horton:  
"Mr. President and Members of the Senate, North Carolina today is in so many ways in the cat bird seat. We are first when it comes to location of industry, our Universities and Colleges are among the best in the world, industries pouring in, our standard of living is so high. It’s difficult for us sometimes to remember that not many decades ago we were dirt poor, at the bottom of the heap. We used to thank the Lord for Mississippi and for South Carolina, over and over, because we were right down there at the bottom, as you remember Senator Wellons. But to our credit, North Carolinians were unwilling to settle for the bottom. Unwilling to settle for less than the highest goals to strive for, and unwilling to let those goals be money alone. We sort of subscribe to the ideas of William Alexander Percy in his Lanterns on the Levy. We should concern ourselves not so much with what makes life possible, but what makes life worthwhile. And recognizing that the good life involves feeding the soul as well as the belly, North Carolina, even as poor as we were, cared for the arts from the very beginning. We have nourished those arts. We had the first chamber music ever composed in this country, was composed in the little Moravian settlements before the Revolution. The first major artwork commissioned by any State was the statue of Canova in our old State Capitol Building which, Senator Basnight you recall, we finally duplicated just not many years ago. The first State symphony in the United States was here in North Carolina. Lamar Stringfield, Pulitzer Prize winner came home to North Carolina because he wanted to bring music to our people. And Lamar Stringfellow, and later Benjamin Swaleen saw that the symphony got

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on the bus and moved from Manteo to Murphy bringing the best of music to everyone of our students. Senator Basnight, the first outdoor pageant was The Lost Colony down in Manteo. Paul Green spawned an entire genre of theater that's now spread all over the country, but especially had its birth here and is duplicated in many places. The first State school for the performing arts, established under Governor Sanford, was established in Winston-Salem. And also, the first State residential secondary school for really exceptional students, the Governor's School, was also established under Governor Sanford. All of these are first in what was at the time they were established a pretty hard scrabble State. Today, we're celebrating and paying tribute to another first. As Senator Kerr has mentioned, we were the first State to establish with State funds an Art Museum for our people. It was fifty, fifty years ago next Friday. In those days that the Senator from Wayne's father delivered a speech that turned a hostile House of Representatives into one that was willing to spend a million dollars which is now the equivalent, as Senator Kerr has mentioned, of eighty-four million. What a courageous step, and what a step that we are glad was made. Senator Kerr's father is credited with making that oratory, and I believe one of the phrases was, 'Man does not live by bread alone,' which is certainly true of the attitude of our people over the centuries. That one million dollars put together by Robert Lee Humber of Pitt County was the foundation of the finest art collection south of the Potomac. And so, Mr. President, I would ask that the Members of this Senate join with us in their vote as a means of saluting our predecessors who have made this State so much what it is. And an assurance that succeeding generations will have those same aspirations as our forefathers did. Thank you Mr. President."

Lieutenant Governor Wicker:
"Further discussion or debate on the resolution?"

Senator Rand:
"Mr. President."

Lieutenant Governor Wicker:
"What purpose does Senator Rand arise?"

Senator Rand:
"To speak on the resolution."

Lieutenant Governor Wicker:
"Senator may speak to the resolution."

Senator Rand:
"With the full realization that by speaking on this I, again, put my membership in the Wake County Chitterlings Club at risk. I none-the-less feel compelled to do so, Mr. President, because when you think about the sacrifice required and the amazing acts that had to take place to obtain this one million dollars appropriation fifty years ago, it's truly remarkable, and it says so much about North Carolina, and about what we are and what we're about, and about the things that have made us different from the other States in the south. I reflect upon growing up in this area and time to time going to the Museum of Art, and what a wonderful thing it was and what a wonderful gift it is to young people from all across our State to be able to view some of the truly great masterpieces. And this is a thing, the sacrifices of those who came before us mean so much to us now. And as is
also a very good investment. The values of these paintings have risen tremendously, and have shown their foresight, and also their good business sense. I think that says a lot about North Carolina. It says a lot about those people that worked so hard and made the sacrifices to make all this possible, Mr. President. And we’re all much richer because of what they did. Thank you.”

Lieutenant Governor Wicker:
“Further discussion or debate on the resolution? If not, what purpose does Senator Basnight arise?”

Senator Basnight:
“Speak on the resolution.”

Lieutenant Governor Wicker:
“Senator has the floor.”

Senator Basnight:
“Thank you Mr. President, Members of the Senate, art is shared in many different forms, and to be able to realize that we have one of the finest collections south of the Potomac, Senator Horton, makes me swell with pride, as it does every Member of this Body. But there are so many, as we understand, who do not have art in their homes or in their communities. And we, Dr. Wheeler, have a chance to share that with people from Clay County or Hyde County, wherever it may be. The children of tomorrow’s generation, those who will lead us, have an understanding, vicariously so, of what art brings to us, of what can be found in the many countries of this great world of ours. We can see, actually feel and see, those mediums and experience the glorification that’s brought to us in what we cannot hold ourself. The art is the expression of countries, and people, and personalities. And it is given to us through our Museum, and it is a magnificent one indeed. So for those children in every county of this State who do not own any art, have much more than a print hanging on the wall, realize the experiences of the true life the real flower of life to be shown and shared with these very people, this very new generation, this new crop of leaders that we have. From every station in life because of art, we bring that glorification to life, and we thank you. All of those who have made contributions, Senator Kerr, from your father and everyone from then until today, those contributions are still ringing loud and clear in my mind, and we thank you.”

On motion of Senator Kerr, the Senate resolution is adopted (48-0).

The President extends courtesies of the Gallery to Dr. Larry Wheeler, Director of the North Carolina Museum of Art; Jessie Rae Scott, wife of former Governor Bob Scott; Betty Adams; Sandra Kerr, wife of Senator John H. Kerr III; and Margaret Baddour.

H.B. 248 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES, changing the title, upon concurrence, to read H.B. 248 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES AND MOTORCYCLE LEARNERS’ PERMITS, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 2, as follows:

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Voting in the negative: Senators Ballance and Webster—2.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, March 27, for further consideration upon third reading.

S.B. 96, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT PAWNSHOP RECORDS BE MADE AVAILABLE TO LOCAL LAW ENFORCEMENT.

The bill passes its second reading (46-1).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, March 27, for further consideration upon third reading.

S.B. 151, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, April 2, for consideration upon its passage.

S.B. 433, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, March 27, for consideration upon its passage.

S.B. 141 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN GOVERNMENTAL ENTITIES FROM STATE PURCHASE AND CONTRACT REQUIREMENTS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading (48-1) and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Jordan, the Senate adjourns at 3:20 P.M. to meet tomorrow, Thursday, March 27, at 1:00 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, we can bury our thoughts as deep as a bone. We can live in the fast or the slow lanes. We can laugh until it hurts or cry until it feels better.

“But when we finally drive down the back roads of the recesses of our minds and hearts, You are there, O God.

“That is where Easter takes Christian congregations this week and where Passover will take Jewish faith communities next month. During the Pathos and celebration of these holy observances, to try to deal with our personal religious journeys is to begin to hear something not only of who we are, but of both what we are and what we are failing to become.

“And the greatest grace of all is to discover that on our journeys You have been and are there for us, our Great Liberator, our Lord, our Strength, our Hope, and our Redeemer. It is with that confession on our lips and thanksgiving in our hearts, we pray today. Amen.”

With unanimous consent, the President grants leaves of absence for today to Senator Carrington and to Senator Odom.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, March 26, has been examined and is found to be correct. On 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 Cefalo from Chapel Hill, 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:


S.B. 411, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, with a favorable report.

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S.B. 424, A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WAKE FOREST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2634, which changes the title to read S.B. 424 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF APEX, FUQUAY-VARINA, KNIGHTDALE, AND WAKE FOREST, is adopted and engrossed.

On motion of Senator Miller, the Committee Substitute bill is re-referred to the Finance Committee.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 350, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE INSURANCE COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1656 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 Rand:

S.B. 530, A BILL TO BE ENTITLED AN ACT TO ALLOCATE THE DUTIES OF ROLLER SKATING RINK OPERATORS AND THE DUTIES OF ROLLER SKATERS AT ROLLER SKATING RINKS AS THESE DUTIES RELATE TO SAFETY AND LIABILITY FOR PERSONAL INJURY.

Referred to Judiciary Committee.

By Senators Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, Wellons, and Winner:

S.B. 531, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Albertson, Dannelly, Gulley, Hoyle, Kerr, Martin of Pitt, Perdue, and Warren:

S.B. 532, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A FISHERIES
RESEARCH CENTER WITHIN THE COOPERATIVE INSTITUTE FOR FISHERIES OCEANOGRAPHY OF THE UNIVERSITY OF NORTH CAROLINA.
Referred to Appropriations Committee.

By Senators Albertson, Dannelly, Gulley, Hoyle, Kerr, Martin of Pitt, and Perdue:
S.B. 533, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO FUND FISH HATCHERY RESEARCH.
Referred to Appropriations Committee.

By Senator Shaw of Guilford:
S.B. 534, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF PLEASANT GARDEN.
Referred to Rules and Operations of the Senate Committee.

By Senator Carpenter:
S.B. 535, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF MACON COUNTY BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Page, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Horton, Hoyle, Jenkins, Kerr, Kincaid, Ledbetter, Martin of Pitt, McDaniel, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, and Webster:
S.B. 536, A BILL TO BE ENTITLED AN ACT TO BAN PARTIAL-BIRTH ABORTIONS.
Referred to Children & Human Resources Committee.

By Senator Jenkins:
S.B. 537, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Ballance, Carpenter, Conder, Dannelly, Jordan, Kinnaird, Ledbetter, Lee, Lucas, McDaniel, Phillips, Reeves, Weinstein, and Wellons:
S.B. 538, A BILL TO BE ENTITLED AN ACT TO DEFINE A PROFESSIONAL FIREFIGHTERS' BENEFIT ACCRUAL RATE FOR MEMBERS AND BENEFICIARIES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Miller, Ballantine, Blust, Forrester, Gulley, Jenkins, Kinnaird, Lucas, Martin of Guilford, and Odom:
S.B. 539, A BILL TO BE ENTITLED AN ACT TO REQUIRE MORE SPECIFIC DISCLOSURE OF LOBBYING.
Referred to Commerce Committee.

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By Senators Miller and Reeves:

S.B. 540, A BILL TO BE ENTITLED AN ACT TO STANDARDIZE THE INVESTIGATION AND DISCIPLINE OF LAW ENFORCEMENT OFFICERS AND TO PROVIDE FOR JUDICIAL REVIEW.

Referred to Judiciary Committee.

By Senators Miller and Reeves:

S.B. 541, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF RALEIGH TO DONATE UNCLAIMED BICYCLES TO CHARITY.

Referred to State Government, Local Government, and Personnel Committee.

By Senator Shaw of Guilford:

S.B. 542, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS A CLASS 1 MISDEMEANOR TO TAUNT A LAW ENFORCEMENT AGENCY ANIMAL.

Referred to Judiciary Committee.

By Senators Horton, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Kincaid, McDaniel, Page, Shaw of Guilford, and Webster:

S.B. 543, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE BALANCE OF THE CURRENT DISCRETIONARY FUND FOR GRANTS-IN-AID AND STATE THE INTENT OF THE GENERAL ASSEMBLY.

Referred to Appropriations Committee.

By Senators Perdue and Shaw of Cumberland:

S.B. 544, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE EXPANSION OF THE CRISIS SERVICES PROGRAM IN THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

Referred to Appropriations Committee.

By Senator Miller:

S.B. 545, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CHANGE REGARDING THE DISPOSITION OF OBJECTS FROM THE COLLECTIONS OF THE MUSEUM OF NATURAL SCIENCES.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senator Miller:

S.B. 546, A BILL TO BE ENTITLED AN ACT TO AMEND THE REAL PROPERTY DISCLOSURE LAWS RELATING TO THE SALE OF REAL PROPERTY WITHIN THE CITY OF RALEIGH AND AREAS WITHIN ITS EXTRATERRITORIAL JURISDICTION.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Miller and Reeves:

S.B. 547, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF PUBLIC INSTRUCTION TO ENABLE THE CUED SPEECH
CENTER TO PROVIDE SERVICES TO HEARING IMPAIRED CHILDREN.
Referred to Appropriations Committee.

By Senator Foxx:
S.B. 548, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN STOKES COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Albertson, Cooper, Dannelly, Hoyle, Kerr, Martin of Pitt, Miller, Rand, Reeves, Shaw of Cumberland, Warren, Weinstein, and Wellons:
S.B. 549, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA AGRICULTURAL FINANCE AUTHORITY FOR THE RESERVE FOR FARM LOANS.
Referred to Appropriations Committee.

By Senators Albertson, Cooper, Kerr, Martin of Pitt, Perdue, Plyler, Warren, and Wellons:
S.B. 550, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 89C OF THE GENERAL STATUTES TO PROVIDE THAT THE DESIGN OF LAND APPLICATION IRRIGATION SYSTEMS FOR ANIMAL WASTE MANAGEMENT SYSTEMS MAY BE PERFORMED BY IRRIGATION DESIGN TECHNICAL SPECIALISTS AND CONCERNING AGRICULTURAL BEST MANAGEMENT PRACTICES.
Referred to Commerce Committee.

By Senator Cooper:
S.B. 551, A BILL TO BE ENTITLED AN ACT TO AMEND RULE 68 OF THE RULES OF CIVIL PROCEDURE REGARDING OFFERS OF JUDGMENT.
Referred to Judiciary Committee.

By Senator Ledbetter (by request):
S.B. 552, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY IN HUNTING BIG GAME.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Allran:
S.B. 553, A BILL TO BE ENTITLED AN ACT ALLOWING COUNTY BOARDS OF ELECTIONS TO USE PAPER BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE FIRST PRIMARY ELECTION.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Hartsell and Rand:
S.B. 554, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET.
Referred to Judiciary Committee.

By Senators Conder and Plyler:
S.B. 555, A BILL TO BE ENTITLED AN ACT TO INCREASE THE COST LIMIT ON CONSTRUCTION WORK UNDERTAKEN BY THE CITY OF LAURINBURG.
USING FORCE ACCOUNT QUALIFIED LABOR.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Rucho, Dannelly, Odom, and Winner:
S.B. 556, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY’S EXTRATERRITORIAL PLANNING JURISDICTION.
Referred to State Government, Local Government, and Personnel Committee.

MESSAGES 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, and disposed of, as follows:

S.B. 95 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE DECEMBER 31, 1996, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, March 31.

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. 184, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FROM ARTICLE 2A OF THE ADMINISTRATIVE PROCEDURE ACT AND TO REQUIRE THE EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE TO MEET AT LEAST QUARTERLY.
Referred to Judiciary Committee.

H.B. 204, A BILL TO BE ENTITLED AN ACT TO RAISE THE FORECLOSURE FILING FEES.
Referred to Finance Committee.

H.B. 212 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY SERVICE.
Referred to Judiciary Committee.

H.B. 313 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE ASSESSMENT OF INTANGIBLES TAX.
Referred to Finance Committee.
H.B. 586 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

Referred to Select Committee on Congressional Redistricting.

The President extends courtesies of the floor to Charles W. Hipps, former Senator from Haywood County.

The Senate recesses at 1:22 P.M. for the purpose of a meeting of the Select Committee on Congressional Redistricting to reconvene at 1:37 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

REPORTS OF COMMITTEES

A standing committee report and a select committee report 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. 425, A BILL TO BE ENTITLED AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS, with a favorable report.

With unanimous consent, on motion of Senator Soles, the bill is re-referred to the Finance Committee.

By Senator Cooper for the Select Committee on Congressional Redistricting:

H.B. 586 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is placed before the Senate for immediate consideration upon its passage.

Senator Cochrane offers Amendment No. 1.

The Chair orders a technical correction to Amendment No. 1 to reflect the correct bill number.

Senator Cochrane calls for the “ayes” and “noes” on the question. The call is not sustained.

With unanimous consent, on motion of Senator Basnight, the Senate recesses at 2:26 P.M. to reconvene at 2:41 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

March 27, 1997
H.B. 586 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS, remaining before the Senate following recess.

Amendment No. 1, offered by Senator Cochrane, fails of adoption (18-27).

The Committee Substitute bill passes its second (32-14) and third readings and is ordered enrolled.

S.B. 322, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT PETITIONS TO QUALIFY INDEPENDENT CANDIDATES ON THE BALLOT FOR COUNTY OFFICE IN AVERY COUNTY RECEIVE THE MINIMUM AMOUNT OF SIGNATURES FROM EACH PRECINCT.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 113, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EXPANSION OF THE BOARD OF TRUSTEES OF THE COLLEGE OF THE ALBEMARLE.

The bill passes its second and third readings and is ordered enrolled.

S.B. 289, A BILL TO BE ENTITLED AN ACT TO RAISE THE CAP ON THE AMOUNT OF BONDS THAT MAY BE ISSUED BY THE NORTH CAROLINA HOUSING FINANCE AGENCY, upon third reading.

The Chair announces the voting equipment inoperative.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

H.B. 248 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES AND MOTORCYCLE LEARNERS' PERMITS, upon third reading.

Senator Ballance offers Amendment No. 1.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Chair announces the voting equipment inoperative and orders a call of the roll on Amendment No. 1.
Amendment No. 1, offered by Senator Ballance, fails of adoption (20-27).
Senator Ballance offers Amendment No. 2.

With unanimous consent, the President Pro Tempore grants a leave of absence for the remainder of today’s Session to Senator Webster.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

With the voting equipment inoperative, the Chair orders a call of the roll for Amendment No. 2.

Amendment No. 2, offered by Senator Ballance, is adopted (26-18).

The Chair announces the voting equipment operative.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:


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, which changes the title upon concurrence.

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, April 1, for consideration upon second reading.

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.

With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business, and on his further motion the bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, April 1, for consideration upon its passage.

S.B. 96, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT PAWNSHOP RECORDS BE MADE AVAILABLE TO LOCAL LAW ENFORCEMENT, upon third reading.

With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business, and on his further motion the bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, April 1, for consideration upon third reading.

S.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE THE REVOCATION OF A PERSON’S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-
ORDERED COMMUNITY SERVICE AND TO ELIMINATE THE REQUIREMENT FOR JUDICIAL INVOLVEMENT IN THE APPOINTMENT OF COMMUNITY SERVICE COORDINATORS.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 2, for consideration upon its passage.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by all Members present, the Senate adjourns at 3:53 P.M. to meet Monday, March 31, at 4:00 P.M.

THIRTY-FIFTH DAY

Senate Chamber
Monday, March 31, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Our God, You are alive and at large in the world. Help us to follow and find You there this week.

"Here in this building, where the Senators work, meet people, debate ideas, pass legislation, help them to be worthy legislators of Your Kingdom first, to see through Your eyes and hear the questions You are asking, to welcome all people with Your trust and truth and finally, to change the things that contradict Your love in this world.

"Give them strength for that task we pray, in Your Holy Name, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Cooper, due to business; to Senator Kincaid; to Senator Lee; to Senator Odom; to Senator Reeves; and to Senator Winner.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, March 27, has been examined and is found to be correct. On 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:

H.B. 586, AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

March 31, 1997
H.B. 113, AN ACT TO AUTHORIZE THE EXPANSION OF THE BOARD OF TRUSTEES OF THE COLLEGE OF THE ALBEMARLE.

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. 586, AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS. (Became law upon ratification March 31, 1997—S.L. 1997-11).


INTRODUCTION OF BILLS

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

By Senators Plyler, Ballance, Gulley, Odom, Perdue, and Rand:
S.B. 557, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE EXPANSION FUNDS FOR THE ADMINISTRATIVE OFFICE OF THE COURTS.
Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Plyler, Ballance, Gulley, Odom, Perdue, and Rand:
S.B. 558, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND VICTIM WITNESS ASSISTANTS.
Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senators Plyler, Ballance, Gulley, Odom, Perdue, and Rand:
S.B. 559, A BILL TO BE ENTITLED AN ACT TO INCREASE FEES IN THE GENERAL COURT OF JUSTICE.
Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Lee:
S.B. 560, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PUBLIC-PRIVATE PARTNERSHIP TO EXPAND TECHNOLOGY IN NORTH CAROLINA PUBLIC SCHOOLS, INCLUDING A VOCATIONAL
EDUCATION COMPUTER RECYCLING PILOT PROGRAM.

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

By Senator Odom:

S.B. 561, A BILL TO BE ENTITLED AN ACT TO REMEDY THE INADVERTENT EXCLUSION OF DULY SWORN AND COMMISSIONED CAMPUS POLICE OFFICERS FROM THE CONCEALED HANDGUN STATUTES.

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

By Senators Warren, Cooper, and Martin of Pitt:

S.B. 562, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE PROCESSING FEE CHARGED FOR RETURNED CHECKS.

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

By Senator Reeves:

S.B. 563, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL TO APPROPRIATE FUNDS TO THE DEPARTMENT OF LABOR FOR EXPANSION OF THE APPRENTICESHIP DIVISION.

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

By Senator Reeves:

S.B. 564, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, ACCOUNT NUMBER, AND TYPE OF ACCOUNT OF ANY CUSTOMER.

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

By Senator Reeves:

S.B. 565, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANK’S RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH AND TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES.

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

By Senator Jenkins:

S.B. 566, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF LABOR FOR EXPANSION OF THE APPRENTICESHIP DIVISION.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.
By Senators Jenkins, Ballance, Gulley, Kinnaird, Lucas, Phillips, and Wellons:

S.B. 567, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING.

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

By Senator Jenkins:

S.B. 568, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BILL OF RIGHTS FOR OWNERS OF MANUFACTURED HOMES.

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

By Senators Dalton, Carpenter, Clark, and Kincaid:

S.B. 569, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HUMAN RESOURCES, TO INSTALL A COMPUTED TOMOGRAPHY SCANNER AT BROUGHTON HOSPITAL.

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

By Senators Dalton, Jenkins, Kinnaird, Phillips, Weinstein, and Wellons:

S.B. 570, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "SCENIC RIVERS" REGISTRATION PLATE WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE DEPOSITED IN THE CLEAN WATER MANAGEMENT TRUST FUND.

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

By Senators Dalton, Garwood, Jenkins, Phillips, Weinstein, and Wellons:

S.B. 571, A BILL TO BE ENTITLED AN ACT TO PLACE ON THE SCHEDULE II CONTROLLED SUBSTANCES LIST THE DRUG REMIFENTANIL AND SALTS THEREOF, IN ACCORDANCE WITH FEDERAL LAW.

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. 572, A BILL TO BE ENTITLED AN ACT TO ADD TO THE MODES OF ELECTION THAT MAY BE CHOSEN LOCALLY FOR CITY AND COUNTY GOVERNMENTS THE FOLLOWING: CUMULATIVE VOTING AND PREFERENCE VOTING.

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. 573, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT ACCESS FOR POLITICAL PARTIES.

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

March 31, 1997
By Senator Gulley:
**S.B. 574**, A BILL TO BE ENTITLED AN ACT REQUIRING CERTAIN EMPLOYERS TO PROVIDE MEAL AND REST PERIODS DURING WORKING HOURS UNDER CERTAIN CIRCUMSTANCES.

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

By Senators Hoyle, Albertson, Allran, Ballantine, Carpenter, Clark, Cochrane, Conder, Cooper, Dalton, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, McDaniel, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Warren, Webster, and Weinstein:
**S.B. 575**, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW.

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

By Senators Lucas, Albertson, Dannelly, Forrester, Foxx, Gulley, Jordan, Kinnaird, Martin of Pitt, Perdue, Shaw of Cumberland, and Winner:
**S.B. 576**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SEXUAL ASSAULT PREVENTION AND PROGRAMS.

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

By Senator Reeves:
**S.B. 577**, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING INSURANCE PREMIUM FINANCING.

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

By Senator Foxx:
**S.B. 578**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

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

By Senator Kincaid:
**S.B. 579**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS.

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

By Senator Dalton:
**S.B. 580**, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE CITY OF KINGS MOUNTAIN.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.
By Senator Dalton:
S.B. 581, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE CITY OF KINGS MOUNTAIN.

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

By Senator Dalton:
S.B. 582, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE CITY OF KINGS MOUNTAIN.

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

By Senator Forrester:
S.B. 583, A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS TO COMPLETE ONE HUNDRED FIFTY HOURS OF CONTINUING EDUCATION, TO REQUIRE PHYSICIANS TO REGISTER ANNUALLY WITH THE NORTH CAROLINA MEDICAL BOARD AND TO MAKE A TECHNICAL CHANGE IN THE PRACTICE OF MEDICINE ACT.

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

By Senator Forrester:
S.B. 584, A BILL TO BE ENTITLED AN ACT RELATING TO SENATE DISTRICT 39.

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

By Senator Weinstein:
S.B. 585, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT.

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

By Senator Reeves:
S.B. 586, A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAKE COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

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

By Senators Hartsell and Lee:
S.B. 587, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO SCHOOL PERSONNEL WHO ARE CERTIFIED TEACHERS BUT ARE NOT CLASSROOM TEACHERS.

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

March 31, 1997
By Senators Hartsell, Cochrane, and Phillips:

S.B. 588, A BILL TO BE ENTITLED AN ACT RELATING TO ROWAN COUNTY.

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

By Senators Hartsell, Cochrane, and Phillips:

S.B. 589, A BILL TO BE ENTITLED AN ACT RELATING TO ROWAN COUNTY.

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

By Senator Page:

S.B. 590, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY.

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

By Senator Cochrane:

S.B. 591, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.

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

By Senator Soles:

S.B. 592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES.

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

By Senator Soles:

S.B. 593, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES.

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

By Senator Rand:

S.B. 594, A BILL TO BE ENTITLED AN ACT RELATING TO CUMBERLAND COUNTY.

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

By Senators Lucas, Dannelly, Forrester, Gulley, Jordan, Kinnaird, Martin of Guilford, and Shaw of Cumberland:

S.B. 595, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO LICENSE INSTEAD OF APPROVE PHYSICIAN ASSISTANTS, TO ISSUE A PHYSICIAN ASSISTANT LIMITED VOLUNTEER
LICENSE, AND TO MAKE OTHER CHANGES IN THE STATUTES REGULATING
PHYSICIAN ASSISTANTS.

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

By Senator Shaw of Cumberland:
S.B. 596, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO
THE NORTH CAROLINA ASSOCIATION OF BLACK LAWYERS' LAND LOSS
PREVENTION PROJECT, INC., TO PROVIDE LEGAL ASSISTANCE TO FINANCIALLY DISTRESSED FAMILY FARMERS.

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

By Senators Lee, Ballantine, Foxx, Gulley, Horton, Hoyle, Jordan, Martin of
Guilford, McDaniel, Miller, Perdue, Phillips, Rand, and Soles:
S.B. 597, A BILL TO BE ENTITLED AN ACT TO ALLOW PHYSICIANS
PRACTICING PSYCHIATRY AND PSYCHOLOGISTS TO FORM PROFESSIONAL
CORPORATIONS WITH LICENSED PROFESSIONAL COUNSELORS.

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

By Senators Rand, Kerr, Page, and Shaw of Cumberland:
S.B. 598, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO
THE STATE BOARD OF EDUCATION TO ALLOCATE TO LOCAL EDUCATIONAL
AGENCIES FOR CHILDREN WITH SPECIAL NEEDS.

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

By Senator Dalton:
S.B. 599, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL
LEGISLATION FOR CLEVELAND COUNTY AND THE MUNICIPALITIES IN
THAT COUNTY.

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

By Senator Dalton:
S.B. 600, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL
LEGISLATION FOR RUTHERFORD COUNTY AND THE MUNICIPALITIES IN
THAT COUNTY.

Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk
pending referral to 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. 367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTIES OF CRAVEN, GATES, HERTFORD, NORTHAMPTON, AND PAMLICO TO TAKE A LIEN ON REAL PROPERTY FOR DELINQUENT FEES FOR CERTAIN INSpections.

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

H.B. 482, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL HANDICAPPED PERSONS TO USE A REGISTERED SIGNATURE FACSIMILE AS A MARK OF THEIR LEGAL SIGNATURE.

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

H.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING PROCESS.

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

H.B. 526, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO CREATE A SEA TURTLE SANCTUARY.

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

H.B. 559, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH MAY REQUIRE ISSUANCE OF A BUILDING PERMIT FOR THE REPLACEMENT AND DISPOSAL OF ROOFING.

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

The President extends courtesies of the gallery and privileges of the floor to James F. Richardson, former Senator from Mecklenburg County.

CALENDAR

S.B. 38 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA, on today's Calendar, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Hoyle, the House Committee Substitute bill is taken up out of its regular order of business and on his further motion, is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 2, for concurrence in the House Committee Substitute bill.

Bills on the Calendar carried forward as unfinished business from Thursday, March 27, are taken up and disposed of, as follows:
S.B. 72, A BILL TO BE ENTITLED AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION OF CERTIFICATES.

Upon the appearance of Senator Winner in the Chamber, the President acknowledges her presence and the leave granted previously is withdrawn.

The bill passes its second (39-4) and third readings and is ordered sent to the House of Representatives.

S.B. 330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SAFE-DEPOSIT BOXES.

The President extends courtesies of the Gallery to Rebecca and Jeremiah Prince, the daughter and grandson of Senator Carpenter.

The Committee Substitute bill passes its second (38-5) and third readings and is ordered sent to the House of Representatives.

S.B. 433, A BILL TO BE ENTITLED AN ACT TO DIVIDE NORTH CAROLINA INTO TWELVE CONGRESSIONAL DISTRICTS.

With unanimous consent, on motion of Senator Rand, the bill is withdrawn from today’s Calendar and is recommitted to the Select Committee on Congressional Redistricting.

H.B. 78, A BILL TO BE ENTITLED AN ACT TO CLARIFY WHO IS EXEMPT FROM THE PUBLIC SCHOOL ADMINISTRATOR EXAM.

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 70 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES, 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.

Bills on today’s Calendar are taken up and disposed of, as follows:

S.B. 411, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 350 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING EMPLOYEE INSURANCE COMMITTEES TO ALLOW FOR A CENTRAL EMPLOYEE INSURANCE COMMITTEE IN THE DEPARTMENT OF HUMAN RESOURCES.

March 31, 1997
The Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives.

S.B. 95 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE DECEMBER 31, 1996, 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.

COMMITTEE REFERRAL RECALL

S.B. 369, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR EXPANDING THE DRUG AND ALCOHOL RECOVERY TREATMENT CONTINUING CARE PROGRAM AND TO REQUIRE THE EXPANSION OF THE DRUG ABUSE RESISTANCE EDUCATION PROGRAM TO THE SEVENTH AND NINTH GRADES AS PART OF THE GOVERNOR'S DRIVING WHILE IMPAIRED INITIATIVES, referred to the Education/Higher Education Committee on March 18.

Pursuant to Rule 47(a), Senator Winner offers a motion that the bill be withdrawn from the Education/Higher Education Committee and re-referred to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Education/Higher Education Committee and refers the measure to the Appropriations Committee.

S.B. 415, A BILL TO BE ENTITLED AN ACT TO PROVIDE INCENTIVES THAT WILL ENCOURAGE HIGH SCHOOL STUDENTS TO TAKE ADVANCE PLACEMENT COURSES AND COLLEGE LEVEL COURSES WHILE IN HIGH SCHOOL, ENCOURAGE THE UNIVERSITY OF NORTH CAROLINA, THE COMMUNITY COLLEGES, AND THE PUBLIC SCHOOLS TO MAKE THOSE COURSES AVAILABLE TO STUDENTS, TO ENCOURAGE STUDENTS TO TAKE THEIR FIRST TWO YEARS OF GENERAL EDUCATION COURSES THROUGH THE COMMUNITY COLLEGE SYSTEM, AND TO APPROPRIATE FUNDS TO FINANCE THOSE INCENTIVES.

Pursuant to Rule 47(a), Senator Winner offers a motion that the bill be withdrawn from the Education/Higher Education Committee and re-referred to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Education/Higher Education Committee and refers the measure to the Appropriations Committee.

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

Lee Johnson Brashear, Goldsboro; Charles Matthew Burrell, Gastonia; Matthew Jason Coston, Wilmington; John Delamar, Oriental; John Plyler Faulk, Monroe; Wade Raymond Finch, Bailey; Rheana Waine Gray, Wanchese; Leah Suzanne Gregoire, Gastonia; Amanda Ruth Hodges, Wallace; Candice Hollis, Wanchese; Matthew Hart Hupman, Mebane; Jennifer Leigh Jones, Manteo; Kara Lyn Jones, Wanchese; Heather Lynn Joyce, Madison; Cameron Burton Keziah, Monroe; Robert Farris McConville, Sanford; Lindsay Ross Parker, Bessemer City; Hannah Pugh, Fayetteville; Sara Pugh, Fayetteville; Brook Elizabeth Shepherd, Mount Holly; Monica Lorraine Tillett, Manteo; Robert Bruce Trefz, Gastonia; and Amanda Williams, Mount Holly.
On motion of Senator Basnight, seconded by Senator Miller, the Senate adjourns at 4:57 P.M. to meet tomorrow, Tuesday, April 1, at 2:00 P.M.

THIRTY-SIXTH DAY

Senate Chamber
Tuesday, April 1, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting from Matthew 17:21, as follows:

"Some days, O Lord, an issue that we face personally or corporately looks like a mountain and our task is to move that mountain.

"Though our first inclination may be negative, to retreat or throw up our hands or obstinately dig in, we might well be reminded of Your Words, 'If you have faith as a grain of mustard seed, you will say to the mountain, 'Move from here to there and it will move; and nothing will be impossible to you.'

"Prayer was never intended to be a substitute for hard work, O God, but what we pray for in faith makes moving a mountain much easier. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Carpenter and to Senator Jenkins to attend the State Parks Public Hearing in Brevard.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, March 31, has been examined and is found to be correct. On 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. Gilbert Whitmer from Rocky Mount, 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 Cooper for the Judiciary Committee:

S.B. 370, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR THE ENFORCEMENT OF ARBITRATION AWARDS PURSUANT TO THE ACT ENTERED OUTSIDE NORTH CAROLINA AND TO GIVE A PARTY THE RIGHT TO BE REPRESENTED BY AN ATTORNEY AT A PROCEEDING

April 1, 1997
PURSUANT TO THE 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 A590 is adopted and engrossed.

S.B. 39, A BILL TO BE ENTITLED AN ACT TO REVISE THE SETOFF DEBT COLLECTION ACT, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Finance Committee.

By Senator Lucas for the Children & Human Resources Committee:

S.B. 207, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING AMENDMENTS TO THE STATUTES PROVIDING FOR CRIMINAL HISTORY RECORD CHECKS OF INDIVIDUALS INVOLVED IN PROVIDING CHILD FOSTER CARE AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE 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 A4540, which changes the title to read S.B. 207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL HISTORY RECORD CHECKS LAW TO MAKE CLARIFYING CHANGES AND TO REQUIRE A CRIMINAL BACKGROUND CHECK ON HOME HEALTH AGENCY APPLICANTS ONLY FOR CERTAIN POSITIONS, is adopted and engrossed.

By Senator Soles for the Commerce Committee:

H.B. 95 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A THREE-YEAR CYCLE FOR BUILDING CODE AMENDMENTS BEGINNING IN 1999 AND TO MAKE RELATED CHANGES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CODE, with a favorable report.

S.B. 208, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE SANITIZATION OF COOKING UTENSILS PROVIDED BY LODGING ESTABLISHMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE 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 1668 is adopted and engrossed.

S.B. 418, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SECRETARY OF ADMINISTRATION TO SET BUSINESS SIZE STANDARDS AND APPLY THEM TO THE PROCUREMENT PROCEDURES TO PROMOTE INCREASED PROCUREMENTS FROM SMALL AND MEDIUM-SIZED BUSINESSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2647 is adopted and engrossed.

April 1, 1997
By Senator Kerr for the Finance Committee:

S.B. 123, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES TAX AUDIOVISUAL MASTER TAPES USED IN THE MOTION PICTURE, TELEVISION, AND AUDIO PRODUCTION INDUSTRIES, with a favorable report.

With unanimous consent, on motion of Senator Kerr, the bill is re-referred to the Appropriations Committee.

Senator Rand offers a motion to suspend Rule 7 to the end that introduction of bills and messages from the House of Representatives are placed as the last order of business today, which motion prevails.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 70, AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES.

S.B. 95, AN ACT TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE DECEMBER 31, 1996.

H.B. 78, AN ACT TO CLARIFY WHO IS EXEMPT FROM THE PUBLIC SCHOOL ADMINISTRATOR EXAM.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, as amended, upon second reading.

Senator Hartsell offers Amendment No. 2, held to be material, which is adopted (47-0), constituting the first reading of the measure. The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, April 2, for further consideration upon second reading.

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.

With unanimous consent, on motion of Senator Kerr, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 3, for consideration upon its passage.

April 1, 1997
S.B. 96, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE REQUIREMENT THAT PAWNSHOP RECORDS BE MADE AVAILABLE TO LOCAL LAW ENFORCEMENT, upon third reading.

The bill passes its third reading (44-2) and is ordered sent to the House of Representatives.

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. 189, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCOUNT WITHIN THE CLEAN WATER REVOLVING LOAN AND GRANT FUND SO THAT FUNDS MADE AVAILABLE UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1996 MAY BE USED BY THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Appropriations Committee.

REPORT TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:


The President extends privileges of the floor to Dennis Davis, former Senator from Cleveland County.

COMMITTEE REFERRALS

Upon motion of Senator Rand, Chairman of Rules and Operations of the Senate Committee, bills introduced and ordered held in the Office of the Principal Clerk on Monday, March 31, are withdrawn from the Office of the Principal Clerk and referred to committee, pursuant to Rule 43, as follows:

S.B. 557, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE EXPANSION FUNDS FOR THE ADMINISTRATIVE OFFICE OF THE COURTS.

Referred to Appropriations Committee.
S.B. 558, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR ADDITIONAL ASSISTANT DISTRICT ATTORNEYS AND VICTIM WITNESS ASSISTANTS.
Referred to Appropriations Committee.

S.B. 559, A BILL TO BE ENTITLED AN ACT TO INCREASE FEES IN THE GENERAL COURT OF JUSTICE.
Referred to Finance Committee.

S.B. 560, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PUBLIC-PRIVATE PARTNERSHIP TO EXPAND TECHNOLOGY IN NORTH CAROLINA PUBLIC SCHOOLS, INCLUDING A VOCATIONAL EDUCATION COMPUTER RECYCLING PILOT PROGRAM.
Referred to Education/Higher Education Committee and upon a favorable report, re-referred to the Appropriations Committee.

S.B. 561, A BILL TO BE ENTITLED AN ACT TO REMEDY THE INADVERTENT EXCLUSION OF DULY SWORN AND COMMISSIONED CAMPUS POLICE OFFICERS FROM THE CONCEALED HANDGUN STATUTES.
Referred to Judiciary Committee.

S.B. 562, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE PROCESSING FEE CHARGED FOR RETURNED CHECKS.
Referred to Commerce Committee.

S.B. 563, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY COUNCIL TO APPOINT AND TO REMOVE HOUSING AUTHORITY COMMISSIONERS.
Referred to Commerce Committee.

S.B. 564, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, ACCOUNT NUMBER, AND TYPE OF ACCOUNT OF ANY CUSTOMER.
Referred to Commerce Committee.

S.B. 565, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANK'S RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH AND TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES.
Referred to Commerce Committee.

S.B. 566, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF LABOR FOR EXPANSION OF THE APPRENTICESHIP DIVISION.
Referred to Appropriations Committee.

April 1, 1997
S.B. 567, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE AND SUSTAIN THE CAPACITY OF NONPROFIT HOUSING DEVELOPERS TO PRODUCE AFFORDABLE HOUSING.
Referred to Appropriations Committee.

S.B. 568, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BILL OF RIGHTS FOR OWNERS OF MANUFACTURED HOMES.
Referred to Commerce Committee.

S.B. 569, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HUMAN RESOURCES, TO INSTALL A COMPUTED TOMOGRAPHY SCANNER AT BROUGHTON HOSPITAL.
Referred to Appropriations Committee.

S.B. 570, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "SCENIC RIVERS" REGISTRATION PLATE WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE DEPOSITED IN THE CLEAN WATER MANAGEMENT TRUST FUND.
Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.

S.B. 571, A BILL TO BE ENTITLED AN ACT TO PLACE ON THE SCHEDULE II CONTROLLED SUBSTANCES LIST THE DRUG REMIFENTANIL AND SALTS THEREOF, IN ACCORDANCE WITH FEDERAL LAW.
Referred to Judiciary Committee.

S.B. 572, A BILL TO BE ENTITLED AN ACT TO ADD TO THE MODES OF ELECTION THAT MAY BE CHOSEN LOCALLY FOR CITY AND COUNTY GOVERNMENTS THE FOLLOWING: CUMULATIVE VOTING AND PREFERENCE VOTING.
Referred to Judiciary Committee.

S.B. 573, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT ACCESS FOR POLITICAL PARTIES.
Referred to Judiciary Committee.

S.B. 574, A BILL TO BE ENTITLED AN ACT REQUIRING CERTAIN EMPLOYERS TO PROVIDE MEAL AND REST PERIODS DURING WORKING HOURS UNDER CERTAIN CIRCUMSTANCES.
Referred to Commerce Committee.

S.B. 575, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW.
Referred to Commerce Committee.
S.B. 576, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR SEXUAL ASSAULT PREVENTION AND PROGRAMS.
Referred to Appropriations Committee.

S.B. 577, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING INSURANCE PREMIUM FINANCING.
Referred to Commerce Committee.

S.B. 578, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.
Referred to Finance Committee.

S.B. 579, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS.
Referred to State Government, Local Government, and Personnel Committee.

S.B. 580, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE CITY OF KINGS MOUNTAIN.
Referred to Rules and Operations of the Senate Committee.

S.B. 581, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE CITY OF KINGS MOUNTAIN.
Referred to Rules and Operations of the Senate Committee.

S.B. 582, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR THE CITY OF KINGS MOUNTAIN.
Referred to Rules and Operations of the Senate Committee.

S.B. 583, A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS TO COMPLETE ONE HUNDRED FIFTY HOURS OF CONTINUING EDUCATION, TO REQUIRE PHYSICIANS TO REGISTER ANNUALLY WITH THE NORTH CAROLINA MEDICAL BOARD AND TO MAKE A TECHNICAL CHANGE IN THE PRACTICE OF MEDICINE ACT.
Referred to Children & Human Resources Committee.

S.B. 584, A BILL TO BE ENTITLED AN ACT RELATING TO SENATE DISTRICT 39.
Referred to Rules and Operations of the Senate Committee.

S.B. 585, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT.
Referred to Finance Committee.

April 1, 1997
S.B. 586, A BILL TO BE ENTITLED AN ACT TO ALLOW THE WAKE COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.
Referred to State Government, Local Government, and Personnel Committee.

S.B. 587, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO SCHOOL PERSONNEL WHO ARE CERTIFIED TEACHERS BUT ARE NOT CLASSROOM TEACHERS.
Referred to Education/Higher Education Committee.

S.B. 588, A BILL TO BE ENTITLED AN ACT RELATING TO ROWAN COUNTY.
Referred to Rules and Operations of the Senate Committee.

S.B. 589, A BILL TO BE ENTITLED AN ACT RELATING TO ROWAN COUNTY.
Referred to Rules and Operations of the Senate Committee.

S.B. 590, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

S.B. 591, A BILL TO BE ENTITLED AN ACT RELATING TO THE 38TH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

S.B. 592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES.
Referred to Rules and Operations of the Senate Committee.

S.B. 593, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES.
Referred to Rules and Operations of the Senate Committee.

S.B. 594, A BILL TO BE ENTITLED AN ACT RELATING TO CUMBERLAND COUNTY.
Referred to Rules and Operations of the Senate Committee.

S.B. 595, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO LICENSE INSTEAD OF APPROVE PHYSICIAN ASSISTANTS, TO ISSUE A PHYSICIAN ASSISTANT LIMITED VOLUNTEER LICENSE, AND TO MAKE OTHER CHANGES IN THE STATUTES REGULATING PHYSICIAN ASSISTANTS.
Referred to Children & Human Resources Committee.
S.B. 596, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE NORTH CAROLINA ASSOCIATION OF BLACK LAWYERS' LAND LOSS PREVENTION PROJECT, INC., TO PROVIDE LEGAL ASSISTANCE TO FINANCIALLY DISTRESSED FAMILY FARMERS.
Referred to Appropriations Committee.

S.B. 597, A BILL TO BE ENTITLED AN ACT TO ALLOW PHYSICIANS PRACTICING PSYCHIATRY AND PSYCHOLOGISTS TO FORM PROFESSIONAL CORPORATIONS WITH LICENSED PROFESSIONAL COUNSELORS.
Referred to Commerce Committee.

S.B. 598, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE STATE BOARD OF EDUCATION TO ALLOCATE TO LOCAL EDUCATIONAL AGENCIES FOR CHILDREN WITH SPECIAL NEEDS.
Referred to Appropriations Committee.

S.B. 599, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR CLEVELAND COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
Referred to Rules and Operations of the Senate Committee.

S.B. 600, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR RUTHERFORD COUNTY AND THE MUNICIPALITIES IN THAT COUNTY.
Referred to Rules and Operations of the Senate Committee.

Bills received from the House of Representatives on Monday, March 31, and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the Rules and Operations of the Senate Committee pursuant to Rule 43, are referred to committee, as follows:

H.B. 367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTIES OF CRAVEN, GATES, HERTFORD, NORTHAMPTON, AND PAMLICO TO TAKE A LIEN ON REAL PROPERTY FOR DELINQUENT FEES FOR CERTAIN INSPECTIONS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 482, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL HANDICAPPED PERSONS TO USE A REGISTERED SIGNATURE FACSIMILE AS A MARK OF THEIR LEGAL SIGNATURE.
Referred to Commerce Committee.

H.B. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING PROCESS.
Referred to State Government, Local Government, and Personnel Committee.

April 1, 1997
H.B. 526, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO CREATE A SEA TURTLE SANCTUARY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 559, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH MAY REQUIRE ISSUANCE OF A BUILDING PERMIT FOR THE REPLACEMENT AND DISPOSAL OF ROOFING.
Referred to State Government, Local Government, and Personnel Committee.

INTRODUCTION OF BILLS

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

By Senator Ballantine:
S.B. 601, A BILL TO BE ENTITLED AN ACT RELATING TO THE CITY OF WILMINGTON.
Referred to Rules and Operations of the Senate Committee.

By Senator Jordan:
S.B. 602, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senator Jordan:
S.B. 603, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senator Jordan:
S.B. 604, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senator Jordan:
S.B. 605, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senator Jordan:
S.B. 606, A BILL TO BE ENTITLED AN ACT RELATING TO THE 7TH SENATORIAL DISTRICT.
Referred to Rules and Operations of the Senate Committee.

By Senator Jordan:
S.B. 607, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE SHAW SPEAKS CHILD DEVELOPMENT CENTER FOR ITS DIABETES HEALTH AWARENESS INITIATIVE.
Referred to Appropriations Committee.

April 1, 1997
By Senator Hoyle:
S.B. 608, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE SHALL PAY FOR EXTRADITION COSTS OF ALL CRIMES.
Referred to Appropriations Committee.

By Senator Miller:
S.B. 609, A BILL TO BE ENTITLED AN ACT TO ALLOW MONEY CREDITED TO THE CONSUMER PROTECTION FUND TO BE USED TO RETAIN EXPERTS FOR HEARINGS AND TO REQUIRE THAT MONEY RECOVERED FROM DELINQUENCY PROCEEDINGS OR CIVIL ACTIONS AGAINST THE COMMISSIONER BE CREDITED TO THE FUND.
Referred to Pensions & Retirement and Insurance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Miller:
S.B. 610, A BILL TO BE ENTITLED AN ACT TO SPECIFICALLY MAKE UNFAIR DISCRIMINATION AGAINST ABUSED PERSONS AN UNFAIR TRADE PRACTICE IN THE BUSINESS OF INSURANCE.
Referred to Judiciary Committee.

By Senator Miller:
S.B. 611, A BILL TO BE ENTITLED AN ACT TO PROTECT INSURANCE POLICYHOLDERS BY SETTING STANDARDS FOR THE FRONTING OF INSURANCE BUSINESS.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Miller:
S.B. 612, A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES IN THE LAWS GOVERNING THE FINANCIAL OPERATIONS OF INSURANCE COMPANIES AND THE ROLE OF THE DEPARTMENT OF INSURANCE IN MONITORING THE SOLVENCY OF INSURANCE COMPANIES.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Miller:
S.B. 613, A BILL TO BE ENTITLED AN ACT TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Miller:
S.B. 614, A BILL TO BE ENTITLED AN ACT TO REVISE THE LICENSING LAWS ADMINISTERED BY THE DEPARTMENT OF INSURANCE, INCLUDING THE LAWS RELATING TO THE PAYMENT OF CIVIL MONEY PENALTIES, HEARING PROCEDURES, NOTICES OF ADDRESS CHANGES AND CRIMINAL CONVICTIONS, APPLICATIONS FOR LEARNER'S PERMITS, EXTENSIONS OF TIME FOR CONTINUING EDUCATION REQUIREMENTS, THE BASES UPON WHICH LICENSES MAY BE DENIED, REVOKED, OR SUSPENDED, THE NUMBER OF CONTINUING EDUCATION HOURS REQUIRED FOR BAIL

April 1, 1997
BONDSMEN AND RUNNERS, AND THE BOND REQUIREMENT FOR VIATICAL SETTLEMENT PROVIDERS.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Horton and McDaniel:
S.B. 615, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF KERNERSVILLE TO LEVY A MOTOR VEHICLE TAX OF UP TO TEN DOLLARS.
Referred to Finance Committee.

By Senator Horton:
S.B. 616, A BILL TO BE ENTITLED AN ACT TO LIMIT APPEALS TO LOCAL BOARDS OF EDUCATION.
Referred to Education/Higher Education Committee.

By Senator Webster:
S.B. 617, A BILL TO BE ENTITLED AN ACT RELATING TO ALAMANCE COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Webster:
S.B. 618, A BILL TO BE ENTITLED AN ACT RELATING TO CASWELL COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Webster:
S.B. 619, A BILL TO BE ENTITLED AN ACT RELATING TO PERSON COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senators Plyler, Conder, and Warren:
S.B. 620, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AID TO PUBLIC LIBRARIES FUND.
Referred to Appropriations Committee.

By Senator Conder:
S.B. 621, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE HAMLET OPERA HOUSE RESTORATION.
Referred to Appropriations Committee.

By Senator Conder:
S.B. 622, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO RICHMOND COUNTY FOR THE COMPLETION OF THE NEW HUMAN SERVICES COMPLEX IN ORDER TO CENTRALIZE THE COUNTY'S AGRICULTURAL AGENCIES.
Referred to Appropriations Committee.

By Senators Martin of Guilford, Blust, and Shaw of Guilford:
S.B. 623, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR
CONSTRUCTION OF A NEW GUILFORD COUNTY JUVENILE DETENTION FACILITY.
Referred to Appropriations Committee.

By Senators Martin of Guilford, Blust, and Shaw of Guilford:
S.B. 624, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SEDALIA.
Referred to Rules and Operations of the Senate Committee.

By Senators Page, Albertson, Ballantine, Cochrane, East, Forrester, Foxx, Garwood, Hoyle, and Lucas:
S.B. 625, A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION.
Referred to Transportation Committee.

By Senators Forrester, Cochrane, Lucas, Perdue, and Winner:
S.B. 626, A BILL TO BE ENTITLED AN ACT TO ESTABLISH IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES THE OFFICE OF WOMEN'S HEALTH.
Referred to Children & Human Resources Committee.

By Senator Miller:
S.B. 627, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXPAND THE CLASSIFICATION OF PERSONS WHO MAY OBTAIN A DOMESTIC VIOLENCE PROTECTIVE ORDER, AND TO CLARIFY THE CIRCUMSTANCES UNDER WHICH MAGISTRATES MAY ISSUE PROTECTIVE ORDERS.
Referred to Judiciary Committee.

By Senator Miller:
S.B. 628, A BILL TO BE ENTITLED AN ACT TO IMPOSE A CRIMINAL PENALTY FOR VIOLATION OF A DOMESTIC VIOLENCE PROTECTIVE ORDER.
Referred to Judiciary Committee.

By Senators Wellons, Miller, and Page:
S.B. 629, A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.
Referred to Commerce Committee.

By Senators Kinnaird and Lee:
S.B. 630, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF CARRBORO.
Referred to Finance Committee.

By Senators Kinnaird and Lee:
S.B. 631, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF CHAPEL HILL TO LEVY AN ENTERTAINMENT TAX ON EVENTS IN LARGE FACILITIES IN THE TOWN OF CHAPEL HILL, TO AUTHORIZE THE TOWN TO
REQUIRE THAT NEW DEVELOPMENT INCLUDE HOUSING FOR A PERCENTAGE OF LOW- AND MODERATE-INCOME FAMILIES OR PROVIDE LAND OR PAYMENT IN LIEU OF PROVIDING SUCH HOUSING, TO PROVIDE AUTHORIZATION FOR LOCAL REVENUE OPTIONS FOR TRANSIT FUNDING, AND TO PROVIDE THAT THE TOWN'S OCCUPANCY TAX APPLY TO UNIVERSITY FACILITIES ON THE SAME BASIS AS IT APPLIES TO PRIVATE ACCOMMODATIONS FOR TRANSIENT OCCUPANCY.

Referred to Rules and Operations of the Senate Committee and upon a favorable report, re-referred to the Finance Committee.

By Senators Kinnaird and Lee:

S.B. 632, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ORANGE COUNTY TO LEVY AN EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY IN ORANGE COUNTY AND AN ENTERTAINMENT TAX ON EVENTS IN LARGE FACILITIES IN ORANGE COUNTY, RELATING TO CLASSIFICATIONS UNDER THE ORANGE COUNTY CIVIL RIGHTS ORDINANCE, TO CLARIFY THE AUTHORITY OF ORANGE COUNTY TO REGULATE THE USE, STORAGE, DISPOSAL, LABELING, OR APPLICATION OF PESTICIDES, AND TO MAKE TECHNICAL CHANGES IN THE ORANGE COUNTY ROOM OCCUPANCY TAX.

Referred to Rules and Operations of the Senate Committee and upon a favorable report, re-referred to the Finance Committee.

By Senators Kinnaird and Lee:

S.B. 633, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CHATHAM COUNTY TO LEVY AN EXCISE TAX ON INSTRUMENTS CONVEYING REAL PROPERTY IN CHATHAM COUNTY.

Referred to Finance Committee.

By Senator Shaw of Cumberland:

S.B. 634, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO INCREASE EFFORTS FOR THE PREVENTION OF AIDS.

Referred to Appropriations Committee.

By Senator Shaw of Cumberland:

S.B. 635, 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 DIRECT USE OF INTERSTATE TOLL PROCEEDS TO EXPANSION AND MAINTENANCE OF THAT INTERSTATE AND FOR OTHER TRANSPORTATION PURPOSES.

Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.

By Senators Hartsell, Forrester, Lucas, and Martin of Guilford:

S.B. 636, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF LOCAL PUBLIC HEALTH AUTHORITIES, AS RECOMMENDED BY THE NORTH CAROLINA PUBLIC HEALTH COMMISSION.

Referred to Children & Human Resources Committee.

April 1, 1997
By Senators Winner, Dannelly, Odom, and Rucho:

S.B. 637, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET CERTAIN SPEED LIMITS.

Referred to Transportation Committee.

By Senators Winner, Dannelly, Odom, and Rucho:

S.B. 638, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE AVID PROGRAM IN THREE LOCAL SCHOOL ADMINISTRATIVE UNITS.

Referred to Appropriations Committee.


S.B. 639, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS.

Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.

By Senators Rucho, Allran, Ballantine, Clark, Foxx, Garwood, Hartsell, Horton, Lee, McDaniel, Odom, Rand, and Shaw of Guilford:

S.B. 640, A BILL TO BE ENTITLED AN ACT TO PERMIT CHILDREN TO ATTEND COMMUNITY SCHOOLS.

Referred to Education/Higher Education Committee.

By Senator Soles:

S.B. 641, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH THE NORTH CAROLINA MUSEUM OF FORESTRY.

Referred to Appropriations Committee.

By Senator Soles:

S.B. 642, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR ECONOMIC DEVELOPMENT PROJECTS IN COLUMBUS COUNTY.

Referred to Appropriations Committee.

On motion of Senator Basnight, seconded by Senator Carrington, the Senate adjourns at 2:54 P.M. to meet tomorrow, Wednesday, April 2, at 2:00 P.M.

April 1, 1997
THIRTY-SEVENTH DAY

Senate Chamber
Wednesday, April 2, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Creator God, how You must desire for some of our prayers to lay aside personal petitions of need in deference to our recognition and praise of who You are.

"It's spring in North Carolina. Anyone who has ever walked a dogwood or azalea trail must understand the prayers of thanksgiving offered in verse by Browning and Emerson, 'Earth's crammed with heaven, and every common bush is afire with God. Will we not open our hearts to what rainbows teach and sunsets show?'

"Great are You, O God, and greatly to be praised. Amen."

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

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Tuesday, April 1, has been examined and is found to be correct. On 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 McConville from Sanford, who is serving the Senate as Doctor of the Day.

*The President extends privileges of the floor to Wade Brown, former Senator from Watauga County.*

**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 Miller for the State Government, Local Government, and Personnel Committee:

*S.B. 499*, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT ORDINANCES RELATING TO THE PARKING OR STANDING OF MOTOR VEHICLES NEAR FIRE HYDRANTS AND FIRE STATIONS AND IN FIRE LANES, with a favorable report.

*S.B. 500*, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION, with a favorable report.

With unanimous consent, on motion of Senator Miller, the bill is re-referred to the Finance Committee.

April 2, 1997
By Senator Hoyle for the Finance Committee:

S.B. 447, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LUMBERTON ECONOMIC DEVELOPMENT AND TOURIST DISTRICT AND TO AUTHORIZE THE ISSUANCE OF CERTAIN ABC PERMITS IN THIS TYPE OF DISTRICT, with a favorable report.

S.B. 363, A BILL TO BE ENTITLED AN ACT TO ALLOW HARNETT COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY, with a favorable report.

Upon the appearance of Senator Basnight in the Chamber, the President acknowledges his presence and the leave of absence granted previously is withdrawn.

By Senator Lucas for the Children & Human Resources Committee:

S.B. 351, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE SOCIAL SERVICES COMMISSION HAS THE AUTHORITY TO SET PERSONNEL REQUIREMENTS IN MATERNITY HOMES, CHILD PLACING AGENCIES, AND CHILD CARE INSTITUTIONS, with a favorable report.

S.B. 332, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COMPLETION OF FOSTER CARE TRAINING BY FOSTER PARENTS WITHIN SIX MONTHS AFTER A PROVISIONAL LICENSE IS ISSUED AND BY FOSTER CARE AND ADOPTION SOCIAL WORKERS WITHIN SIX MONTHS AFTER ASSUMING DSS DUTIES, with a favorable report.

By Senator Soles for the Commerce Committee:

S.B. 312, A BILL TO BE ENTITLED AN ACT TO REGULATE CHECK-CASHING BUSINESSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7669 is adopted and engrossed.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is re-referred to the Finance Committee.

By Senator Shaw of Cumberland for the Transportation Committee:

S.B. 635, 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 DIRECT USE OF INTERSTATE TOLL PROCEEDS TO EXPANSION AND MAINTENANCE OF THAT INTERSTATE AND FOR OTHER TRANSPORTATION PURPOSES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

April 2, 1997
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 Guilford:
S.B. 643, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GREENSBORO CITY COUNCIL MEMBERS.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Shaw of Guilford:
S.B. 644, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY HIGH POINT CITY COUNCIL MEMBERS.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Shaw of Guilford:
S.B. 645, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GUILFORD COUNTY BOARD OF EDUCATION MEMBERS.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Rucho, Blust, Carpenter, Odom, and Shaw of Guilford:
S.B. 646, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF NORTH CAROLINA.
Referred to Commerce Committee.

By Senator Albertson:
S.B. 647, A BILL TO BE ENTITLED AN ACT RELATING TO DUPLIN COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Albertson:
S.B. 648, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF WALLACE.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Miller:
S.B. 649, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR LATE FILING OF REPORTS BY LOBBYIST AND PRINCIPAL.
Referred to Finance Committee.

By Senator Page:
S.B. 650, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF SANFORD AND OTHER LAWS RELATING TO THE CITY BY DELETING THROUGHOUT THE WORDS "BOARD OF ALDERMEN" AND
"ALDERMEN" AND SUBSTITUTING THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER".

Referred to State Government, Local Government, and Personnel Committee.

By Senators Martin of Pitt and Albertson:
S.B. 651, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF AGRICULTURE FOR THE INSPECTION OF FOOD AND ANIMAL FEED FACILITIES.
Referred to Appropriations Committee.

By Senators Martin of Pitt and Albertson:
S.B. 652, A BILL TO BE ENTITLED AN ACT TO PROVIDE TECHNICAL ASSISTANCE TO EMPLOYERS WITH HIGH WORKERS' COMPENSATION RATE MODIFIERS.
Referred to Appropriations Committee.

By Senators Wellons, Albertson, and Martin of Pitt:
S.B. 653, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE TOBACCO FARM LIFE MUSEUM.
Referred to Appropriations Committee.

By Senator Jordan:
S.B. 654, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMITTEE ON ORTHOPAEDIC PHYSICIAN ASSISTANTS AND A SYSTEM TO CERTIFY ORTHOPAEDIC PHYSICIAN ASSISTANTS.
Referred to Finance Committee.

By Senators Rand and Shaw of Cumberland:
S.B. 655, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES TO ALLOCATE TO THE FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE BOARD OF TRUSTEES TO ESTABLISH A MODEL EARLY CHILDHOOD EDUCATION CENTER FOR CUMBERLAND COUNTY.
Referred to Appropriations Committee.

By Senators Kinnaird and Lee:
S.B. 656, A BILL TO BE ENTITLED AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Kerr and Perdue:
S.B. 657, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR PRESERVING AND MAINTAINING THE STATE'S CIVIL WAR SITES.
Referred to Appropriations Committee.

April 2, 1997
By Senator Kerr:
S.B. 658, A BILL TO BE ENTITLED AN ACT TO CONFORM THE PENALTY FOR WORKERS' COMPENSATION FRAUD TO THE PENALTY FOR INSURANCE FRAUD AND TO RAISE THE PENALTY FOR COERCING SETTLEMENT OF A WORKERS' COMPENSATION CLAIM FROM A CLASS 1 MISDEMEANOR TO A CLASS H FELONY.
Referred to Judiciary Committee.

By Senator Kerr:
S.B. 659, A BILL TO BE ENTITLED AN ACT TO REMOVE THE CAP ON THE AMOUNT OF WINE TAX PROCEEDS EARMARKED FOR PROMOTION OF THE NORTH CAROLINA GRAPE INDUSTRY.
Referred to Appropriations Committee.

By Senators Hoyle and Shaw of Guilford:
S.B. 660, A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS.
Referred to Finance Committee.

By Senator Hoyle:
S.B. 661, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, DEPARTMENT OF HUMAN RESOURCES, FOR PROJECTS AT BROUGHTON HOSPITAL.
Referred to Appropriations Committee.

By Senators Martin of Guilford, Albertson, Conder, Dannelly, Forrester, Hartsell, Lucas, Rand, and Warren:
S.B. 662, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH CLASSROOM MANAGEMENT PILOT PROGRAMS.
Referred to Appropriations Committee.

By Senators Rucho, Ballantine, Cooper, Dannelly, Gulley, Hartsell, Horton, Odom, Rand, Reeves, Shaw of Guilford, and Winner:
S.B. 663, A BILL TO BE ENTITLED AN ACT TO AMEND THE ABSENTEE VOTING TO ALLOW NO EXCUSE ABSENTEE VOTING AND TO ALLOW COUNTY BOARDS OF ELECTIONS THE OPTION OF ADDING ADDITIONAL SITES FOR EARLY VOTING.
Referred to Judiciary Committee.

By Senators Warren, Albertson, Martin of Pitt, and Weinstein:
S.B. 664, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.
Referred to State Government, Local Government, and Personnel Committee.
By Senators Rand, Albertson, Ballance, Ballantine, Blust, Carrington, Conder, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Miller, Odom, Page, Phillips, Plyler, Reeves, Rucho, Shaw of Cumberland, Weinstein, Wellons, and Winner:

**S.B. 665**, 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 PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Reeves and Miller:

**S.B. 666**, A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 279 OF THE 1989 SESSION LAWS REGARDING THE AUTHORITY OF MUNICIPALITIES IN WAKE COUNTY TO CLOSE STREETS AND ALLEYS LOCATED WITHIN THEIR EXTRATERRITORIAL JURISDICTION.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Reeves, Ballantine, Conder, Cooper, Foxx, Jordan, Lee, Lucas, McDaniel, Miller, Odom, Soles, Warren, Wellons, and Winner:

**S.B. 667**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSE OF STALKING.

Referred to Judiciary Committee.

By Senators Hoyle, Albertson, Ballance, Carpenter, Cooper, Dannelly, Forrester, Gulley, Jenkins, Jordan, Kerr, Lee, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Phillips, Rand, Reeves, Warren, and Wellons:

**S.B. 668**, A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS.

Referred to Education/Higher Education Committee.

By Senator Soles:

**S.B. 669**, A BILL TO BE ENTITLED AN ACT TO CREATE THE BLUE RIBBON STUDY COMMISSION ON THE FUTURE OF ECONOMIC DEVELOPMENT.

Referred to Rules and Operations of the Senate Committee.

By Senators Albertson, Ballance, Cooper, Dannelly, Gulley, Hoyle, Jordan, Kerr, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Odom, Perdue, Rand, Shaw of Cumberland, Warren, Weinstein, and Wellons:

**S.B. 670**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONSTRUCTION OF AN AGRI-COMMUNITY CENTER IN DUPLIN COUNTY.

Referred to Appropriations Committee.

By Senators Albertson, Hoyle, Jordan, Martin of Pitt, Odom, Warren, and Weinstein:

**S.B. 671**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS
OF HEALTH TO ESTABLISH LOCAL PROGRAMS THAT PROVIDE FOR PRELIMINARY EVALUATIONS OF PROPOSED SITES FOR WASTEWATER SYSTEMS THAT ARE NOT BINDING ON THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OR THE LOCAL HEALTH DEPARTMENT AND TO PROHIBIT ANY OTHER PRELIMINARY SITE EVALUATIONS.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senator Odom:
S.B. 672, A BILL TO BE ENTITLED AN ACT REGARDING MECKLENBURG COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN.
Referred to Rules and Operations of the Senate Committee.

By Senator Odom:
S.B. 673, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Odom, Albertson, Allran, Carpenter, Carrington, Cochrane, Cooper, East, Forrester, Foxx, Garwood, Gulley, Hoyle, Jordan, Kincaid, McDaniel, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Warren, Webster, Weinstein, and Winner:
S.B. 674, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN INFORMATION IN THE SEX OFFENDER REGISTER IS PUBLIC INFORMATION.
Referred to Judiciary Committee.

By Senators Odom, Albertson, Allran, Carpenter, Carrington, Cooper, Forrester, Foxx, Garwood, Gulley, Hoyle, Jordan, Martin of Guilford, McDaniel, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Warren, Webster, Weinstein, Wellons, and Winner:
S.B. 675, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DIVISION OF CRIMINAL STATISTICS OF THE DEPARTMENT OF JUSTICE TO COMPILE A STATEWIDE SEX OFFENDER REGISTRY AND TO PROVIDE PUBLIC ACCESS TO CERTAIN INFORMATION IN THE REGISTRY, AND TO MAKE CONFORMING STATUTORY CHANGES.
Referred to Judiciary Committee.

By Senators Odom, Albertson, Allran, Carpenter, Carrington, Cochrane, Cooper, East, Forrester, Foxx, Garwood, Gulley, Hoyle, Jordan, Kincaid, Martin of Guilford, McDaniel, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Warren, Weinstein, Wellons, and Winner:
S.B. 676, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEXUAL OFFENDER REGISTRATION PROGRAM TO COMPLY WITH FEDERAL LAW.
Referred to Judiciary Committee.
ADDITIONAL SPONSORS

Senator Odom requests to be added as a sponsor of previously introduced legislation:
S.B. 575, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW.

Senator Cochrane requests to be added as a sponsor of previously introduced legislation:
S.B. 620, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE AID TO PUBLIC LIBRARIES FUND.

REPORT TO GENERAL ASSEMBLY

A Commission and an Agency directed to report to the General Assembly submit a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:

Pursuant to Chapter 18, Section 22.3 of the 1996 Session Laws, the North Carolina Sentencing and Policy Advisory Commission and the North Carolina Department of Correction submit Recidivism of Offenders Assigned to Community Corrections Programs or Released from Prison in North Carolina: Fiscal Year 1993-94.

MESSAGES 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, and disposed of, as follows:

S.B. 199, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINITIVE AND ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINITIVE AND MUNICIPAL ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES, which is placed on the Calendar for tomorrow, Thursday, April 3.

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. 288, A BILL TO BE ENTITLED AN ACT TO ALLOW SERVICE OF COMPLAINTS BY PUBLICATION AND SERVICE OF NOTICES AND ORDERS BY REGULAR MAIL IN HOUSING CODE CASES IN THE CITY OF GREENSBORO. Referred to State Government, Local Government, and Personnel Committee.

H.B. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE EXCLUSION OF FORFEITED RESERVATION DEPOSITS
FROM THE ESCHEAT FUND.
    Referred to Finance Committee.
    H.B. 327, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CATEGORIES OF APPOINTEES TO AREA MENTAL HEALTH AUTHORITY BOARDS.
    Referred to Children & Human Resources Committee.

    H.B. 349, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT NEW MOTOR VEHICLES NEED BE INSPECTED ONLY WHEN THEY ARE SOLD TO THE FIRST PURCHASER.
    Referred to Transportation Committee.

CALANDER

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, as amended, upon second reading.
    The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 1, as follows:
    Voting in the negative: Senator Webster—1.
    The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, April 3, for further consideration upon third reading.

H.B. 95 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A THREE-YEAR CYCLE FOR BUILDING CODE AMENDMENTS BEGINNING IN 1999 AND TO MAKE RELATED CHANGES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CODE, upon second reading.
    The Committee Substitute bill passes its second reading by roll-call vote, ayes 50, noes 0, as follows:
    Voting in the negative: None.
    The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, April 3, for further consideration upon third reading.
S.B. 151, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DUTY OF AN 
OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE 
HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE 
DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF 
THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND 
OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE 
SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE 
DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL 
REVIEW COMMISSION.

The bill passes its second (48-2) and third readings and is ordered sent to the House of Representatives.

S.B. 207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY 
THE CRIMINAL HISTORY RECORD CHECKS LAW TO MAKE CLARIFYING 
CHANGES AND TO REQUIRE A CRIMINAL BACKGROUND CHECK ON HOME 
HEALTH AGENCY APPLICANTS ONLY FOR CERTAIN POSITIONS.

*The Chair announces the voting equipment inoperative and orders a call of the roll.*

The Committee Substitute bill passes its second reading (50-0).

Senator Ballance objects to the third reading of the measure. Pursuant to Rule 50, the 
Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 3, for 
further consideration upon third reading.

S.B. 208 (Committee Substitute), A BILL TO BE ENTITLED AN ACT 
PERTAINING TO THE SANITIZATION OF COOKING UtENSILS PROVIDED BY 
LODGING ESTABLISHMENTS, AS RECOMMENDED BY THE JOINT 
LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

*The Chair announces the voting equipment inoperative and orders a call of the roll.*

The Committee Substitute bill passes its second (50-0) and third readings and is 
ordered sent to the House of Representatives.

S.B. 370 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND 
THE NORTH CAROLINA INTERNATIONAL COMMERCIAL ARBITRATAION 
ACT TO PROVIDE FOR THE ENFORCEMENT OF ARBITRATION AWARDS 
PURSUANT TO THE ACT ENTERED OUTSIDE NORTH CAROLINA AND TO 
GIVE A PARTY THE RIGHT TO BE REPRESENTED BY AN ATTORNEY AT A 
PROCEEDING PURSUANT TO THE ACT.

*The Chair announces the voting equipment operative.*

The Committee Substitute bill passes its second (49-0) and third readings and is 
ordered sent to the House of Representatives.

S.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO 
MANDATE THE REVOCATION OF A PERSON'S DRIVERS LICENSE OR LIMITED 
DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-
ORDERED COMMUNITY SERVICE AND TO ELIMINATE THE REQUIREMENT 
FOR JUDICIAL INVOLVEMENT IN THE APPOINTMENT OF COMMUNITY 
SERVICE COORDINATORS.

The Committee Substitute bill passes its second (48-1) and third readings and is 
ordered sent to the House of Representatives.

April 2, 1997
S.B. 418 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SECRETARY OF ADMINISTRATION TO SET BUSINESS SIZE STANDARDS AND APPLY THEM TO THE PROCUREMENT PROCEDURES TO PROMOTE INCREASED PROCUREMENTS FROM SMALL AND MEDIUM-SIZED BUSINESSES.

The Chair announces the voting equipment inoperative and orders a call of the roll.
The Committee Substitute bill passes its second (48-2) and third readings and is ordered sent to the House of Representatives.

S.B. 38 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA, for concurrence in the House Committee Substitute bill.
The Chair orders a call of the roll and the Senate fails to concur in the House Committee Substitute bill (0-50).
Senator Hoyle offers a motion to the end that the Senate appoint conferees, which motion prevails.
The President Pro Tempore takes the appointment of conferees under advisement.

REPORT OF COMMITTEE

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. 295 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT MOST INTANGIBLE PERSONAL PROPERTY FROM PROPERTY 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 7176 is adopted and engrossed.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 38 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA, with the motion of Senator Hoyle that the Senate appoints conferees prevailing earlier today.
The President Pro Tempore appoints Senator Hoyle, Co-Chairman; and Senator Rand, Co-Chairman, as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Clark, the Senate adjourns at 3:12 P.M. to meet tomorrow, Thursday, April 3, at 1:30 P.M.
THIRTY-EIGHTH DAY
Senate Chamber
Thursday, April 3, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, we learned growing up in our families of origin that complete harmony and unanimity of belief were the exception rather that the rule. The Senate family is no different. Yet, we pray that You would unite the Senators today in heart, though they may have very different opinions about some legislation. Each has been called to fill a special place in Your kingdom’s business here.

“When we figuratively clasp hands in prayer early in each Session, we are family beginning an uprising against the great injustices of this world. Amen.”

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, April 2, has been examined and is found to be correct. On 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. Herbert Garrison from Greenville, who is serving the Senate as Doctor of the Day.

COURTESIES

The President extends courtesies of the Gallery to the following visitors: Craig Lawing, former President Pro Tempore, and his wife, Margot; Carl Stewart, former Speaker of the House of Representatives, and his wife, Donna; Stine W. Isenhower, former Representative from Catawba County; Carroll Edwards, member of the Board of Transportation; his son, Jeff; and Ingram Walters.

The President introduces his son, Jackson, whom he designates his Honorary Page for the day.

VOTE CORRECTION

S.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE THE REVOCATION OF A PERSON'S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY SERVICE AND TO ELIMINATE THE REQUIREMENT FOR JUDICIAL INVOLVEMENT IN THE APPOINTMENT OF COMMUNITY SERVICE COORDINATORS, ordered sent to the House of Representatives on April 2.

Senator Webster offers a motion that the rules be suspended to the end and that he be allowed to change his vote from “no” to “aye” upon second reading of the Committee Substitute bill, which motion prevails.

The Chair orders the vote record corrected to reflect the Committee Substitute bill passing second reading (49-0) on April 2.
ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 289, AN ACT TO RAISE THE CAP ON THE AMOUNT OF BONDS THAT MAY BE ISSUED BY THE NORTH CAROLINA HOUSING FINANCE AGENCY.

CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 289, AN ACT TO RAISE THE CAP ON THE AMOUNT OF BONDS THAT MAY BE ISSUED BY THE NORTH CAROLINA HOUSING FINANCE AGENCY. (Became law upon approval of the Governor April 3, 1997—S.L. 1997-13).

S.B. 79, AN ACT TO REPEAL MORE ANTIQUATED LAWS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor April 3, 1997—S.L. 1997-14)

H.B. 139, AN ACT TO AMEND THE SEX OFFENDER REGISTRATION LAW TO CLARIFY THAT PERSONS CONVICTED OF SEX OFFENSES IN FEDERAL COURT AND OTHER STATES ARE REQUIRED TO REGISTER. (Became law upon approval of the Governor April 3, 1997—S.L. 1997-15)

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 Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 409, A BILL TO BE ENTITLED AN ACT CLARIFYING WHERE APPEALS FROM AGRICULTURAL EMPLOYERS WILL BE HEARD, with a favorable report.

S.B. 114, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 2660, which changes the title to read S.B. 114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION AND TO EXPEDITE THE PERMANENT CLOSURE OF LOW-RISK...
SITES UNDER THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP ACT OF 1988, is adopted and engrossed.

By Senator Lucas for the Children & Human Resources Committee:

S.B. 383, A BILL TO BE ENTITLED AN ACT TO TRANSFER HEALTH SERVICES TO THE DEPARTMENT OF HUMAN RESOURCES, TO CHANGE THE NAME OF THE DEPARTMENT OF HUMAN RESOURCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO CHANGE THE NAME OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND TO MAKE TECHNICAL AND CONFORMING 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 7681 is adopted and engrossed.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 6, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAWS RELATED TO THE PUBLIC SCHOOL CALENDAR TO PROVIDE LOCAL BOARDS OF EDUCATION AND SCHOOLS GREATER FLEXIBILITY AND LOCAL CONTROL, with a favorable report.

With unanimous consent, on motion of Senator Jenkins, the bill is re-referred to the Appropriations Committee.

S.B. 235, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH CAROLINA 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 A606 is adopted and engrossed.

With unanimous consent, on motion of Senator Jenkins, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 254, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2658 is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 429, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED BICYCLES TO CHARITY, 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 8137, which

April 3, 1997
changes the title, upon concurrence, to read H.B. 429 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF RALEIGH AND ROANOKE RAPIDS AND THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED BICYCLES, is adopted and engrossed.

S.B. 556, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING 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 8619 is adopted and engrossed.

S.B. 378, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7680 is adopted and engrossed.

By Senator Lee for the Education/Higher Education Committee:

S.B. 297, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING 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 8615 is adopted and engrossed.

With unanimous consent, on motion of Senator Lee, the Committee Substitute bill is re-referred to the Pensions & Retirement and Insurance Committee.

By Senator Kerr for the Finance Committee:

S.B. 389, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA TRIAD METROPOLITAN BASEBALL PARK DISTRICT AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING 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 2627 is adopted and engrossed.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is placed on the Calendar for Tuesday, April 8, for further consideration.

INTRODUCTION OF BILLS

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

By Senators Conder and Plyler:

S.B. 677, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ACT
ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF ALBEMARLE.
   Referred to Pensions & Retirement and Insurance Committee.

By Senators Miller and Reeves:
S.B. 678, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF KNIGHTDALE TO REGULATE TREES.
   Referred to State Government, Local Government, and Personnel Committee.

By Senator Wellons:
S.B. 679, A BILL TO BE ENTITLED AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS.
   Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

By Senators Hoyle and Odom:
S.B. 680, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL EXPENDITURES FOR THE EXPANSION OF THE POLYMERS EXTENSION PROGRAM.
   Referred to Appropriations Committee.

By Senator Hoyle:
S.B. 681, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CHILD CARING INSTITUTION FUND.
   Referred to Appropriations Committee.

By Senators Gulley and Lucas:
S.B. 682, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO REQUIRE THAT CHALLENGES TO VOLUNTARY ANNEXATIONS BY THE CITY BE FILED WITHIN THIRTY DAYS AFTER THE ADOPTION OF THE ANNEXATION ORDINANCE.
   Referred to State Government, Local Government, and Personnel Committee.

By Senators Lucas and Gulley:
S.B. 683, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO APPROVE THE PAYMENT OF FACILITIES FEES IN INSTALLMENTS.
   Referred to State Government, Local Government, and Personnel Committee.

By Senators Lucas and Gulley:
S.B. 684, A BILL TO BE ENTITLED AN ACT AMENDING THE DURHAM CITY CHARTER TO RENAME THE SUBDIVISION REVIEW BOARD AND INCREASING THE NUMBER OF PERSONS WHO MAY SERVE ON THAT BOARD.
   Referred to State Government, Local Government, and Personnel Committee.
By Senators Lucas and Gulley:

S.B. 685, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF ROXBORO FOR CAPITAL IMPROVEMENTS AT THE BIRCHWOOD CEMETERY ANNEX.
Referred to Appropriations Committee.

By Senators Warren, Albertson, Carpenter, Conder, Dannelly, Forrester, Garwood, Hartsell, Hoyle, Kerr, Lee, Martin of Guilford, Miller, Rand, Reeves, Rucho, Weinstein, Wells, and Winner:

S.B. 686, 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 Committee.

By Senators Rand, Gulley and Hoyle:

S.B. 687, A BILL TO BE ENTITLED AN ACT TO PHASE DOWN THE SALES TAX ON ELECTRICITY AND PIPED NATURAL GAS USED IN FARMING AND MANUFACTURING.
Referred to Finance Committee.

By Senators Rand, Gulley, and Lee:

S.B. 688, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO IMPLEMENT THE SCHOOLS ATTUNED PROGRAM IN THE PUBLIC SCHOOLS.
Referred to Appropriations Committee.

By Senators Lucas, Ballance, Ballantine, Dannelly, Jenkins, Jordan, Kinnaird, Ledbetter, Lee, Martin of Guilford, Odom, Phillips, Shaw of Cumberland, and Wellons:

S.B. 689, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL JOBS TAX CREDIT FOR CREATING JOBS FOR WELFARE RECIPIENTS.
Referred to Finance Committee.

By Senators Lucas, Ballance, Ballantine, Jordan, Martin of Guilford, and Shaw of Cumberland:

S.B. 690, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY-BASED NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM.
Referred to Children & Human Resources Committee.

By Senators Gulley, Ballance, Ballantine, Cooper, Foxx, Hoyle, Kinnaird, Martin of Guilford, McDaniel, Odom, Rand, Shaw of Cumberland, Weinstein, and Winner:

S.B. 691, A BILL TO BE ENTITLED AN ACT TO CREATE THE FELONY OFFENSE OF DOG FIGHTING AND BAITING.
Referred to Judiciary Committee.

By Senator Soles:

S.B. 692, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION.
Referred to Appropriations Committee.
By Senators Soles and Rand:

**S.B. 693**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE FAYETTEVILLE AREA CONVENTION AND VISITORS BUREAU TO FURTHER STUDY, DESIGN, AND ACQUIRE LAND FOR A REGIONAL MID-STATE VISITORS CENTER.

Referred to Appropriations Committee.

By Senator Hartsell:

**S.B. 694**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE CABARRUS FAMILY MEDICINE RESIDENCY PROGRAM SPONSORED BY CABARRUS MEMORIAL HOSPITAL.

Referred to Appropriations Committee.

By Senator Hartsell:

**S.B. 695**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SCHOOL VOLUNTEERS, LOCAL SCHOOL BOARDS, AND SCHOOL OFFICIALS LIMITED IMMUNITY FROM CIVIL LIABILITY FOR NEGligENT ACTS BY PUBLIC SCHOOL VOLUNTEERS.

Referred to Judiciary Committee.

*With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Perdue.*

**MESSAGES 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, and disposed of, as follows:

**S.B. 260** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, April 7.

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. 88**, A BILL TO BE ENTITLED AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION OF CERTIFICATES.

Referred to Education/Higher Education Committee.

**H.B. 342** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING PROCEDURE FOR LETTING

April 3, 1997
PUBLIC CONTRACTS BY THE COUNTY OF MECKLENBURG.
Referred to State Government, Local Government, and Personnel Committee.

H.J.R. 376, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THE EARLY SUPPORTERS OF THE DURHAM PUBLIC LIBRARY ON THE LIBRARY'S ONE HUNDREDTH ANNIVERSARY.
Referred to Rules and Operations of the Senate Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 2, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to S.B. 38, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA, the Speaker has appointed as conferees on the part of the House, Representatives Morgan, Dickson, and Tallent as Co-Chairs to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 295 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT MOST INTANGIBLE PERSONAL PROPERTY FROM PROPERTY TAX, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Senate Committee Substitute bill is taken up out of its regular order of business and, on his further motion, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 7, upon second reading.

S.B. 363, A BILL TO BE ENTITLED AN ACT TO ALLOW HARNETT COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY.

The bill passes its second and third readings and is ordered sent to the House of Representatives.
S.B. 499, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT ORDINANCES RELATING TO THE PARKING OR STANDING OF MOTOR VEHICLES NEAR FIRE HYDRANTS AND FIRE STATIONS AND IN FIRE LANES.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, as amended, 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 negative: Senator Webster—1.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

H.B. 95 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A THREE-YEAR CYCLE FOR BUILDING CODE AMENDMENTS BEGINNING IN 1999 AND TO MAKE RELATED CHANGES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CODE, upon third reading.

The Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 332, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COMPLETION OF FOSTER CARE TRAINING BY FOSTER PARENTS WITHIN SIX MONTHS AFTER A PROVISIONAL LICENSE IS ISSUED AND BY FOSTER CARE AND ADOPTION SOCIAL WORKERS WITHIN SIX MONTHS AFTER ASSUMING DSS DUTIES.

The bill passes its second (49-0) and third readings and is ordered sent to the House of the Representatives.

H.B. 95 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A THREE-YEAR CYCLE FOR BUILDING CODE AMENDMENTS BEGINNING IN 1999 AND TO MAKE RELATED CHANGES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CODE, upon third reading, temporarily displaced earlier.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr,

Voting in the negative: None.
The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 351, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE SOCIAL SERVICES COMMISSION HAS THE AUTHORITY TO SET PERSONNEL REQUIREMENTS IN MATERNITY HOMES, CHILD PLACING AGENCIES, AND CHILD CARE INSTITUTIONS.

With unanimous consent, on motion of Senator Miller, the bill is withdrawn from today's Calendar and, on his further motion, is recommitted to the Children & Human Resources Committee.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Kincaid.

S.B. 447, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LUMBERTON ECONOMIC DEVELOPMENT AND TOURIST DISTRICT AND TO AUTHORIZE THE ISSUANCE OF CERTAIN ABC PERMITS IN THIS TYPE OF DISTRICT.

The bill passes its second (42-5) and third readings and is ordered sent to the House of Representatives.

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.

Senator Kerr offers Amendment No. 1 which is adopted (47-1).

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.

S.B. 207 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE CRIMINAL HISTORY RECORD CHECKS LAW TO MAKE CLARIFYING CHANGES AND TO REQUIRE A CRIMINAL BACKGROUND CHECK ON HOME HEALTH AGENCY APPLICANTS ONLY FOR CERTAIN POSITIONS, upon third reading.

The Committee Substitute bill passes its third reading (46-1) and is ordered sent to the House of the Representatives.

S.B. 199, A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINTIVE AND ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 199 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINTIVE AND MUNICIPAL ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES.

The Senate concurs in the House Committee Substitute bill (47-0) and measure is ordered enrolled and sent to the Governor.

April 3, 1997
REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 248, A BILL TO BE ENTITLED AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2665, which changes the title to read S.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE AND TO AMEND THE LAW ESTABLISHING THE BLACK MOUNTAIN JOINT SECURITY FORCE, is adopted and engrossed.

S.B. 7, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR THE SALE OF CERTAIN CONTROLLED SUBSTANCES, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

S.B. 11, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION THAT THE OFFENSE OF VOLUNTARY MANSLAUGHTER BE INCREASED FROM A CLASS E FELONY TO A CLASS D FELONY, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

S.B. 29, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE ESTABLISHMENT OF PYRAMID DISTRIBUTION PLANS, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

S.B. 10, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO RECLASSIFY THE OFFENSE OF ACCESSORY AFTER THE FACT, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

H.B. 142, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO RECLASSIFY THE OFFENSE OF ACCESSORY AFTER

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THE FACT, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

H.B. 144, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION THAT THE OFFENSE OF VOLUNTARY MANSLAUGHTER BE INCREASED FROM A CLASS E FELONY TO A CLASS D FELONY, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

On motion of Senator Basnight, seconded by Senator Ledbetter, the Senate adjourns at 2:57 P.M. to meet Monday, April 7, at 7:00 P.M.

THIRTY-NINTH DAY

Senate Chamber
Monday, April 7, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Merciful God, as we begin a new week in the Senate, help us to resolve never to just protect our belief system, but to live it. Help us to not admire our beliefs, but to be molded by them.

"Help us to cling to a faith that enables us to meet the challenge and hope for this week and the weeks to come. In Your Holy Name we pray, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Ballance and to Senator Winner.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, April 3, has been examined and is found to be correct. On 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. Frank W. Leak from Clinton, who is serving the Senate as Doctor of the Day.

Senator Rand offers a motion to suspend Rule 7 to the end that the introduction of bills and resolutions and messages from the House of Representatives are placed as the last order of business tonight, which motion prevails.
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 Miller for the State Government, Local Government, and Personnel Committee:

S.B. 428, A BILL TO BE ENTITLED AN ACT TO CREATE THE BUTNER PLANNING COUNCIL, with a favorable report, as amended.
Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

By Senator Rand for the Rules and Operations of the Senate Committee:

S.B. 104, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY 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 4554, which changes the title to read S.B. 104 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION AND FOR PHYSICIANS PROVIDING MEDICAL INFORMATION AND TESTIMONY REGARDING PILOTS TO PILOTS' LICENSING AND CERTIFICATION AGENCIES, is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 95, AN ACT TO ESTABLISH A THREE-YEAR CYCLE FOR BUILDING CODE AMENDMENTS BEGINNING IN 1999 AND TO MAKE RELATED CHANGES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CODE.

H.B. 248, AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES AND MOTORCYCLE LEARNERS' PERMITS.

S.B. 199, AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINITIVE AND MUNICIPAL ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES.

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By Senator Kerr for the Finance Committee:

S.B. 390, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, with a favorable report.

S.B. 153, A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 2671, which changes the title to read S.B. 153 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE FOR FIVE MORE YEARS, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

S.B. 157, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING DISSENTERS' RIGHTS PROCEDURES AND THE FILING OF DOCUMENTS BY LIMITED LIABILITY COMPANIES, TO ALLOW FACSIMILE SIGNATURES AND ADVISORY REVIEW OF DOCUMENTS BY THE SECRETARY OF STATE, AND TO CLARIFY CORRECTIONS PROCEDURES, LIMITED LIABILITY NAME AVAILABILITY, AND THE DEFINITION OF FOREIGN PROFESSIONAL CORPORATIONS 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 2672 is adopted and engrossed.

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:


On motion of Senator Rand, the rules are suspended without objection, and the joint resolution is placed on the Calendar for today for consideration preceding S.B. 378.
By Senator Cooper for the Judiciary Committee:

H.B. 158, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN OFFENSES COMMITTED WHILE IN PRISON, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

H.B. 159, A BILL TO BE ENTITLED AN ACT TO RECLASSIFY CERTAIN OFFENSES RELATED TO ESCAPE FROM CORRECTIONAL FACILITIES, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

H.B. 66 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OFFENSES OF TRESPASS ON PINE STRAW PRODUCTION LAND AND LARCENY OF PINE STRAW, 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 1236 is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 9, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN EMBEZZLEMENT OFFENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1700 is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 14, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CERTAIN OFFENSES COMMITTED WHILE A PERSON IS INCARCERATED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7690 is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 75, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OFFENSES OF TRESPASS ON PINE STRAW PRODUCTION LAND AND LARCENY OF PINE STRAW, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1699 is adopted and engrossed.
With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 102, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FROM A MISDEMEANOR TO A CLASS I FELONY FOR THE OFFENSES OF FALSELY REPORTING THAT A BOMB OR OTHER DESTRUCTIVE DEVICE MAY EXPLODE AND PERPETUATING A HOAX BY USING A FALSE DESTRUCTIVE DEVICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A664, which changes the title to read S.B. 102 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FROM A MISDEMEANOR TO A CLASS H FELONY FOR THE OFFENSES OF FALSELY REPORTING THAT A BOMB OR OTHER DESTRUCTIVE DEVICE MAY EXPLODE AND PERPETUATING A HOAX BY USING A FALSE DESTRUCTIVE DEVICE, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 202, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PUNISHMENT IMPOSED FOR GANG-RELATED CRIMINAL OFFENSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7689, which changes the title to read S.B. 202 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD TO THE LIST OF AGGRAVATING FACTORS THE OFFENSE WAS COMMITTED IN ASSOCIATION WITH A CRIMINAL STREET GANG, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Appropriations Committee.

CALENDAR

Bills and a resolution on tonight's Calendar are taken up and disposed of, as follows:


With unanimous consent, on motion of Senator East, the joint resolution is read in its entirety.

With unanimous consent, on motion of Senator Basnight, the remarks of the Senators memorializing the life and memory of Basil Duke Barr, former Member of the General Assembly, are spread upon the Journal, as follows:

Senator East:
“Thank you Mr. President. Ladies and gentlemen of the Senate, I recommend this resolution to you. Mr. Barr’s family is in our presence tonight. I didn’t know Mr. Barr. He was here long before I was, but he comes very highly recommended. Thank you so much.”

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Senator Foxx:
“Thank you. Ladies and gentlemen, this is a fitting resolution to honor Basil Duke Barr. There are members of his family here tonight, and they know even better than we do all of the things that he did for the State of North Carolina. But I wanna call particularly to your attention line ten on the second page of the resolution which says that he ‘will be remembered for his keen mind and gentle personality that reflected mountain qualities and mountain intellect.’ Too often the stereotype that we have of mountain people is not of people with keen minds and gentle qualities. And I think that Basil Duke Barr was not only a great role model for all of North Carolinians, but a particularly good role model for the mountains, And it’s a great pleasure to represent Ashe County and the people that he represented when he was here in the General Assembly. Thank you for your consideration.”

Senator Shaw of Guilford:
“Ladies and gentlemen of the Senate, Mr. President, when I came in tonight I looked at this and I said, ‘That sure is a familiar name.’ And I thought back to 1948 when I was in the same dorm with Representative Barr’s son, Winferd, and they were kind enough to invite me home with them, I think, about three different weekends. And I don’t think I’ve ever had a better time in my life with a more delightful family. And you know somebody that you remember forty-nine years, that you’d only spent three weekends with, after all these years, and you think of them so fondly. And the good times we had with the picnics and some of the parties at night, I won’t go into, but we had a great time. And your sister, Nina, I knew, and she was so talented. And I just spoke to Winferd up in the balcony. The first time I’ve seen him since 1948. And he told me he spent thirty-four years in Alaska. He’s back. And it’s just a success story for a great family, and I’m so proud to be able to speak in honor of this man. Thank you.”

Senator Soles:
“Mr. President, ladies and gentlemen of the Senate, Representative Barr’s last Session in the General Assembly, in the House of Representatives, was my first year term there. I knew him as a man of outstanding character. He worked very hard. He attended to his duties and you always knew he was a mountain man, but he had the interests of the people, such as myself, who grew up and lived on the coast. North Carolina is better for having had this outstanding gentleman serve in the General Assembly.”

Upon the appearance of Senator Winner in the Chamber, the President acknowledges her presence and the leave of absence granted previously is withdrawn.

The joint resolution passes its second reading (48-0) and third reading, unanimously with Members standing, and is ordered enrolled.

The President extends courtesies of the Gallery and condolences to the family of Basil Duke Barr present tonight.

S.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER HEALTH SERVICES TO THE DEPARTMENT OF HUMAN RESOURCES, TO CHANGE THE NAME OF THE DEPARTMENT OF HUMAN RESOURCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO CHANGE THE NAME OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENT AND

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S.B. 378 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 556 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 429, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED BICYCLES TO CHARITY, changing the title, upon concurrence, to read H.B. 429 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF RALEIGH AND ROANOKE RAPIDS AND THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED BICYCLES.

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. 295 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT MOST INTANGIBLE PERSONAL PROPERTY FROM PROPERTY TAX, 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 negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, April 8, for further consideration upon third reading.

S.B. 114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS
The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 248** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE AND TO AMEND THE LAW ESTABLISHING THE BLACK MOUNTAIN JOINT SECURITY FORCE.

The Committee Substitute bill passes its second reading (47-0).

Senator Clark objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, April 8, for further consideration upon third reading.

**S.B. 254** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION.

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 (46-2).

Senator Ballantine objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Tuesday, April 8, for further consideration upon third reading.

**H.B. 409**, A BILL TO BE ENTITLED AN ACT CLARIFYING WHERE APPEALS FROM AGRICULTURAL EMPLOYERS WILL BE HEARD.

With unanimous consent, on motion of Senator Reeves, the bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, April 8, for consideration upon its passage.

**S.B. 260** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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 negative: None.

The House Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, April 8, for further consideration of concurrence upon third reading.
COMMITTEE REFERRAL RECALL

S.B. 560, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A PUBLIC-PRIVATE PARTNERSHIP TO EXPAND TECHNOLOGY IN NORTH CAROLINA PUBLIC SCHOOLS, INCLUDING A VOCATIONAL EDUCATION COMPUTER RECYCLING PILOT PROGRAM, referred to the Education/Higher Education Committee on April 1.

Pursuant to Rule 47(a), Senator Lee offers a motion the bill be taken from the Education/Higher Education Committee and re-referred the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Education/Higher Education Committee and refers the measure to the Appropriations Committee.

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 Perdue:

S.B. 696, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD DISTRICT OF THE SENATE.
Referred to Rules and Operations of the Senate Committee.

By Senator Perdue:

S.B. 697, 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 Kerr:

S.B. 698, A BILL TO BE ENTITLED AN ACT ALLOWING WAYNE COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE NAHUNTA VOLUNTEER FIRE DEPARTMENT BY PRIVATE SALE.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Horton:

S.B. 699, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE MOTOR VEHICLE MANUFACTURER’S LICENSING LAW DOES NOT APPLY TO MANUFACTURERS OF VEHICLES THAT ARE NOT SELF-PROPELLED.
Referred to Finance Committee.

By Senators Odom, Cooper, Jordan, Martin of Guilford, Perdue, and Plyler:

S.B. 700, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CAROLINAS POISON CONTROL CENTER.
Referred to Appropriations Committee.

By Senators Odom, Allran, Ballance, Carpenter, Cochrane, Forrester, Foxx, Horton, Hoyle, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Miller, Perdue, Phillips, Plyler, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Wellons, and Winner:

S.B. 701, A BILL TO BE ENTITLED AN ACT TO ALLOW TAXPAYERS TO

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CONTRIBUTE INCOME TAX REFUNDS FOR BREAST CANCER RESEARCH.
Referred to Finance Committee.

By Senators Martin of Guilford, Albertson, Allran, Ballance, Ballantine, Blust, Carpenter, Clark, Cochrane, Conder, Cooper, Dannelly, Forrester, Foxx, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, McDaniel, Miller, Odom, Perdue, Phillips, Plyler, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, Wellons, and Winner:

S.B. 702, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE THE INDEPENDENT LIVING REHABILITATION PROGRAM WITH THE RESOURCES NECESSARY FOR MORE SERVICE AND STAFF PARITY AMONG EXISTING OFFICES, TO SERVE CLIENTS MORE QUICKLY AND EFFECTIVELY AND REDUCE CLIENT BACKLOG, AND TO COMPLETE THE 1996 LEGISLATIVE INITIATIVE FOR INDEPENDENT LIVING.
Referred to Appropriations Committee.

By Senator Martin of Guilford:

S.B. 703, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES FOR THE IMPROVED TREATMENT OF SCHIZOPHRENIA AND TO STUDY ITS EFFECTIVENESS.
Referred to Appropriations Committee.

By Senators Reeves, Cooper, and Miller:

S.B. 704, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR RESTITUTION TO LOCAL GOVERNMENTS PROVIDING DRUG ANALYSES TESTING FOR CRIMINAL DEFENDANTS.
Referred to Appropriations Committee.

By Senators Reeves and Miller:

S.B. 705, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT THE DANGEROUS OFFENDER TASK FORCE IN WAKE COUNTY.
Referred to Appropriations Committee.

By Senator Jenkins:

S.B. 706, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR AN AGRICULTURE CENTER IN HAYWOOD COUNTY.
Referred to Appropriations Committee.


S.J.R. 707, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROYCE PHELPS "BO" THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY.
Referred to Rules and Operations of the Senate Committee.
By Senators Cooper, Albertson, Blust, Clark, Conder, East, Forrester, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Kerr, Ledbetter, Lee, McDaniels, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Guilford, Webster, and Winner:

**S.B. 708**, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF POLITICAL ADVERTISEMENTS.
Referred to Judiciary Committee.

By Senators Webster, Carpenter, Carrington, Clark, East, Forrester, Foxx, Garwood, Hartsell, Ledbetter, McDaniels, and Rucho:
**S.B. 709**, A BILL TO BE ENTITLED AN ACT TO RECOVER ALL DISCRETIONARY FUNDS AND TO URGE ORGANIZATIONS SEEKING FINANCIAL ASSISTANCE FROM THE STATE TO APPLY FOR GRANTS-IN-AID.
Referred to Appropriations Committee.

By Senator Soles:
**S.B. 710**, A BILL TO BE ENTITLED AN ACT TO RESTRICT ANNEXATIONS BY THE TOWNS OF LEELAND AND BELVILLE AND TO ALLOW THE TOWN OF BELVILLE TO EXERCISE ITS EXTRATERRITORIAL PLANNING JURISDICTION WITHIN A CERTAIN DESCRIBED AREA.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Soles:
**S.B. 711**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LEELAND.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

By Senator Reeves:
**S.B. 712**, A BILL TO BE ENTITLED AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL CHANGE.
Referred to Finance Committee.

By Senator Reeves:
**S.B. 713**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE AUTHORIZATION OF SUPPLEMENTAL RETIREMENT BENEFITS FOR FIREMEN IN THE CITY OF RALEIGH.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Forrester, Ballantine, Cochrane, Hoyle, Lucas, Martin of Guilford, Martin of Pitt, Odom, Page, and Winner:
**S.B. 714**, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY.
Referred to Pensions & Retirement and Insurance Committee.

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By Senator Perdue:
S.B. 715, 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 Perdue:
S.B. 716, A BILL TO BE ENTITLED AN ACT RELATING TO SEVERANCE PAY FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS.
Referred to Judiciary Committee and upon a favorable report, re-referred to the Appropriation Committee.

By Senator Albertson:
S.B. 717, A BILL TO BE ENTITLED AN ACT RELATING TO DUPLIN COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Albertson:
S.B. 718, A BILL TO BE ENTITLED AN ACT RELATING TO DUPLIN COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Kerr:
S.B. 719, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES.
Referred to Finance Committee.

By Senators Soles and Warren:
S.B. 720, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF THE NORTH CAROLINA MUSEUM OF FORESTRY IN COLUMBUS COUNTY TO EXHIBIT FORESTRY RESOURCES AND FORESTRY PRODUCTS FOR THE ENJOYMENT AND EDUCATION OF OUR CITIZENS AND VISITORS TO THE SOUTHEAST.
Referred to Appropriations Committee.

By Senator Soles:
S.B. 721, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CAROLINA SHORES FROM AN AREA PREVIOUSLY ANNEXED INTO THE TOWN OF CALABASH.
Referred to Rules and Operations of the Senate Committee.

By Senator Foxx:
S.B. 722, A BILL TO BE ENTITLED AN ACT TO PERMIT THE COUNTY OF ASHE TO CONTRACT WITH THE DIVISION OF MOTOR FLEET MANAGEMENT FOR THE USE OF MOTOR VEHICLES.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Foxx:
S.B. 723, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE.
Referred to State Government, Local Government, and Personnel Committee.

April 7, 1997
By Senator Miller:

S.B. 724, A BILL TO BE ENTITLED AN ACT ALLOWING THE TOWNS OF APEX, GARNER, FUQUAY-VARINA, HOLLY SPRINGS, KNIGHTDALE, MORRISVILLE, AND ZEBULON TO IMPOSE TRANSPORTATION IMPACT FEES.
Referred to Finance Committee.

By Senators Miller and Reeves:

S.B. 725, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE FILING OF A DEFERRED CHARGE WITH EEOC OR THE OFFICE OF ADMINISTRATIVE HEARINGS BY STATE OR LOCAL GOVERNMENT EMPLOYEES.
Referred to Judiciary Committee.

By Senators Miller, Carrington, and Reeves:

S.B. 726, A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Ballance:

S.B. 727, A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1997 AND TO CLARIFY THE BASIS OF THE PREMIUM TAX LIABILITY ON WHICH THE CHARGE IS LEVIED.
Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Ballance and Warren:

S.B. 728, 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 Committee.

By Senator Ballance:

S.B. 729, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ADMINISTRATION TO ESTABLISH A BATTERERS' PROGRAM TO SERVE BERTIE, HERTFORD, AND NORTHAMPTON COUNTIES.
Referred to Appropriations Committee.

By Senator Ballance:

S.B. 730, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE ISSUANCE OF BONDS BY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITIES.
Referred to Finance Committee.

By Senator Ballantine:

S.B. 731, A BILL TO BE ENTITLED AN ACT TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF
COMMISSIONERS SUBJECT TO A REFERENDUM AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM. 
Referred to State Government, Local Government, and Personnel Committee.

By Senator Ballantine:
S.B. 732, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF SNEADS FERRY, SUBJECT TO A REFERENDUM.
Referred to Rules and Operations of the Senate Committee.

By Senator Odom:
S.B. 733, A BILL TO BE ENTITLED AN ACT RELATING TO LINCOLN COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Odom:
S.B. 734, A BILL TO BE ENTITLED AN ACT RELATING TO LINCOLN COUNTY.
Referred to Rules and Operations of the Senate Committee.

By Senator Odom:
S.B. 735, A BILL TO BE ENTITLED AN ACT ALLOWING THE BOARDS OF COUNTY COMMISSIONERS IN ALL COUNTIES TO ASSUME DIRECT CONTROL OF COUNTY BOARDS, COMMISSIONS, AND AGENCIES AND ALLOWING ALL COUNTIES HAVING COUNTY MANAGERS TO MODIFY OR CONSOLIDATE THE LOCAL ADMINISTRATION AND DELIVERY OF HUMAN SERVICES.
Referred to Children & Human Resources Committee.

By Senators East, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Foxx, Garwood, Kincaid, Ledbetter, McDaniel, Shaw of Guilford, and Webster:
S.B. 736, A BILL TO BE ENTITLED AN ACT REQUIRING A REFERENDUM ON ANNEXATION ON PETITION OF THE RESIDENTS BEING ANNEXED, AND TO ALLOW THE CITY TO PROVIDE FOR A REFERENDUM ON ANNEXATION.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Hartsell:
S.B. 737, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS.
Referred to Finance Committee.

By Senators Hartsell and Winner:
S.B. 738, A BILL TO BE ENTITLED AN ACT RELATING TO THE REPORTING REQUIREMENT FOR UNEMPLOYMENT BENEFITS ELIGIBILITY, TO THE DEFINITION OF EMPLOYMENT AS TO AGRICULTURAL LABOR, AND TO FOOD STAMP OVERISSUANCES; AND MODIFYING THE CALCULATION AND COLLECTION OF UNEMPLOYMENT INSURANCE TAXES.
Referred to Finance Committee.
By Senators Gulley and Lucas:

S.B. 739, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO INTERPRET THE PROVISIONS OF G.S. 160A-385, CONCERNING ZONING PROTEST PETITIONS, TO MAKE THE INTERPRETATIONS CONCLUSIVE IN THE ABSENCE OF ARBITRARY OR CAPRISCOUS ACTIONS; AND, TO REQUIRE THAT PROTEST PETITIONS BE SUBMITTED TO THE CITY AT LEAST FOUR NORMAL WORKING DAYS BEFORE THE DATE OF THE REZONING PUBLIC HEARING.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Rand, Allran, Blust, Carrington, Clark, Dalton, East, Forrester, Foxx, Garwood, Hartsell, Horton, Hoyle, Jenkins, Kincaid, Ledbetter, McDaniel, Perdue, Plyler, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, Webster, and Weinstein:

S.B. 740, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GARNISHMENT OF WAGES AS AN ADDITIONAL MEANS OF SATISFYING JUDGMENTS IN CIVIL ACTIONS AND TO AUTHORIZE COLLECTION AGENCIES TO TAKE AN ASSIGNMENT OF CLAIMS AS REAL PARTIES IN INTEREST FOR THE PURPOSE OF BILLING, COLLECTION, AND BRINGING SUITS.

Referred to Commerce Committee.

By Senators Dannelly, Albertson, Ballance, Gulley, Jenkins, Jordan, Kerr, Martin of Guilford, Odom, Perdue, Rucho, Soles, and Winner:

S.B. 741, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION.

Referred to Judiciary Committee.

By Senators Martin of Pitt, Albertson, and Warren:

S.B. 742, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR POLLUTION CONTROL EFFORTS IN THE PAMLICO-TAR RIVER BASIN AND TO REQUIRE A REDUCTION OF NITROGEN LEVELS IN THE PAMLICO-TAR RIVER BASIN BY THE YEAR 2001.

Referred to Appropriations Committee.

By Senators Rand, Allran, Ballance, Ballantine, Blust, Cooper, Dalton, Gulley, Hartsell, Horton, Kerr, Miller, Plyer, Reeves, Soles, and Wellons:

S.B. 743, A BILL TO BE ENTITLED AN ACT TO EQUALIZE THE SALARIES OF ADMINISTRATIVE LAW JUDGES WITHIN THE OFFICE OF ADMINISTRATIVE HEARINGS AT A PERCENTAGE OF THE SALARY OF THE DIRECTOR OF THE OFFICE OF ADMINISTRATIVE HEARINGS.

Referred to Appropriations Committee.

By Senator Rand:

S.B. 744, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING GRANDPARENTS' LIABILITY FOR CERTAIN CHILD SUPPORT.

Referred to Judiciary Committee.

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By Senators Gulley and Lucas:
S.R. 745, A SENATE RESOLUTION COMMEMORATING THE TWENTIETH ANNIVERSARY OF THE AMERICAN DANCE FESTIVAL IN NORTH CAROLINA. Referred to Rules and Operations of the Senate Committee.

By Senators Blust, East, Foxx, Martin of Guilford, and Shaw of Guilford:
S.B. 746, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A TEEN COURT PROGRAM IN GUILFORD COUNTY. Referred to Appropriations Committee.

By Senators Jenkins, Albertson, Ballance, Conder, Dalton, Dannelly, Hoyle, Jordan, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt, Miller, Odom, Perdue, Plyler, Rand, Reeves, Soles, Warren, and Wellons:
S.B. 747, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE RETIREMENT BENEFITS PAYABLE FROM THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM, THE CONSOLIDATED JUDICIAL RETIREMENT SYSTEM, AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. Referred to Pensions & Retirement and Insurance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Shaw of Cumberland and Lucas:
S.B. 748, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES TO SUPPORT THE PROGRAMS OF THE AFRICAN-AMERICAN STORYTELLERS. Referred to Appropriations Committee.

By Senators Kinnaird, Allran, Ballance, Blust, Carpenter, Clark, Dalton, Forrester, Gulley, Jenkins, Ledbetter, Lucas, Miller, Odom, Rand, and Rucho:
S.B. 749, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE INTEGRATED PEST MANAGEMENT PROGRAM AT NORTH CAROLINA STATE UNIVERSITY. Referred to Appropriations Committee.

By Senators Kinnaird, Allran, Ballance, Blust, Carpenter, Dalton, Forrester, Gulley, Horton, Jenkins, Ledbetter, Lucas, Miller, Odom, Rand, and Rucho:
S.B. 750, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE SUSTAINABLE AGRICULTURE PROGRAM AT NORTH CAROLINA STATE UNIVERSITY. Referred to Appropriations Committee.

By Senators Plyler, Dalton, Hoyle, Martin of Pitt, and Rand:
S.B. 751, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR FACILITY IMPROVEMENTS AT BROUGHTON HOSPITAL. Referred to Appropriations Committee.

By Senators Plyler, Conder, and Rand:
S.B. 752, a BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR
THE OPERATION OF THE YADKIN/PEE DEE LAKES PROJECT.
Referred to Appropriations Committee.

By Senators Lucas, Allran, Ballance, Ballantine, Carpenter, Carrington, Clark, Dalton, Dannelly, Foxx, Jenkins, Kinnaird, Lee, McDaniel, Phillips, Rucho, Shaw of Cumberland, Shaw of Guilford, Warren, Weinstein, and Wellons:
S.B. 753, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DOMESTIC VIOLENCE STUDY COMMISSION.
Referred to Rules and Operations of the Senate Committee.

By Senators Reeves, Kinnaird, Martin of Guilford, Miller, Rand, Wellons, and Winner:
S.B. 754, A BILL TO BE ENTITLED AN ACT RELATING TO ELIGIBILITY FOR UNEMPLOYMENT BENEFITS IN THE EVENT OF SPOUSAL RELOCATION OR SPOUSAL ABUSE.
Referred to Children and Human Resources Committee and upon a favorable report, re-referred to the Appropriations 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. 275 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE DUALICATION OF WORK BETWEEN THE OFFICE OF STATE PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN FUNCTIONS FROM THE OFFICE OF STATE PERSONEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 328 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS.
Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 337, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.
Referred to Finance Committee.

H.B. 363 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HUMAN RESOURCES NOT TO ELECT ANY CHILD SUPPORT DISTRIBUTION OPTION FOR WHICH FEDERAL FUNDS ARE NOT PROVIDED AND TO INCREASE THE APPLICATION FEE FOR NONPUBLIC

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ASSISTANCE CHILD SUPPORT ENFORCEMENT SERVICES.

Referred to Children and Human Resources Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 636, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF MANTEO TO REGULATE CERTAIN ACTIVITIES IN WATERWAYS ADJACENT TO THE TOWN.

Referred to State Government, Local Government, and Personnel Committee.

On motion of Senator Soles, seconded by Senator Plyler, the Senate adjourns at 8:42 P.M. to meet tomorrow, Tuesday, April 8, at 2:30 P.M.

FORTIETH DAY

Senate Chamber
Tuesday, April 8, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Eternal God, Holy Scripture promises those of us who believe in You, that the works You do, we shall do also; and even greater works shall we do. That promise is encouraging, empowering, and humbling.

"Enable the Senators and staff to do and be more than they could ever think or imagine. Dwell within each of them and make them strong, in order that they may do Your work and Your will in this place. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, April 7, has been examined and is found to be correct. On 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. Assad Meymandi from Raleigh, who is serving the Senate as Doctor of the Day.

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. 398, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BASIL DUKE BARR, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 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 Soles for the Commerce Committee:

S.B. 253, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF TELEPHONIC SELLERS IN NORTH CAROLINA, TO MAKE THE OFFERING OF TELEPHONE SALES RECOVERY SERVICES A CRIMINAL OFFENSE, AND TO RESTRICT THE TIME PERIOD WITHIN WHICH UNSOLICITED AUTOMATIC DIALING AND RECORDED MESSAGES MAY BE MADE BY PHONE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8626, which changes the title to read S.B. 253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF TELEPHONIC SELLERS IN NORTH CAROLINA, AND TO MAKE THE OFFERING OF TELEPHONE SALES RECOVERY SERVICES A CRIMINAL OFFENSE, is adopted and engrossed.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is re-referred to the Finance Committee, and upon a favorable report, re-referred to the Appropriations Committee.

S.B. 438, A BILL TO BE ENTITLED AN ACT TO AMEND THE ENFORCEMENT PROCEDURES RELATED TO THE REGISTRATION OF SECURITIES AND TO INVESTMENT ADVISERS AND TO ESTABLISH THE CONFIDENTIALITY OF RECORDS RELATING TO CRIMINAL INVESTIGATIONS AND ENFORCEMENT 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 1701 is adopted and engrossed.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 189, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 182, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT RULES ADOPTED BY THE WILDLIFE RESOURCES COMMISSION TO BECOME EFFECTIVE UPON APPROVAL BY THE RULES REVIEW 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 8629 is adopted and engrossed.

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INTRODUCTION OF BILLS

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

By Senator Reeves:
S.B. 755, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SITING OF A LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY THAT WOULD RESULT IN THE FACILITY'S BUFFER ZONE BEING LOCATED WITHIN THREE THOUSAND FEET OF A ONE HUNDRED-YEAR FLOODPLAIN OR A ONE HUNDRED-YEAR POOL ELEVATION.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Plyler, Gulley, Hoyle, Kerr, Perdue, and Rand:
S.B. 756, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE FINALIZATION OF CONSTRUCTION DRAWINGS FOR THE J. C. Raulston Arboretum Education Center on the North Carolina State University Campus.
Referred to Appropriations Committee.

By Senator Miller:
S.B. 757, A BILL TO BE ENTITLED AN ACT TO ESTABLISH ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT.
Referred to Children & Human Resources Committee.

By Senator Allran:
S.B. 758, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE CITY OF HICKORY FOR LIBRARY NEEDS.
Referred to Appropriations Committee.

By Senators Cooper, Albertson, Ballantine, Kerr, Kinnaird, Lee, Martin of Guilford, McDaniel, Odom, Rand, and Winner:
S.B. 759, A BILL TO BE ENTITLED AN ACT TO CREATE THE VERDICT OF GUILTY BUT MENTALLY ILL AND TO PROVIDE FOR THE TREATMENT, MONITORING, AND SUPERVISION OF INSANITY ACQUITTEES.
Referred to Judiciary Committee.

By Senators Lucas and Martin of Guilford:
S.B. 760, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DIVISION OF SOCIAL SERVICES, DEPARTMENT OF HUMAN RESOURCES, TO FIND SAFE, PERMANENT HOMES FOR ABUSED AND NEGLECTED CHILDREN.
Referred to Appropriations Committee.

By Senator Wellons:
S.B. 761, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO FRANKLIN COUNTY FOR THE CONSTRUCTION OF THE YOUNGSVILLE BRANCH LIBRARY.
Referred to Appropriations Committee.

April 8, 1997
By Senators Horton, Allran, Ballantine, Blust, Dalton, Hartsell, Kerr, Odom, Rand, Reeves, and Wellons:

S.B. 762, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT A CRIMINAL DEFENDANT MUST PROVE THE DEFENSE OF INSANITY BY CLEAR AND CONVINCING EVIDENCE.

Referred to Judiciary Committee.

By Senators Cooper, Albertson, Dalton, Gulley, Hoyle, Lee, Martin of Guilford, Miller, Odom, Perdue, Phillips, Plyler, Rand, Warren, Weinstein, and Winner:

S.B. 763, A BILL TO BE ENTITLED AN ACT TO CREATE THE CRIME VICTIMS RIGHTS ACT.

Referred to Judiciary 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. 496, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE MUNICIPALITIES LOCATED IN LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 508, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 516, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN COLUMBUS COUNTY.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 548, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 589 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN WASHINGTON COUNTY.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 596, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD.

Referred to State Government, Local Government, and Personnel Committee.

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H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY.

Referred to State Government, Local Government, and Personnel Committee.

COURTESIES

With unanimous consent, on motion of Senator Martin of Guilford, privileges of the floor are extended to Dr. Beverly Malone, President of the American Nurses Association. The President recognizes Senator Ballance, Deputy President Pro Tempore, who appoints Senator Blust of Guilford, Senator Foxx of Watauga, Senator Lucas of Durham, and Senator Martin of Guilford to escort her to the Well of the Senate. Dr. Malone is received with a standing ovation.

Senator Martin of Guilford presents Dr. Beverly Malone to the President of the Senate who recognizes her to address the Senate. Dr. Malone offers brief remarks to the Senate.

The President of the Senate congratulates Dr. Malone on her accomplishments and praises the nursing profession. The President presents her with a North Carolina State Flag. Dr. Malone is escorted by the Committee from the Chamber to a standing ovation.

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 Hoyle for the Finance Committee:

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF JACKSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY, with a favorable report.

S.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE CHECK-CASHING BUSINESSES, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 390, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, upon second reading.

The 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, Blust, Carpenter, Carrington, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland,

Voting in the negative: Senator Clark—1.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, April 9, for further consideration upon third reading.

**H.B. 295** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT MOST INTANGIBLE PERSONAL PROPERTY FROM PROPERTY TAX, 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 negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**S.B. 153** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE FOR FIVE MORE YEARS, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, April 9, for further consideration upon third reading.

**S.B. 157** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING DISSENTERS' RIGHTS PROCEDURES AND THE FILING OF DOCUMENTS BY LIMITED LIABILITY COMPANIES, TO ALLOW FACSIMILE SIGNATURES AND ADVISORY REVIEW OF DOCUMENTS BY THE SECRETARY OF STATE, AND TO CLARIFY CORRECTIONS PROCEDURES, LIMITED LIABILITY NAME AVAILABILITY, AND THE DEFINITION OF FOREIGN PROFESSIONAL CORPORATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, April 9, for further consideration upon third reading.

S.B. 389 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA TRIAD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING ON A DATE DESIGNATED BY THE DISTRICT AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, upon second reading.

Senator Blust offers Amendment No. 1, which fails of adoption (19-31).
Senator Blust offers Amendment No. 2 which fails of adoption (18-31).
Senator East offers Amendment No. 3 which fails of adoption (17-33).
Senator Hoyle calls the previous question, seconded by Senator Conder.

Senator Webster offers a motion that the Committee Substitute bill do lie upon the table, seconded by Senator East. The motion fails to prevail (7-43) and the question reverts to the call for the previous question, which call is sustained.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 7, as follows:


Voting in the negative: Senators Blust, Clark, Cochrane, East, Foxx, Horton, and Webster—7.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, April 9, for further consideration upon third reading.

S.B. 104 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION AND FOR PHYSICIANS PROVIDING MEDICAL INFORMATION AND TESTIMONY REGARDING PILOTS TO PILOTS' LICENSING AND CERTIFICATION AGENCIES.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides in the absence of Lieutenant Governor.

Senator Cooper offers Amendment No. 1.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.
The President extends courtesies of the Gallery to the Honorable Dennis J. Winner, former Senator from Buncombe County and current Senior Resident Judge of the Twenty-eighth Judicial District of the Superior Court Division of the General Court of Justice.

With Amendment No. 1 to S.B. 104 (Committee Substitute) pending, Senator Basnight offers a motion that the Senate adjourn, seconded by Senator Ballance, which motion prevails. With bills remaining on the Calendar, the Senate adjourns at 4:37 P.M. to meet tomorrow, Wednesday, April 9, at 2:00 P.M.

FORTY-FIRST DAY

Senate Chamber
Wednesday, April 9, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend C. Russell Morrison of Bethel Baptist Church in Bethel, as follows:

"God, our almighty and everlasting Father, guide our thoughts so that they turn to You. Lead our spirits so that they will seek Your spirit. Help us to put our prideful ways behind us and to fix our attention on Your will. Open our ears, our eyes, our minds, and our hearts so that we are receptive to Your leadership.

"We lift up to You, Oh God, the entire world in all of its struggles, toils and tears. It is our prayer that You will remove the things that destroy peace and create strife in our world; that You will draw near to our country in what seems to be a time of doubt and confusion, and save us from foolish pride and selfishness; make those who would govern us responsible for our people and to You; and as they serve this 'nation under God,' we pray that honor, truth, and justice will reign in and over all things.

"We pray for those who have gathered here today. For those who lead us in government. It is our prayer that You will give them wisdom, discernment, and courage to make decisions which are morally right. Oh God, may You empower them with Your Holy Presence, may you enrich them with Your love, and may You energize them with hope.

"We pray for the leadership in our communities, in our state, in our nation, and in our world that it will invest wisely today for the leadership of tomorrow. Most Holy God may we be good stewards of the things You have given, so that all which is needed for future generations will not be squandered now.

"Hear our prayers, God of our Fathers, and answer according to Your divine will. This we pray in the name of Him who is our redeemer. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Plyler due to a death in his family.
Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, April 8, has been examined and is found to be correct. On 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 Willson from Greenville, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 388, AN ACT TO PROHIBIT THE ASSESSMENT OF INTANGIBLES TAX FROM TAXPAYERS WHO BENEFITED FROM THE TAXABLE PERCENTAGE DEDUCTION IN THE FORMER INTANGIBLES TAX STATUTE.

The President extends privileges of the floor to J. K. Sherron, Jr., former Senator from Wake County.

CHAPTERED BILL

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. 248, AN ACT TO IMPLEMENT GRADUATED DRIVERS LICENSES AND MOTORCYCLE LEARNERS' PERMITS. (Became law upon approval of the Governor, April 9, 1997 - S.L. 1997-16)

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 Lucas for the Children & Human Resources Committee:

H.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE ANNUAL AUDITED REPORTS ARE TO BE SUBMITTED BY ADULT CARE HOMES TO THE DEPARTMENT OF HUMAN RESOURCES, 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 1222, which changes the title, upon concurrence, to read H.B. 143 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ANNUAL COST REPORTING REQUIREMENTS OF ADULT CARE HOMES TO THE DEPARTMENT OF HUMAN RESOURCES AND TO CHANGE THE DEPARTMENT'S ENFORCEMENT PROVISIONS, is adopted and engrossed.

S.B. 346, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY OF JUVENILE GUARDIANS AND TO ALLOW THE COURT TO APPON

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PERSONS OTHER THAN RELATIVES AS JUVENILE CARETAKERS OR GUARDIANS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

S.B. 595, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO LICENSE INSTEAD OF APPROVE PHYSICIAN ASSISTANTS, TO ISSUE A PHYSICIAN ASSISTANT LIMITED VOLUNTEER LICENSE, AND TO MAKE OTHER CHANGES IN THE STATUTES REGULATING PHYSICIAN ASSISTANTS, with a favorable report.

S.B. 488, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS OF SELECTING THE CHAIR OF THE VOCATIONAL REHABILITATION ADVISORY COUNCIL TO CONFORM WITH FEDERAL LAW AND TO PROVIDE THAT THE CHAIR'S TERM SHALL NOT EXCEED THREE YEARS, with a favorable report.

S.B. 305, A BILL TO BE ENTITLED AN ACT TO REINSTATE THE OPTION THAT A LICENSED SOLICITOR OF CHARITABLE SOLICITATIONS MAY SUBMIT A CERTIFICATE OF DEPOSIT IN LIEU OF A SECURITY BOND, with a favorable report.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 8, A BILL TO BE ENTITLED AN ACT TO REPEAL RESTRICTIONS ON HUNTING ON THE LAND OF ANOTHER IN MACON COUNTY, with a favorable report.

S.B. 529, A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS, with a favorable report.

With unanimous consent, on motion of Senator Miller, the bill is re-referred to the Finance Committee.

S.B. 665, 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 PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, with a favorable report.

S.B. 666, A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 279 OF THE 1989 SESSION LAWS REGARDING THE AUTHORITY OF MUNICIPALITIES IN WAKE COUNTY TO CLOSE STREETS AND ALLEYS LOCATED WITHIN THEIR EXTRATERRITORIAL JURISDICTION, with a favorable report.

S.B. 698, A BILL TO BE ENTITLED AN ACT ALLOWING WAYNE COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE NAHUNTA VOLUNTEER FIRE DEPARTMENT BY PRIVATE SALE, with a favorable report.

April 9, 1997
By Senator Lee for the Education/Higher Education Committee:

S.B. 457, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM TO PROVIDE INSTRUCTION ON THE PERFORMANCE OF CARDIOPULMONARY RESUSCITATION AND THE HEIMLICH MANEUVER, with a favorable report.

S.B. 4, A BILL TO BE ENTITLED AN ACT TO ENACT THE SAFE SCHOOLS ACT OF 1997, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7702 is adopted and engrossed.

With unanimous consent, on motion of Senator Lee, the Committee Substitute bill is re-referred to the Appropriations Committee.

By Senator Cooper for the Judiciary Committee:

S.B. 452, A BILL TO BE ENTITLED AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES, 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 is adopted and engrossed.

CALENDAR

S.B. 104 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION AND FOR PHYSICIANS PROVIDING MEDICAL INFORMATION AND TESTIMONY REGARDING PILOTS TO PILOTS' LICENSING AND CERTIFICATION AGENCIES, with Amendment No. 1 pending, on today's Calendar as unfinished business from Tuesday, April 8.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill, with Amendment No. 1 pending, is taken up out of its regular order of business and, on his further motion, the measure is withdrawn from the Calendar and recommitted to the Rules and Operations of the Senate Committee.

S.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE AND TO AMEND THE LAW ESTABLISHING THE BLACK MOUNTAIN JOINT SECURITY FORCE, on today's Calendar as unfinished business from Tuesday, April 8, upon third reading.

With unanimous consent, on motion of Senator Dalton, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from the Calendar and is placed on the Calendar for Monday, April 14, for consideration upon third reading.

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INTRODUCTION OF BILLS

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

By Senators Kerr, Allran, Ballantine, Cochrane, East, Foxx, Garwood, Hartsell, Horton, Hoyle, Kincaid, Martin of Pitt, McDaniel, Shaw of Guilford, and Warren:
S.B. 764, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EMPLOYER AND ITS REPRESENTATIVES TO CONTACT AN EMPLOYEE'S TREATING PHYSICIAN AS NECESSARY TO EXERCISE THE EMPLOYER'S RIGHT TO DIRECT MEDICAL TREATMENT AND TO OBTAIN INFORMATION REGARDING MEDICAL TREATMENT.
Referred to Judiciary Committee.

By Senators Dannelly, Albertson, Ballance, Gulley, Hoyle, Jenkins, Jordan, Kerr, Lucas, Martin of Guilford, Martin of Pitt, Odom, Perdue, Rucho, Soles, and Winner:
S.B. 765, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS.
Referred to Appropriations Committee.

By Senator Martin of Pitt:
S.B. 766, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF FOUNTAIN FOR CAPITAL IMPROVEMENTS TO ITS PUBLIC LIBRARY.
Referred to Appropriations Committee.

By Senator Martin of Guilford:
S.B. 767, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS AT THE CHARLOTTE HAWKINS BROWN STATE HISTORIC SITE.
Referred to Appropriations Committee.

By Senators Martin of Guilford, Blust, and Shaw of Guilford:
S.B. 768, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE PIEDMONT TRIAD CENTER FOR ADVANCED MANUFACTURING AT NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.
Referred to Appropriations Committee.

By Senators Martin of Guilford, Blust, and Shaw of Guilford:
S.B. 769, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR NORTH CAROLINA AGRICULTURAL AND TECHNICAL STATE UNIVERSITY.
Referred to Appropriations Committee.

By Senator Martin of Guilford:
S.B. 770, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO
THE DIVISION OF SOCIAL SERVICES, DEPARTMENT OF HUMAN RESOURCES, TO INCREASE THE PRIVATE CHILD CARE AGENCY REIMBURSEMENT RATE FOR NONFEDERALLY SUBSIDIZED (NON-IV-E) CHILDREN. 

Referred to Appropriations Committee.

By Senator Reeves:
S.B. 771, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SITING OF A LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY THAT WOULD RESULT IN THE FACILITY'S BUFFER ZONE BEING LOCATED WITHIN THREE THOUSAND FEET OF A ONE HUNDRED-YEAR FLOODPLAIN OR A ONE HUNDRED-YEAR POOL ELEVATION.

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

By Senators Shaw of Cumberland, Jordan, and Lucas:
S.B. 772, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE TO ESTABLISH BUSINESS INCUBATORS TO ASSIST NEW AND SMALL BUSINESSES IN URBAN AREAS AND SMALL TOWNS.

Referred to Appropriations Committee.

By Senators Kinnaird and Lee:
S.B. 773, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE TOWN OF CARRBORO TO ESTABLISH A MUSIC FESTIVAL.

Referred to Appropriations Committee.

By Senators Rand, Dalton, Lucas, and Martin of Guilford:
S.B. 774, A BILL TO BE ENTITLED AN ACT REGARDING THE SALARY OF THE SECRETARY OF THE DEPARTMENT OF HUMAN RESOURCES.

Referred to Children & Human Resources Committee.

By Senators Lucas, Gulley, and Martin of Guilford:
S.B. 775, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO CENTRAL CHILDREN'S HOME OF NORTH CAROLINA, INC., FOR CAPITAL IMPROVEMENTS.

Referred to Appropriations Committee.

By Senators Plyler, Conder, Odom, and Perdue:
S.B. 776, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR COMMUNITY COLLEGE OCCUPATIONAL EXTENSION PROGRAM.

Referred to Appropriations Committee.

By Senator Lee:
S.B. 777, A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSEES TO ADJUST CERTAIN INTEREST RATES AND LOAN CEILINGS, TO COLLECT ATTORNEY FEES AND COURT COSTS IN THE CASE OF DEFAULT, AND TO MAINTAIN RECORDS IN THE FORM OF OPTICAL IMAGING.

Referred to Commerce Committee.

April 9, 1997
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. 114, 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 GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Commerce Committee.

The President extends courtesies of the Gallery to Mrs. R. L. Martin, wife of Senator Martin of Pitt.

H.B. 174, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION’S RECOMMENDATION TO PERMIT AN ACTIVE SENTENCE TO BE IMPOSED FOR A CRIMINAL CONVICTION IF THE DEFENDANT SERVED TIME AWAITING TRIAL.
Referred to Judiciary Committee.

H.B. 195, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MAKE CLARIFYING CHANGES TO POST-RELEASE SUPERVISION.
Referred to Judiciary Committee.

H.B. 231 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED IMMUNITY FOR PHYSICIANS AND PSYCHOLOGISTS PROVIDING MEDICAL INFORMATION ON DRIVERS TO THE COMMISSIONER OF MOTOR VEHICLES IMPLEMENTING THE RECOMMENDATIONS OF THE DRIVERS MEDICAL EVALUATION PROGRAM STUDY COMMISSION.
Referred to Rules and Operations of the Senate Committee.

H.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING CERTAIN RELATIVES OF A CANDIDATE FOR NOMINATION OR ELECTION FROM SERVING ON THE COUNTY BOARD OF ELECTIONS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 406 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES AND COUNTIES TO ADOPT ORDINANCES THAT IMPOSE A CURFEW ON PERSONS UNDER THE AGE OF EIGHTEEN.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 463 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERMISSIBLE WEIGHT OF AGRICULTURAL CROPS THAT
MAY BE TRANSPORTED ON THE HIGHWAYS FROM THE FIELD TO LOCAL MARKETS.
Referred to Transportation Committee.

H.B. 545, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 588 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND STATEWIDE A LOCAL ACT MAKING IT UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.
Referred to Judiciary Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 9, 1997

Mr. 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 to HB 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT, and requests conferees. The Speaker has appointed Representatives Cansler, Chair; Neely, and C. Wilson 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 adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

The President extends courtesies of the Gallery to Dr. and Mrs. James M. McDaniel of Mobile, Alabama, parents of Senator McDaniel.

CALENDAR

Bills on the Calendar carried forward as unfinished business from Tuesday, April 8, are taken up and disposed of, as follows:

S.B. 428, A BILL TO BE ENTITLED AN ACT TO CREATE THE BUTNER PLANNING COUNCIL, as amended.
The bill, as amended, passes its second (47-0) and third readings and, having been previously engrossed, is ordered sent to the House of Representatives.

H.B. 409, A BILL TO BE ENTITLED AN ACT CLARIFYING WHERE APPEALS
FROM AGRICULTURAL EMPLOYERS WILL BE HEARD.

The bill passes its second reading (47-0).

Senator Kinnaird objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 10, for further consideration upon third reading.

S.B. 254 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION, upon third reading.

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 third reading (44-2) and is ordered sent to the House of Representatives.

S.B. 260 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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 45, noes 0, as follows:


Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

Bills on today’s Calendar are taken up and disposed of, as follows:

S.B. 390, A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered sent to the House of Representatives.

H.B. 105 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF JACKSON TO ESTABLISH AN AIRPORT AUTHORITY
FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY, upon second reading.

_Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides._

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, April 10, for further consideration upon third reading.

_S.B. 153 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE FOR FIVE MORE YEARS, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon third reading._

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill is ordered sent to the House of Representatives.

_S.B. 157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING DISSENTERS' RIGHTS PROCEDURES AND THE FILING OF DOCUMENTS BY LIMITED LIABILITY COMPANIES, TO ALLOW FACSIMILE SIGNATURES AND ADVISORY REVIEW OF DOCUMENTS BY THE SECRETARY OF STATE, AND TO CLARIFY CORRECTIONS PROCEDURES, LIMITED LIABILITY NAME AVAILABILITY, AND THE DEFINITION OF FOREIGN PROFESSIONAL CORPORATIONS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, 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, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, Forrester, Foxx, Garwood, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Odom, Page, Perdue, Phillips, Rand, Reeves, Rucho, Shaw of Guilford, Soles, Warren,
Webster, Weinstein, Wellons, and Winner—46.
Voting in the negative: None.
The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 389 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA TRIAD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING ON A DATE DESIGNATED BY THE DISTRICT AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, upon third reading.

Senators McDaniel and Hoyle offer Amendment No. 4, held to be non-material, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 7, as follows:
Voting in the negative: Senators Blust, Clark, Cochrane, East, Foxx, Horton, and Webster—7.

The Committee Substitute bill, as amended, is ordered engrossed and 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 Kerr for the Finance Committee:

S.B. 425, A BILL TO BE ENTITLED AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS, with a favorable report.

S.B. 424 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF WAKE FOREST, with a favorable report.

S.B. 500, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION, with a favorable report, as amended.
Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The Chair rules the bill, as amended, requires a call of the roll. The bill, as amended, is engrossed.

By Senator Shaw of Cumberland for the Transportation Committee:

H.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE FROM ONE YEAR TO TWO YEARS THE RENEWAL PERIOD FOR
H.R. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PASSENGER AND PRIVATE PROPERTY-HAULING VEHICLES WEIGHING UP TO SIX THOUSAND POUNDS TO BE ISSUED "FIRST IN FLIGHT" PLATES AND TO CLARIFY THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE PERSONALIZED COMMERCIAL LICENSE PLATES, with a favorable report.

S.B. 625, A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION, with a favorable report.

S.B. 637, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET CERTAIN SPEED LIMITS, with a favorable report.

CALANDER (Continued)

S.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE CHECK-CASHING BUSINESSES, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 2, as follows:


Voting in the negative: Senators Clark and Wellons—2.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, April 10, for further consideration upon third reading.

S.B. 182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT RULES ADOPTED BY THE WILDLIFE RESOURCES COMMISSION TO BECOME EFFECTIVE UPON APPROVAL BY THE RULES REVIEW COMMISSION.

The Committee Substitute bill passes its second reading (48-0).

Senator Kerr objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 10, for further consideration upon third reading.

S.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER HEALTH SERVICES TO THE DEPARTMENT OF HUMAN RESOURCES, TO CHANGE THE NAME OF THE DEPARTMENT OF HUMAN RESOURCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO CHANGE THE NAME OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENT AND

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NATURAL RESOURCES, AND TO MAKE TECHNICAL AND CONFORMING STATUTORY CHANGES.

The Committee Substitute bill passes its second reading (47-2).

Senator Webster objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 10, for further consideration upon third reading.

S.B. 438 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE ENFORCEMENT PROCEDURES RELATED TO THE REGISTRATION OF SECURITIES AND TO INVESTMENT ADVISERS AND TO ESTABLISH THE CONFIDENTIALITY OF RECORDS RELATING TO CRIMINAL INVESTIGATIONS AND ENFORCEMENT PROCEEDINGS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

H.B. 189, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

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. 39, A BILL TO BE ENTITLED AN ACT TO REVISE THE SETOFF DEBT COLLECTION 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 8633 is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is re-referred to the Appropriations Committee.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.

Pursuant to the message from the House of Representatives received earlier today, requesting conferees, Senator Kerr offers a motion that the Senate do appoint conferees, which motion prevails.

The President Pro Tempore appoints Senator Kerr, Chairman, and Senators Carrington and Hoyle as conferees on the part of the Senate to act with a like committee from the House of Representatives 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.

April 9, 1997
The President recognizes the following pages serving in the Senate this week:

William Hinton Anderson, Raleigh; Robert D. Brunson, Gastonia; Michelle Annette Gilliam, Raleigh; Ann-Marie Grady, Elizabethtown; Dennaé Harshaw, Raleigh; Matt Hiatt, Mount Airy; Nancy Hudson, Oriental; Tekisha Sheneé Lambert, Reidsville; Janet C. Overman, Elizabeth City; Allison Marie Peck, East Bend; Angela Powers, New Bern; Ian Bryant Strouss, Fairfield, Iowa; Catherine Michelle Styron, Atlantic; Hilary Katherine Tilden, Pittsboro; Michael Kennedy Trivette, Hamptonville; Adam Wiggins, Whittier; and Cameron Wilson, Oriental.

On motion of Senator Basnight, seconded by Senator Shaw of Guilford, the Senate adjourns at 3:46 P.M. to meet tomorrow, Thursday, April 10, at 2:00 P.M.

FORTY-SECOND DAY

Senate Chamber
Thursday, April 10, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend James M. McDaniel of Government Presbyterian Church in Mobile, Alabama, father of Senator McDaniel, as follows:

“Our Father, it is a privilege to be a part of the Senate of the General Assembly of North Carolina, a State we know and love and serve with pride. May the people who sent them and those who occupy this place of power and prestige remember that we have a mandate higher than the ballot box, for after all we are ‘...one nation under God, indivisible, with liberty and justice for all...’

“Politics is the art of compromise, but sometimes it is difficult for a Senator, or anyone else, to know when to give a little to get a little, or when to go ‘all out’ for that particular group of constituents who voted for them, or when to act as statesmen, and putting aside party or petty differences that divide us, vote for something that will in the long run benefit the State as a whole.

“Therefore, we ask for wisdom. Because King Solomon asked for an understanding mind to govern God’s people well, the Lord was pleased and said to Solomon, ‘Because you have asked for wisdom in governing my people, and haven’t asked for a long life or riches for yourself, ...I’ll give you what you asked for! ... And I will also give you what you didn’t ask for, riches and honor!...’ (1 Kings 3:9-13a, The Living Bible, Paraphrased).

“May all of our people, both served and servant, be people of honor and riches in the sight of God.

“We make this prayer in the name of the one of Whom it was written, ‘In the beginning was the Word, and the Word was with God, and the Word was God. He was in the beginning with God; all things were made through Him, and without Him was not..."
anything made that was made.’ (John 1:1-3, *Revised Standard Version*). Amen.”

The President introduces Julie Hirshurgh from Hendersonville serving as a page in the House of Representatives this week, who sings *The Lord’s Prayer a capella*.

With unanimous consent, the President grants leaves of absences for today to Senator Conder, to Senator Gulley due to illness, to Senator Odom, to Senator Perdue, to Senator Plyler due to a death in his family, and to Senator Shaw of Guilford.

Senator Basnight, President *Pro Tempore*, announces the Journal of yesterday, Wednesday, April 9, has been examined and is found to be correct. On 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. 126*, AN ACT TO REQUIRE THAT AN APPLICANT FOR A PERMIT UNDER THE STATUTES GOVERNING SOLID WASTE MANAGEMENT BE FINANCIALLY QUALIFIED AND DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

*S.B. 140*, AN ACT TO ADD TWO MEMBERS TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

*S.B. 150*, AN ACT TO REDUCE THE FREQUENCY OF THE REPORT ON THE INACTIVE HAZARDOUS SUBSTANCE RESPONSE ACT OF 1987 FROM ANNUALLY TO EVERY TWO YEARS AND TO CLARIFY THE PUBLIC COMMENT PERIOD ON REMEDIAL ACTION PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

*S.B. 260*, AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

*H.B. 189*, AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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. 388, AN ACT TO PROHIBIT THE ASSESSMENT OF INTANGIBLES TAX FROM TAXPAYERS WHO BENEFITED FROM THE TAXABLE PERCENTAGE DEDUCTION IN THE FORMER INTANGIBLES TAX STATUTE. (Became law upon approval of the Governor, April 10, 1997 - S.L. 1997-17.)

CALENDAR

S.B. 665, 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 PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT, on today's Calendar.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 16, for consideration upon its passage.

Senator Rand offers a motion to suspend Rule 7 to the end that the introduction of bills is placed as the last order of business today, which motion prevails.

S.B. 457, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM TO PROVIDE INSTRUCTION ON THE PERFORMANCE OF CARDIOPULMONARY RESUSCITATION AND THE HEIMLICH MANEUVER, on today's Calendar.

With unanimous consent, on motion of Senator McDaniel, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 15, for consideration upon its passage.

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. 597, A BILL TO BE ENTITLED AN ACT TO ALLOW PHYSICIANS PRACTICING PSYCHIATRY AND PSYCHOLOGISTS TO FORM PROFESSIONAL CORPORATIONS WITH LICENSED PROFESSIONAL COUNSELORS, with a favorable report.

S.B. 439, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA SECURITIES ACT AND THE INVESTMENT ADVISERS ACT TO THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1717 is adopted and engrossed.

April 10, 1997
By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 609, A BILL TO BE ENTITLED AN ACT TO ALLOW MONEY CREDITED TO THE CONSUMER PROTECTION FUND TO BE USED TO RETAIN EXPERTS FOR HEARINGS AND TO REQUIRE THAT MONEY RECOVERED FROM DELINQUENCY PROCEEDINGS OR CIVIL ACTIONS AGAINST THE COMMISSIONER BE CREDITED TO THE FUND, with a favorable report.

S.B. 190, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MONTHLY BENEFITS FROM THE NORTH CAROLINA FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND, with a favorable report.

With unanimous consent, on motion of Senator Jenkins, the bill is re-referred to the Appropriations Committee.


With unanimous consent, on motion of Senator Jenkins, the bill is re-referred to the Appropriations Committee.

By Senator Hoyle for the Finance Committee:

S.B. 719, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES, with a favorable report.

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. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES AND ONslow COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION.

On motion of Senator Ballance, the rules are suspended without objection, and the bill is placed on the Calendar for today for consideration in its regular order of business.

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. 75, A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE PERSON COUNTY BOARD OF EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 100, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HERTFORD COUNTY BOARD OF EDUCATION IN NOVEMBER OF EVEN-NUMBERED YEARS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 160, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE PORTS.
Referred to Commerce Committee.

H.B. 175 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING AMENDMENTS TO STRUCTURED SENTENCING.
Referred to Judiciary Committee.

H.B. 239, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT ONE MEMBER OF THE ENVIRONMENTAL MANAGEMENT COMMISSION SHALL HAVE EMPLOYMENT EXPERIENCE IN INDUSTRIAL AIR AND WATER POLLUTION CONTROL AT AN INDUSTRIAL MANUFACTURING FACILITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 296, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MANNER OF ELECTION OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A CIDER AND VINEGAR MANUFACTURER PERMIT TO BE ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION.
Referred to Finance Committee.

H.B. 407, A BILL TO BE ENTITLED AN ACT TO REPEAL THE CURRENT STATUTES REGARDING FRAUDULENT CONVEYANCES AND TO ADOPT THE UNIFORM FRAUDULENT TRANSFER ACT IN ORDER TO MODERNIZE NORTH CAROLINA LAW AND HARMONIZE OUR LAW ON THIS SUBJECT WITH THOSE STATES THAT HAVE ADOPTED THIS UNIFORM ACT.
Referred to Commerce Committee.
H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHICH PREINDUCEMENT EXPENDITURES MAY BE FINANCED WITH INDUSTRIAL REVENUE BONDS.

Referred to Finance Committee.

H.B. 618, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION UNDER THE WORKERS' COMPENSATION ACT.

Referred to Judiciary 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 ENABLE THE COUNTY OF JACKSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

S.B. 424 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF APEX, FUQUAY-VARINA, KNIGHTDALE, AND WAKE FOREST, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill is ordered placed on the Calendar for Monday, April 14, for further consideration upon third reading.

S.B. 500, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION, upon second reading.

With unanimous consent, on motion of Senator Rand, the bill is withdrawn from
today's Calendar and is placed on the Calendar for Tuesday, April 15, for consideration upon second reading.

**S.B. 637, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET CERTAIN SPEED LIMITS.**

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 666, A BILL TO BE ENTITLED AN ACT TO REPEAL CHAPTER 279 OF THE 1989 SESSION LAWS REGARDING THE AUTHORITY OF MUNICIPALITIES IN WAKE COUNTY TO CLOSE STREETS AND ALLEYS LOCATED WITHIN THEIR EXTRATERRITORIAL JURISDICTION.**

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 698, A BILL TO BE ENTITLED AN ACT ALLOWING WAYNE COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE NAHUNTA VOLUNTEER FIRE DEPARTMENT BY PRIVATE SALE.**

The bill passes its second and third readings and is ordered sent to the House of Representatives.

**H.B. 8, A BILL TO BE ENTITLED AN ACT TO REPEAL RESTRICTIONS ON HUNTING ON THE LAND OF ANOTHER IN MACON COUNTY.**

The bill passes its second and third readings and is ordered enrolled.

**REPORT OF COMMITTEE**

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:

**S.B. 168, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXAMINATION AND CERTIFICATION FEES COLLECTED UNDER THE NURSING PRACTICE 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 7707 is adopted and engrossed.

**S.B. 266, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER, 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.
S.B. 312 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REGULATE CHECK-CASHING BUSINESSES, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE FROM ONE YEAR TO TWO YEARS THE RENEWAL PERIOD FOR LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTORS, upon third reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:


Voting in the negative: None

The Committee Substitute bill is ordered placed on the Calendar for Monday, April 14, for further consideration, upon third reading.

S.B. 305, A BILL TO BE ENTITLED AN ACT TO REINSTATE THE OPTION THAT A LICENSED SOLICITOR OF CHARITABLE SOLICITATIONS MAY SUBMIT A CERTIFICATE OF DEPOSIT IN LIEU OF A SECURITY BOND.

With unanimous consent, on motion of Senator Rand, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, April 15, for consideration upon its passage.

S.B. 346, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORITY OF JUVENILE GUARDIANS AND TO ALLOW THE COURT TO APPOINT PERSONS OTHER THAN RELATIVES AS JUVENILE CARETAKERS OR GUARDIANS, as amended.

The bill, as amended, passes its second (43-0) and third readings and, having been previously engrossed, is ordered sent to the House of Representatives.

S.B. 425, A BILL TO BE ENTITLED AN ACT TO AMEND THE ARTICLE ON REFRIGERATION CONTRACTORS.

The bill passes its second (43-1) and third readings and is ordered sent to the House of Representatives.
REPORT OF COMMITTEE

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 Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 612, A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES IN THE LAWS GOVERNING THE FINANCIAL OPERATIONS OF INSURANCE COMPANIES AND THE ROLE OF THE DEPARTMENT OF INSURANCE IN MONITORING THE SOLVENCY OF INSURANCE COMPANIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6629 is adopted and engrossed.

S.B. 299, A BILL TO BE ENTITLED AN ACT TO PROVIDE LONG-TERM CARE BENEFITS FOR QUALIFIED EMPLOYEES, RETIRED EMPLOYEES, AND THEIR DEPENDENTS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A680 is adopted and engrossed.

With unanimous consent, on motion of Senator Jenkins, the Committee Substitute bill is re-referred to the Appropriations Committee.

CALENDAR (Continued)

S.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Clark.

Upon the appearance of Senators Odom and Perdue in the Chamber, the President acknowledges their presence and the leaves of absence granted previously are withdrawn.

The bill passes its second reading (45-0).

Senator Cooper objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, April 14, for further consideration upon third reading.

WITHDRAWAL FROM CALENDAR

S.B. 500, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION, placed on the Calendar for Tuesday, April 15, earlier today.

Senator Odom offers a motion the bill be taken from the Calendar for Tuesday, April 15, and placed on the Calendar for immediate consideration upon second reading, which motion prevails with unanimous consent.
The Senate reconsiders its previous action and the Chair orders the bill taken from the Calendar for Tuesday, April 15, and places it before the Senate for immediate consideration upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, April 14, for further consideration upon third reading.

**CALENDAR (Continued)**

**S.B. 488**, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCESS OF SELECTING THE CHAIR OF THE VOCATIONAL REHABILITATION ADVISORY COUNCIL TO CONFORM WITH FEDERAL LAW AND TO PROVIDE THAT THE CHAIR'S TERM SHALL NOT EXCEED THREE YEARS.

The bill passes its second (42-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 595**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE NORTH CAROLINA MEDICAL BOARD TO LICENSE INSTEAD OF APPROVE PHYSICIAN ASSISTANTS, TO ISSUE A PHYSICIAN ASSISTANT LIMITED VOLUNTEER LICENSE, AND TO MAKE OTHER CHANGES IN THE STATUTES REGULATING PHYSICIAN ASSISTANTS.

The Chair announces the voting equipment inoperative and orders a call of the roll.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 625**, A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRINGEMENT.

With unanimous consent, on motion of Senator Page, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 14, for consideration upon its passage.

**H.B. 143**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE DATE ANNUAL AUDITED REPORTS ARE TO BE SUBMITTED BY ADULT CARE HOMES TO THE DEPARTMENT OF HUMAN RESOURCES, changing the title, upon concurrence, to read **H.B. 143** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE ANNUAL COST REPORTING REQUIREMENTS OF ADULT CARE HOMES TO THE DEPARTMENT OF HUMAN RESOURCES AND TO CHANGE THE DEPARTMENT'S ENFORCEMENT PROVISIONS.

With unanimous consent, the President grants leaves of absence for the remainder of today's Session to Senator Carrington and Senator Webster.

The Chair announces the voting equipment operative.

April 10, 1997
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. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PASSENGER AND PRIVATE PROPERTY-HAULING VEHICLES WEIGHING UP TO SIX THOUSAND POUNDS TO BE ISSUED "FIRST IN FLIGHT" PLATES AND TO CLARIFY THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE PERSONALIZED COMMERCIAL LICENSE PLATES.

The bill passes its second reading (43-0).

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Perdue.

Senator Ballance objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for Monday, April 14, for further consideration upon third reading.

S.B. 182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT RULES ADOPTED BY THE WILDLIFE RESOURCES COMMISSION TO BECOME EFFECTIVE UPON APPROVAL BY THE RULES REVIEW COMMISSION, upon third reading.

With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 14, for consideration upon third reading.

S.B. 383 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER HEALTH SERVICES TO THE DEPARTMENT OF HUMAN RESOURCES, TO CHANGE THE NAME OF THE DEPARTMENT OF HUMAN RESOURCES TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, TO CHANGE THE NAME OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND TO MAKE TECHNICAL AND CONFORMING STATUTORY CHANGES, upon third reading.

The Committee Substitute bill passes its third reading (41-0) and is ordered sent to the House of Representatives.

With unanimous consent, the President grants a leave of absence for the remainder to today's Session to Senator Kincaid.

H.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PASSENGER AND PRIVATE PROPERTY-HAULING VEHICLES WEIGHING UP TO SIX THOUSAND POUNDS TO BE ISSUED "FIRST IN FLIGHT" PLATES AND TO CLARIFY THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE PERSONALIZED COMMERCIAL LICENSE PLATES, placed earlier today on the Calendar for Monday, April 14, upon third reading.

With unanimous consent, Senator Ballance withdraws his objection to third reading, the Senate reconvenes and the Committee Substitute bill is taken from the Calendar for Monday, April 14, and placed before the Senate for consideration upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled and sent to the Governor.

April 10, 1997
H.B. 409, A BILL TO BE ENTITLED AN ACT CLARIFYING WHERE APPEALS FROM AGRICULTURAL EMPLOYERS WILL BE HEARD, upon third reading.

The bill passes its third reading (41-0) and is ordered enrolled and sent to the Governor.

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES AND ONSLOW COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION.

The President rules the amendment is material and requires a call of the roll and receipt on message from the House of Representatives constitutes first reading. The measure remains before the Senate upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 38, noes 1, as follows:


Voting in the negative: Senator Winner—1.

The bill remains on the Calendar for Monday, April 14, for further consideration upon third reading.

INTRODUCTION OF BILLS

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

By Senators Warren, Albertson, Cooper, Kerr, Rand, and Soles:

S.B. 778, A BILL TO BE ENTITLED AN ACT TO INCLUDE COUNTY FIRE MARSHALS IN THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND.

Referred to Pensions & Retirement and Insurance Committee.

By Senators Warren, Albertson, Cooper, Kerr, Rand, and Soles:

S.B. 779, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE RURAL COMMUNITY FIRE PROTECTION PROGRAM IN THE DIVISION OF FOREST RESOURCES, DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

Referred to Appropriations Committee.

By Senators Gulley and Rand:

S.B. 780, A BILL TO BE ENTITLED AN ACT REQUIRING THAT NONRESIDENT PHYSICIANS WHO TREAT PATIENTS IN THIS STATE THROUGH THE USE OF ELECTRONIC OR OTHER MEDIUMS SHALL BE LICENSED IN THIS STATE AND SHALL BE SUBJECT TO REASONABLE
REGULATIONS BY THE NORTH CAROLINA MEDICAL BOARD.
Referred to Children & Human Resources Committee.

By Senator Kerr:
S.B. 781, A BILL TO BE ENTITLED AN ACT TO AMEND THE COSTS OF ADMINISTRATION OF AN ESTATE ADMINISTERED PURSUANT TO THE SUMMARY ADMINISTRATION PROVISIONS.
Referred to Finance Committee.

By Senators Carrington, Allran, Ballance, Ballantine, Blust, Carpenter, Clark, Cochrane, East, Forrester, Foxx, Garwood, Horton, Hoyle, Ledbetter, Lucas, McDaniel, Page, Rand, Rucho, Shaw of Guilford, Webster, Weinstein, and Wellons:
S.B. 782, A BILL TO BE ENTITLED AN ACT TO BAN THE CLONING OF A HUMAN BEING.
Referred to Judiciary Committee.

By Senators Jordan and Albertson:
S.B. 783, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO JONES COUNTY FOR CAPITAL IMPROVEMENTS TO THE COUNTY'S CIVIC CENTER.
Referred to Appropriations Committee.

By Senators Webster, Allran, Ballantine, Blust, Carpenter, Clark, Cochrane, East, Forrester, Garwood, Hartsell, Horton, Hoyle, Kerr, Kincaid, Ledbetter, McDaniel, Page, Reeves, and Shaw of Guilford:
S.B. 784, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX RELIEF AND SIMPLIFICATION BY CONFORMING STATE TAX LAW TO THE FEDERAL RULE THAT GRANTS A FILING EXTENSION EVEN IF THE REQUEST IS NOT ACCOMPANIED BY PAYMENT.
Referred to Finance Committee.

By Senators Martin of Guilford, Ballance, Clark, Forrester, Foxx, Hartsell, Jordan, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Miller, Odom, Perdue, Rand, Reeves, Shaw of Cumberland, Wellons, and Winner:
S.B. 785, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON CERTAIN DIRECT PAYMENTS UNDER HEALTH INSURANCE POLICIES AND PLANS.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Martin of Guilford and Cooper:
S.B. 786, A BILL TO BE ENTITLED AN ACT TO AMEND THE SUBROGATION RIGHTS REQUIREMENTS FOR THE DIVISION OF VOCATIONAL REHABILITATION TO CONFORM WITH MEDICAID SUBROGATION.
Referred to Judiciary Committee.

By Senators Ledbetter, Allran, Carpenter, Carrington, Clark, Horton, Shaw of Cumberland, Shaw of Guilford, and Webster:
S.B. 787, A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE
CHANGES TO THE NORTH CAROLINA ENGINEERING AND LAND SURVEYING ACT.

Referred to Commerce Committee.

By Senators Jenkins, Albertson, Ballance, Conder, Hoyle, Jordan, Kerr, Martin of Pitt, Perdue, Plyler, Rand, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons:

S.B. 788, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE RURAL ECONOMIC DEVELOPMENT CENTER, INC., FOR ECONOMIC DEVELOPMENT NEEDS IN ECONOMICALLY DEPRESSED AREAS IN THE STATE.

Referred to Appropriations Committee.

By Senator Jenkins:

S.B. 789, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMUNITY COLLEGES TO COMPLETE AND FURNISH THE AUDITORIUM AT BLUE RIDGE COMMUNITY COLLEGE.

Referred to Appropriations Committee.

By Senators Hoyle and Warren:

S.B. 790, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO IMPROVE THE SANITATION PROGRAM FOR FOOD AND LODGING ESTABLISHMENTS.

Referred to Appropriations Committee.

By Senator Ballance:

S.B. 791, A BILL TO BE ENTITLED AN ACT CLARIFYING WHEN WITNESS STATEMENTS OBTAINED PURSUANT TO THE ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT MAY BE RELEASED.

Referred to Judiciary Committee.

By Senators Conder, Perdue, Plyler, and Warren:

S.B. 792, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR LAW ENFORCEMENT POSITIONS WITHIN THE DIVISION OF PARKS AND RECREATION.

Referred to Appropriations Committee.

By Senators Conder and McDaniel:

S.B. 793, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST CONTAINMENT THROUGH REVISION OF THE HOSPITAL PRIVILEGES LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH PEER REVIEW FOR OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE.

Referred to Judiciary Committee.

By Senators Winner, Cooper, Dannelly, Martin of Guilford, and Rand:

S.B. 794, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO
COMPENSATE PHYSICIANS FOR PERFORMING MEDICAL EVALUATIONS OF CHILDREN WHO ARE SUSPECTED OF HAVING BEEN ABUSED OR NEGLECTED, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.
Referred to Appropriations Committee.

By Senators Winner, Cooper, Dannelly, Gulley, Martin of Guilford, Odom, and Soles:
S.B. 795, A BILL TO BE ENTITLED AN ACT TO CHANGE THE LIMITATION WITHIN WHICH A PRODUCT LIABILITY CASE MAY BE BROUGHT FROM SIX YEARS TO FIFTEEN YEARS AFTER THE DATE OF PURCHASE.
Referred to Judiciary Committee.

By Senators Martin of Pitt, Albertson, Ballantine, Forrester, Cochrane, Conder, Cooper, Dannelly, Foxx, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Lee, Lucas, Martin of Guilford, Odom, Page, Perdue, Phillips, Rand, Weinstein, Wellons, and Winner:
S.B. 796, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR INSURANCE COVERAGE FOR BREAST AND AREOLA RECONSTRUCTION ARISING FROM A MASTECTOMY.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Miller:
S.B. 797, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS SUBSTANTIVE AMENDMENTS TO LAWS RELATING TO SMALL EMPLOYER GROUP HEALTH INSURANCE, GROUP HEALTH INSURANCE CONTINUATION, MEDICARE SUPPLEMENT INSURANCE, GROUP LIFE INSURANCE POLICIES, LIFE INSURANCE SALES, AND UNFAIR TRADE PRACTICES.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Perdue:
S.B. 798, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CENTER FOR MARINE SCIENCE AND TECHNOLOGY.
Referred to Appropriations Committee.

By Senators Cooper and Hoyle:
S.B. 799, A BILL TO BE ENTITLED AN ACT TO BRING MORE OPENNESS TO THE PERFORMANCE OF PUBLIC EMPLOYEES BY PROVIDING GREATER ACCESS TO PERSONNEL RECORDS.
Referred to Judiciary Committee.

By Senator Cooper:
S.B. 800, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AUTHORITY TO EMPLOY AN EXECUTIVE SECRETARY FOR THE JUDICIAL STANDARDS COMMISSION FROM THE COMMISSION AS A WHOLE TO THE COMMISSION CHAIR.
Referred to Judiciary Committee.

By Senators Wellons, Hartsell, and Miller:
S.B. 801, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT.
Referred to Commerce Committee.

April 10, 1997
By Senators Warren and Conder:

**S.B. 802**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR THE L.T. WALKER INTERNATIONAL HUMAN PERFORMANCE CENTER AT EAST CAROLINA UNIVERSITY.

Referred to Appropriations Committee.

By Senators Wellons, Jenkins, Kinnaird, Lee, Phillips, Shaw of Cumberland, and Weinstein:

**S.B. 803**, A BILL TO BE ENTITLED AN ACT TO RECAPITALIZE THE MAIN STREET FINANCIAL INCENTIVE FUND.

Referred to Appropriations Committee.

By Senator Lucas:

**S.B. 804**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES TO PROVIDE EARLY INTERVENTION SERVICES FOR CHILDREN UNDER THREE WITH OR AT RISK FOR DISABILITIES.

Referred to Appropriations Committee.

By Senators Rand, Ballantine, Hoyle, Jordan, Perdue, and Soles:

**S.B. 805**, A BILL TO BE ENTITLED AN ACT TO ALLOW REFUNDS OF SALES AND USE TAX FOR THE STATE PORTS AUTHORITY.

Referred to Finance Committee.

By Senators Conder, Forrester, and Hartsell:

**S.B. 806**, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CONTROL OF LEAD EXPOSURE OF CHILDREN.

Referred to Children & Human Resources Committee.

By Senators Kerr, Albertson, Cooper, Hoyle, Perdue, Soles, Warren, and Weinstein:

**S.B. 807**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES FOR TRAVEL AND PER DIEM COSTS OF DISTRICT SOIL AND WATER DISTRICT SUPERVISORS.

Referred to Appropriations Committee.

By Senators Kincaid, Allran, Ballance, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Ledbetter, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Odom, Page, Phillips, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Webster, Weinstein, and Winner:

**S.B. 808**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT FINANCIAL INSTITUTIONS FROM CHARGING CERTAIN FEES FOR THE USE OF AUTOMATED TELLER MACHINES.

Referred to Commerce Committee.

S.B. 809, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA APPRAISERS ACT.
Referred to Commerce Committee.

By Senators Webster, Ballantine, Blust, Clark, East, Garwood, Hoyle, and Ledbetter:

S.B. 810, A BILL TO BE ENTITLED AN ACT TO RESTORE THE RIGHT AND ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA TO PROTECT THEMSELVES.
Referred to Judiciary Committee.

By Senator Soles:

S.B. 811, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO HIRE AND CONTRACT FOR PERSONNEL.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Jenkins, Carpenter, and Dalton:

S.B. 812, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SPECIAL REGISTRATION PLATES FOR SUPPORTERS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK.
Referred to Transportation Committee.

By Senators Rand, Shaw of Cumberland, and Weinstein:

S.B. 813, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE CONSTRUCTION OF A COMMUNITY FINE ARTS CENTER AT FAYETTEVILLE STATE UNIVERSITY.
Referred to Appropriations Committee.

On motion of Senator Basnight, seconded by Senator Miller, the Senate adjourns at 3:45 P.M. to meet Monday, April 14, at 7:00 P.M.

FORTY-THIRD DAY

Senate Chamber
Monday, April 14, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

“Our Lord, Holy Scripture encourages us with the words, ‘Be perfect even as your Father in heaven is perfect.’

“Those of us who aren’t deluded know that perfection is impossible, but too often we wear our humanity as excuse for our actions.

“This week help us re-discover Your divine spark and nature within ourselves and in each other, all the while striving to be more perfect.

“Often, it’s not our failure to achieve perfection but our low aim that’s the problem. Amen.”

With unanimous consent, the President grants leaves of absences for tonight to Senator Clark due to illness and to Senator Webster due to business.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, April 10, has been examined and is found to be correct. On 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 Majors from Raleigh, who is serving the Senate as Doctor of the Day.

CALENDAR

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES AND ONSIONG COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, on tonight’s Calendar upon third reading.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business.

Senator Rand rises to a point of order pursuant to Rule 56.1(a) and (e) as to the appropriateness of the vote on the motion to concur upon second reading having been taken on the previous legislative day after being received from the House of Representatives on that day for concurrence in House Amendment No. 1, ruled material by the President.

The President rules the vote on the motion to concur upon second reading taken on the previous legislative day out of order. Without objection, the Senate reconsiders, and the bill is placed on tonight’s Calendar in its regular order of business, for concurrence in House Amendment No. 1 upon second reading.

S.B. 609, A BILL TO BE ENTITLED AN ACT TO ALLOW MONEY CREDITED TO THE CONSUMER PROTECTION FUND TO BE USED TO RETAIN EXPERTS FOR HEARINGS AND TO REQUIRE THAT MONEY RECOVERED FROM DELINQUENCY PROCEEDINGS OR CIVIL ACTIONS AGAINST THE COMMISSIONER BE CREDITED TO THE FUND, on tonight’s Calendar.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from tonight’s Calendar and pursuant to Rule 43, is re-referred to the Appropriations Committee.
ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 187, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE LAWS ON ADMINISTRATIVE PROCEDURE.

H.B. 266, AN ACT TO ALLOW PRIVATE PASSENGER AND PRIVATE PROPERTY-HAULING VEHICLES WEIGHING UP TO SIX THOUSAND POUNDS TO BE ISSUED "FIRST IN FLIGHT" PLATES AND TO CLARIFY THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE PERSONALIZED COMMERCIAL LICENSE PLATES.

H.B. 409, AN ACT CLARIFYING WHERE APPEALS FROM AGRICULTURAL EMPLOYERS WILL BE HEARD.

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

H.B. 8, AN ACT TO REPEAL RESTRICTIONS ON HUNTING ON THE LAND OF ANOTHER IN MACON COUNTY.

H.B. 105, AN ACT TO ENABLE THE COUNTY OF JACKSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE 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:

S.B. 70, AN ACT TO REPEAL OBSOLETE OR REDUNDANT SCHOOL LAWS, TO TRANSFER THE STATUTES THAT ESTABLISH THE STATE SCHOOLS FOR HEARING- AND SIGHT-IMPAIRED STUDENTS FROM CHAPTER 115C TO CHAPTER 143B OF THE GENERAL STATUTES, TO STREAMLINE THE REPORTS OF THE STATE BOARD OF EDUCATION TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, AND TO MAKE CONFORMING CHANGES. (Became law upon approval of the Governor, April 11, 1997 - S.L. 1997-18.)

S.B. 95, AN ACT TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE DECEMBER 31, 1996. (Became law upon approval of the Governor, April 11, 1997 - S.L. 1997-19.)

H.B. 78, AN ACT TO CLARIFY WHO IS EXEMPT FROM THE PUBLIC SCHOOL ADMINISTRATOR EXAM. (Became law upon approval of the Governor, April 11, 1997 - S.L. 1997-20.)
H.B. 8, AN ACT TO REPEAL RESTRICTIONS ON HUNTING ON THE LAND OF ANOTHER IN MACON COUNTY (Became law upon ratification, April 14, 1997 - S.L. 1997-21.)

H.B. 105, AN ACT TO ENABLE THE COUNTY OF JACKSON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY (Became law upon ratification, April 14, 1997 - S.L. 1997-22.)

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. 158, A BILL TO BE ENTITLED AN ACT TO EXPAND THE TIME CORPORATIONS AND LIMITED LIABILITY COMPANIES MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION, TO INCREASE THE FEE CORPORATIONS MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, TO ESTABLISH A FEE LIMITED LIABILITY COMPANIES MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, AND TO PROVIDE THAT ANNUAL REPORTS OF BUSINESS CORPORATIONS AND LIMITED LIABILITY COMPANIES SHALL BE FILED WITH THE DEPARTMENT OF REVENUE RATHER THAN THE SECRETARY OF STATE, AS RECOMMENDED BY THE GENERAL STATUTES STUDY 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 1750, which changes the title to read S.B. 158 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE TIME CORPORATIONS AND LIMITED LIABILITY COMPANIES MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION, TO INCREASE THE FEE CORPORATIONS MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, TO ESTABLISH A FEE LIMITED LIABILITY COMPANIES MUST PAY FOR REINSTATEMENT AFTER ADMINISTRATIVE DISSOLUTION, TO PROVIDE THAT ANNUAL REPORTS OF MOST BUSINESS CORPORATIONS AND LIMITED LIABILITY COMPANIES SHALL BE FILED WITH THE DEPARTMENT OF REVENUE RATHER THAN THE SECRETARY OF STATE, AS RECOMMENDED BY THE GENERAL STATUTES STUDY COMMISSION AND OTHERS, is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 317, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT PURCHASE AND LEASE DEBTS, TO REQUIRE LOCAL GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBTS, AND TO CAP THE
AMOUNT OF INSTALLMENT PURCHASE AND LEASE DEBT COUNTIES AND CITIES MAY INCUR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4562, which changes the title to read S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT CONTRACT AND LEASE DEBTS, TO REQUIRE LOCAL GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBTS, AND TO CAP THE AMOUNT OF INSTALLMENT CONTRACT AND LEASE DEBT COUNTIES AND CITIES MAY INCUR, is adopted and engrossed.

S.B. 727, A BILL TO BE ENTITLED AN ACT TO SET THE INSURANCE REGULATORY CHARGE FOR CALENDAR YEAR 1997 AND TO CLARIFY THE BASIS OF THE PREMIUM TAX LIABILITY ON WHICH THE CHARGE IS LEVIED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2691, which changes the title to read S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON APPROPRIATIONS BY ESTABLISHING THE PERCENTAGE RATES FOR THE INSURANCE REGULATORY CHARGE AND THE PUBLIC UTILITY REGULATORY FEE, BY CLARIFYING THE BASIS OF THE PREMIUM TAX LIABILITY ON WHICH THE INSURANCE REGULATORY CHARGE IS LEVIED, BY INCREASING COURT FEES IN CRIMINAL CASES, AND BY INCREASING THE FEES FOR FILING CERTAIN DOCUMENTS, is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is re-referred to the Appropriations Committee.

By Senator Winner for the Education/Higher Education Committee:

S.B. 366, A BILL TO BE ENTITLED AN ACT TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING SCHOOL BUDGET DISPUTES BETWEEN LOCAL BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8641 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 Odom, Dannelly, Rucho, and Winner:

S.B. 814, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-STAND SALES OF ALCOHOLIC BEVERAGES IN CERTAIN STADIUMS, BALLPARKS, AND SIMILAR PUBLIC PLACES.

Referred to Commerce Committee.
By Senator Rand:

S.B. 815, 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 Conder:

S.B. 816, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF COMMERCIALLY RAISED ALLIGATORS AND YELLOW PERCH AND TO PROVIDE FOR THE INSPECTION OF ALLIGATOR MEAT.

Referred to Finance Committee.

By Senators Shaw of Cumberland, Ballantine, Blust, Carpenter, Jordan, Kincaid, Lucas, Martin of Guilford, Shaw of Guilford, and Weinstein:

S.B. 817, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES AND BUILDINGS THAT WERE BUILT BEFORE 1936.

Referred to Finance Committee.

By Senators Shaw of Cumberland, Carpenter, Jordan, Lucas, Martin of Guilford, Shaw of Guilford, and Weinstein:

S.B. 818, A BILL TO BE ENTITLED AN ACT TO CREATE A DOWNTOWN LOAN GUARANTEE FUND THAT WILL GUARANTEE TWENTY-FIVE PERCENT OF ELIGIBLE LOANS MADE BY PARTICIPATING LENDING INSTITUTIONS FOR DOWNTOWN DEVELOPMENT.

Referred to Commerce Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Shaw of Cumberland, Blust, Carpenter, Jordan, Lucas, Martin of Guilford, Shaw of Guilford, and Weinstein:

S.B. 819, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN A DATABASE OF DOWNTOWN PROPERTIES AVAILABLE FOR INDUSTRIAL RECRUITMENT.

Referred to Commerce Committee.

By Senators Shaw of Cumberland, Blust, Carpenter, Jordan, Kincaid, Ledbetter, Lucas, Martin of Guilford, Shaw of Guilford, and Weinstein:

S.B. 820, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A STUDY BY THE LEGISLATIVE RESEARCH COMMISSION OF ISSUES RELATED TO THE ENFORCEMENT OF THE BUILDING CODE AND QUALIFICATIONS OF CODE ENFORCEMENT OFFICIALS.

Referred to Rules and Operations of the Senate Committee.

By Senators Shaw of Cumberland, Blust, Carpenter, Jordan, Kincaid, Ledbetter, Lucas, Martin of Guilford, Shaw of Guilford, and Weinstein.

S.B. 821, A BILL TO BE ENTITLED AN ACT TO DIRECT THE HOUSING FINANCE AGENCY TO EXAMINE THE USE OF FUNDS FROM THE HOUSING TRUST FUND IN DOWNTOWN AREAS.

Referred to Commerce Committee.
By Senators Shaw of Cumberland, Blust, Carpenter, Jordan, Kinnaird, Lucas, Martin of Guilford, Shaw of Guilford, and Weinstein:

S.B. 822, A BILL TO BE ENTITLED AN ACT TO PROVIDE TRAINING FOR BUILDING CODE ENFORCEMENT OFFICIALS IN THE INSPECTION AND REVIEW OF EXISTING BUILDINGS AND HISTORIC STRUCTURES.
Referred to Appropriations Committee.

By Senators Shaw of Cumberland, Blust, Carpenter, Jordan, Ledbetter, Lucas, Martin of Guilford, Shaw of Guilford, and Weinstein:

S.B. 823, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY DOWNTOWN REVITALIZATION.
Referred to Rules and Operations of the Senate Committee.

By Senators Shaw of Cumberland and Lucas:

S.B. 824, A BILL TO BE ENTITLED AN ACT TO ADD A DOWNTOWN DEVELOPMENT REPRESENTATIVE TO THE MEMBERSHIP OF THE BUILDING CODE COUNCIL.
Referred to Commerce Committee.

By Senators Page, East, Forrester, Garwood, and Webster:

S.B. 825, A BILL TO BE ENTITLED AN ACT RELATING TO FUND-RAISING IN SESSION.
Referred to Judiciary Committee.

By Senator Miller:

S.B. 826, A BILL TO BE ENTITLED AN ACT TO PROVIDE "QUICK TAKE" PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY SCHOOL BOARDS.
Referred to Finance Committee.

By Senator Miller:

S.B. 827, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS RULES OF CIVIL PROCEDURE.
Referred to Judiciary Committee.

By Senators Lucas, Dalton, Jenkins, and Weinstein:

S.B. 828, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE RESEARCH COMMISSION STUDY TO STUDY THE CHILD PROTECTION SYSTEM.
Referred to Rules and Operations of the Senate Committee.

By Senators Lucas, Ballantine, Dalton, Jenkins, Kinnaird, and Weinstein.

S.B. 829, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ADDITIONAL JOBS TAX CREDIT FOR CREATING JOBS FOR WELFARE RECIPIENTS.
Referred to Finance Committee.

April 14, 1997
By Senators Ballantine, Allran, Ballance, Blust, Carrington, Forrester, Foxx, Garwood, Hoyle, Jenkins, Kinnaird, Lee, Lucas, Martin of Pitt, McDaniel, Rand, Reeves, Rucho, Weinstein, and Wellons:

S.B. 830, A BILL TO BE ENTITLED AN ACT TO ADOPT THE APPLE AS THE OFFICIAL STATE FRUIT.
Referred to Rules and Operations of the Senate Committee.

By Senator Rand:

S.B. 831, 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 Senators Kerr and Hoyle:

S.B. 832, A BILL TO BE ENTITLED AN ACT TO REIMBURSE STATE EMPLOYEES FOR TAXES PAID ON LODGING WHILE ON OFFICIAL STATE BUSINESS.
Referred to Appropriations Committee.

By Senators Kerr and Hoyle:

S.B. 833, 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 Ballance:

S.B. 834, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE COURT SYSTEM BY IMPLEMENTING THE NEW COURT STRUCTURE RECOMMENDED BY THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA.
Referred to Judiciary Committee.

By Senator Ballance:

S.B. 835, A BILL TO BE ENTITLED AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF NORTH CAROLINA TO IMPROVE THE COURT SYSTEM BY IMPLEMENTING THE NEW COURT STRUCTURE RECOMMENDED BY THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA.
Referred to Judiciary Committee.

By Senator Ballance:

S.B. 836, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR CAPITAL IMPROVEMENTS TO THE TWIN COUNTY RURAL HEALTH CENTER.
Referred to Appropriations Committee.

By Senator Ballance:

S.B. 837, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE
ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO SPORTS CLUBS.
    Referred to Commerce Committee.

By Senator Ballance:
    S.B. 838, A BILL TO BE ENTITLED AN ACT TO ESTABLISH TOURISM RESORTS AND TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO THESE ENTITIES.
    Referred to Commerce Committee.

By Senator Hoyle:
    S.B. 839, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CONTINUATION AND ENHANCEMENT OF THE MEDICAL EVALUATION PROGRAM IN THE DIVISION OF MOTOR VEHICLES AS RECOMMENDED BY THE DRIVER MEDICAL EVALUATION PROGRAM STUDY COMMISSION.
    Referred to Appropriations 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. 532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS.
    Referred to State Government, Local Government, and Personnel Committee.

H.B. 746, A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM HIGHER EDUCATION ADMISSION REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS.
    Referred to Education/Higher Education Committee.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and ordered placed on file in the Office of the Principal Clerk with the papers of the Senate, as follows:

Executive Order Number 109, Amending Executive Order No. 44, North Carolina Commission on Business Laws and the Economy.

Executive Order Number 110, Amending Executive Order No. 99, Concerning Emergency Relief for Damage Caused by Hurricane Fran.

REPORT OF COMMITTEE

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:

April 14, 1997
By Senator Cooper for the Judiciary Committee:

S.B. 250, A BILL TO BE ENTITLED AN ACT TO CLARIFY PERFECTION OF A SECURITY INTEREST IN AFTER-ACQUIRED REAL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill. Pursuant to Rule 45.1, the proposed Committee Substitute bill 1736 is adopted and engrossed.

S.B. 251, A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMMON LAW TO PERMIT THE CREATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS BY A LANDOWNER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill. Pursuant to Rule 45.1, the proposed Committee Substitute bill 1737 is adopted and engrossed.

S.B. 285, A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO Conceal MERCHANDISE BY USING A LEAD-LINED OR ALUMINUM-LINED BAG OR OTHER DEVICE THAT WILL PREVENT THE ACTIVATION OF AN ANTI-SHOPLIFTING CONTROL DEVICE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill. Pursuant to Rule 45.1, the proposed Committee Substitute bill 7716, which changes the title to read S.B. 285 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A FELONY TO CONCEAL MERCHANDISE BY USING A LEAD OR ALUMINUM LINING OR COVERING OR OTHER DEVICE OR TECHNIQUE THAT WILL PREVENT THE ACTIVATION OF AN ANTI-SHOPLIFTING CONTROL DEVICE, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 320, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN LICENSED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT PAYMENT TO NURSES WHO PROVIDE 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 1734 is adopted and engrossed.

CALENDAR

Bills on tonight’s Calendar are taken up and disposed of, as follows:

S.B. 424 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF APEX, FQUAY-VARINA, KNIGHTDALE, AND WAKE FOREST, 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,

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 500, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The bill, as amended, having been previously engrossed, is ordered sent to the House of Representatives.

S.B. 719, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES.

The bill passes its second reading.

The President rules the bill requires a call of the roll.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, April 15, for further consideration upon third reading.

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES AND ONSLOW COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION placed earlier tonight on tonight's Calendar upon second reading.

The Senate concurs in House Amendment No. 1 on its second reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, April 15, for further consideration of concurrence upon third reading.
H.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE FROM ONE YEAR TO TWO YEARS THE RENEWAL PERIOD FOR LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTORS, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA SECURITIES ACT AND THE INVESTMENT ADVISERS ACT TO THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996, upon second reading.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is withdrawn from tonight’s Calendar and is re-referred to the Finance Committee.

S.B. 182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT RULES ADOPTED BY THE WILDLIFE RESOURCES COMMISSION TO BECOME EFFECTIVE UPON APPROVAL BY THE RULES REVIEW COMMISSION, upon third reading.

With unanimous consent, on motion of Senator Kincaid, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, April 15, for consideration upon third reading.

S.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES IN THE LAWS GOVERNING THE FINANCIAL OPERATIONS OF INSURANCE COMPANIES AND THE ROLE OF THE DEPARTMENT OF INSURANCE IN MONITORING THE SOLVENCY OF INSURANCE COMPANIES, upon second reading.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, April 15, for consideration upon second reading.

S.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXAMINATION AND CERTIFICATION FEES COLLECTED UNDER THE NURSING PRACTICE ACT.

The Committee Substitute bill passes its second (44-3) and third readings and is ordered sent to the House of Representatives.

S.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER.

The Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives.
S.B. 597, A BILL TO BE ENTITLED AN ACT TO ALLOW PHYSICIANS PRACTICING PSYCHIATRY AND PSYCHOLOGISTS TO FORM PROFESSIONAL CORPORATIONS WITH LICENSED PROFESSIONAL COUNSELORS.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 625, A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION.

With unanimous consent, on motion of Senator Shaw of Cumberland, the bill is withdrawn from tonight’s Calendar and is recommitted to the Transportation Committee.

S.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE AND TO AMEND THE LAW ESTABLISHING THE BLACK MOUNTAIN JOINT SECURITY FORCE, upon third reading.

The Committee Substitute bill passes its third reading (44-0) and is ordered sent to the House of Representatives.

S.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY LOCAL GOVERNMENT AUTHORITY TO REGULATE THE LOCATION AND OPERATION OF SEXUALLY ORIENTED BUSINESSES, upon third reading.

The Committee Substitute bill passes its third reading (44-0) and is ordered sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON APPROPRIATIONS BY ESTABLISHING THE PERCENTAGE RATES FOR THE INSURANCE REGULATORY CHARGE AND THE PUBLIC UTILITY REGULATORY FEE, BY CLARIFYING THE BASIS OF THE PREMIUM TAX LIABILITY ON WHICH THE INSURANCE REGULATORY CHARGE IS LEVIED, BY INCREASING COURT FEES IN CRIMINAL CASES, AND BY INCREASING THE FEES FOR FILING CERTAIN DOCUMENTS, referred to the Appropriations Committee earlier tonight.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Committee Substitute bill be withdrawn from the Appropriations Committee and placed on the Calendar for Tuesday, April 15, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Appropriations Committee and places it on the Calendar for Tuesday, April 15, for consideration upon its passage.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

April 14, 1997
H.B. 295, AN ACT TO EXEMPT MOST INTANGIBLE PERSONAL PROPERTY FROM PROPERTY TAX.

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

Richard G. Adams, Boone; Christopher Jerard Allen, Raleigh; Joseph Ausband, Kitty Hawk; Jenny Baker, Princeton; Suzanne Rebecca Bergman, Elizabeth City; Shawn Karl Daniels, Kitty Hawk; James Chadwick Hinton, Nashville; Carolyn LeAnne Howell, Goldsboro; Laticia King, Raleigh; Sarah Catherine Lovin, Cullowhee; Arturo Casanova Lumpkin, Louisburg; Jonathan William Madison, Statesville; Meredith McDaniel, New Bern; Kathryn Elizabeth Roebuck, Elizabeth City; Virginia Anne Seippel, Winston-Salem; Steven Michael Sexton, Mooresville; Ann Elizabeth Thompson, Winston-Salem; Tifanie Thornton, New Bern; and Scott Andrew Yates, Harrisburg.

On motion of Senator Basnight, seconded by Senator Lee, the Senate adjourns at 8:02 P.M. to meet tomorrow, Tuesday, April 15, at 2:00 P.M.

FORTY-FOURTH DAY

Senate Chamber
Tuesday, April 15, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Gracious God, on this April 15th, the verse from Scripture comes to mind, ‘Render to Caesar the things that are Caesar’s and to God the things that are God’s.’

“Especially on income tax day, no matter how well defined the laws are, we still have a difficult time trying to figure out what to render and to whom.

“Some people believe they owe God everything and government nothing. Others believe they owe government everything and God nothing. The truth is we owe God and government, but not the same things.

“Thank You for helping us know the difference. Amen.”

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, April 14, has been examined and is found to be correct. On 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. Ken Maxwell from Winston-Salem, who is serving the Senate as Doctor of the Day in absentia.
Senator Rand offers a motion to suspend Rule 7 to the end that the introduction of bills is placed as the last order of business today, which motion prevails.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 178, AN ACT TO INCREASE FROM ONE YEAR TO TWO YEARS THE RENEWAL PERIOD FOR LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTORS.

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. 295, AN ACT TO EXEMPT MOST INTANGIBLE PERSONAL PROPERTY FROM PROPERTY TAX. (Became law upon approval of the Governor, April 15, 1997 - S.L. 1997-23.)

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 Cooper for the Judiciary Committee:

S.B. 667, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSE OF STALKING, with a favorable report.

By Senator Soles for the Commerce Committee:

S.B. 550, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 89C OF THE GENERAL STATUTES TO PROVIDE THAT THE DESIGN OF LAND APPLICATION IRRIGATION SYSTEMS FOR ANIMAL WASTE MANAGEMENT SYSTEMS MAY BE PERFORMED BY IRRIGATION DESIGN TECHNICAL SPECIALISTS AND CONCERNING AGRICULTURAL BEST MANAGEMENT PRACTICES, with a favorable report.

S.B. 562, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE PROCESSING FEE CHARGED FOR RETURNED CHECKS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

April 15, 1997
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. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 583, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF KINGS MOUNTAIN LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET SPEED LIMITS SPECIFIED IN G.S. 20-141.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 633, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTY OF HENDERSON AND CERTAIN MUNICIPALITIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 661 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE HENDERSON COUNTY BOARD OF COMMISSIONERS TO REDISTRICT THEIR RESIDENCY DISTRICTS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 668, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO REQUIRE OWNERS OF RENTAL PROPERTY IN THE COUNTY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS IN HOUSING CODE CASES AND CASES INITIATED BY THE LOCAL BOARD OF HEALTH.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 670, A BILL TO BE ENTITLED AN ACT TO ALLOW THE COUNTIES OF HARNETT AND LEE AND THE MUNICIPALITIES LOCATED IN THOSE COUNTIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF SANFORD AND OTHER LAWS RELATING TO THE CITY BY DELETING THROUGHOUT THE WORDS "BOARD OF ALDERMEN", "BOARD", AND "ALDERMAN" AND SUBSTITUTEING, AS APPROPRIATE, THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER".
Referred to State Government, Local Government, and Personnel Committee.
H.B. 673, A BILL TO BE ENTITLED AN ACT TO CHANGE THE TIME OF ELECTION OF THE SURRY COUNTY BOARD OF EDUCATION FROM THE PRIMARY TO NONPARTISAN AT THE TIME OF THE GENERAL ELECTION.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 675, A BILL TO BE ENTITLED AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 676, A BILL TO BE ENTITLED AN ACT TO EXTEND TO THE CITY OF ROCKY MOUNT PROVISIONS OF A LOCAL ACT WHICH PROVIDES THAT SERVICE OF COMPLAINTS OR ORDERS ISSUED IN HOUSING CODE CASES IS SUFFICIENT WHERE THE COMPLAINTS OR ORDERS ARE SENT BY REGISTERED OR CERTIFIED MAIL IN CONJUNCTION WITH REGULAR MAIL AND THE REGISTERED OR CERTIFIED MAIL IS RETURNED, BUT THE REGULAR MAIL IS NOT RETURNED WITHIN TEN DAYS AFTER MAILING.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 687, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 708, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 770, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF TRAFFICKING IN MARIJUANA BY CHANGING THE AMOUNT OF MARIJUANA THAT WOULD BE CONSIDERED TRAFFICKING.

Referred to Judiciary Committee.

H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM; AND TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM.

Referred to State Government, Local Government, and Personnel Committee.
Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 719, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES, upon third reading.

On the previous Legislative Day, the measure was ruled roll call after it passed second reading.

Senator Kerr offers a motion that the vote by which the bill passed its second reading be reconsidered, which motion prevails without objection, and the question reverts to the passage of the bill upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, April 16, for further consideration upon third reading.

S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, for concurrence in House Amendment No. 1 which changes the title, upon concurrence, to read S.B. 59, A BILL TO BE ENTITLED AN ACT TO ALLOW GATES AND ONSLOW COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, upon third reading.

The Senate concurs in House Amendment No. 1 on its third reading by roll-call vote, ayes 45, noes 1, as follows:


Voting in the negative: Senator Winner—1.

The bill, as amended, is ordered enrolled.

S.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES IN THE LAWS GOVERNING THE FINANCIAL OPERATIONS OF INSURANCE COMPANIES AND THE ROLE OF THE DEPARTMENT OF INSURANCE IN MONITORING THE SOLVENCY OF INSURANCE COMPANIES, upon second reading.

On motion of Senator Miller, the Chair orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON
APPROPRIATIONS BY ESTABLISHING THE PERCENTAGE RATES FOR THE INSURANCE REGULATORY CHARGE AND THE PUBLIC UTILITY REGULATORY FEE, BY CLARIFYING THE BASIS OF THE PREMIUM TAX LIABILITY ON WHICH THE INSURANCE REGULATORY CHARGE IS LEVIED, BY INCREASING COURT FEES IN CRIMINAL CASES, AND BY INCREASING THE FEES FOR FILING CERTAIN DOCUMENTS, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 3, as follows:


Voting in the negative: Senators Ballance, Ballentine, and East—3.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, April 16, for further consideration upon third reading.

S.B. 250 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY PERFECTION OF A SECURITY INTEREST IN AFTER-ACQUIRED REAL PROPERTY.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representative.

S.B. 251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMMON LAW TO PERMIT THE CREATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS BY A LANDOWNER.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

S.R. 745, A SENATE RESOLUTION COMMEMORATING THE TWENTIETH ANNIVERSARY OF THE AMERICAN DANCE FESTIVAL IN NORTH CAROLINA, referred to Rules and Operations of the Senate Committee on April 7.

Pursuant to Rule 47(a), Senator Rand offers a motion that the resolution be withdrawn from the Rules and Operations of the Senate Committee and placed on today’s Calendar in its regular order of business, which motion prevails with unanimous consent.

The Chair orders the resolution recalled from the Rules and Operations of the Senate Committee and places it on today’s Calendar in its regular order of business for adoption.

CALENDAR (Continued)

S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT CONTRACT AND LEASE DEBTS, TO REQUIRE LOCAL
GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBTS, AND TO CAP THE AMOUNT OF INSTALLMENT CONTRACT AND LEASE DEBT COUNTIES AND CITIES MAY INCUR.

With unanimous consent, on motion of Senator Winner, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 16, for consideration on its passage.

REPORT OF COMMITTEE

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. 545, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CHANGE REGARDING THE DISPOSITION OF OBJECTS FROM THE COLLECTIONS OF THE MUSEUM OF NATURAL SCIENCES, with a favorable report.

H.B. 238 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE OWNERS AND OPERATORS OF ANIMAL WASTE MANAGEMENT SYSTEMS TO PARTICIPATE IN CERTAIN RESEARCH STUDIES DIRECTED BY THE GENERAL ASSEMBLY BY LIMITING ENFORCEMENT ACTIONS FOR UNINTENTIONAL AND NONNEGLIGENT VIOLATIONS OF WATER QUALITY STANDARDS THAT ARE IDENTIFIED IN THE COURSE OF THOSE RESEARCH STUDIES AND TO CLARIFY THE REPORTING DATES FOR THOSE RESEARCH STUDIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 7229 is adopted and engrossed.

CALENDAR (Continued)

S.B. 305, A BILL TO BE ENTITLED AN ACT TO REINSTATE THE OPTION THAT A LICENSED SOLICITOR OF CHARITABLE SOLICITATIONS MAY SUBMIT A CERTIFICATE OF DEPOSIT IN LIEU OF A SECURITY BOND.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN LICENSED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT PAYMENT TO NURSES WHO PROVIDE
The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 366 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING SCHOOL BUDGET DISPUTES BETWEEN LOCAL BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES.

The Committee Substitute bill passes is second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 457, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM TO PROVIDE INSTRUCTION ON THE PERFORMANCE OF CARDIOPULMONARY RESUSCITATION AND THE HEIMLICH MANEUVER.

Senator Shaw of Guilford 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. 182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT RULES ADOPTED BY THE WILDLIFE RESOURCES COMMISSION TO BECOME EFFECTIVE UPON APPROVAL BY THE RULES REVIEW COMMISSION, upon third reading.

Senator Kincaid offers Amendment No.1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

S.B. 834, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE STATE COURT SYSTEM BY IMPLEMENTING THE NEW COURT STRUCTURE RECOMMENDED BY THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA, referred to the Judiciary Committee on April 14.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Select Committee on the Future of the Courts, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Select Committee on the Future of the Courts.

S.B. 835, A BILL TO BE ENTITLED AN ACT PROPOSING AMENDMENTS TO THE CONSTITUTION OF NORTH CAROLINA TO IMPROVE THE COURT SYSTEM BY IMPLEMENTING THE NEW COURT STRUCTURE RECOMMENDED BY THE COMMISSION FOR THE FUTURE OF JUSTICE AND THE COURTS IN NORTH CAROLINA, referred to the Judiciary Committee on April 14.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Select Committee on the Future of
the Courts, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Select Committee on the Future of the Courts.

CALENDAR (Continued)

S.R. 745, A SENATE RESOLUTION COMMENORATING THE TWENTIETH ANNIVERSARY OF THE AMERICAN DANCE FESTIVAL IN NORTH CAROLINA, placed on the Calendar earlier today.

On motion of Senator Gulley, the Senate resolution is adopted (48-0).

(The text of this resolution appears in the Appendix.)

S.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES IN THE LAWS GOVERNING THE FINANCIAL OPERATIONS OF INSURANCE COMPANIES AND THE ROLE OF THE DEPARTMENT OF INSURANCE IN MONITORING THE SOLVENCY OF INSURANCE COMPANIES, upon second reading, temporarily displaced earlier.

Senator Miller offers Amendment No. 1 which is adopted (46-1).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, April 16, for further consideration upon third reading.

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 Kerr and Dalton:

S.B. 840, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES.

Referred to State Government, Local Government, and Personnel Committee and upon favorable report, re-referred to the Finance Committee.

By Senators Hoyle and Kerr:

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ALLOW FOREIGN CORPORATIONS TO DEDUCT EXPENSES RELATED TO DEDUCTIBLE SUBSIDIARY DIVIDENDS TO THE SAME EXTENT AS NORTH CAROLINA CORPORATIONS.

Referred to Finance Committee.

April 15, 1997
By Senators Rand and Foxx:
S.B. 842, A BILL TO BE ENTITLED AN ACT TO EXEMPT PERSONS PERFORMING CERTAIN ALTERATIONS, REMODELING, AND RENOVATIONS OF EXISTING BUILDINGS OR STRUCTURES FROM THE ARCHITECTURAL LICENSURE REQUIREMENTS.
Referred to Judiciary Committee.

By Senator Jenkins:
S.B. 843, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE LAWS AND MAKE TECHNICAL AND CLARIFYING AMENDMENTS AND CORRECTIONS IN VARIOUS INSURANCE STATUTES; AND TO EXTEND THE EXPIRATION DATE OF THE 1986 RISK SHARING PLAN LAW.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Hoyle, Cooper, Forrester, and Perdue:
S.B. 844, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS, TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS AND TO CLARIFY INFORMATION THAT MUST BE DISCLOSED PUBLICLY ABOUT PROSPECTIVE REAL ESTATE PURCHASES BY PUBLIC BODIES.
Referred to Judiciary Committee.

By Senator Odom:
S.B. 845, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DIVISION OF AIR QUALITY OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO JOINTLY STUDY THE COSTS AND BENEFITS OF EXPANDING THE INSPECTION AND MAINTENANCE PROGRAM FOR MOTOR VEHICLES AND TO ENSURE COMPLIANCE WITH THE CURRENT INSPECTION AND MAINTENANCE PROGRAM.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Odom and Kinnaird:
S.B. 846, A BILL TO BE ENTITLED AN ACT TO REQUIRE RETAILERS OF CERTAIN GOODS TO TAKE THEM BACK TO BE RECYCLED OR PROPERLY DISPOSED.
Referred to Commerce Committee and upon favorable report, re-referred to the Finance Committee.

By Senator Odom:
S.B. 847, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX REUSABLE INDUSTRIAL CONTAINERS USED AS PACKING FOR TANGIBLE PERSONAL PROPERTY.
Referred to Finance Committee.

By Senators Dalton, Albertson, Allran, Ballance, Forrester, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Lucas, Miller, Phillips, Rand, Reeves, Weinstein, and Wellons:
S.B. 848, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SECONDARY SUPPLIER OF ELECTRIC SERVICE MAY FURNISH SERVICE
WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

Referred to Commerce Committee.

By Senators Reeves, Kinnaird, Miller, and Wellons:

S.B. 849, A BILL TO BE ENTITLED AN ACT INCREASING THE RATES OF REIMBURSEMENT FOR LODGING AND MILEAGE EXPENSES INCURRED BY STATE OFFICERS AND EMPLOYEES IN CONNECTION WITH TRAVEL ON OFFICIAL BUSINESS AND PROVIDING FOR REIMBURSEMENT FOR TAXES PAID ON LODGING WHILE ON OFFICIAL BUSINESS.

Referred to Appropriations Committee.

By Senators Kinnaird, Forrester, Foxx, Jenkins, Kincaid, Ledbetter, McDaniel, Miller, Perdue, Reeves, and Wellons:

S.B. 850, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO ESTABLISH YEAR-ROUND LOW-COST SPAYING AND NEUTERING PROGRAMS TO BE FUNDED SOLELY BY TAXES AND FEES PAID BY PET OWNERS.

Referred to Finance Committee.

By Senators Kinnaird, Forrester, Foxx, Lee, Lucas, Martin of Guilford, and Rand:

S.B. 851, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF TIME AN ADULT CARE HOME MAY OPERATE UNDER A PROVISIONAL LICENSE.

Referred to Children & Human Resources Committee.

By Senator Cooper:

S.B. 852, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE COMMUNITIES IN SCHOOLS OF THE ROCKY MOUNT REGION, INC., FOR THE DEVELOPMENT OF A "DEVELOPMENTAL MODEL FOR SKILLSTREAMING OF APPROPRIATE BEHAVIOR" PROGRAM.

Referred to Appropriations Committee.

By Senators Conder and Hoyle:


Referred to Judiciary Committee and upon favorable report, re-referred to the Appropriations Committee.

By Senator Ballance:

S.B. 854, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF COMMERCE FOR A FEASIBILITY STUDY ON THE ECONOMIC DEVELOPMENT OF A NATIVE AMERICAN THEME PARK.

Referred to Appropriations Committee.
By Senator Ballance:
S.B. 855, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONTRACT WITH THIRD PARTIES TO PROVIDE REMOTE ELECTRONIC ACCESS TO COURT INFORMATION.
Referred to Judiciary Committee.

By Senators Lee and Kinnaird:
S.B. 856, A BILL TO BE ENTITLED AN ACT TO REIMBURSE CHATHAM COUNTY FOR ITS COSTS ASSOCIATED WITH SELECTING A SITE FOR A PROPOSED LOW-LEVEL RADIOACTIVE WASTE FACILITY.
Referred to Appropriations Committee.

By Senators Lee and Jenkins:
S.B. 857, A BILL TO BE ENTITLED AN ACT RELATING TO UNC BONDS.
Referred to Finance Committee.

By Senator Lee:
S.B. 858, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE FOR THE SCHOOL ADMINISTRATOR’S EXAM.
Referred to Finance Committee.

By Senator Lee:
S.B. 859, A BILL TO BE ENTITLED AN ACT TO ALLOW PRESCRIBED BURNING IN FORESTS BY FOREST LANDOWNERS UNDER CERTAIN CONDITIONS.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senator Lee:
S.B. 860, A BILL TO BE ENTITLED AN ACT TO REDEFINE PRISON ENTERPRISES.
Referred to Commerce Committee.

By Senator Lee:
S.B. 861, A BILL TO BE ENTITLED AN ACT AMENDING THE DISPENSING OPTICIANS ACT.
Referred to Finance Committee.

By Senators Lee, Winner, and Garwood:
S.B. 862, A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER FLEXIBILITY TO THE UNIVERSITY OF NORTH CAROLINA IN NEGOTIATING CERTAIN CONTRACTS AND CAPITAL PROJECTS, TO INCREASE THE BENCHMARK FOR PURCHASES BY THE UNIVERSITY OF NORTH CAROLINA AND OTHER STATE AGENCIES, AND TO AUTHORIZE EMPLOYEE PAYROLL DEDUCTIONS FOR CERTAIN DISCRETIONARY PRIVILEGES OF UNIVERSITY SERVICE AT THE UNIVERSITY OF NORTH CAROLINA.
Referred to Judiciary Committee.
By Senators Rand, Ballantine, Jordan, Shaw of Cumberland, Soles, and Weinstein:
S.B. 863, A BILL TO BE ENTITLED AN ACT TO PRESERVE AREA CODES FOR INSTALLATIONS AFFECTING NATIONAL SECURITY.
Referred to Commerce Committee.

By Senators McDaniel and Martin of Guilford:
S.B. 864, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA TRADEMARK REGISTRATION ACT TO THE 1992 MODEL STATE TRADEMARK BILL BY MAKING VARIOUS AMENDMENTS TO THE ACT, INCLUDING REPEALING THE REQUIREMENT THAT APPLICANTS FOR A REGISTRATION INCLUDE PROOF OF USE OF THE TRADEMARK IN NORTH CAROLINA.
Referred to Judiciary Committee.

By Senator Jordan:
S.B. 865, A BILL TO BE ENTITLED AN ACT RELATING TO THE RECOMMENDATIONS OF THE NORTH CAROLINA PROGRESS BOARD.
Referred to Rules and Operations of the Senate Committee.

By Senators Rand, Ballance, Carpenter, Forrester, Foxx, Hartsell, Ledbetter, Martin of Pitt, and Shaw of Cumberland:
S.B. 866, A BILL TO BE ENTITLED AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACEUTICAL SERVICES.
Referred to Commerce Committee.

By Senators Rand, Ballance, Carrington, Conder, Dannelly, Lee, Odom, Perdue, Plyler, and Weinstein:
S.B. 867, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE LOTTERY TO PROVIDE FUNDS FOR EDUCATIONAL PURPOSES.
Referred to Finance Committee.

By Senators Rand, Ballance, Cooper, Dalton, Gulley, Jenkins, Kerr, Kinnaird, Lee, Martin of Guilford, Miller, Odom, Perdue, Phillips, Plyler, Reeves, Shaw of Cumberland, Warren, Weinstein, Wellons and Winner:
S.B. 868, A BILL TO BE ENTITLED AN ACT RELATING TO THE NORTH CAROLINA HOUSING TRUST FUND.
Referred to Appropriations Committee.

By Senators Rand, Conder, Perdue, Plyler, and Soles:
S.B. 869, A BILL TO BE ENTITLED AN ACT TO TRANSFER STATE INFORMATION PROCESSING SERVICES, STATE TELECOMMUNICATIONS SERVICES, AND THE INFORMATION RESOURCE MANAGEMENT COMMISSION FROM THE STATE CONTROLLER AND CENTER FOR GEOGRAPHIC INFORMATION AND ANALYSIS (GEODETIC SURVEY), AND BOARD OF SCIENCE AND TECHNOLOGY TO ANOTHER DEPARTMENT.
Referred to Commerce Committee.

April 15, 1997
By Senators Rand, Cooper, Hoyle, Miller, Perdue, and Reeves:

S.B. 870, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF TRAFFICKING IN MARIJUANA BY CHANGING THE AMOUNT OF MARIJUANA THAT WOULD BE CONSIDERED TRAFFICKING.

Referred to Judiciary Committee.

By Senator Kerr:

S.J.R. 871, A JOINT RESOLUTION COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE CITY OF GOLDSBORO AND HONORING THE MEMORY OF MAJOR MATTHEW TILGHMAN GOLDSBOROUGH.

Referred to Rules and Operations of the Senate Committee.

By Senator Kerr:

S.B. 872, 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 Kerr:

S.B. 873, A BILL TO BE ENTITLED AN ACT TO AMEND THE STATE TAX LAWS.

Referred to Rules and Operations of the Senate Committee.

By Senator Kerr:

S.B. 874, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANDATORY ARBITRATION OF CLAIMS RELATED TO DEFECTIVE SEED.

Referred to Agriculture/Environment/Natural Resources Committee and upon favorable report, re-referred to the Finance Committee and upon favorable report, re-referred to the Appropriations Committee.

By Senators Kerr and Dalton:

S.B. 875, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES.

Referred to State Government, Local Government, and Personnel Committee and upon favorable report, re-referred to the Finance Committee.

By Senators Forrester, Cochrane, and Lucas:

S.B. 876, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO CRIMINAL BACKGROUND CHECKS REQUIRED TO BE OBTAINED BY NURSING HOMES, ADULT CARE HOMES, AND HOME CARE AGENCIES.

Referred to Children & Human Resources Committee.

By Senators Ledbetter, Allran, Ballantine, Blust, Carpenter, Cochrane, East, Forrester, Garwood, McDaniel, Page, Rucho, and Shaw of Guilford:

S.B. 877, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR SPEEDING TO ELUDE ARREST.

Referred to Judiciary Committee.
By Senators Plyler, Odom, and Perdue:

S.B. 878, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE NORTH CAROLINA HUMANITIES COUNCIL.
Referred to Appropriations Committee.

By Senator Plyler:

S.B. 879, 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 Plyler:

S.B. 880, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS OF NORTH CAROLINA.
Referred to Rules and Operations of the Senate Committee.

By Senators Winner, Forrester, Gulley, Lee, Miller, and Perdue:

S.B. 881, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO PROVIDE COVERAGE FOR CERTAIN EMERGENCY MEDICAL CARE SERVICES.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Winner, Lee, Odom, Perdue, and Plyler:

S.B. 882, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THE CLEAR PROCEEDS OF ALL CIVIL PENALTIES AND CIVIL FORFEITURES THAT ARE COLLECTED BY STATE AGENCIES BE DEPOSITED IN THE STATE CIVIL PENALTY AND FORFEITURE FUND.
Referred to Finance Committee.

By Senator Shaw of Cumberland:

S.B. 883, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE FOR LIENHOLDERS ON MANUFACTURED HOMES TO REGISTER FOR NOTIFICATION OF DELINQUENT PROPERTY TAXES ON THE HOMES AND, ONCE REGISTERED, TO BE ABLE TO REPOSSESS A HOME BY PAYING NO MORE THAN TWO YEARS' PROPERTY TAXES.
Referred to Finance Committee.

By Senators Rand, Shaw of Cumberland, Weinstein, and Lucas:

S.B. 884, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A STATE INFRASTRUCTURE BANK.
Referred to Transportation Committee.

By Senator Gulley:

S.B. 885, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAWS REGARDING THE TIME AND METHOD FOR EXECUTION.
Referred to Judiciary Committee.
On motion of Senator Basnight, seconded by Senator Ballance, the Senate adjourns at 3:10 P.M. in memory of baseball great Jackie Robinson to meet tomorrow, Wednesday, April 16, at 2:00 P.M.

**FORTY-FIFTH DAY**

Senate Chamber  
Wednesday, April 16, 1997

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:

"Most Holy God, the story is told that a famous vocalist preferred the pronoun 'we' to 'I'. Someone asked why. She replied, 'Because it is we, never just I who performs. It is we; my voice teachers past and present, the stage manager, the sound and light systems persons; and don't forget the audience and all those supporters through the years. It's always 'we.'"

"Her words serve as thoughtful prayer for we who are Senators, staff, or gallery in this place today. Remind us of the heroes of our journeys who have made and make it possible for us to be here. Remind us also of the 'we' in Your statement, 'I will never leave you nor forsake you!' Amen."

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

Senator Conder, Majority Leader, announces the Journal of yesterday, Tuesday, April 15, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

**ENROLLED BILL**

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

**S.B. 59, AN ACT TO ALLOW GATES AND ONSLOW COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF 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:
S.B. 59, AN ACT TO ALLOW GATES AND ONSLOW COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION. (Became law upon ratification, April 16, 1997 - S.L. 1997-24.)

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 Miller for the State Government, Local Government, and Personnel Committee:

**H.B. 517**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING PROCESS, with a favorable report.

S.B. 464, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN, BUT WHO CANNOT BE SERVED BY THE PUBLIC OFFICER AFTER EXERCISING REASONABLE DILIGENCE, with a favorable report.

S.B. 531, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU, with a favorable report.

S.B. 648, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF WALLACE, with a favorable report.

S.B. 656, A BILL TO BE ENTITLED AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES, with a favorable report.

*The President Pro Tempore extends courtesies of the Gallery to Thomas Jenkins, son of Senator Jenkins of Macon County.*

By Senator Lucas for the Children & Human Resources Committee:

S.B. 479, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REQUIRING THE REGISTER OF DEEDS TO DISTRIBUTE INFORMATION ON THE DANGERS OF DRUG AND ALCOHOL ABUSE DURING PREGNANCY WITH EACH MARRIAGE LICENSE, with a favorable report.
S.B. 481, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA, with a favorable report.

S.B. 483, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT PAID TO PHYSICIANS TO READ X-RAY FILMS FOR THE DUSTY TRADES PROGRAM, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee.

S.B. 583, A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS TO COMPLETE ONE HUNDRED FIFTY HOURS OF CONTINUING EDUCATION, TO REQUIRE PHYSICIANS TO REGISTER ANNUALLY WITH THE NORTH CAROLINA MEDICAL BOARD AND TO MAKE A TECHNICAL CHANGE IN THE PRACTICE OF MEDICINE ACT, with a favorable report.

H.B. 81 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE, 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 7237 is adopted and engrossed.

The President Pro Tempore extends courtesies of the Gallery to Amy Page, wife of Senator Page of Harnett County.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented out of order to the Senate, read the first time, and disposed of, as follows:

H.B. 55 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART PLATEHOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER STAR.

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

H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD.

Referred to Rules and Operations of the Senate Committee.

H.B. 227, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED
BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 283, A BILL TO BE ENTITLED AN ACT TO ALLOW PERQUIMANS COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

Referred to Finance Committee.

H.B. 411, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW RELATING TO THE GAME COMMISSION OF CURRITUCK COUNTY.

Referred to Finance Committee.

H.B. 590, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WILSON'S MILLS TO DESCRIBE THE TOWN'S BOUNDARIES.

Referred to Rules and Operations of the Senate Committee.

H.B. 603, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

Referred to Finance Committee.

Senator Lee offers a motion to suspend Rule 7 to the end that the introduction of bills is placed as the last order of business today, which motion prevails without objection.

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and ordered placed on file in the Office of the Principal Clerk with the papers of the Senate, as follows:

Executive Order Number 111, Information Technology-Related State Government Functions Transfer of Administration.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 719, A BILL TO BE ENTITLED AN ACT TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 2, as follows:


Voting in the negative: Senators Clark and Webster—2.

The bill is ordered sent to the House of Representatives.
S.B. 665, 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 PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT.

With unanimous consent, on motion of Senator Rand, the bill is taken upon out of its regular order of business, and on his further motion the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29, for consideration upon its passage.

S.B. 612 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SUBSTANTIVE CHANGES IN THE LAWS GOVERNING THE FINANCIAL OPERATIONS OF INSURANCE COMPANIES AND THE ROLE OF THE DEPARTMENT OF INSURANCE IN MONITORING THE SOLVENCY OF INSURANCE COMPANIES, as amended, upon third reading.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 1, as follows:


Voting in the negative Senator Clark—I.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

S.B. 550, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 89C OF THE GENERAL STATUTES TO PROVIDE THAT THE DESIGN OF LAND APPLICATION IRRIGATION SYSTEMS FOR ANIMAL WASTE MANAGEMENT SYSTEMS MAY BE PERFORMED BY IRRIGATION DESIGN TECHNICAL SPECIALISTS AND CONCERNING AGRICULTURAL BEST MANAGEMENT PRACTICES.

With unanimous consent, on motion of Senator Albertson, the bill is taken up out of its regular order of business, and on his further motion the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 17, for consideration upon its passage.

CONFERENCE REPORT

S.B. 38 (House Committee Substitute)

Senator Hoyle for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 38 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA, submits for adoption the following report:

April 16, 1997
To: The President of the Senate and
   The Speaker of the House of Representatives

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA, House Committee Substitute Favorable 3/20/97 (Fourth Edition), wish to report as follows:

The House and Senate agree to the following amendment to the House Committee Substitute Favorable 3/20/97 (Fourth Edition), and the Senate concurs in the House Committee Substitute as amended:

on page 1, line 6, by deleting the number “24” and substituting the number “23”; and  
on page 1, lines 19 and 20, by deleting those lines in their entirety; and  
on page 2, line 1, by deleting “(7)” and substituting “(6)”; and  
on page 2, lines 3 through 6, by rewriting those lines to read:
   “(7) Two residential consumers of electricity, one to be appointed by the President Pro Tempore of the Senate and one to be appointed by the Speaker of the House of Representatives;  
   (8) One commercial consumer of electricity to be appointed by the President Pro Tempore of the Senate;”; and  

on page 2, lines 7 through 12, by renumbering subdivisions (10) through (12) as subdivisions (9) through (11).

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 16th day of April, 1997.

S/David W. Hoyle  S/Richard T. Morgan  
S/Tony Rand  S/W. Dickson  
S/Tim Tallent  

Conferees for the Senate  Conferees for the  
   House of Representatives  

On motion of Senator Hoyle, the Conference Report is adopted (47-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

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:

April 16, 1997
By Senator Shaw of Cumberland for the Transportation Committee:

S.B. 427, A BILL TO BE ENTITLED AN ACT TO INCLUDE WOOD CHIP TRANSPORTERS IN THE LIGHT DUTY ROAD WEIGHT EXEMPTIONS, with a favorable report.

With unanimous consent, on motion of Senator Shaw of Cumberland, the bill is re-referred to the Finance Committee.

S.B. 570, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "SCENIC RIVERS" REGISTRATION PLATE WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE DEPOSITED IN THE CLEAN WATER MANAGEMENT TRUST FUND, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

S.B. 812, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SPECIAL REGISTRATION PLATES FOR SUPPORTERS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK, with a favorable report.

With unanimous consent, on motion of Senator Shaw of Cumberland, the bill is re-referred to the Finance Committee.

S.B. 884, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A STATE INFRASTRUCTURE BANK, with a favorable report.

CALENDAR (Continued)

S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT CONTRACT AND LEASE DEBTS, TO REQUIRE LOCAL GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBTS, AND TO CAP THE AMOUNT OF INSTALLMENT CONTRACT AND LEASE DEBT COUNTIES AND CITIES MAY INCUR.

With unanimous consent, on motion of Senator Winner, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, April 17, for consideration upon its passage.

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON APPROPRIATIONS BY ESTABLISHING THE PERCENTAGE RATES FOR THE INSURANCE REGULATORY CHARGE AND THE PUBLIC UTILITY REGULATORY FEE, BY CLARIFYING THE BASIS OF THE PREMIUM TAX LIABILITY ON WHICH THE INSURANCE REGULATORY CHARGE IS LEVIED, BY INCREASING COURT FEES IN CRIMINAL CASES, AND BY INCREASING THE FEES FOR FILING CERTAIN DOCUMENTS, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 6, as follows:

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Voting in the negative: Senators Ballantine, Blust, Clark, Foxx, Horton, and McDaniel—6.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 545, A BILL TO BE ENTITLED AN ACT TO MAKE A TECHNICAL CHANGE REGARDING THE DISPOSITION OF OBJECTS FROM THE COLLECTIONS OF THE MUSEUM OF NATURAL SCIENCES.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 562, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE PROCESSING FEE CHARGED FOR RETURNED CHECKS, as amended.

The bill, as amended, passes its second reading (43-4).

Senator Warren objects to the third reading of the measure. Pursuant to Rule 50, the Chair orders the measure placed on the Calendar for tomorrow, Thursday, April 17, for further consideration upon third reading.

S.B. 667, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSE OF STALKING.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 238 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE OWNERS AND OPERATORS OF ANIMAL WASTE MANAGEMENT SYSTEMS TO PARTICIPATE IN CERTAIN RESEARCH STUDIES DIRECTED BY THE GENERAL ASSEMBLY BY LIMITING ENFORCEMENT ACTIONS FOR UNINTENTIONAL AND NONNEGLIGENCE VIOLATIONS OF WATER QUALITY STANDARDS THAT ARE IDENTIFIED IN THE COURSE OF THOSE RESEARCH STUDIES AND TO CLARIFY THE REPORTING DATES FOR THOSE RESEARCH STUDIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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.

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. 59**, 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, with a favorable report.

**H.B. 488**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS, with a favorable report.

**S.B. 578**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

**S.B. 585**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, with a favorable report.

By Senator Cooper for the Judiciary Committee:

**S.B. 627**, A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXPAND THE CLASSIFICATION OF PERSONS WHO MAY OBTAIN A DOMESTIC VIOLENCE PROTECTIVE ORDER, AND TO CLARIFY THE CIRCUMSTANCES UNDER WHICH MAGISTRATES MAY ISSUE PROTECTIVE ORDERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1761 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 Jordan and Martin of Guilford:
**S.B. 886**, A BILL TO BE ENTITLED AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE AND TO PROVIDE CONSUMER PROTECTION PROVISIONS.
Referred to Transportation Committee.

By Senators Martin of Guilford, Albertson, Ballance, Cooper, Dannelly, Gulley, Hoyle, Jordan, Kinnaird, Lee, Martin of Pitt, Miller, Perdue, Phillips, Plyler, Rand, Warren, and Winner:
**S.B. 887**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEGISLATIVE RESEARCH COMMISSION STUDY TO STUDY THE WORKING POOR.
Referred to Rules and Operations of the Senate Committee.

By Senators Martin of Guilford, Blust and Shaw of Guilford:
**S.B. 888**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO BE USED BY THE UNIVERSITY OF NORTH CAROLINA AT GREENSBORO TO EQUIP THE SCHOOL OF MUSIC AND FOR CONSTRUCTION OF A NEW...
SCIENCE BUILDING.

Referred to Appropriations Committee.

By Senators Martin of Guilford and Cooper:
S.B. 889, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE AMERICAN SIGN LANGUAGE (ASL) AS THE MODERN LANGUAGE OF CHOICE FOR MANY DEAF, HARD-OF-HEARING AND HEARING NORTH CAROLINA CITIZENS.
Referred to Children & Human Resources Committee.

By Senators Reeves and Miller:
S.B. 890, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH A TEEN COURT PROGRAM IN WAKE COUNTY.
Referred to Appropriations Committee.

By Senators Dalton, Conder, Hartsell, Odom, Warren, Weinstein, and Wellons:
S.B. 891, A BILL TO BE ENTITLED AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Soles:
S.B. 892, A BILL TO BE ENTITLED AN ACT TO LIMIT THE RIGHT OF CERTAIN SHAREHOLDERS TO DISSENT FROM CORPORATE ACTIONS AND TO AMEND THE LAW GOVERNING OFFERS OF PAYMENT TO DISSENTERS.
Referred to Commerce Committee.

By Senators Weinstein, Ballance, Carpenter, Cochrane, Conder, Cooper, Dalton, Kincaid, Ledbetter, Odom, Soles, and Warren:
S.B. 893, A BILL TO BE ENTITLED AN ACT TO REGULATE CHARITABLE BINGO.
Referred to Judiciary Committee.

By Senator Lee:
S.B. 894, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND MOTOR VEHICLE FEES TO THE STATE.
Referred to Transportation Committee.

By Senators Soles, Jordan, and Ballantine:
S.B. 895, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR CAPITAL IMPROVEMENTS TO THE U.S.S. NORTH CAROLINA BATTLESHIP.
Referred to Appropriations Committee.

By Senator Rand:
S.B. 896, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PRACTICE OF LAW BY ATTORNEYS REPRESENTING CORPORATIONS.
Referred to Judiciary Committee.

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By Senators Rand, Carrington, East, Hoyle, and McDaniel:
S.B. 897, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE ELECTRONIC SURVEILLANCE LAW.
Referred to Judiciary Committee.

By Senators Warren, Albertson, Dalton, Hoyle, Martin of Pitt, McDaniel, Miller, Page, Rand, Weinstein, and Wellons:
S.B. 898, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR WORKERS' COMPENSATION FOR VOLUNTEER FIRE DEPARTMENT AND RESCUE/EMS WORKERS.
Referred to Appropriations Committee.

By Senators Warren, Albertson, Allran, Carrington, Dalton, Hoyle, Martin of Pitt, McDaniel, Miller, Rand, Weinstein, and Wellons:
S.B. 899, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA ADDICTION RESEARCH AUTHORITY.
Referred to Appropriations Committee.

By Senators Warren, Albertson, Dalton, Hoyle, Miller, Rand, Weinstein, and Wellons:
S.B. 900, A BILL TO BE ENTITLED AN ACT TO MAKE CONSISTENT AMONG GENERAL STATUTES CERTAIN REQUIREMENTS FOR ANNOUNCING OF CAPITAL IMPROVEMENT PROJECT DESIGN REQUIREMENTS.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Warren, Albertson, Carrington, Dalton, Hoyle, McDaniel, Miller, Rand, Weinstein, and Wellons:
S.B. 901, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY NORTH CAROLINA BRANCH BANKING AND ISSUES REGARDING THE DELIVERY OF BANK SERVICES.
Referred to Rules and Operations of the Senate Committee.

By Senators Rand and Basnight:
S.B. 902, A BILL TO BE ENTITLED AN ACT TO AMEND EXISTING LAW PERTAINING TO SESSIONS OF THE SUPREME COURT.
Referred to Judiciary Committee.

By Senator Hartsell:
S.B. 903, A BILL TO BE ENTITLED AN ACT TO STUDY ANNEXATION, INCORPORATION, AND LAND-USE PLANNING.
Referred to Rules and Operations of the Senate Committee.

By Senators Hoyle, Cooper, Albertson, Conder, Dalton, Dannelly, Martin of Pitt, Perdue, Rand, Warren, and Winner:
S.B. 904, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE.
Referred to Judiciary Committee.
By Senators Hoyle, Cooper, Albertson, Conder, Dalton, Dannelly, Kerr, Martin of Pitt, Perdue, Rand, Warren, and Winner:

**S.B. 905**, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE.

Referred to Judiciary Committee.

By Senators Hoyle and Forrester:

**S.B. 906**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN OPEN HEART SURGERY PROJECTS FROM CERTIFICATE OF NEED REVIEW.

Referred to Rules and Operations of the Senate Committee.

On motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns at 3:02 P.M. to meet tomorrow, Thursday, April 17, at 11:00 A.M.

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**FORTY-SIXTH DAY**

Senate Chamber
Thursday, April 17, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O Lord, When we hear or read the verse in Holy Scripture that says, ‘We can do all things through You who strengthens us’, why do we always add a personal asterisk:

  “I can’t preach like the late Dr. Martin Luther King,
  “I can’t play golf like Tiger Woods,
  “I can’t go to Calcutta and minister to the lepers like Mother Teresa?

  Yet on each day’s Calendar are introductions of bills from the Senators that tell us that they are thinkers of the possible, attempting to pass legislation that will remove some of the asterisks from other peoples’ lives.

  ‘We never know when a small deed, a little word may open up the windows of a mind that seeks the light. We never know when someone may catch a dream from us.

  “We can do all things through You who strengthens us. Amen.”

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Wednesday, April 16, has been examined and is found to be correct. On 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 Thomas Meredith from Greenville, 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 Lucas for the Children & Human Resources Committee:

S.B. 806, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CONTROL OF LEAD EXPOSURE OF CHILDREN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6649 is adopted and engrossed.

With unanimous consent, on motion of Senator Lucas, the Committee Substitute bill is re-referred to the Appropriations Committee.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 524, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT 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 2710 is adopted and engrossed.

S.B. 553, A BILL TO BE ENTITLED AN ACT ALLOWING COUNTY BOARDS OF ELECTIONS TO USE PAPER BALLOTS IN SECOND PRIMARY ELECTIONS WHERE VOTING SYSTEMS ARE USED IN THE FIRST PRIMARY ELECTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A719 is adopted and engrossed.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 677, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF ALBEMARLE, with a favorable report.

S.B. 713, A BILL TO BE ENTITLED AN ACT TO REPEAL THE AUTHORIZATION OF SUPPLEMENTAL RETIREMENT BENEFITS FOR FIREMEN IN THE CITY OF RALEIGH, with a favorable report.

By Senator Soles for the Commerce Committee:

S.B. 465, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH FISCAL POLICIES FOR ENGINEERING AND DESIGN CONTRACTS WHICH WILL PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE MAXIMUM
COMPETITION AMONG COMPETING PROFESSIONAL FIRMS, with a favorable report.

S.B. 801, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT, with a favorable report.

Senator Rand offers a motion to suspend Rule 7 to the end that the introduction of bills is placed as the last order of business today, which motion prevails without objection.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages and a special message 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. 53, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE 82ND AIRBORNE DIVISION ASSOCIATION SPECIAL REGISTRATION PLATES.

Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONSERVATION EASEMENTS PROGRAM THAT USES CONSERVATION TAX CREDITS FOR THE PROTECTION OF NATURAL RESOURCES AND THAT FURTHERS APPROPRIATE PUBLIC USE OF NATURAL RESOURCES, TO CREATE THE FACILITATION AND ASSISTANCE GRANT FUND TO SUPPORT COOPERATIVE CONSERVATION EFFORTS, AND TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Finance Committee.

H.B. 314, A BILL TO BE ENTITLED AN ACT ABOLISHING THE VACANT OFFICE OF CORONER IN ROBESON COUNTY.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 427, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTIES FOR CERTAIN ASSAULTS ON A PROBATION OFFICER, PAROLE OFFICER, OR STATE OR COUNTY CORRECTIONS EMPLOYEE.

Referred to Judiciary Committee.

H.B. 455 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA AND DIABETES.

Referred to Children & Human Resources Committee.

H.B. 527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST CONTAINMENT

April 17, 1997
THROUGH REVISION OF THE HOSPITAL PRIVILEGES LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH PEER REVIEW FOR OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE.

Referred to Judiciary Committee.

H.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE NONVESTED PENSION, RETIREMENT, AND OTHER DEFERRED COMPENSATION RIGHTS AS MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.

Referred to Judiciary Committee.

H.B. 587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

Referred to State Government, Local Government, and Personnel Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 578, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 9, as follows:


The bill is ordered placed on the Calendar for Monday, April 21, for further consideration upon third reading.

S.B. 585, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, upon second reading.

The bill passes its second reading by roll-call vote, ayes 40, noes 8, as follows:


Voting in the negative: Senators Ballantine, Clark, East, Forrester, Foxx, McDaniel, Page, and Webster—8.

The bill is ordered placed on the Calendar for Monday, April 21, for further consideration upon third reading.

April 17, 1997
S.B. 464, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN, BUT WHO CANNOT BE SERVED BY THE PUBLIC OFFICER AFTER EXERCISING REASONABLE DILIGENCE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 648, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF WALLACE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 656, A BILL TO BE ENTITLED AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

H.B. 59, 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, upon second reading.

With unanimous consent, on motion of Senator Kerr, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, April 22, for consideration upon second reading.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 240, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LIMITATION ON CERTAIN KINDS OF POLITICAL FUND-RAISING WHILE THE GENERAL ASSEMBLY IS IN REGULAR SESSION, with a favorable report.

S.B. 264, A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED LIABILITY TO EMPLOYERS WHO DISCLOSE INFORMATION ABOUT AN EMPLOYEE WHEN THE EMPLOYER IS PROVIDING A REFERENCE, with a favorable report.

S.B. 515, A BILL TO BE ENTITLED AN ACT TO REQUIRE INSURERS TO PROVIDE INFORMATION PRIOR TO LITIGATION REGARDING POLICY PROVISIONS AND POLICY LIMITS UPON WRITTEN REQUEST AND TO GIVE AN INSURER WHO PROVIDES SUCH INFORMATION THE OPTION OF INITIATING MEDIATION WITH THE PERSON WHO SOUGHT THE INFORMATION, with a favorable report.
H.B. 488, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS, upon second reading.

With unanimous consent, on motion of Senator Kerr, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 22, for consideration upon second reading.

S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT CONTRACT AND LEASE DEBTS, TO REQUIRE LOCAL GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBTS, AND TO CAP THE AMOUNT OF INSTALLMENT CONTRACT AND LEASE DEBT COUNTIES AND CITIES MAY INCUR.

With unanimous consent, on motion of Senator Winner, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 24, for consideration upon its passage.

S.B. 479, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REQUIRING THE REGISTER OF DEEDS TO DISTRIBUTE INFORMATION ON THE DANGERS OF DRUG AND ALCOHOL ABUSE DURING PREGNANCY WITH EACH MARRIAGE LICENSE.

The bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives.

S.B. 481, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA.

On motion of Senator Rand, the President orders, without objection, the bill temporarily displaced.

S.B. 531, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU.

Senator Martin of Pitt offers Amendment No. 1 which is adopted (48-0).

The bill, as amended, passes its second reading (49-0).

Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 21, for further consideration upon third reading.

S.B. 550, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 89C OF THE GENERAL STATUTES TO PROVIDE THAT THE DESIGN OF LAND APPLICATION IRRIGATION SYSTEMS FOR ANIMAL WASTE MANAGEMENT SYSTEMS MAY BE PERFORMED BY IRRIGATION DESIGN TECHNICAL
SPECIALISTS AND CONCERNING AGRICULTURAL BEST MANAGEMENT PRACTICES.

Senator Reeves offers Amendment No. 1 which is adopted (47-1).

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. 481, A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA, temporarily displaced earlier.

With unanimous consent, on motion of Senator Lucas, the bill is withdrawn from today’s Calendar and is recommitted to the Children & Human Resources Committee.

S.B. 550, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 89C OF THE GENERAL STATUTES TO PROVIDE THAT THE DESIGN OF LAND APPLICATION IRRIGATION SYSTEMS FOR ANIMAL WASTE MANAGEMENT SYSTEMS MAY BE PERFORMED BY IRRIGATION DESIGN TECHNICAL SPECIALISTS AND CONCERNING AGRICULTURAL BEST MANAGEMENT PRACTICES, previously ordered engrossed and sent to the House of Representatives.

With unanimous consent, on motion of Senator Albertson, the Chair orders the bill, as amended, sent to the House of Representatives by special messenger, without engrossment.

S.B. 583, A BILL TO BE ENTITLED AN ACT TO REQUIRE PHYSICIANS TO COMPLETE ONE HUNDRED FIFTY HOURS OF CONTINUING EDUCATION, TO REQUIRE PHYSICIANS TO REGISTER ANNUALLY WITH THE NORTH CAROLINA MEDICAL BOARD AND TO MAKE A TECHNICAL CHANGE IN THE PRACTICE OF MEDICINE ACT.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXPAND THE CLASSIFICATION OF PERSONS WHO MAY OBTAIN A DOMESTIC VIOLENCE PROTECTIVE ORDER, AND TO CLARIFY THE CIRCUMSTANCES UNDER WHICH MAGISTRATES MAY ISSUE PROTECTIVE ORDERS.

The Committee Substitute bill passes its second reading (41-9).

Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 21, for further consideration upon third reading.

S.B. 884, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A STATE INFRASTRUCTURE BANK.

The bill passes its second (42-8) and third readings and is ordered sent to the House of Representatives.

H.B. 81 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF

April 17, 1997
NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE.

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. 517 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING PROCESS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 550, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 89C OF THE GENERAL STATUTES TO PROVIDE THAT THE DESIGN OF LAND APPLICATION IRRIGATION SYSTEMS FOR ANIMAL WASTE MANAGEMENT SYSTEMS MAY BE PERFORMED BY IRRIGATION DESIGN TECHNICAL SPECIALISTS AND CONCERNING AGRICULTURAL BEST MANAGEMENT PRACTICES, previously ordered sent to the House by special messenger, without engrossment.

Senator Albertson withdraws his motion that the bill, as amended, be sent to the House of Representatives by special messenger, without engrossment.

The Chair orders the bill, as amended, engrossed and sent to the House of Representatives.

S.B. 562, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT OF THE PROCESSING FEE CHARGED FOR RETURNED CHECKS, as amended, upon third reading.

The bill, as amended, passes its third reading (47-2) and, having been previously engrossed, 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 Lee for the Education/Higher Education Committee:

S.B. 668, A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR 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 4580 is adopted and engrossed.

With unanimous consent, on motion of Senator Lee, the Committee Substitute bill is re-referred to the Appropriations Committee.

April 17, 1997
By Senator Kerr for the Finance Committee:

S.B. 253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF TELEPHONIC SELLERS IN NORTH CAROLINA, AND TO MAKE THE OFFERING OF TELEPHONE SALES RECOVERY SERVICES A CRIMINAL OFFENSE, as written by the Commerce Committee, with a favorable report.

Upon the recommendation of the Commerce Committee, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE, with a favorable report.

S.B. 441, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT ALLOCATED TO SHERIFFS FROM THE FEES CHARGED FOR CONCEALED HANDGUN APPLICATIONS AND RENEWALS, with a favorable report.

With unanimous consent, on motion of Senator Kerr, the bill is re-referred to the Appropriations Committee.

S.B. 615, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF KERNERSVILLE TO LEVY A MOTOR VEHICLE TAX OF UP TO TEN DOLLARS, with a favorable report.

S.B. 232, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION 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 2705 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Appropriations Committee.

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, 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 7246, which changes the title, upon concurrence, to read H.B. 57 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS, is adopted and engrossed.

April 17, 1997
By Senator Cooper for the Judiciary Committee:

S.B. 132, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE’S AND CHILDREN’S YEAR’S ALLOWANCE FROM A DECEDEMT’S ESTATE, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

INTRODUCTION OF BILLS

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

By Senators Ledbetter, Carpenter, and Clark:
S.B. 907, A BILL TO BE ENTITLED AN ACT TO ALLOW EXPANSION OF METROPOLITAN SEWERAGE DISTRICTS, TO PROTECT PERSONNEL RECORDS OF EMPLOYEES OF THOSE DISTRICTS, AND TO EXTEND TO ALL LOCAL GOVERNMENT PROTECTION OF GEOGRAPHIC INFORMATION SYSTEMS.
Referred to Judiciary Committee.

By Senator Garwood:
S.B. 908, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO ASSIST APPALACHIAN STATE UNIVERSITY IN OBSERVING ITS CENTENNIAL ANNIVERSARY.
Referred to Appropriations Committee.

By Senators Dalton, Albertson, Carpenter, Clark, Garwood, Hartsell, Jenkins, Phillips, Rand, Reeves, Rucho, Shaw of Guilford, Warren, and Weinstein:
S.B. 909, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN ENHANCED PENALTY FOR CERTAIN OFFENSES IF THE DEFENDANT POSSESSED OR TOOK A DANGEROUS WEAPON DURING THE OFFENSE.
Referred to Judiciary Committee.

By Senators Dalton, Kerr, Clark, Warren, and Weinstein:
S.B. 910, A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS.
Referred to Judiciary Committee.

By Senators Dalton, Albertson, Ballance, Ballantine, Carpenter, Clark, Cochrane, Conder, Cooper, Dannelly, East, Foxx, Garwood, Hartsell, Hoyle, Jenkins, Kerr, Lucas, Martin of Guilford, McDaniel, Miller, Odom, Page, Phillips, Rand, Reeves, Rucho, Shaw of Cumberland, Soles, Warren, Weinstein, and Wellons:
S.B. 911, A BILL TO BE ENTITLED AN ACT TO MAINTAIN NORTH CAROLINA'S OUTSTANDING COMMUNITY COLLEGE SYSTEM.
Referred to Appropriations Committee.

April 17, 1997
By Senator Perdue:
S.B. 912, A BILL TO BE ENTITLED AN ACT RELATING TO ENVIRONMENTAL ISSUES AND CONCERNS IN NORTH CAROLINA AND TO APPROPRIATE FUNDS TO IMPLEMENT THIS ACT.
Referred to Rules and Operations of the Senate Committee.

By Senators Gulley, Shaw of Cumberland, Ballance, Cooper, Dannelly, Horton, Hoyle, Jordan, Kinnaird, Ledbetter, Lucas, Miller, Odom, Phillips, Reeves, Rucho, Weinstein, Wellons, and Winner:
S.B. 913, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SUPPLEMENTAL SOURCES OF REVENUE FOR LOCAL GOVERNMENT TRANSIT FINANCING.
Referred to Finance Committee.

By Senators Kerr, Cooper, and Hoyle:
S.B. 914, A BILL TO BE ENTITLED AN ACT TO REVISE THE REIMBURSEMENT METHODOLOGY FOR HOSPITAL CHARGES UNDER WORKERS' COMPENSATION.
Referred to Commerce Committee.

By Senators Kerr and Hoyle:
S.B. 915, A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO ARE ENTITLED TO REFUNDS.
Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Kerr:
S.B. 916, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART.
Referred to Finance Committee.

By Senators Phillips, Ballance, Cochrane, Garwood, Hartsell, Hoyle, Jenkins, Kinnaird, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Rand, Rucho, Shaw of Cumberland, and Warren:
S.B. 917, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CULTURAL RESOURCES FOR THE NORTH CAROLINA TRANSPORTATION MUSEUM LOCATED IN SPENCER.
Referred to Appropriations Committee.

S.B. 918, A BILL TO BE ENTITLED AN ACT TO AMEND THE DUTY OF PERSONS WHO DISCHARGE OIL OR ANY HAZARDOUS SUBSTANCE TO REPORT THE DISCHARGE TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.
Referred to Agriculture/Environment/Natural Resources Committee.

April 17, 1997
By Senators Odom, Rucho, and Winner:

S.B. 919, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCONTINUATION OF TELECOMMUNICATIONS SERVICE USED FOR UNLAWFUL PURPOSE.
Referred to Commerce Committee.

By Senator Odom:

S.B. 920, A BILL TO BE ENTITLED AN ACT TO REQUIRE A MANDATORY TWENTY-FOUR-MONTH ENHANCED SENTENCE FOR USE OF A FIREARM IN CLASS F THROUGH I FELONIES.
Referred to Judiciary Committee.

By Senator Odom:

S.B. 921, A BILL TO BE ENTITLED AN ACT TO EXEMPT CONTINUING CARE FACILITIES THAT PROVIDE HUMANE AND PHILANTHROPIC CARE TO THE ELDERLY FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SOLICITATIONS ACT.
Referred to Finance Committee.

By Senators Odom and Winner:

S.B. 922, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A JUDGE RATHER THAN A JURY SHALL DETERMINE WHETHER A PERSON IS AN HABITUAL FELON OR A VIOLENT HABITUAL FELON.
Referred to Judiciary Committee.

By Senators Odom, Allran, Carpenter, and Foxx:

S.B. 923, A BILL TO BE ENTITLED AN ACT TO CREATE LIENS FOR FEES TO BE PAID TO COMMERCIAL REAL ESTATE BROKERS.
Referred to Judiciary Committee.

By Senator Odom:

S.B. 924, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES.
Referred to Children & Human Resources Committee.

By Senators Shaw of Cumberland and Rand:

S.B. 925, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN MEMBERS OF THE MILITARY ARE CLASSIFIED AS NORTH CAROLINA RESIDENTS AND SO QUALIFY TO PAY IN-STATE TUITION AT STATE INSTITUTIONS OF HIGHER EDUCATION.
Referred to Finance Committee.

By Senator Cooper:

S.B. 926, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TRUST FUND TO PROVIDE FUNDING FOR THE EARLY CHILDHOOD INITIATIVES PROGRAM.
Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

April 17, 1997
By Senator Cooper:

S.B. 927, A BILL TO BE ENTITLED AN ACT TO ESTABLISH NORTH CAROLINIANS FOR POSITIVE CAMPAIGNS AND MAKE RELATED CHANGES.

Referred to Judiciary Committee and upon a favorable report, re-referred to the Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Jenkins:

S.B. 928, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO EXPAND AND UPGRADE THE COMMUNITY LINK PROGRAM TO PROVIDE ADDITIONAL EDUCATIONAL SERVICES TO WESTERN NORTH CAROLINA.

Referred to Appropriations Committee.

By Senator Cooper:

S.B. 929, A BILL TO BE ENTITLED AN ACT TO ENHANCE AND IMPROVE CHILD CARE IN NORTH CAROLINA.

Referred to Children & Human Resources Committee.

By Senator Martin of Pitt:

S.B. 930, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE MUTUAL BURIAL ASSOCIATION COMMISSION AND TO TRANSFER ITS DUTIES TO THE BOARD OF MORTUARY SCIENCE.

Referred to Commerce Committee.

By Senator Dalton:

S.B. 931, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR EXTENDED TRUCK LOADS.

Referred to Transportation Committee.

By Senator Perdue:

S.B. 932, A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS IN THE OPERATIONS OF HEALTH MAINTENANCE ORGANIZATIONS IN NORTH CAROLINA.

Referred to Commerce Committee.

By Senator Perdue:

S.B. 933, A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR COVERAGE AND PROVIDER NETWORKS UNDER HEALTH INSURANCE POLICIES AND MANAGED CARE PLANS.

Referred to Commerce Committee.

By Senator Perdue:

S.B. 934, A BILL TO BE ENTITLED AN ACT TO REWRITE AND MODERNIZE THE LAWS ON PREFERRED HEALTH CARE PROVIDERS, PREFERRED PROVIDER ORGANIZATIONS, AND PREFERRED PROVIDER BENEFIT PLANS.

Referred to Commerce Committee.

By Senator Perdue:

S.B. 935, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES AND RIGHTS FOR MANAGED CARE PLAN MEMBERS IN UTILIZATION
REVIEW DECISIONS AND GRIEVANCES AGAINST MANAGED CARE ORGANIZATIONS.

Referred to Judiciary Committee.

By Senators Warren, Conder, Jordan, and Rand:

S.B. 936, A BILL TO BE ENTITLED AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS.

Referred to State Government, Local Government, and Personnel Committee.

By Senators Warren, Conder, and Jordan:

S.B. 937, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MISSION OF THE RESIDENTIAL SUMMER PROGRAMS AT WESTERN CAROLINA UNIVERSITY AND AT EAST CAROLINA UNIVERSITY SO THEY MAY SERVE ACADEMICALLY GIFTED STUDENTS.

Referred to Education/Higher Education Committee.

By Senators Jordan, Albertson, Conder, Hoyle, Lucas, Plyler, Rand, Reeves, Soles, Warren, and Weinstein:

S.B. 938, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR CONSTRUCTION EMPLOYERS WHO PROVIDE CRAFTWORKER TRAINING TO EMPLOYEES AND WHO HIRE WELFARE RECIPIENTS.

Referred to Finance Committee.

By Senators Warren, Conder, and Jordan:

S.B. 939, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE EASTERN AREA HEALTH EDUCATION CENTER TO EQUIP ITS NEW VIDEO CONFERENCE CENTER.

Referred to Appropriations Committee.

By Senator Odom:

S.B. 940, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INVESTMENTS BY LOCAL GOVERNMENTS IN FUNDING AGREEMENTS.

Referred to Finance Committee.

By Senator Rand:

S.B. 941, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ABOLISH THE OFFICE OF SECRETARY OF STATE AND ASSIGN MOST OF ITS DUTIES ON THE LIEUTENANT GOVERNOR.

Referred to State Government, Local Government, and Personnel Committee.

By Senator Rand:

S.B. 942, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AGE OF HONORARY BARBER LICENSEES FROM SEVENTY TO EIGHTY YEARS OF AGE.

Referred to Finance Committee.

By Senators Rand, Cooper, and Perdue:

S.B. 943, A BILL TO BE ENTITLED AN ACT TO ENACT THE MEDICAL
ASSISTANCE PROVIDER FALSE CLAIMS ACT.
Referred to Judiciary Committee.

By Senator Rand:
S.B. 944, A BILL TO BE ENTITLED AN ACT TO MAKE EMPLOYEES OF THE NORTH CAROLINA BOARD OF BARBER EXAMINERS MEMBERS OF THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.
Referred to Pensions & Retirement and Insurance Committee.

By Senators Rand, Ballantine, Cooper, and Forrester:
S.B. 945, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PRESCRIBER'S AND THE PATIENT'S CONSENT FOR INTERCHANGE OF A LIMITED CLASS OF DRUGS.
Referred to Commerce Committee.

By Senators Cochrane, Allran, Carrington, Clark, Cooper, Dannelly, East, Forrester, Foxx, Hartsell, Hoyle, Lucas, and Martin of Pitt:  
S.B. 946, A BILL TO BE ENTITLED AN ACT TO IMPROVE CHILD PROTECTION BY REQUIRING BETTER DISCLOSURE OF CHILD FATALITY RECORDS.
Referred to Children & Human Resources Committee.

By Senators Cochrane, Clark, Conder, East, Foxx, Horton, Jordan, Kincaid, Rand, Soles, and Webster:
S.B. 947, A BILL TO BE ENTITLED AN ACT TO MODIFY THE BURDEN OF PROOF THAT MUST BE SATISFIED TO OBTAIN AN INTERBASIN TRANSFER PERMIT, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ISSUE SPECIAL ORDERS FOR INTERBASIN TRANSFER VIOLATIONS, AND TO LIMIT THE TOTAL AMOUNT OF WATER THAT MAY BE TRANSFERRED OUT OF ANY RIVER BASIN.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senator Gulley:
S.B. 948, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MULTIPLE COMMISSIONING OF CAMPUS POLICE OFFICERS AND TO PROVIDE THAT THE PENALTIES FOR ASSAULT UPON LAW ENFORCEMENT OFFICERS APPLY TO ASSAULTS UPON CAMPUS POLICE OFFICERS.
Referred to Judiciary Committee.

By Senator Gulley:
S.B. 949, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ADOPTION OF AN ERGONOMICS STANDARD BY THE NORTH CAROLINA LABOR COMMISSIONER.
Referred to Appropriations Committee.

By Senator Gulley:
S.B. 950, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR JUVENILE COURT HEARING OFFICERS IN ABUSE, NEGLECT, AND DEPENDENCY CASES.
Referred to Judiciary Committee.

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By Senator Gulley:
S.B. 951, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE ABSENTEE VOTING LAWS TO SIMPLIFY THE PROCESS FOR VOTERS AND BOARDS OF ELECTIONS WHILE MAINTAINING SECURITY AGAINST FRAUD.
Referred to Judiciary Committee.

By Senators Gulley and Miller:
S.B. 952, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A TWENTY THOUSAND DOLLAR PER ELECTION CYCLE LIMIT ON ALL CONTRIBUTIONS THAT MAY BE MADE BY AN INDIVIDUAL CONTRIBUTOR.
Referred to Judiciary Committee.

By Senators Webster and Cooper:
S.B. 953, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME CORPORATIONS MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION.
Referred to Commerce Committee.

By Senators Webster and Kerr:
S.B. 954, A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF AGRICULTURE TO DEVELOP A PLAN FOR ESTABLISHING A REGISTRY OF ALL EXOTIC ANIMALS HOUSED IN THE STATE.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Hoyle and McDaniel:
S.B. 955, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO THE NORTH CAROLINA TRIAD BASEBALL PARK DISTRICT AUTHORITY UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE.
Referred to Rules and Operations of the Senate Committee.

By Senators Hoyle, Cooper, and Odom:
S.B. 956, A BILL TO BE ENTITLED AN ACT TO STIMULATE A SUBSTANTIAL INCREASE IN VENTURE CAPITAL INVESTMENTS IN NORTH CAROLINA BY ALLOWING AN INSURANCE PREMIUMS TAX CREDIT FOR THESE INVESTMENTS.
Referred to Rules and Operations of the Senate Committee.

By Senator Hoyle:
S.B. 957, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PERFORMANCE OF ENVIRONMENTAL AUDITS BY PROVIDING A LIMITED PRIVILEGE AGAINST THE DISCLOSURE OF AN ENVIRONMENTAL AUDIT REPORT AND TO GRANT EXEMPTIONS FROM CIVIL PENALTIES TO A PERSON OR OTHER ENTITY THAT VOLUNTARILY DISCLOSES A VIOLATION OF AN ENVIRONMENTAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Judiciary Committee.
By Senators Hartsell, Lucas, and Winner:

**S.B. 958**, A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION.
Referred to Education/Higher Education Committee.

By Senator Hartsell:

**S.B. 959**, A BILL TO BE ENTITLED AN ACT TO EXEMPT MODULAR CONSTRUCTION CERTIFYING AGENCIES FROM CHAPTER 89C OF THE GENERAL STATUTES WHILE PRACTICING EXCLUSIVELY AS CERTIFYING AGENCIES.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Hartsell:

**S.B. 960**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO REDUCE THE ADULT-STUDENT RATIO IN KINDERGARTEN THROUGH THIRD GRADE.
Referred to Appropriations Committee.

By Senators Allran, Carpenter, Cooper, Forrester, Martin of Guilford, and Winner:

**S.B. 961**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE USE OF CERTAIN SAFETY EQUIPMENT BY CHILDREN WHEN THEY ARE BICYCLE OPERATORS OR PASSENGERS.
Referred to Judiciary Committee.

By Senator Martin of Guilford:

**S.B. 962**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW TO PROVIDE FOR VOLUNTARY COMMITMENT OF MOTHERS WHO ARE SUBSTANCE ABUSERS AND THEIR CHILDREN UNDER AGE THREE.
Referred to Children & Human Resources Committee.

By Senator Martin of Guilford:

**S.B. 963**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES, DIVISION OF YOUTH SERVICES, FOR PILOT PROGRAMS TO ESTABLISH SUBSTANCE ABUSE PROGRAMS FOR ADOLESCENTS.
Referred to Appropriations Committee.

By Senator Miller:

**S.B. 964**, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE LICENSING OF CERTAIN SUBSIDIARIES OF INSURERS OWNED OR CONTROLLED BY FOREIGN GOVERNMENTS.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Miller:

**S.B. 965**, A BILL TO BE ENTITLED AN ACT TO REPEAL POLICY FORM FILING FEES AND HEALTH MAINTENANCE ORGANIZATION ANNUAL

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REPORT FEES AND TO INCREASE CERTAIN RENEWAL FEES COLLECTED BY THE DEPARTMENT OF INSURANCE.
Referred to Finance Committee.

By Senator Miller:
S.B. 966, A BILL TO BE ENTITLED AN ACT TO MAKE NO DAMAGE FOR DELAY CLAUSES IN PUBLIC CONTRACTS UNENFORCEABLE.
Referred to Commerce Committee.

By Senators Ledbetter, Ballantine, Blust, Carpenter, Carrington, Clark, East, Forrester, Foxx, Garwood, Horton, Jenkins, McDaniel, Page, Shaw of Guilford, Webster, and Weinstein:
S.B. 967, A BILL TO BE ENTITLED AN ACT TO PERMIT LANDOWNERS TO BUILD CERTAIN STRUCTURES ON THEIR LAND WITHOUT HAVING TO EMPLOY A GENERAL CONTRACTOR.
Referred to Rules and Operations of the Senate Committee.

By Senators East, Albertson, Carrington, Cochrane, Forrester, Garwood, and Page:
S.B. 968, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ENHANCE RABIES TESTING AT THE STATE LABORATORY OF PUBLIC HEALTH.
Referred to Appropriations Committee.

On motion of Senator Basnight, seconded by Senator Carpenter, the Senate adjourns at 12:41 P.M. to meet Monday, April 21, at 7:00 P.M.

FORTY-SEVENTH DAY

Senate Chamber
Monday, April 21, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Almighty God, in the aftermath of the bombing of the Murrah Federal Building in Oklahoma City two years ago, Dr. Gene Garrison, Pastor of the First Baptist Church, said people and families devastated by the horrible event were forced to deal with the paradox that You are all knowing and powerful, O God, while at the same time all loving.

"He concluded that many of the people with whom he counseled, were in danger of giving up their faith in Your being all powerful in order to maintain their faith that You are all loving!

"To walk the road of love and power as it impacts justice is not easy on the feet, and yet the men and women of the Senate are asked to do so almost every day.

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“On all the bills that they consider this week, help them to discern the delicate balance between the issues of love and justice. Empower them with Your presence and sustain them with Your love. Amen.”

With unanimous consent, the President grants leaves of absences for tonight to Senator Hartsell to attend a County Commissioner's meeting, to Senator Martin of Pitt, to Senator Soles, to Senator Webster due to business, and to Senators Weinstein and Winner due to religious holiday.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, April 17, has been examined and is found to be correct. On 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 F. Perry from Wilmington, who is serving the Senate as Doctor of the Day.

Senator Rand offers a motion to suspend Rule 7 to the end that the Introduction of Bills and a Resolution is placed as the last order of business tonight, which motion prevails.

COMMITTEE REFERRAL RECALL

S.B. 672, A BILL TO BE ENTITLED AN ACT REGARDING MECKLENBURG COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, referred to the Rules and Operations of the Senate Committee on April 2.

Pursuant to Rule 47(a), Senator Rand offers a motion the bill be withdrawn from the Rules and Operations of the Senate Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

CALENDAR

S.B. 585, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, on tonight’s Calendar, upon third reading.

With unanimous consent, on motion of Senator Dalton, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, April 22, for consideration upon third reading.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 517, AN ACT TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER
PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING PROCESS.

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. 199, AN ACT TO ALLOW TOWN MANAGERS OF SMALL TOWNS TO HOLD CONCURRENTLY APPOINITIVE AND MUNICIPAL ELECTIVE OFFICES UNDER CERTAIN CIRCUMSTANCES. (Became law upon approval of the Governor, April 17, 1997 - S.L. 1997-25.)

H.B. 95, AN ACT TO ESTABLISH A THREE-YEAR CYCLE FOR BUILDING CODE AMENDMENTS BEGINNING IN 1999 AND TO MAKE RELATED CHANGES CONCERNING THE ADMINISTRATION AND ENFORCEMENT OF THE STATE BUILDING CODE. (Became law upon approval of the Governor, April 17, 1997 - S.L. 1997-26.)

S.B. 126, AN ACT TO REQUIRE THAT AN APPLICANT FOR A PERMIT UNDER THE STATUTES GOVERNING SOLID WASTE MANAGEMENT BE FINANCIALLY QUALIFIED AND DEMONSTRATE SUBSTANTIAL COMPLIANCE WITH ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, April 17, 1997 - S.L. 1997-27.)

S.B. 150, AN ACT TO REDUCE THE FREQUENCY OF THE REPORT ON THE INACTIVE HAZARDOUS SUBSTANCE RESPONSE ACT OF 1987 FROM ANNUALLY TO EVERY TWO YEARS AND TO CLARIFY THE PUBLIC COMMENT PERIOD ON REMEDIAL ACTION PLANS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, April 17, 1997 - S.L. 1997-28.)

S.B. 260, AN ACT TO MODIFY THE PENALTY SCHEDULE FOR VIOLATIONS OF THE VEHICLE EMISSION INSPECTION PROGRAM, TO CLARIFY THE PROCEDURE FOR IMPOSING THE PENALTIES, AND TO MAKE OTHER CHANGES TO THE VEHICLE EMISSION INSPECTION LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, April 17, 1997 - S.L. 1997-29.)

H.B. 189, AN ACT TO AMEND THE NORTH CAROLINA DRINKING WATER ACT SO THAT IT CONFORMS WITH FEDERAL LAW, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, April 17, 1997 - S.L. 1997-30.)

S.B. 140, AN ACT TO ADD TWO MEMBERS TO THE ENVIRONMENTAL REVIEW COMMISSION, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, April 17, 1997 - S.L. 1997-31.)

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MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages and a special message received in the Office of the Principal Clerk from the House of Representatives transmitting bills are presented out of order to the Senate, read the first time, and disposed of, as follows:

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE FELONY OFFENSE OF DOG FIGHTING AND BAITING.
Referred to Judiciary Committee.

H.B. 391, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL RETIRED HIGH POINT FIREMEN TO RECEIVE PENSION BENEFITS.
Referred to Pensions & Retirement and Insurance Committee.

H.B. 533 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD "DIVISIBLE PROPERTY" AS A CATEGORY OF PROPERTY SUBJECT TO EQUITABLE DISTRIBUTION, TO CREATE A REBUTTABLE PRESUMPTION THAT AN IN KIND DISTRIBUTION OF PROPERTY IS EQUITABLE, TO ENCOURAGE INTERIM DISTRIBUTION OF PROPERTY OR DEBT, AND TO ALLOW CERTAIN EVIDENCE OF THE VALUE OF MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.
Referred to Judiciary Committee.

H.B. 628 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT ALL INSTITUTIONS OF HIGHER EDUCATION THAT RECEIVE STATE FUNDS AND THEIR LAW SCHOOLS ALLOW MILITARY RECRUITING ON CAMPUS.
Referred to Education/Higher Education Committee.

H.B. 637, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED TERMS FOR THE TOWN OF BROADWAY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 712, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT ORDINANCES RELATING TO THE PARKING OR STANDING OF MOTOR VEHICLES NEAR FIRE HYDRANTS AND FIRE STATIONS AND IN FIRE LANES.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 786, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 845, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN GASTON COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

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H.B. 852 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INFORMATION IN THE STOKES COUNTY 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION.

Referred to State Government, Local Government, and Personnel Committee.

H.J.R. 683 (Committee Substitute), A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Senator Rand offers a motion that the rules be suspended to the end and that the joint resolution be placed on tonight’s Calendar in its regular order of business. Senator Shaw of Cumberland offers a substitute motion that the rules be suspended to the end and that the joint resolution be placed for immediate consideration, which motion prevails.

With unanimous consent, on motion of Senator Shaw of Cumberland, the joint resolution is read in its entirety.

With unanimous consent, on motion of Senator Basnight, the remarks offered memorializing the life and memory of Dr. Joy Joseph Johnson, former member of the General Assembly, are spread upon the Journal, as follows:

Senator Shaw of Cumberland:

“Thank you Mr. President. I would like to make a few points of personal privilege. We have the family with us this evening, many of the followers of his congregation. I did not know Reverend Johnson, Representative Joy Johnson, as many of you did. I didn’t have the pleasure of serving in the Honorable House of the General Assembly, but I knew him from another perspective. I knew him as a man in the community, a fighter, a dreamer, a visionary, someone who wouldn’t sell out, a warrior. I think this man lived up to every imaginable goal that one could aspire to and for this I’m delighted that the North Carolina General Assembly has deemed so fitting that they should pass this resolution without reservation. God bless you. Thank you.”

Senator Horton:

“I did have the pleasure of serving with Joy Johnson back in the General Assembly and some years ago. I recall him most of all as a person of equanimity, a person who was a friend to everyone, who loved his fellow man, who loved his State, and served it well, not only the people he represented, but all of us. He was a person who represented, yes, his constituents; yes, his race; yes, all of us in a way that was so special that everyone in the General Assembly was fond of him, knew him, called him Joy. And he was a joy to us all.”

Senator Rand:

“Mr. President, it’s hard to really do a lot of politicking in southeastern North Carolina without having known Joy Johnson and his family. He was a wonderful man who cared deeply about our section of the State, and who cared deeply about the political life of Robeson County in all that went on there. He was certainly a loving husband, a devoted father, and a doting grandfather. He leaves a wonderful family behind that represents him well, Mr. President. His work with the General Baptist State Convention, his work with his religious brethren will long be remembered by everyone who knew him and his contributions to his church were many and varied. He was a joy. He will
certainly be missed by all of us in southeastern North Carolina, but his legacy will long be remembered. Thank you."

Senator Ballance:

"Thank you, Mr. President. In 1971 when Joy Johnson came to these Halls of the North Carolina General Assembly, there were not many African-American members present. Senator Rand, I was back in Warren County trying to practice a little law, some of them ten cent cases, Aaron Plyler. But I heard about Joy Johnson, and I heard about him as a man of the community. And I can recall stories that were told by H. M. 'Mickey' Michaux who served with him here in the House, and our present Justice, I call him Chief Justice, Henry Frye of the North Carolina Supreme Court, who served during that era. And in a sense these gentlemen paved the way for many of us, Senator Lucas, who have been privileged to come along and serve since that time. And as I said, there are some people who cast a long shadow. Joy Johnson was such a person. And later, in later years I got an opportunity to meet him at various civic and social gatherings, and had the privilege early in 1992 to go down to the church, First Baptist Church in Fairmont, and guess what he did down there. He had an event honoring a person who was from another section of the State, Congresswoman Eva Clayton. She was not the Congresswoman then, but she was aspiring to be the Congressperson from the First District. And Joy Johnson reached all the way out over in Warren County, embraced Eva Clayton, and I had the privilege to go down to First Baptist Church and it was an overwhelming audience. And wherever Joy Johnson went, he brought love and joy as was his name, and a deep sense of respect and commitment. And so, Mr. President, Senator Basnight, it is with great pride that I stand here this evening with an opportunity. And my mind goes back, and I don't want to talk long, but somehow I want to connect him to George White who you've heard me say on the floor before, at the turn of the century, Joy Johnson was sort of the first, and George White was the last in 1901 when he stood up in the Halls of Congress and made his valedictorian speech, and said 'Yes, I leave these Halls today, but finny flack we shall rise and come again.' And I guess that's the reason that Joy was interested in reaching out and helping Eva Clayton because he knew about George White. Thank you very much."

Senator Garwood:

"Ladies and gentlemen of the Senate, this is the first time I've been on the floor except to acknowledge your kindness on the death of my sister-in-law. But I served with Joy Johnson on The University of North Carolina Board of Governors. He was a small man of stature, but a giant in the contributions he made to this State, and I mean to all the people of this State. And it's a pleasure for me to rise in acknowledgment of that and in support of this resolution at this time. Thank you very much."

Senator Lee:

"Thank you Mr. President, Members of the Senate. Early in my administration as Mayor of Chapel Hill, I received a call from this person from southeastern North Carolina asking me to come speak at his church. I'd never met him, didn't know him, and was really surprised that he knew me. But he was a persuasive man who convinced me that it would be in my best interest to come and speak at his church. That's how Joy would always present things. They were in your best interest. I went there, spoke at his church, warmly received by his wife. We had a wonderful time and from that moment a long and
enduring friendship developed. Joy and I maintained contact frequently and spoke as we often could. When life ends on this earth we leave behind one symbol by which future generations can remember us. And that's the tombstone which bears the marking of what our lives were all about: the name of the person who is buried; the date the person was born; and the date the person died. Between those two dates is a line. That line represents the kind of life the person lived. And those words cannot be written there, but in our hearts and in our minds is the story of what that person meant, contributed, and it's through us that their lives continue on after death. Joy Johnson's contributions were such and he touched so many people that he will live on into infamy. I'm glad I could claim him among my friends."

Senator Basnight:

"Thank you Mr. President and Members of the Senate. This is in the form of a motion. I did not know Joy Johnson, but from the words that have been spoken in our Chamber today, tonight, it is very obvious that he was a man that was greatly respected by all who knew him and crossed his path through the joys of our life that we all experience. So I now move that those spoken words be spread upon the pages of the Journal of the Senate."

Lieutenant Governor Wicker:

"I met Joy Johnson when I was a college intern in the Legislature in 1973. And I watched him a great deal because he was a man of action, and such a man of compassion when he would speak on the House floor. And he impressed me a great deal about public service, and was really an inspiration with respect to the calling of public service. And I'll never forget that he came up to me at the end of that Session and he said, 'Young man, I've been watching you, and you have been very impressive to me.' As if he could read my mind about him. I would say that later on in life as I got to know Joy Johnson even more, it was clear to me that he was a man of impeccable integrity and character, and how deeply he loved this State and his family. And what a tribute it is to hear the remarks that I have heard tonight on the floor of this Senate. I know that if he were here, he would enjoy hearing them, but he also would say it was why he was put here. I want to join all of you tonight in saying that this was a great North Carolinian and it is with a great sense of pride that I ask you to support this resolution. Truly, another great North Carolinian has passed on, but his legacy will be etched in the minds and the hearts of many North Carolinians who knew him."

The joint resolution passes its second reading (43-0) and third reading, unanimously with Members standing, and is ordered enrolled.

The President extends courtesies of the Gallery to the family and friends of Dr. Joy Joseph Johnson.

**CALENDAR (Continued)**

**S.B. 578, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, on tonight's Calendar, upon third reading.**

With unanimous consent, the bill is taken up out of its regular order of business.

The bill passes its third reading by roll-call vote, ayes 36, noes 7, as follows:

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Voting in the negative: Senators Ballantine, Clark, Cochrane, East, Forrester, McDaniel, and Page—7.

The bill is ordered sent to the House of Representatives.

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 Jenkins for the Pensions & Retirement and Insurance Committee:


By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 210, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF CORRECTION MAY DEDUCT FUNDS FROM AN INMATE'S ACCOUNT TO REPAY COSTS RESULTING FROM INMATE MISCONDUCT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4579 is adopted and engrossed.

S.B. 664, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2709, which changes the title to read S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWN OF FARMVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, is adopted and engrossed.
By Senator Kerr for the Finance Committee:

S.B. 529, A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS, with a favorable report.

By Senator Lee for the Education/Higher Education Committee:

S.B. 587, A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO SCHOOL PERSONNEL WHO ARE CERTIFIED TEACHERS BUT ARE NOT CLASSROOM 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 8670 is adopted and engrossed.

CALENDAR (Continued)

Bills on tonight’s Calendar are taken up and disposed of, as follows:

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, changing the title, upon concurrence, to read H.B. 57 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Senate Committee Substitute bill is taken up out of its regular order of business and on his further motion is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, April 22, upon second reading.

S.B. 627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXPAND THE CLASSIFICATION OF PERSONS WHO MAY OBTAIN A DOMESTIC VIOLENCE PROTECTIVE ORDER, AND TO CLARIFY THE CIRCUMSTANCES UNDER WHICH MAGISTRATES MAY ISSUE PROTECTIVE ORDERS, upon third reading.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, April 22, for consideration upon third reading.

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 1, as follows:

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Voting in the negative: Senator Clark—1.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, April 22, for further consideration upon third reading.

S.B. 615, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF KERNERSVILLE TO LEVY A MOTOR VEHICLE TAX OF UP TO TEN DOLLARS, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 6 as follows:


Voting in the negative: Senators Ballantine, Clark, Cochrane, Dalton, East, and Forrester—6.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, April 22, for further consideration upon third reading.

S.B. 524 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 677, A BILL TO BE ENTITLED AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF ALBEMARLE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 132, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE'S AND CHILDREN'S YEAR'S ALLOWANCE FROM A DECEDEANT'S ESTATE, as amended.

The bill, as amended, passes its second (44-0) and third readings and, having been previously engrossed, is ordered sent to the House of Representatives.

S.B. 240, TO STRENGTHEN THE LIMITATION ON CERTAIN KINDS OF POLITICAL FUND-RAISING WHILE THE GENERAL ASSEMBLY IS IN REGULAR SESSION.

The bill passes its second reading (40-3).

Senator Page objects to third reading of the measure. Pursuant to Rule 50, the
President orders the measure placed on the Calendar for tomorrow, Tuesday, April 22, for further consideration upon third reading.

S.B. 264, a Bill to be Entitled an Act to Provide Limited Liability to Employers Who Disclose Information About an Employee When the Employer is Providing a Reference.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 465, a Bill to be Entitled an Act to Authorize the Department of Transportation to Establish Fiscal Policies for Engineering and Design Contracts Which Will Promote Engineering and Design Quality and Ensure Maximum Competition Among Competing Professional Firms.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 515, a Bill to be Entitled an Act to Require Insurers to Provide Information Prior to Litigation Regarding Policy Provisions and Policy Limits Upon Written Request and to Give an Insurer Who Provides Such Information the Option of Initiating Mediation with the Person Who Sought the Information.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 553 (Committee Substitute), a Bill to be Entitled an Act Allowing County Boards of Elections to Use Paper Ballots in Second Primary Elections Where Voting Systems Are Used in the First Primary Election.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 713, a Bill to be Entitled an Act to Repeal the Authorization of Supplemental Retirement Benefits for Firemen in the City of Raleigh.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives.

S.B. 801, a Bill to be Entitled an Act to Establish the North Carolina Planned Community Act.

With unanimous consent, on motion of Senator Wellons, the bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, April 22, for consideration upon its passage.

April 21, 1997
S.B. 531, A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU, as amended, upon third reading.

Senator Odom 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 17, 1997

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House had adopted the report of the Conferences on House Comm. Sub. for SB 38, AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA. You may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The President Pro Tempore orders the measure enrolled and sent to the Governor.

The President Pro Tempore recognizes the following pages from the Civil Air Patrol serving in the Senate this week:

John Simmons Bulmer, Burlington; Dustin Nicholas Carnevale, Fayetteville; Christopher M. Carter, Rocky Mount; Jared A. Childress, Clemmons; Benjamin Isaiah Davenport, Clayton; John Preston Davenport, Clayton; Christopher Michael DeMars, Wilson; Julie Dunn, King; Nicholas J. Herr, Chapel Hill; Michael David Hinshaw, Greensboro; Christopher Baldwin Horne, Fayetteville; Peter Delorian Ingold, Raleigh; Catherine Marie Kosobucki, Apex; Christopher James Martz, Kernersville; Daniel Keefe Parlier, Franklin; Benjamin Thomas Pierce, Goldsboro; Robert Rosegren, Hillsborough; Kendawa Cheyenne Ruckman, Morganton; Derrick Casey Stafford, Oak Ridge; and Joseph S. Szulewski, Raleigh.

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 Kinnaird, Ballantine, Miller, Odom, and Reeves:

S.B. 969, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ADOPT AMBIENT AIR
QUALITY STANDARDS FOR TOXIC AIR POLLUTANTS OR TO APPLY CURRENT STANDARDS FOR TOXIC AIR POLLUTANTS TO INTENSIVE SWINE OPERATIONS.

Referred to Agriculture/Environment/Natural Resources Committee.

By Senator Reeves:
S.B. 970, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE PENALTY FOR A VIOLATION OF A LOCAL ORDINANCE MAY BE AN INFRACTION.

Referred to Judiciary Committee.

By Senator Reeves:
S.B. 971, 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 Senators Winner, Cooper, Gulley, Hartsell, and Rand:
S.B. 972, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MANAGED CARE POLICY BOARD.

Referred to Commerce Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Winner, Allran, Gulley, Hartsell, Perdue, and Rand:
S.B. 973, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE CERTAIN INFORMATION.

Referred to Commerce Committee.

By Senators Foxx, Ballantine, Carpenter, Carrington, Cochrane, Conder, Cooper, Gulley, Hartsell, Horton, Jordan, Kerr, Ledbetter, Lucas, Phillips, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, Wellons, and Winner:
S.B. 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EMPLOYMENT SECURITY COMMISSION TO WAIVE INTEREST ON LATE CONTRIBUTIONS.

Referred to Finance Committee.

By Senators Kincaid and Jenkins:
S.B. 975, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS CONCERNING EMPLOYER AND EMPLOYER GROUP WORKERS' COMPENSATION SELF-INSURANCE AND CODIFY RELATED ADMINISTRATIVE RULES AND TO PROVIDE FOR GUIDELINES FOR PERSONS AND ENTITIES THAT ADMINISTER OR SERVICE WORKERS' COMPENSATION BUSINESS FOR SELF-INSURED EMPLOYERS AND EMPLOYER GROUPS.

Referred to Pensions & Retirement and Insurance Committee.

By Senators Albertson, Page, and Warren:
S.B. 976, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF CRIME CONTROL AND PUBLIC SAFETY FOR THE
NORTH CAROLINA NATIONAL GUARD'S TARHEEL CHALLENGE ACADEMY.
Referred to Appropriations Committee.

By Senators Albertson, Cochrane, Dannelly, East, Kerr, Ledbetter, Martin of Pitt, Page, and Warren:
S.B. 977, A BILL TO BE ENTITLED AN ACT TO ENACT INTO LAW THE SOUTHERN DAIRY COMPACT, TO DIRECT THE APPOINTMENT OF MEMBERS FROM NORTH CAROLINA TO THE SOUTHERN DAIRY COMPACT COMMISSION, AND TO APPROPRIATE FUNDS.
Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Albertson, East, Kerr, Ledbetter, Martin of Pitt, Page, and Warren:
S.B. 978, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FARM ENVIRONMENTAL COMPLIANCE REVOLVING LOAN FUND TO PROVIDE ASSISTANCE TO FARMERS TO ACHIEVE ENVIRONMENTAL COMPLIANCE.
Referred to Appropriations Committee.

By Senator Cooper:
S.B. 979, A BILL TO BE ENTITLED AN ACT TO ALLOW LOCAL SCHOOL ADMINISTRATIVE UNITS THAT ARE AUTHORIZED TO LEVY A SCHOOL TAX TO PURCHASE PROPERTY BY INSTALLMENT CONTRACTS.
Referred to Finance Committee.

By Senator Perdue:
S.B. 980, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE CUNNINGHAM RESEARCH CENTER AT NORTH CAROLINA STATE UNIVERSITY.
Referred to Appropriations Committee.

By Senator Jenkins:
S.B. 981, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR A YEAR OF THE MOUNTAINS PLANNING INITIATIVE.
Referred to Appropriations Committee.

By Senator Jenkins:
S.B. 982, A BILL TO BE ENTITLED AN ACT TO ALLOW A HOUSING AUTHORITY TO TERMINATE OR FAIL TO RENEW A LEASE IF A TENANT ENGAGES IN CRIMINAL ACTIVITY ON OR NEAR THE PREMISES AND TO ALLOW CERTAIN SUMMARY EJECTMENT ACTIONS INITIATED BY A HOUSING AUTHORITY TO BE HELD IN DISTRICT COURT INSTEAD OF IN MAGISTRATE'S COURT.
Referred to Judiciary Committee.

By Senator Dalton:
S.B. 983, A BILL TO BE ENTITLED AN ACT TO CLARIFY PROVISIONS REGARDING SPOUSAL CONFLICTS OF INTEREST FOR MEMBERS OF THE BOARD OF GOVERNORS.
Referred to Education/Higher Education Committee.

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By Senator Albertson:
S.B. 984, A BILL TO BE ENTITLED AN ACT RELATING TO ENVIRONMENTAL POLICY.
Referred to Rules and Operations of the Senate Committee.

By Senator Martin of Pitt:
S.B. 985, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE USE OF AN ALTERNATE LANDFILL LINER FOR MUNICIPAL SANITARY LANDFILLS THAT MEETS EQUALLY PROTECTIVE DESIGN CRITERIA AS THE CURRENTLY AUTHORIZED LINER.
Referred to Agriculture/Environment/Natural Resources Committee.

By Senator Martin of Pitt:
S.B. 986, A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE STATE'S WORKFORCE DEVELOPMENT PROGRAMS WITHIN THE DEPARTMENT OF COMMERCE.
Referred to Commerce Committee.

By Senator Ballance:
S.B. 987, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Ballance:
S.B. 988, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE ADOPTION OF AN ERGONOMICS STANDARD BY THE NORTH CAROLINA LABOR COMMISSIONER.
Referred to Appropriations Committee.

By Senator Ballance:
S.B. 989, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO SUPPORT ECONOMIC DEVELOPMENT PROJECTS AND THE FLOYD B. MCKISSICK, SR. ASSISTED LIVING CENTER.
Referred to Appropriations Committee.

By Senator Ballance:
S.B. 990, A BILL TO BE ENTITLED AN ACT APPLYING MEDICAL RECORDS COPY FEE REQUIREMENTS TO CLAIMS FOR SOCIAL SECURITY DISABILITY.
Referred to Commerce Committee.

By Senator McDaniel:
S.B. 991, A BILL TO BE ENTITLED AN ACT TO CORRECT FLAWS IN THE CONCEALED HANDGUN PERMIT LAWS THAT IMPAIR THE ABILITY OF LAWFUL CITIZENS TO CARRY FIREARMS FOR SELF-PROTECTION.
Referred to Judiciary Committee and upon a favorable report, re-referred to the Finance Committee.

April 21, 1997
By Senators Conder and Forrester:
S.B. 992, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO THE NORTH CAROLINA BOXING COMMISSION.
Referred to Commerce Committee.

By Senator Rand:
S.B. 993, A BILL TO BE ENTITLED AN ACT RELATING TO CORPORATE CONVERSIONS OR RESTRUCTURING OF NONPROFIT HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS.
Referred to Rules and Operations of the Senate Committee.

By Senators Rand and Hoyle:
S.B. 994, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DIRECT SHIPMENT OF ALCOHOLIC BEVERAGES TO CONSUMERS IN NORTH CAROLINA.
Referred to Commerce Committee.

By Senator Lucas:
S.B. 995, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO NOTIFY PARENTS OF CLASS-SIZE EXCEPTIONS.
Referred to Education/Higher Education Committee.

By Senators Warren and Albertson:
S.B. 996, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS CERTAIN PERSONS PERFORMING ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS UNDERNEATH MANUFACTURED HOMES.
Referred to Commerce Committee.

By Senators Plyler and Conder:
S.B. 997, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO IGNORES A WARNING REGARDING PERSONAL SAFETY IN A DISASTER SITUATION AND PLACES HIMSELF OR HERSELF OR ANOTHER IN DANGER AND REQUIRES AN EMERGENCY RESCUE IS GUILTY OF A CLASS 2 MISDEMEANOR AND IS ALSO CIVILLY LIABLE FOR THE COSTS OF THE RESCUE EFFORT.
Referred to Judiciary Committee.

By Senators Plyler and Conder:
S.B. 998, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS A CLASS 1 MISDEMEANOR FOR A PERSON FRAUDULENTLY TO REPRESENT HIMSELF OR HERSELF AS A CRIME VICTIM.
Referred to Judiciary Committee.

By Senators Ledbetter and Blust:
S.B. 999, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF LAND SURVEYORS TO ENTER ON LAND.
Referred to Judiciary Committee.

April 21, 1997
By Senators Kinnaird, Blust, Foxx, Horton, Jenkins, Lucas, and Miller:

S.B. 1000, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO GIVE PUBLIC NOTICE AND FOLLOW OTHER PROCEDURES ON ALL MAJOR ROAD PROJECTS BEFORE THEY ARE ADDED TO, REMOVED FROM, OR MODIFIED ON THE TRANSPORTATION IMPROVEMENT PROGRAM ADOPTED BY THE BOARD OF TRANSPORTATION. Referred to Transportation Committee.

By Senators Kinnaird, Allran, Horton, and Weinstein:

S.B. 1001, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AMUSEMENTS TAX EXEMPTION FOR NONPROFIT PERFORMING ARTS CORPORATIONS. Referred to Finance Committee.

By Senators Kinnaird and Odom:

S.B. 1002, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE MINING ACT OF 1971. Referred to Agriculture/Environment/Natural Resources Committee.

By Senators Gulley, Perdue, and Forrester:

S.B. 1003, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HEALTH CARE OVERSIGHT COMMITTEE. Referred to Rules and Operations of the Senate Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Perdue:

S.B. 1004, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE SUSTAINABLE GROWTH, THEREBY PROVIDING FOR THE LONG-TERM, SUSTAINED VIABILITY OF THE STATE'S NATURAL RESOURCES AND COEXISTENT, RESPONSIBLE ECONOMIC GROWTH. Referred to Rules and Operations of the Senate Committee.

By Senator Gulley:

S.B. 1005, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PRIVACY OF HEALTH INFORMATION. Referred to Judiciary Committee.

By Senator Gulley:

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO MODIFY THE JUVENILE CODE TO EXPEDITE THE PROCEDURE FOR TERMINATION OF PARENTAL RIGHTS. Referred to Children & Human Resources Committee.

By Senators Gulley, Carrington, Kinnaird, Lucas, Reeves, and Miller:

S.B. 1007, A BILL TO BE ENTITLED AN ACT AUTHORIZING REGIONAL TRANSPORTATION AUTHORITIES TO LEVY A TAX ON GROSS RECEIPTS DERIVED FROM THE SHORT-TERM LEASE OR RENTAL OF PASSENGER MOTOR VEHICLES. Referred to Finance Committee.

April 21, 1997
By Senator Hoyle:
S.B. 1008, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO ISSUE AN INSULATING SPECIALTY CONTRACTOR'S LICENSE AND TO PERMIT ONLY PERSONS LICENSED AS BUILDING, RESIDENTIAL, OR INSULATION SPECIALTY CONTRACTORS TO INSTALL, ALTER, OR REPAIR INSULATING MEDIA.
Referred to Commerce Committee.

By Senator Hoyle:
S.B. 1009, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, IF APPROVED BY THE VOTERS OF THE CITY.
Pursuant to Rule 43, the bill is ordered held in the Office of the Principal Clerk pending referral to committee.

By Senator Hoyle:
S.B. 1010, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INVESTMENTS BY LOCAL GOVERNMENTS IN FUNDING AGREEMENTS.
Referred to Finance Committee.

By Senators Foxx, Albertson, Allran, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Dalton, Garwood, Hartsell, Horton, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Page, Phillips, Reeves, Rucho, Shaw of Guilford, Soles, Webster, Weinstein, and Wellons:
S.B. 1011, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF SCHOOL.
Referred to Education/Higher Education Committee.

By Senators Rucho and Odom:
S.B. 1012, A BILL TO BE ENTITLED AN ACT TO PROVIDE PARTIES WITH THE RIGHT TO THE PUBLICATION OF ANY OPINION ISSUED BY THE COURT OF APPEALS.
Referred to Judiciary Committee.

By Senator Gulley:
S.B. 1013, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE NORTH CAROLINA'S ELECTRIC UTILITIES TO IMPLEMENT RENEWABLE ENERGIES AND ENERGY EFFICIENCY.
Referred to Rules and Operations of the Senate Committee.

By Senators Cooper and Rand:
S.B. 1014, A BILL TO BE ENTITLED AN ACT RELATING TO JUDICIAL SELECTION.
Referred to Judiciary Committee.

By Senators Martin of Guilford, Cooper, Dannelly, Gulley, Kerr, Lucas, Phillips, and Wellons:
S.B. 1015, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WELFARE
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REFORM ACT OF 1997.
Referred to Children & Human Resources Committee.

By Senator Martin of Guilford:
S.B. 1016, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF CERTIFIED SUBSTANCE ABUSE PROFESSIONALS UNDER HEALTH INSURANCE POLICIES AND PLANS.
Referred to Appropriations Committee.

By Senator Albertson:
S.B. 1017, A BILL TO BE ENTITLED AN ACT RELATING TO THE ENVIRONMENT OR AGRICULTURE.
Referred to Rules and Operations of the Senate Committee.

By Senators Albertson, Cooper, Dannelly, Forrester, Foxx, Gulley, Hoyle, Martin of Guilford, Martin of Pitt, and Warren:
S.B. 1018, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A VOLUNTARY NUTRIENT AND PESTICIDE MANAGEMENT EDUCATION PROGRAM, TO APPROPRIATE FUNDS FOR THE OPERATION OF THE PROGRAM, AND TO REQUIRE THE NORTH CAROLINA COOPERATIVE EXTENSION SERVICE TO REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION ON THE IMPLEMENTATION AND PROGRESS OF THE PROGRAM.
Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Cochrane, Clark, Forrester, Hartsell, Kincaid, and Ledbetter:
S.B. 1019, A BILL TO BE ENTITLED AN ACT TO PROVIDE AN INCOME TAX CREDIT FOR AN EMPLOYER'S EXPENSES IN ASSISTING AN EMPLOYEE TO OBTAIN A CERTIFICATE OF HIGH SCHOOL EQUIVALENCY.
Referred to Finance Committee.

By Senator Kinnaird:
S.B. 1020, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF HUMAN RESOURCES, DIVISION OF SOCIAL SERVICES, TO FUND THE EARNED INCOME DISREGARD FOR WORK FIRST RECIPIENTS.
Referred to Appropriations Committee.

By Senators Kinnaird and Ballance:
S.B. 1021, A BILL TO BE ENTITLED AN ACT TO REVISE AND EXPAND THE AUTHORITY OF THE DISPUTE RESOLUTION COMMISSION.
Referred to Judiciary Committee and upon a favorable report, re-referred to the Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Kinnaird and Foxx:
S.B. 1022, A BILL TO BE ENTITLED AN ACT TO MONITOR AND EVALUATE EMISSIONS OF AIR POLLUTANTS FROM ASPHALT PLANTS.
Referred to Agriculture/Environment/Natural Resources Committee.

April 21, 1997
By Senators Foxx, Blust, Carpenter, Carrington, Clark, Cochrane, Forrester, Garwood, Hartsell, Horton, Kincaid, Ledbetter, and Rucho:

**S.B. 1023**, A BILL TO BE ENTITLED AN ACT TO PROVIDE STANDARDS FOR THE QUALITY OF CARE IN FOSTER HOMES AND TO ALLOW COUNTY DEPARTMENT OF SOCIAL SERVICES TO GRANT WAIVERS TO THE STANDARDS UNDER CERTAIN CIRCUMSTANCES.

Referred to Children & Human Resources Committee.

By Senator Cooper:

**S.B. 1024**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION TO ESTABLISH MINIMUM EMPLOYMENT, TRAINING, AND RETENTION STANDARDS FOR TELECOMMUNICATORS AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT.

Referred to Judiciary Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Blust, East, Foxx, Hartsell, Jordan, Rand, Shaw of Guilford, and Wellons:

**S.B. 1025**, A BILL TO BE ENTITLED AN ACT TO INCREASE CIVIL PROCESS FEES AND TO PROVIDE THAT THE PERSON REQUESTING THE SERVICE OR EXECUTION BE RESPONSIBLE FOR PAYING FEES INITIALLY.

Referred to Finance Committee.

By Senators Blust, Allran, Ballantine, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Gulley, Hartsell, Horton, Jenkins, Kerr, Ledbetter, Lucas, McDaniel, Page, Rand, Rucho, and Shaw of Guilford:

**S.B. 1026**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE INDEXING OF CERTAIN OFFENSES COMMITTED BY JUVENILES, TO PUBLISH THE IDENTITY OF CERTAIN JUVENILES WHO HAVE COMMITTED A-E FELONIES, AND TO MAINTAIN RECORDS OF CERTAIN JUVENILES.

Referred to Judiciary Committee.

By Senator Miller:

**S.B. 1027**, TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT.

Referred to Commerce Committee.

By Senator Miller:


Referred to Judiciary Committee.

By Senator Miller:

**S.B. 1029**, A BILL TO BE ENTITLED AN ACT TO PROVIDE REVENUE BOND FUNDING FOR THE PAYMENT OF NATURAL DISASTER CLAIMS UNDER

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POLICIES OF INSOLVENT INSURERS.
Referred to Pensions & Retirement and Insurance Committee and upon a favorable report, re-referred to the Finance Committee.

By Senator Miller:
S.B. 1030, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROJECT EXPEDITERS ON PUBLIC CONTRACTS.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Shaw of Cumberland:
S.B. 1031, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF LABOR TO ESTABLISH AN INDIVIDUAL DEVELOPMENT ACCOUNT PROJECT TO ASSIST WORKING FAMILIES AND APPROPRIATING FUNDS FOR THAT PURPOSE.
Referred to Appropriations Committee.

By Senator Shaw of Cumberland:
S.B. 1032, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM AND TO APPROPRIATE FUNDS TO CUMBERLAND COUNTY TO RECTIFY AN ERROR IN CERTAIN COUNTY EMPLOYEES' 401K PLANS.
Referred to Appropriations Committee.

By Senators Webster, Allran, Ballantine, Carpenter, Carrington, Cochrane, East, Garwood, Hartsell, Horton, Kincaid, Ledbetter, McDaniel, Page, and Rucho:
S.B. 1033, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO REQUIRE EQUAL TREATMENT OF ALL INDIVIDUALS AND TO PROHIBIT PREFERENTIAL TREATMENT TO ANY INDIVIDUAL OR GROUP ON THE BASIS OF RACE, SEX, COLOR, ETHNICITY, OR NATIONAL ORIGIN, IN THE OPERATION OF PUBLIC EMPLOYMENT, PUBLIC EDUCATION, OR PUBLIC CONTRACTING.
Referred to Judiciary Committee.

By Senators Miller and Reeves:
S.B. 1034, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE STATE BOARD OF ELECTIONS SHALL ORDER A NEW ELECTION IF IT FINDS THAT FAILURE TO FILE A CAMPAIGN FINANCE REPORT WAS SUFFICIENT TO CHANGE THE RESULT OF AN ELECTION.
Referred to Judiciary Committee.

By Senators Kerr and Kincaid:
S.B. 1035, A BILL TO BE ENTITLED AN ACT TO REVISE THE DEFINITION OF FOOD FOR SALES TAX PURPOSES AND ALLOW A PERCENTAGE DISCOUNT TO MERCHANTS FOR COLLECTING STATE SALES AND USE TAXES.
Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

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By Senator Kerr:
S.B. 1036, A BILL TO BE ENTITLED AN ACT TO AMEND THE INSURANCE GUARANTY ASSOCIATION ACT TO CONTROL LOSSES INCURRED BY THE NORTH CAROLINA INSURANCE GUARANTY ASSOCIATION.
Referred to Pensions & Retirement and Insurance Committee.

By Senator Kerr:
S.B. 1037, A BILL TO BE ENTITLED AN ACT RELATING TO THE NORTH CAROLINA RAILROAD.
Referred to Rules and Operations of the Senate Committee.

By Senator Odom:
S.B. 1038, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO ESTABLISH AN AFTERCARE FACILITY IN CHARLOTTE FOR WOMEN RELEASED FROM PRISON.
Referred to Appropriations Committee.

By Senator Perdue:
S.B. 1039, A BILL TO BE ENTITLED AN ACT TO CREATE A STUDY COMMISSION TO UPDATE THE PHARMACY PRACTICE ACT.
Referred to Rules and Operations of the Senate Committee.

By Senator Miller:
S.B. 1040, A BILL TO BE ENTITLED AN ACT TO PERMIT AN INSURED TO SEEK DAMAGES UNDER UNINSURED MOTORIST COVERAGE WHEN A NONCOLLISION ACCIDENT IS CAUSED BY THE ACTIONS OF ANOTHER VEHICLE.
Referred to Judiciary Committee.

By Senator Miller:
S.B. 1041, A BILL TO BE ENTITLED AN ACT TO CREATE THE LOW PRESSURE PIPE NETWORK REPLACEMENT EMERGENCY FUND.
Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Kinnaird:
S.B. 1042, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE LICENSURE OF ESTHETICIANS BY THE STATE BOARD OF COSMETIC ART EXAMINERS.
Referred to Finance Committee.

By Senator Albertson:
S.B. 1043, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT, NO LATER THAN JANUARY 1, 1999, THE COMPREHENSIVE BASINWIDE MANAGEMENT PLANS TO IMPROVE WATER QUALITY SHALL BE COMPLETED FOR ALL SEVENTEEN MAJOR RIVER BASINS AND THAT THESE PLANS ADDRESS ALL POINT SOURCES AND NONPOINT SOURCES OF NUTRIENTS AND TOXINS IN THE WATERS OF THE STATE, TO INCREASE PUBLIC INVOLVEMENT AND PUBLIC EDUCATION REGARDING THE BENEFITS OF A SYSTEMWIDE
APPROACH TO WATER QUALITY, AND TO REQUIRE PERSONS WHO APPLY SOIL ENRICHING NUTRIENTS ONTO LAND TO OBTAIN A CERTIFICATION.

Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Finance Committee.

By Senator Dalton:
S.B. 1044, A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PERSONNEL SERVICES TO CHARGE APPLICANTS A REGISTRATION FEE AND TO REQUIRE THAT SUCH SERVICES POST A SECURITY BOND COVERING THE REFUND OF REGISTRATION FEES WITH THE DEPARTMENT OF LABOR.

Referred to Commerce Committee.

By Senator Wellons (By Request):
S.B. 1045, A BILL TO BE ENTITLED AN ACT TO PROVIDE MORE EXPEDITIOUS METHODS OF SELECTING JURORS IN CIVIL AND CRIMINAL CASES.

Referred to Judiciary Committee.

By Senator Wellons (By Request):
S.B. 1046, A BILL TO BE ENTITLED AN ACT TO REDUCE THE NUMBER OF PEREMPTORY JURY CHALLENGES IN CIVIL AND CRIMINAL CASES.

Referred to Judiciary Committee.

By Senators Lucas, Carpenter, Kinnaird, Martin of Guilford, and Perdue:
S.B. 1047, A BILL TO BE ENTITLED AN ACT TO AMEND THE PSYCHOLOGY PRACTICE ACT AND RELATED STATUTES.

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

By Senators Hartsell, Hoyle, Ballantine, Garwood, and Shaw of Cumberland:
S.B. 1048, A BILL TO BE ENTITLED AN ACT TO AMEND THE CERTIFICATE OF NEED LAW TO CHANGE THE DETERMINATIVE EFFECT OF THE STATE MEDICAL FACILITIES PLAN'S NEED DETERMINATIONS TO PRESUMPTIVE EFFECTS AND TO REQUIRE CONSIDERATION OF ANY SPECIFIC NEED THAT MAY REBUT THE PRESUMPTION AND TO CLARIFY THAT THE STATE MEDICAL FACILITIES PLAN MUST BE ADOPTED AS RULES PURSUANT TO THE NORTH CAROLINA ADMINISTRATIVE PROCEDURE ACT AND MAY BE CHALLENGED IN CONTESTED CASES.

Referred to Judiciary Committee.

By Senator Kinnaird:
S.B. 1049, A BILL TO BE ENTITLED AN ACT TO ALLOW SATELLITE POLLING PLACES TO SERVE CAMPUS HOUSING AT INSTITUTIONS OF HIGHER EDUCATION.

Referred to Judiciary Committee.

By Senators Kinnaird and Gulley:
S.B. 1050, A BILL TO BE ENTITLED AN ACT RELATING TO CRIMINAL PENALTIES FOR PRIVATE SEXUAL ACTIVITY BETWEEN CONSENTING
ADULTS.

Referred to Judiciary Committee.

By Senator Page:
S.B. 1051, A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE REVIEW, UPGRADING, AND ADJUSTMENT OF GROUNDS WORKER AND BOILER PLANT OPERATOR CLASSIFICATIONS IN STATE GOVERNMENT EMPLOYMENT.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Page, Cochrane, Foxx, Kinnaird, and Lucas:
S.B. 1052, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A BOARD TO DEVELOP STRATEGIES FOR REDUCING THE COSTS OF PURCHASING LIBRARY BOOKS.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senators Page, Blust, and Kinnaird:
S.B. 1053, A BILL TO BE ENTITLED AN ACT TO ESTABLISH DEADLINES FOR THE STATE BOARD OF ELECTIONS TO PROMULGATE RULES FOR A COMPUTERIZED VOTER REGISTRATION SYSTEM AND FOR THE COUNTY BOARDS OF ELECTIONS TO COMPLY WITH THOSE RULES.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Page, Blust, and Kinnaird:
S.B. 1054, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES, CITIES, AND LOCAL BOARDS OF EDUCATION TO ESTABLISH REQUIREMENTS CONCERNING DOING BUSINESS WITH THE UNION OF MYANMAR, FORMERLY BURMA, IN PROJECTS FINANCED BY PUBLIC FUNDS.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Cooper:
S.B. 1055, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT.
Referred to Judiciary Committee.

By Senators Gulley and Winner:
S.B. 1056, A BILL TO BE ENTITLED AN ACT TO AMEND THE NONPROFIT CORPORATION LAWS AND THE INSURANCE LAWS TO PROTECT THE PUBLIC'S INTEREST IN THE DISPOSITION OF FUNDS RESULTING FROM A CONVERSION BY A NONPROFIT HOSPITAL AND MEDICAL SERVICE CORPORATION TO A FOR-PROFIT ENTITY.
Referred to Rules and Operations of the Senate Committee.

By Senator Ballantine:
S.B. 1057, A BILL TO BE ENTITLED AN ACT TO PROVIDE RELIEF FOR HOMEOWNERS WHO SUFFERED MAJOR STORM DAMAGE IN HURRICANES BERTHA AND FRAN.
Referred to Judiciary Committee.

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By Senator Kinnaird:
S.B. 1058, 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 Education/Higher Education Committee.

By Senator Kerr:
S.B. 1059, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP.
Referred to Transportation Committee.

By Senator Lee:
S.B. 1060, A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC RECORDS LAW AND THE OPEN MEETINGS LAW TO CLARIFY PROVISIONS.
Referred to Judiciary Committee.

By Senator Ballantine:
S.B. 1061, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT AN ADEQUATE BASIS EXIST FOR OPINION EVIDENCE.
Referred to Judiciary Committee.

By Senators Hoyle and Odom:
S.B. 1062, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW REGARDING PROPERTY TAX ON LEASEHOLD INTERESTS IN EXEMPT PROPERTY.
Referred to Finance Committee.

By Senator Hoyle:
S.B. 1063, A BILL TO BE ENTITLED AN ACT RELATING TO LAW ENFORCEMENT OFFICERS.
Referred to Rules and Operations of the Senate Committee.

By Senator Hoyle:
S.B. 1064, A BILL TO BE ENTITLED AN ACT TO ALLOW A TAXPAYER WHO PREVAILS IN A PROPERTY TAX APPEAL TO RECEIVE INTEREST ON ANY OVERPAYMENT OF TAX AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS PROPERTY TAX ISSUES.
Referred to Finance Committee.

By Senator Hoyle:
S.B. 1065, 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 Martin of Guilford:
S.B. 1066, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHICH GROUPS OF STUDENTS ARE LIKELY TO SCORE BELOW BENCHMARKS ON STATEWIDE TESTS AND TO
RECOMMEND WAYS TO FOCUS RESOURCES ON ADDRESSING THE NEEDS OF THOSE STUDENTS.
Referred to Education/Higher Education Committee.

By Senators Page and Kinnaird:
S.B. 1067, A BILL TO BE ENTITLED AN ACT TO DENOUNCE THE HEROIN TRAFFIC TRADE FROM THE UNION OF MYANMAR, FORMERLY BURMA, AND TO REQUEST COMPANIES PRESENTLY DOING BUSINESS WITH THE STATE OF NORTH CAROLINA AND ALSO DOING BUSINESS IN THE UNION OF MYANMAR TO WITHDRAW THEIR OPERATION FROM THE UNION OF MYANMAR IN SUPPORT OF THE DEMOCRACY MOVEMENT IN THE UNION OF MYANMAR.
Referred to State Government, Local Government, and Personnel Committee.

By Senator Jenkins:
S.B. 1068, a BILL TO BE ENTITLED AN ACT TO ALLOW A HOUSING AUTHORITY TO TERMINATE OR FAIL TO RENEW A LEASE IF A TENANT ENGAGES IN CRIMINAL ACTIVITY ON OR NEAR THE PREMISES AND TO ALLOW CERTAIN SUMMARY EJECTMENT ACTIONS INITIATED BY A HOUSING AUTHORITY TO BE HELD IN DISTRICT COURT INSTEAD OF IN MAGISTRATE'S COURT.
Referred to Judiciary Committee.

By Senator Shaw of Cumberland:
S.B. 1069, A BILL TO BE ENTITLED AN ACT TO EXPAND THE MODEL TEACHER EDUCATION CONSORTIUM TO INCLUDE CUMBERLAND, ROBESON, AND HOKE COUNTIES, FAYETTEVILLE STATE UNIVERSITY, THE UNIVERSITY OF NORTH CAROLINA AT PEBROKE, ROBESON COMMUNITY COLLEGE, AND FAYETTEVILLE TECHNICAL COMMUNITY COLLEGE.
Referred to Appropriations Committee.

By Senator Kinnaird:
S.B. 1070, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE MOTOR VEHICLE EMISSIONS INSPECTION PROGRAM FROM THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.
Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.

By Senator Jenkins:
S.B. 1071, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA FOR THE CONSTRUCTION OF THE CENTER FOR CRAFT, CREATIVITY, AND DESIGN AT THE UNIVERSITY OF NORTH CAROLINA AT ASHEVILLE.
Referred to Appropriations Committee.

By Senator Page:
S.J.R. 1072, A JOINT RESOLUTION INVITING THE HONORABLE JESSE A. HELMS, UNITED STATES SENATOR, TO ADDRESS A JOINT SESSION OF THE
HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR.

Referred to Rules and Operations of the Senate Committee.

By Senator Hoyle:
S.B. 1073, A BILL TO BE ENTITLED AN ACT RELATING TO THE INFORMATION RESOURCE MANAGEMENT COMMISSION.
Referred to Rules and Operations of the Senate Committee.

By Senators Ballance and Cooper:
S.B. 1074, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY RECOGNIZE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE HALIWA TRIBE AS THE HALIWA SAPONI TRIBE.
Referred to State Government, Local Government, and Personnel Committee.

By Senators Martin of Guilford and Ballance:
S.B. 1075, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE COMMISSION ON IMPROVING THE ACADEMIC ACHIEVEMENT OF MINORITY AND AT-RISK STUDENTS.
Referred to Rules and Operations of the Senate Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Kinnaird:
S.B. 1076, A BILL TO BE ENTITLED AN ACT TO PROVIDE A COMPREHENSIVE CAMPUS VOTER REGISTRATION PROGRAM.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Dalton:
S.B. 1077, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSES OF FIRST AND SECOND DEGREE BURGLARY.
Referred to Judiciary Committee.

On motion of Senator Ballance, seconded by Senator Horton, the Senate adjourns at 8:44 P.M. to meet tomorrow, Tuesday, April 22, at 4:00 P.M.

FORTY-EIGHTH DAY

Senate Chamber
Tuesday, April 22, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:
"Eternal God, we respond to important considerations and communications with both our intellect and our emotions, with both our minds and hearts.

"We never know for sure how much of each should inform our decision-making.

"So we ask today that you give our hearts ears to hear, our minds eyes to vision. For those times when our intellect and reason prove insufficient in our decision-making. Encourage us to take the journey from head to heart. There we shall find You, O Lord, and faith, and many times that's all we have to go on and all we need. Amen."

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

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Monday, April 21, has been examined and is found to be correct. On 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. Franklin Burroughs from Raleigh, who is serving the Senate as Doctor of the Day.

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. 646, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF NORTH CAROLINA, with a favorable report.

S.B. 814, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-STAND SALES OF ALCOHOLIC BEVERAGES IN CERTAIN STADIUMS, BALLPARKS, AND SIMILAR PUBLIC PLACES, with a favorable report.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO SPORTS CLUBS, with a favorable report.

S.B. 838, A BILL TO BE ENTITLED AN ACT TO ESTABLISH TOURISM RESORTS AND TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO THESE ENTITIES, with a favorable report.

S.B. 382, A BILL TO BE ENTITLED AN ACT REDEFINING THE BASE PERIOD FOR UNEMPLOYMENT BENEFITS AND ELIMINATING THE ONE AND ONE-HALF TIMES TEST, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2722 is adopted and engrossed.
S.B. 629, A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION 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 2721 is adopted and engrossed.

S.B. 945, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PRESCRIBER'S AND THE PATIENT'S CONSENT FOR INTERCHANGE OF A LIMITED CLASS OF 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 1780 is adopted and engrossed.

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 38, AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA.

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

S.B. 291, AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION.

H.J.R. 683, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DR. JOY JOSEPH JOHNSON, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 6)

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. 291, AN ACT PROVIDING FOR NONPARTISAN ELECTIONS OF THE JOHNSTON COUNTY BOARD OF EDUCATION. (Became law upon ratification, April 22, 1997 - S.L. 1997-32.

ADDITIONAL SPONSORS

Senators Ballantine and Plyler request to be added as sponsors of previously introduced legislation:

S.B. 893, A BILL TO BE ENTITLED AN ACT TO REGULATE CHARITABLE BINGO.

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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. 115 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS AND CONFORMING CHANGES TO THE GENERAL STATUTES AND SESSION LAWS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.
Referred to Judiciary Committee.

H.B. 188 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4) ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; AND (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 549, A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE TOWN OF BILMTHORE FOREST.
Referred to State and Local Government and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 718 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES, AND TO ALLOW THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.
Referred to State Government, Local Government, and Personnel Committee.

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H.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS, SHERIFF, OR COUNTY COMMISSIONER IN BEAUFORT COUNTY, IF THE VACATING MEMBER WAS A MEMBER OF A POLITICAL PARTY, THE APPOINTING AUTHORITY SHALL APPOINT FROM A LIST RECOMMENDED BY THAT POLITICAL PARTY IF TWO OR MORE NAMES ARE SUBMITTED ON A TIMELY BASIS.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 798, A BILL TO BE ENTITLED AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF WALLACE.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

Referred to State Government, Local Government, and Personnel Committee.

With unanimous consent, on motion of Senator Rand, the Senate recesses at 4:22 P.M. to reconvene at 4:45 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, 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 Cooper for the Judiciary Committee:

S.B. 162, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO CHAPTER 48 OF THE GENERAL STATUTES 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 7765, which changes the title to read S.B. 162 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS, NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL ADOPTIONS; AND TO AMEND PROVISIONS FOR

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OBTAINING CERTIFICATION OF IDENTIFICATION FOR INDIVIDUALS OF FOREIGN BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION, CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES, AND TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT ASSESSMENTS TO EIGHTEEN MONTHS, is adopted and engrossed.

S.B. 376, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TEACHING HOSPITALS AFFILIATED WITH CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS LAW ENFORCEMENT AGENCIES, with a favorable report.

S.B. 402, A BILL TO BE ENTITLED AN ACT TO EXEMPT SIMPLE RETIREMENT ACCOUNTS FROM THE CLAIMS OF CREDITORS, with a favorable report.

S.B. 456, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE 1995 AMENDMENTS TO THE LAWS PROVIDING FOR THE ESTABLISHMENT OF CARTWAYS, with a favorable report.

S.B. 571, A BILL TO BE ENTITLED AN ACT TO PLACE ON THE SCHEDULE II CONTROLLED SUBSTANCES LIST THE DRUG REMIFENTANIL AND SALTS THEREOF, IN ACCORDANCE WITH FEDERAL LAW, with a favorable report.

S.B. 708, A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF POLITICAL ADVERTISEMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1778 is adopted and engrossed.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

S.B. 125, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO APPROVE THE IMPOSITION OF RESTRICTIONS ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 2695, which changes the title to read S.B. 125 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELDS BY APPROVING THE IMPOSITION OF RESTRICTIONS ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES AND ON OIL OR HAZARDOUS SUBSTANCE DISCHARGES OR RELEASES, AS
RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

S.B. 169, A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 1753, is adopted and engrossed.

S.B. 178, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND EXTEND THE PROTECTION OF THE STATE'S NATURAL LANDS BY EXTENDING THE AUTHORIZED EXPENDITURES FROM THE NATURAL HERITAGE TRUST FUND AND BY ALLOWING QUALIFIED PRIVATE NONPROFIT LAND TRUST ORGANIZATIONS TO HOLD TITLE TO ACQUIRED LANDS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 1782, which changes the title to read S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE SECRETARY OF CULTURAL RESOURCES TO PROPOSE LANDS TO BE ACQUIRED WITH FUNDS FROM THE NATURAL HERITAGE TRUST FUND, TO AUTHORIZE EXPENDITURES FROM THE FUND FOR CONSERVATION AND PROTECTION PLANNING AND EDUCATIONAL PROGRAMS FOR OWNERS OF NATURE PRESERVES UNDER THE NATURE PRESERVES ACT, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF THE FUND TO ENTER INTO AGREEMENTS FOR THE MANAGEMENT OF ACQUIRED LANDS WITH QUALIFIED NONPROFIT ORGANIZATIONS, is adopted and engrossed.

S.B. 537, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7766, is adopted and engrossed.

By Senator Shaw of Cumberland for the Transportation Committee:

S.B. 426, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR MAGISTRATES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2711, which changes the title to read S.B. 426 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPECIAL REGISTRATION PLATES ON COMMERCIAL MOTOR VEHICLES, AND TO PROVIDE SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR MAGISTRATES, is adopted and engrossed.

With unanimous consent, on motion of Senator Shaw of Cumberland, the Committee Substitute bill is re-referred to the Finance Committee.

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By Senator Kerr for the Finance Committee:

S.B. 421, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA 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, with a favorable report.

S.B. 93, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO REMOVE THE SUNSET ON THE STATE PORTS TAX CREDIT AND TO RAISE THE MAXIMUM CUMULATIVE CREDIT TO FIVE MILLION DOLLARS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6661, which changes the title to read S.B. 93 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SUNSET ON THE STATE PORTS TAX CREDIT AND TO RAISE THE MAXIMUM CUMULATIVE CREDIT TO TWO MILLION DOLLARS, is adopted and engrossed.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 245, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6660, which changes the title to read S.B. 245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT, is adopted and engrossed.

H.B. 260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONSERVATION EASEMENTS PROGRAM THAT USES CONSERVATION TAX CREDITS FOR THE PROTECTION OF NATURAL RESOURCES AND THAT FURTHERS APPROPRIATE PUBLIC USE OF NATURAL RESOURCES, TO CREATE THE FACILITATION AND ASSISTANCE GRANT FUND TO SUPPORT COOPERATIVE CONSERVATION EFFORTS, AND TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 A353, which changes the title, upon concurrence, to read H.B. 260 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES

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AND TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE CONSIDERED IN DETERMINING THE APPRAISED VALUE OF LAND AND IMPROVEMENTS, is adopted and engrossed.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 356**, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered sent to the House of Representatives.

**S.B. 585**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, upon third reading.

With unanimous consent, on motion of Senator Weinstein, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, April 23, for consideration upon third reading.

**S.B. 615**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE TOWN OF KERNERSVILLE TO LEVY A MOTOR VEHICLE TAX OF UP TO TEN DOLLARS, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 6, as follows:


Voting in the negative: Senators Clark, Dalton, East, Forrester, Foxx, and Page—6.

The bill is ordered sent to the House of Representatives.

**S.B. 529**, A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr,

Voting in the negative: Senator Clark—1.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, April 23, for further consideration upon third reading.

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWN OF FARMVILLE TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

Senator Miller offers Amendment No. 1 which is adopted (49-0), changing the title to read S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF FARMVILLE AND BETHEL TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

The Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, changing the title, upon concurrence, to read, H.B. 57 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS, upon second reading.

Senator Kerr offers Amendment No. 1, held to be material, which is adopted (47-0), constituting the first reading of the measure, and further changing the title, upon concurrence, to read H.B. 57 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, TO MODIFY THE DEFINITION OF EMPLOYMENT WITH RESPECT TO AGRICULTURE, LABOR, AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, April 23, for further consideration upon second reading.

H.B. 59, 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, 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, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, McDaniel, Miller, Odom,

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, April 23, for further consideration upon third reading.

**H.B. 488, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS,** upon second reading.

With unanimous consent, on motion of Senator Kerr, the bill is withdrawn from today's Calendar and placed on the Calendar for Tuesday, April 29, for consideration upon second reading.

**S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF CORRECTION MAY DEDUCT FUNDS FROM AN INMATE'S ACCOUNT TO REPAY COSTS RESULTING FROM INMATE MISCONDUCT.**

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Rand.

Senator Miller offers Amendment No. 1 which is adopted (42-6).

The Committee Substitute bill, as amended, passes its second reading (41-5).

Senator Ballance objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, April 23, for further consideration upon third reading.

**WITHDRAWAL FROM CALENDAR**

**S.B. 585, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT,** placed earlier today on the Calendar for Wednesday, April 23, upon third reading.

Senator Hoyle offers a motion that the bill be withdrawn from the Calendar for Wednesday, April 23, and recommitted to the Finance Committee, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the bill withdrawn from the Calendar for Wednesday, April 23, and recommits the measure to the Finance Committee.

**COMMITTEE REFERRAL RECALL**

**S.B. 267, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS,** referred to the Judiciary Committee on February 27.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Select Committee on Session Limits, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Select Committee on Session Limits.
S.B. 904, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE, referred to the Judiciary Committee on April 16.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Select Committee on Session Limits, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Select Committee on Session Limits.

S.B. 905, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE, referred to the Judiciary Committee on April 16.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Select Committee on Session Limits, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Select Committee on Session Limits.

S.B. 1055, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT, referred to the Judiciary Committee on April 21.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Rules and Operations of the Senate Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Rules and Operations of the Senate Committee.

Senator Basnight offers a motion that the Senate do adjourn, subject to receipt of Committee Reports, seconded by Senator Lee, to meet tomorrow, Wednesday, April 23, at 1:00 P.M., which motion prevails.

The President relinquishes the gavel to Janet Pruitt, Senate Principal Clerk, who presides.

REPORT OF COMMITTEE

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 Reeves for Senator Plyler, Co-Chairman, for the Appropriations Committee:

S.B. 352, 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.
Pursuant to Rule 45.1, the proposed Committee Substitute bill 4586, which changes the title to read S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS FOR CURRENT OPERATIONS AND FOR CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, is adopted and engrossed.

With bills remaining on the Calendar, and the motion of Senator Basnight prevailing earlier today, the Senate stands adjourned at 12:14 A.M. to meet Wednesday, April 23, at 1:00 P.M.

FORTY-NINTH DAY

Senate Chamber
Wednesday, April 23, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"We remember from Holy Scripture that the Apostle Paul, history’s greatest thinker and writer about You, O God, was often assisted by faithful scribes. The scribes not only copied Paul’s messy manuscripts into readable form, they also understood his thoughts so well that they edited some of them to make the documents more understandable to the people with whom Paul communicated. Some believe that his most trusted scribe even signed Paul’s name to documents.

"We should not be surprised to learn that from the original word for scribe, sôpêr, comes the word, secretary.

"The work of the Senate and Senators could not be done were it not for the invaluable work of the secretaries and clerks who work with them.

"On this day of national celebration for secretaries, we may be so bold as to draw from the biblical comparison, that the secretaries here not only transcribe into readable form from the Senator’s scribblings, they also understand his or her thoughts so well that they edit some of them to make them more understandable documents to people with whom the Senators desire to communicate.

"For their gifted ability to work with the public and their bosses, we lift up our prayer today with great thanksgiving for the faithful, articulate work of the Senate’s secretaries and clerks. Amen."

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, April 22, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

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The President of the Senate extends courtesies of the floor to Dr. Lynn Hughes from Concord, 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:

H.B. 178, AN ACT TO INCREASE FROM ONE YEAR TO TWO YEARS THE RENEWAL PERIOD FOR LICENSES ISSUED BY THE DIVISION OF MOTOR VEHICLES TO COMMERCIAL DRIVER TRAINING SCHOOLS AND INSTRUCTORS. (Became law upon approval of the Governor, April 23, 1997 - S.L. 1997-33.)

S.B. 187, AN ACT TO MAKE TECHNICAL AND CLARIFYING CHANGES TO THE LAWS ON ADMINISTRATIVE PROCEDURE. (Became law upon approval of the Governor, April 23, 1997 - S.L. 1997-34.)

H.B. 409, AN ACT CLARIFYING WHERE APPEALS FROM AGRICULTURAL EMPLOYERS WILL BE HEARD. (Became law upon approval of the Governor, April 23, 1997 - S.L. 1997-35.)

H.B. 266, AN ACT TO ALLOW PRIVATE PASSENGER AND PRIVATE PROPERTY-HAULING VEHICLES WEIGHING UP TO SIX THOUSAND POUNDS TO BE ISSUED "FIRST IN FLIGHT" PLATES AND TO CLARIFY THAT THE DIVISION OF MOTOR VEHICLES MAY ISSUE PERSONALIZED COMMERCIAL LICENSE PLATES. (Became law upon approval of the Governor, April 23, 1997 - S.L. 1997-36.)

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 Children & Human Resources Committee:

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES WITH FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE DAY CARE FRAUD AND OVERPAYMENTS BY PAYING COUNTIES TWENTY-FIVE PERCENT OF ACTUAL COLLECTIONS, with a favorable report. Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee.

S.B. 445, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA BOARD OF NURSING TO ENTER INTO INTERSTATE COMPACTS TO FACILITATE THE PRACTICE AND REGULATION OF NURSING, with a favorable report.

S.B. 485, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF COUNTY MEDICAL INVESTIGATORS, with a favorable report.

April 23, 1997
S.B. 626, a bill to be entitled an act to establish in the Department of Environment, Health, and Natural Resources the Office of Women's Health, with a favorable report.

S.B. 780, a bill to be entitled an act requiring that nonresident physicians who treat patients in this state through the use of electronic or other mediums shall be licensed in this state and shall be subject to reasonable regulations by the North Carolina Medical Board, with a favorable report.

S.B. 53, a bill to be entitled an act to adjust administrative penalties for adult care homes and nursing homes which are found to be in violation of applicable state and federal laws and regulations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1781 is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 453, a bill to be entitled an act to create the New Hanover International Airport Economic Development Zone, with a favorable report.

S.B. 682, a bill to be entitled an act to amend the charter of the City of Durham to require that challenges to voluntary annexations by the city be filed within thirty days after the adoption of the annexation ordinance, with a favorable report.

S.B. 1074, a bill to be entitled an act to officially recognize the Indians previously recognized in the General Statutes as the Haliwa Tribe as the Haliwa Saponi Tribe, with a favorable report.

S.B. 739, a bill to be entitled an act amending the charter of the City of Durham to authorize the city to interpret the provisions of G.S. 160A-385, concerning zoning protest petitions, to make the interpretations conclusive in the absence of arbitrary or capricious actions; and, to require that protest petitions be submitted to the city at least four normal working days before the date of the rezoning public hearing, with a favorable report.

By Senator Hoyle for the Finance Committee:

S.B. 585, a bill to be entitled an act to increase the maximum rate of the Lumberton Room Occupancy Tax from three percent to six percent, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

April 23, 1997
Pursuant to Rule 45.1, the proposed Committee Substitute bill 7769, which changes the title to read S.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX IF APPROVED BY THE VOTERS OF THE CITY, is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for today, for further consideration upon third reading, having passed second reading on April 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. 333 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CIRCUMSTANCES UNDER WHICH AN ATTORNEY-IN-FACT MAY MAKE GIFTS.
Referred to Judiciary Committee.

H.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE LESSONS LEARNED FROM HURRICANE FRAN WITH RESPECT TO THE MOBILIZATION OF THE NORTH CAROLINA NATIONAL GUARD.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Appropriations Committee.

H.B. 579 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE INITIAL ELECTION OF THE ALAMANCE-BURLINGTON BOARD OF EDUCATION SHALL BE HELD IN 1997.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 615, A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF APPOINTING THE PUBLIC DEFENDER IN DISTRICT 16B.
Referred to Judiciary Committee.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.
Referred to Judiciary Committee.

H.B. 740 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.
On motion of Senator Rand, the rules are suspended without objection, and the Committee Substitute bill is placed on the Calendar for today for consideration in lieu of
S.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

CALENDAR

S.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, on today’s Calendar.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, April 24, for consideration upon its passage.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES (Continued)

H.B. 1050, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.

Referred to State Government, Local Government, and Personnel Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
April 23, 1997

Mr. President:

It is ordered that the following message be sent your Honorable Body.

Whereas, the North Carolina Legislative Basketball Team handily defeated the South Carolina Legislative Basketball Team, with a score of 41-34; and

Whereas, the trophy remains in the Tarheel State; and

Whereas, the House being the keeper of the trophy for the Great State (because we pay for the engraving); and

Whereas, the House recognizes the fact that Senator Blust led the North Carolina team to victory by scoring 15 points.

Now, therefore the House of Representatives allows the Senate to enjoy the prized trophy briefly on this great occasion!

Respectfully,
S/DeNise Weeks
Principal Clerk

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:

April 23, 1997
By Senator Shaw of Cumberland for the Transportation Committee:

**H.B. 53**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE 82ND AIRBORNE DIVISION ASSOCIATION SPECIAL REGISTRATION PLATES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

**H.B. 55** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD REGISTRATION PLATES SHALL BE ISSUED WITHOUT AN ADDITIONAL FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART PLATEHOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER STAR, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee.

With unanimous consent, on motion of Senator Shaw of Cumberland, the Committee Substitute bill is re-referred to the Finance Committee upon a favorable report from the Appropriations Committee.

**H.B. 463** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERMISSIBLE WEIGHT OF AGRICULTURAL CROPS THAT MAY BE TRANSPORTED ON THE HIGHWAYS FROM THE FIELD TO LOCAL MARKETS, with a favorable report.

With unanimous consent, on motion of Senator Shaw of Cumberland, the bill is re-referred to the Finance Committee.

**S.B. 639**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

**S.B. 785**, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON CERTAIN DIRECT PAYMENTS UNDER HEALTH INSURANCE POLICIES AND PLANS, with a favorable report.

**S.B. 975**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS CONCERNING EMPLOYER AND EMPLOYER GROUP WORKERS' COMPENSATION SELF-INSURANCE AND CODIFY RELATED ADMINISTRATIVE RULES AND TO PROVIDE FOR GUIDELINES FOR PERSONS AND ENTITIES THAT ADMINISTER OR SERVICE WORKERS' COMPENSATION BUSINESS FOR SELF-INSURED EMPLOYERS AND EMPLOYER GROUPS, with a favorable report.

**CALENDAR**

Bills on the Calendar, carried forward as unfinished business from Tuesday, April 22, are taken up and disposed of, as follows:

**S.B. 587** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO SCHOOL PERSONNEL WHO ARE CERTIFIED

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TEACHERS BUT ARE NOT CLASSROOM TEACHERS.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 614, A BILL TO BE ENTITLED AN ACT TO REVISE THE LICENSING LAWS ADMINISTERED BY THE DEPARTMENT OF INSURANCE, INCLUDING THE LAWS RELATING TO THE PAYMENT OF CIVIL MONEY PENALTIES, HEARING PROCEDURES, NOTICES OF ADDRESS CHANGES AND CRIMINAL CONVICTIONS, APPLICATIONS FOR LEARNER'S PERMITS, EXTENSIONS OF TIME FOR CONTINUING EDUCATION REQUIREMENTS, THE BASES UPON WHICH LICENSES MAY BE DENIED, REVOKED, OR SUSPENDED, THE NUMBER OF CONTINUING EDUCATION HOURS REQUIRED FOR BAIL BONDSMEN AND RUNNERS, AND THE BOND REQUIREMENT FOR VIATICAL SETTLEMENT PROVIDERS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 801, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA PLANNED COMMUNITY ACT.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

H.B. 59, 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, on today's Calendar upon third reading.

With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business and on his further motion, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, April 24, for consideration upon third reading.

**COMMITTEE REFERRAL RECALL**

S.B. 910, A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS, referred to the Judiciary Committee on April 17.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

**CALENDAR (Unfinished Business Continued)**

S.B. 587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO SCHOOL PERSONNEL WHO ARE CERTIFIED TEACHERS BUT ARE NOT CLASSROOM TEACHERS, temporarily displaced earlier.

Senator Hartsell offers Amendment No. 1, which is adopted (46-1), changing the title to read S.B. 587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE CLASSROOM EXPERIENCE TO PROFESSIONAL PUBLIC SCHOOL EMPLOYEES

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WHO DO NOT HAVE DAILY INSTRUCTIONAL CONTACT WITH STUDENTS.

Senator Foxx offers Amendment No. 2 which is adopted (46-3).
The Committee Substitute bill, as amended, passes its second (48-1) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 240, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LIMITATION ON CERTAIN KINDS OF POLITICAL FUND-RAISING WHILE THE GENERAL ASSEMBLY IS IN REGULAR SESSION, upon third reading.

Senator Page offers Amendment No. 1.
The President orders, without objection, the bill temporarily displaced, with Amendment No. 1 pending.

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. 539, A BILL TO BE ENTITLED AN ACT TO REQUIRE MORE SPECIFIC DISCLOSURE OF LOBBYING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
Pursuant to Rule 45.1, the proposed Committee Substitute bill 1776 is adopted and engrossed.

S.B. 809, A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA APPRAISERS 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 2728 is adopted and engrossed

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 579, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
Pursuant to Rule 45.1, the proposed Committee Substitute bill 1707, which changes the title to read S.B. 579 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS, is adopted and engrossed.

With unanimous consent, on motion of Senator Basnight, President Pro Tempore, the Senate recesses at 2:04 P.M. to reconvene at 2:19 P.M.

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RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Unfinished Business Continued)

S.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX IF APPROVED BY THE VOTERS OF THE CITY, with the Committee Substitute bill adopted, engrossed, and placed earlier today on today’s Calendar for further consideration upon third reading.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is taken up out of its regular order of business.

 Upon inquiry by Senator Hoyle, the President rules the Committee Substitute bill a material amendment and adoption earlier today constituted the first reading of the measure. The Committee Substitute bill is ordered placed on the Calendar for tomorrow, April 24, for further consideration upon second reading.

S.B. 352 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS FOR CURRENT OPERATIONS AND FOR CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, on today’s Calendar.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is taken up out of its regular order of business and is placed before the Senate for immediate consideration upon its passage.

Senator Plyler offers a motion to suspend the rules to the end that Linda Powell and Gregory Berns of the Fiscal Research Division be allowed privileges of the floor to assist with the explanation of the Committee Substitute bill, which motion prevails.

Senator Plyler offers Amendment No. 1 which is adopted (49-0).

Senator Shaw of Guilford offers Amendment No. 2 which is adopted (49-0).

Senator Horton offers Amendment No. 3.

Senator Rand rises to a point of order as to the adoption of Amendment No. 3 requiring referral of the Committee Substitute bill, as amended, to the Finance Committee pursuant to Rule 42(b). The President rules the adoption of Amendment No. 3 would require the measure to be re-referred to the Finance Committee pursuant to Rule 42(b).

Pursuant to Rule 28(a), Senator Horton offers a motion that the question be divided upon adoption of Amendment No. 3.

Senator Perdue offers a motion that Amendment No. 3 offered by Senator Horton, do lie upon the table, seconded by Senator Rand.

Senator Horton rises to a point of order as to his motion to divide the question being before the Body. The President rules, that pursuant to Rule 19, the motion to lay on the table has precedence over the motion to divide the question and shall be decided without debate.

With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Kincaid.

Senator Horton calls for the “ayes” and “noes” on the question. The call is not sustained.

The motion, offered by Senator Perdue, that Amendment No. 3 do lie upon the table
prevails (29-19) and Amendment No. 3 lies upon the table.
    Senator Perdue calls the previous question, seconded by Senator Rand. The call is sustained (30-18).
    Senator Garwood announces a pair: Senator Garwood “aye”; Senator Kincaid “no.”
    The Committee Substitute bill, as amended, passes its second (36-11) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 240, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LIMITATION ON CERTAIN KINDS OF POLITICAL FUND-RAISING WHILE THE GENERAL ASSEMBLY IS IN REGULAR SESSION, with Amendment No. 1 pending, temporarily displaced earlier, upon third reading.
    Senator Gulley offers Amendment No. 2, substitute for Amendment No. 1, which is adopted (44-4).
    The Committee Substitute bill, as amended, passes its third reading (46-2) and is ordered engrossed and sent to the House of Representatives.

H.B. 260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONSERVATION EASEMENTS PROGRAM THAT USES CONSERVATION TAX CREDITS FOR THE PROTECTION OF NATURAL RESOURCES AND THAT FURTHERS APPROPRIATE PUBLIC USE OF NATURAL RESOURCES, TO CREATE THE FACILITATION AND ASSISTANCE GRANT FUND TO SUPPORT COOPERATIVE CONSERVATION EFFORTS, AND TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, changing the title, upon concurrence, to read H.B. 260 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES AND TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE CONSIDERED IN DETERMINING THE APPRAISED VALUE OF LAND AND IMPROVEMENTS, on today’s Calendar upon second reading.
    With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is taken up out of its regular order of business and on his further motion the Senate Committee Substitute bill is withdrawn from today’s Calendar and is recommitted to the Finance Committee.

COMMITTEE REFERRAL RECALL

S.B. 237, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PERSONS RENDERING MANICURING SERVICES FOR COMPENSATION TO BE REGULATED BY THE STATE BOARD OF COSMETIC ART AND TO PAY A FEE FOR THESE PROCEDURES, referred to the Rules and Operations of the Senate Committee on February 25.
    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 recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.
S.B. 872, 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 April 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 Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

S.B. 193, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO EVALUATE SEPTIC TANKS IN THE NEUSE RIVER BASIN, referred to the Appropriations Committee on February 19.

Pursuant to Rule 47(a), Senator Perdue offers a motion that the bill be withdrawn from the Appropriations Committee and re-referred to the Agriculture/Environment/Natural Resources Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and refers the measure to the Agriculture/Environment/Natural Resources Committee.

CALENDAR (Unfinished Business Continued)

S.B. 627 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXPAND THE CLASSIFICATION OF PERSONS WHO MAY OBTAIN A DOMESTIC VIOLENCE PROTECTIVE ORDER, AND TO CLARIFY THE CIRCUMSTANCES UNDER WHICH MAGISTRATES MAY ISSUE PROTECTIVE ORDERS, upon third reading.

Senator Miller offers Amendment No. 1.

Senator McDaniel offers Amendment No. 2, substitute for Amendment No. 1. The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Substitute Amendment No. 2, offered by Senator McDaniel, is adopted (35-12).

The Committee Substitute bill, as amended, passes its third reading (35-12) and is ordered engrossed and sent to the House of Representatives.

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 529, A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS, upon third reading.

The bill passes its third reading by roll-call vote ayes 45, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered sent to the House of Representatives.

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN
ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, changing the title, upon concurrence, to read H.B. 57 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, TO MODIFY THE DEFINITION OF EMPLOYMENT WITH RESPECT TO AGRICULTURE, LABOR, AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS, as amended, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Senate Committee Substitute bill, as amended, is taken up out of its regular order of business.

Following debate, on motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from today’s Calendar and placed on the Calendar for Monday, May 5, for consideration upon second reading.

H.B. 740, A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, placed earlier today on the Calendar for today.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 125 (Committee Substitute), A BILL TO BE ENTITLED AN act TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELDS BY APPROVING THE IMPOSITION OF RESTRICTIONS ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES AND ON OIL OR HAZARDOUS SUBSTANCE DISCHARGES OR RELEASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second (42-1) and third readings and is ordered sent to the House of Representatives.

S.B. 162 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS, NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING CERTIFICATION OF IDENTIFICATION FOR INDIVIDUALS OF FOREIGN BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION, CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO REPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPEES, AND TO EXTEND THE EFFECTIVE PERIOD OF REPLACEMENT ASSESSMENTS TO EIGHTEEN MONTHS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives.

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S.B. 169 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes is second (42-0) and third readings and is ordered sent to the House of Representatives.

S.B. 178 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE SECRETARY OF CULTURAL RESOURCES TO PROPOSE LANDS TO BE ACQUIRED WITH FUNDS FROM THE NATURAL HERITAGE TRUST FUND, TO AUTHORIZE EXPENDITURES FROM THE FUND FOR CONSERVATION AND PROTECTION PLANNING AND EDUCATIONAL PROGRAMS FOR OWNERS OF NATURE PRESERVES UNDER THE NATURE PRESERVES ACT, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF THE FUND TO ENTER INTO AGREEMENTS FOR THE MANAGEMENT OF ACQUIRED LANDS WITH QUALIFIED NONPROFIT ORGANIZATIONS.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT.

The Committee Substitute bill passes is second reading (47-0).

Senator Cooper objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 24, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES WITH FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE DAY CARE FRAUD AND OVERPAYMENTS BY PAYING COUNTIES TWENTY-FIVE PERCENT OF ACTUAL COLLECTIONS, referred to the Appropriations Committee earlier today.

Pursuant to Rule 47(a), Senator Odom offers a motion that the bill be withdrawn from the Appropriations Committee and placed on the Calendar for Thursday, April 24, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and places it on the Calendar for Thursday, April 24, for consideration upon its passage.

CALENDAR (Continued)

S.B. 376, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TEACHING HOSPITALS AFFILIATED WITH CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS LAW ENFORCEMENT AGENCIES.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

April 23, 1997
S.B. 382 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REDEFINING THE BASE PERIOD FOR UNEMPLOYMENT BENEFITS AND ELIMINATING THE ONE AND ONE-HALF TIMES TEST.

The Committee Substitute bill passes is second (44-4) and third readings and is ordered sent to the House of Representatives.

*With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Albertson.*

S.B. 402, A BILL TO BE ENTITLED AN ACT TO EXEMPT SIMPLE RETIREMENT ACCOUNTS FROM THE CLAIMS OF CREDITORS.

The bill passes is second (45-0) and third readings and is ordered sent to the House of Representatives.

S.B. 421, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA 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.

Receiving a three-fifths affirmative majority vote, the bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the Negative: None.

With unanimous consent, the bill remains before the Senate for further consideration upon third reading.

Receiving a three-fifths affirmative majority vote, the bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the Negative: None.

The bill is ordered sent to the House of Representatives.

S.B. 456 A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE 1995 AMENDMENTS TO THE LAWS PROVIDING FOR THE ESTABLISHMENT OF CARTWAYS.

With unanimous consent, on motion of Senator Reeves, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29, for consideration upon its passage.

S.B. 537 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE
THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE.

Receiving a three-fifths affirmative majority vote, the Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 12, as follows:


With unanimous consent, the Committee Substitute bill remains before the Senate for further consideration upon third reading.

Receiving a three-fifths affirmative majority vote, the Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 10, as follows:


The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 571, A BILL TO BE ENTITLED AN ACT TO PLACE ON THE SCHEDULE II CONTROLLED SUBSTANCES LIST THE DRUG REMIFENTANIL AND SALTS THEREOF, IN ACCORDANCE WITH FEDERAL LAW.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 646, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE SQUARE DANCE AS THE AMERICAN FOLK DANCE OF THE STATE OF NORTH CAROLINA.

Senator Conder offers Amendment No. 1 which is adopted (43-4), changing the title to read S.B. 646, A BILL TO BE ENTITLED AN ACT TO DESIGNATE THE OFFICIAL DANCES OF NORTH CAROLINA.

Senator Ballantine offers Amendment No. 2.

Senator Rand rises to a point of order under Rule 57.1 as to Amendment No. 2, offered by Senator Ballantine, being germane to the original subject matter of the bill.

With unanimous consent, on motion of Senator Basnight, the bill, as amended, is recommitted to the Commerce Committee with Amendment No. 2 pending.

S.B. 708 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF POLITICAL ADVERTISEMENTS.

Senator Cooper offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second reading (47-0).

Senator Page objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 24, for further consideration upon third reading.
S.B. 814, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-STAND SALES OF ALCOHOLIC BEVERAGES IN CERTAIN STADIUMS, BALLPARKS, AND SIMILAR PUBLIC PLACES.

The bill passes its second (35-11) and third readings and is ordered sent to the House of Representatives.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO SPORTS CLUBS.

Senator Ballance offers Amendment No. 1 which is adopted (41-4).

The bill, as amended, passes its second reading (33-14).

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, April 24, for further consideration upon third reading.

S.B. 838, A BILL TO BE ENTITLED AN ACT TO ESTABLISH TOURISM RESORTS AND TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO THESE ENTITIES.

The bill passes its second reading (32-15).

Senator Ballance objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 24, for further consideration upon third reading.

S.B. 945 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PRESCRIBER'S AND THE PATIENT'S CONSENT FOR INTERCHANGE OF A LIMITED CLASS OF DRUGS.

The Committee Substitute bill passes its second reading (46-1).

Senator Cochrane objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, April 24, for further consideration upon third reading.

S.B. 245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT, having passed its second reading earlier today.

Upon inquiry by Senator Kerr, the President rules the Committee Substitute bill requires a call of the roll and he subsequently orders the measure placed on the Calendar for Thursday, April 24, upon second reading.

S.B. 210 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE DEPARTMENT OF CORRECTION MAY DEDUCT FUNDS FROM AN INMATE'S ACCOUNT TO REPAY COSTS RESULTING FROM INMATE MISCONDUCT, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (43-3) and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Cooper, the Senate adjourns at 5:56 P.M. to meet tomorrow, Thursday, April 24, at 12:00 Noon.

April 23, 1997
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable Jeanne Lucas, Senator from Durham County, as follows:

"Thank you Mr. President. Let us bow for prayer.

"Father, we bow in humble submission at this time to acknowledge You and Your many wonderful blessings. You have given us Plyler, Perdue, Odom, and others who have presented to us the Senate's budget.

"We pray to You, Father, this day, that those decisions which have been made by the Senate relative to the appropriations as they reflect education, environment, human resources, salaries, personnel, justice and public safety, economic development, and fiscal responsibility; that these decisions will make an impact on our citizens; and that what we do will be pleasing in Your sight.

"Father, we ask You to empower the Members of the House to look favorably upon that which we have done. And that when we have completed our assigned tasks here in this General Assembly, it will pleasing to Your will. This we ask in Thy name. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Jenkins and to Senator Kincaid.

Senator Lee announces the Journal of yesterday, Wednesday, April 23, has been examined and is found to be correct. On 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 McMahan from Chapel Hill, who is serving the Senate as Doctor of the Day.

_The President extends courtesies of the Gallery to Patsy W. Whaley, the Clerk of Superior Court of Edgecombe County._

**CALENDAR**

_S.B. 579 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS, on today's Calendar._

With unanimous consent, on motion of Senator Cochrane, the Committee Substitute bill is taken up out of its regular order of business and on her further motion, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29, for consideration upon its passage.
ENROLLED BILL

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

H.B. 740, AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES.

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 Miller for the State Government, Local Government, and Personnel Committee:

S.B. 437, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE, with a favorable report.

S.B. 683, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO APPROVE THE PAYMENT OF FACILITIES FEES IN INSTALLMENTS, with a favorable report.

S.B. 684, A BILL TO BE ENTITLED AN ACT AMENDING THE DURHAM CITY CHARTER TO RENAME THE SUBDIVISION REVIEW BOARD AND INCREASING THE NUMBER OF PERSONS WHO MAY SERVE ON THAT BOARD, with a favorable report.

S.B. 710, A BILL TO BE ENTITLED AN ACT TO RESTRICT ANNEXATIONS BY THE TOWNS OF LELAND AND BELVILLE AND TO ALLOW THE TOWN OF BELVILLE TO EXERCISE ITS EXTRATERRITORIAL PLANNING JURISDICTION WITHIN A CERTAIN DESCRIBED AREA, with a favorable report.

S.B. 711, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

S.B. 723, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE, with a favorable report.

S.B. 811, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO HIRE AND CONTRACT FOR PERSONNEL, with a favorable report.

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S.B. 910, A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS, with a favorable report.

S.B. 891, A BILL TO BE ENTITLED AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

S.B. 474, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THE TOWNS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7770, which changes the title to read S.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF CORNELIUS, DAVIDSON, GARNER, HUNTERSVILLE, KNIGHTDALE, AND NAGS HEAD TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THE TOWNS, is adopted and engrossed.

S.B. 501, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1783 is adopted and engrossed.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is re-referred to the Finance Committee.

S.B. 535, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF MACON COUNTY BEFORE LAND IN THAT COUNTY MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE 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 8684, which changes the title to read S.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF CHEROKEE, CLAY, GUILFORD, MACON, AND POLK COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, is adopted and engrossed.

S.B. 672, A BILL TO BE ENTITLED AN ACT REGARDING MECKLENBURG COUNTY AND INCORPORATED MUNICIPALITIES LOCATED THEREIN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2720, which changes the title to read S.B. 672 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE, is adopted and engrossed.

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S.B. 875, A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION 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 1785 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

S.B. 987, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2733 is adopted and engrossed.

S.B. 1030, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROJECT EXPEDITERS ON PUBLIC 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 1786 is adopted and engrossed.

By Senator Soles for the Commerce Committee:

S.B. 848, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SECONDARY SUPPLIER OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE, with a favorable report.

S.B. 914, A BILL TO BE ENTITLED AN ACT TO REVISE THE REIMBURSEMENT METHODOLOGY FOR HOSPITAL CHARGES UNDER WORKERS' COMPENSATION, with a favorable report.

S.B. 992, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO THE NORTH CAROLINA BOXING COMMISSION, with a favorable report.

By Senator Reeves, Vice-Chairman, for Senator Jenkins, Chairman, for the Pensions & Retirement and Insurance Committee:

S.B. 345, A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE, with a favorable report.

S.B. 434, A BILL TO BE ENTITLED AN ACT TO PROVIDE HEALTH BENEFITS FOR NATIONAL GUARD MEMBERS AND THEIR ELIGIBLE DEPENDENTS WHO
DO NOT HAVE ACCESS TO COMPREHENSIVE GROUP HEALTH BENEFITS BY
ALLOWING VOLUNTARY PARTICIPATION IN THE TEACHERS' AND STATE
EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN COURSES, with an
unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2732 is adopted and
engrossed.

With unanimous consent, on motion of Senator Reeves, the Committee Substitute bill
is re-referred to the Appropriations Committee.

S.B. 118, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE
INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR
CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES, 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 is adopted and
engrossed.

By Senator Lucas for the Children & Human Resources Committee:

S.B. 486, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION
OF ESTABLISHMENTS THAT ARE SUBJECT TO REGULATION AS FOOD AND
LODGING 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 A740 is adopted and
engrossed.

CALENDAR (Continued)

S.B. 975, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS CONCERNING EMPLOYER AND EMPLOYER GROUP WORKERS' COMPENSATION SELF-INSURANCE AND CODIFY RELATED ADMINISTRATIVE RULES AND TO PROVIDE FOR GUIDELINES FOR PERSONS AND ENTITIES THAT ADMINISTER OR SERVICE WORKERS' COMPENSATION BUSINESS FOR SELF-INSURED EMPLOYERS AND EMPLOYER GROUPS, on today’s Calendar upon second reading.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business and on his further motion, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Monday, April 28, for consideration upon second reading.

S.B. 1074, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY RECOGNIZE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE HALIWA TRIBE AS THE HALIWA SAPONI TRIBE, on today’s Calendar.

With unanimous consent, on motion of Senator Ballance, the bill is taken up out of its regular order of business.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 837, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO
SPORTS CLUBS, as amended, on today’s Calendar upon third reading.

With unanimous consent, on motion of Senator Ballance, the bill, as amended, is taken up out of its regular order of business and on his further motion, the bill, as amended, is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, April 29, for consideration upon third reading.

S.B. 838, A BILL TO BE ENTITLED AN ACT TO ESTABLISH TOURISM RESORTS AND TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO THESE ENTITIES, on today’s Calendar upon third reading.

With unanimous consent, on motion of Senator Ballance, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, April 29, for consideration upon third reading.

With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Ballance.

COMMITTEE REFERRAL

S.B. 1047, A BILL TO BE ENTITLED AN ACT TO AMEND THE PSYCHOLOGY PRACTICE ACT AND RELATED STATUTES, ordered held in the Office of the Principal Clerk on April 21 pending referral to committee pursuant to Rule 43.

Senator Rand, Chairman of the Rules and Operations of the Senate Committee, announces the referral of the bill to the Children & Human Resources Committee.

REPORTS OF COMMITTEES (Continued)

By Senator Soles for the Commerce Committee:

S.B. 966, A BILL TO BE ENTITLED AN ACT TO MAKE NO DAMAGE FOR DELAY CLAUSES IN PUBLIC CONTRACTS UNENFORCEABLE, with a favorable report.

S.B. 996, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS CERTAIN PERSONS PERFORMING ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS UNDERNEATH MANUFACTURED HOMES, with a favorable report.

CALENDAR (Continued)

S.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, on today’s Calendar.

With unanimous consent, on motion of Senator Wellons, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, 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. 59, 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, on today’s Calendar upon third reading.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business and on his further motion, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Monday, May 5, for consideration upon third reading.

S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT CONTRACT AND LEASE DEBTS, TO REQUIRE LOCAL GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBTS, AND TO CAP THE AMOUNT OF INSTALLMENT CONTRACT AND LEASE DEBT COUNTIES AND CITIES MAY INCUR.

With unanimous consent, on motion of Senator Winner, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, April 29, for consideration upon its passage.

REPORTS OF COMMITTEES (Continued)

By Senator Shaw of Cumberland for the Transportation Committee:

S.B. 625, A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1784 is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A special 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, and disposed of, as follows:

S.B. 286 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM, for concurrence in the House Committee Substitute bill.

On motion of Senator Perdue, the rules are suspended, without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor by special messenger.

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), A BILL TO BE ENTITLED AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION, TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS PENDING DISPOSITION, AND TO ALLOW FOR MODIFICATION OF SENTENCE FOR IMPAIRED DRIVING ON REMAND TO DISTRICT COURT OR WITHDRAWAL OF APPEAL.

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

H.B. 299 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS AND TO PROVIDE THAT THE TEN-DOLLAR ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO SUPPORT THE NORTH CAROLINA VETERANS HOME.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is ordered held in Office of the Principal Clerk pending referral to committee.

H.B. 312, A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE.

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


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

H.B. 851 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CAPE CARTERET AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL PLANNING JURISDICTION.

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

H.B. 877, A BILL TO BE ENTITLED AN ACT TO ADD, FOR THE TOWN OF KURE BEACH ONLY, EROSION CONTROL MEASURES TO THE LIST OF PUBLIC ENTERPRISES THAT CITIES HAVE FULL AUTHORITY TO PROTECT AND REGULATE.

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

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H.B. 935, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE LLAMAS AS LIVESTOCK ANIMALS.

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

H.B. 1046, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AUDIT PROCESS FOR THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC.

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

REPORT TO GENERAL ASSEMBLY

An Agency directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:


CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX IF APPROVED BY THE VOTERS OF THE CITY, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 8, as follows:


Voting in the negative: Senators Ballantine, Clark, East, Forrester, Foxx, McDaniel, Page, and Webster—8.

The Committee Substitute bill, is ordered placed on the Calendar for Monday, April 28, for further consideration upon third reading.

S.B. 453, A BILL TO BE ENTITLED AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 682, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM TO REQUIRE THAT CHALLENGES TO VOLUNTARY

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ANNEXATIONS BY THE CITY BE FILED WITHIN THIRTY DAYS AFTER THE ADOPTION OF THE ANNEXATION ORDINANCE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 739, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF DURHAM TO AUTHORIZE THE CITY TO INTERPRET THE PROVISIONS OF G.S. 160A-385, CONCERNING ZONING PROTEST PETITIONS, TO MAKE THE INTERPRETATIONS CONCLUSIVE IN THE ABSENCE OF ARBITRARY OR CAPRICIOUS ACTIONS; AND, TO REQUIRE THAT PROTEST PETITIONS BE SUBMITTED TO THE CITY AT LEAST FOUR NORMAL WORKING DAYS BEFORE THE DATE OF THE REZONING PUBLIC HEARING.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT, upon second reading.

Senator Cooper offers Amendment No. 1 which is adopted (45-1).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 2, as follows:


Voting in the negative: Senators Perdue and Winner—2.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, April 28, for further consideration upon third reading.

S.B. 53 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST ADMINISTRATIVE PENALTIES FOR ADULT CARE HOMES AND NURSING HOMES WHICH ARE FOUND TO BE IN VIOLATION OF APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS.

The Committee Substitute bill passes its second reading (46-0).

Senator Hartsell objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, April 28, for further consideration upon third reading.

S.B. 304, A BILL TO BE ENTITLED AN ACT TO PROVIDE COUNTIES WITH FINANCIAL INCENTIVE TO INVESTIGATE AND PURSUE DAY CARE FRAUD AND OVERPAYMENTS BY PAYING COUNTIES TWENTY-FIVE PERCENT OF ACTUAL COLLECTIONS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

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REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 325, A BILL TO BE ENTITLED AN ACT TO EXEMPT A SWORN LAW ENFORCEMENT OFFICER OR A RETIRED SWORN LAW ENFORCEMENT OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN ONE YEAR OF RETIREMENT, with a favorable report.

S.B. 451, A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES, TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS, AND TO PROVIDE THAT THOSE CLAIMS MUST BE BROUGHT WITHIN FIVE YEARS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to Appropriations Committee.

S.B. 786, A BILL TO BE ENTITLED AN ACT TO AMEND THE SUBROGATION RIGHTS REQUIREMENTS FOR THE DIVISION OF VOCATIONAL REHABILITATION TO CONFORM WITH MEDICAID SUBROGATION, with a favorable report.

S.B. 800, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AUTHORITY TO EMPLOY AN EXECUTIVE SECRETARY FOR THE JUDICIAL STANDARDS COMMISSION FROM THE COMMISSION AS A WHOLE TO THE COMMISSION CHAIR, with a favorable report.

S.B. 842, A BILL TO BE ENTITLED AN ACT TO EXEMPT PERSONS PERFORMING CERTAIN ALTERATIONS, REMODELING, AND RENOVATIONS OF EXISTING BUILDINGS OR STRUCTURES FROM THE ARCHITECTURAL LICENSURE REQUIREMENTS, with a favorable report.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 286, AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM.

CALENDAR (Continued)

S.B. 445, A BILL TO BE ENTITLED AN ACT TO ALLOW THE NORTH CAROLINA BOARD OF NURSING TO ENTER INTO INTERSTATE COMPACTS TO
FACILITATE THE PRACTICE AND REGULATION OF NURSING.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

**S.B. 485, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF COUNTY MEDICAL INVESTIGATORS.**

The bill passes its second reading (46-0).

On motion of Senator Soles, the President orders, without objection, the bill temporarily displaced.

**S.B. 539 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MORE SPECIFIC DISCLOSURE OF LOBBYING.**

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

**REPORT OF COMMITTEE**

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 Lee for the Education/Higher Education Committee:

**S.B. 5, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO CHANGE THE COMPOSITION OF THE STATE BOARD OF EDUCATION AND MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE STATE BOARD OF EDUCATION, AND TO MAKE CORRESPONDING STATUTORY CHANGES, with a favorable report.**

**S.B. 19, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STUDENTS MASTER THE BASICS AT ONE GRADE LEVEL BEFORE THEY ARE PROMOTED TO THE NEXT GRADE LEVEL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.**

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8685 is adopted and engrossed.

**S.B. 1011, A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF SCHOOL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.**

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7768 is adopted and engrossed.

**CALENDAR (Continued)**

**S.B. 626, A BILL TO BE ENTITLED AN ACT TO ESTABLISH IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES THE**

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OFFICE OF WOMEN'S HEALTH.

With unanimous consent, on motion of Senator Forrester, the bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, April 28, for consideration upon its passage.

S.B. 485, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF COUNTY MEDICAL INVESTIGATORS, temporarily displaced earlier upon third reading.

With unanimous consent, on motion of Senator Soles, the bill is withdrawn from today's Calendar and placed on the Calendar for Wednesday, April 30, for further consideration upon third reading.

S.B. 780, A BILL TO BE ENTITLED AN ACT REQUIRING THAT NONRESIDENT PHYSICIANS WHO TREAT PATIENTS IN THIS STATE THROUGH THE USE OF ELECTRONIC OR OTHER MEDIUMS SHALL BE LICENSED IN THIS STATE AND SHALL BE SUBJECT TO REASONABLE REGULATIONS BY THE NORTH CAROLINA MEDICAL BOARD.

The bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives.

S.B. 785, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET ON CERTAIN DIRECT PAYMENTS UNDER HEALTH INSURANCE POLICIES AND PLANS.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

REPORT OF COMMITTEE

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. 477, A BILL TO BE ENTITLED AN ACT TO DEVELOP GUIDELINES FOR BEST MANAGEMENT PRACTICES FOR THE INSTALLATION, REPAIR, REPLACEMENT, AND MAINTENANCE OF SEPTIC SYSTEMS AND TO PROVIDE TAX CREDITS FOR IMPLEMENTING BEST MANAGEMENT PRACTICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1788 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

S.B. 845, A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DIVISION OF AIR QUALITY OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND

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NATURAL RESOURCES TO JOINTLY STUDY THE COSTS AND BENEFITS OF EXPANDING THE INSPECTION AND MAINTENANCE PROGRAM FOR MOTOR VEHICLES AND TO ENSURE COMPLIANCE WITH THE CURRENT INSPECTION AND MAINTENANCE 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 2734, which changes the title to read S.B. 845 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DIVISION OF AIR QUALITY OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, WITH THE ASSISTANCE AND COOPERATION OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION, TO STUDY THE COSTS AND BENEFITS OF EXPANDING THE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM FOR MOTOR VEHICLES, TO IMPROVE COMPLIANCE WITH THE CURRENT EMISSIONS INSPECTION AND MAINTENANCE PROGRAM, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY WHETHER THE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM SHOULD BE TRANSFERRED FROM THE DIVISION OF MOTOR VEHICLES TO THE DIVISION OF AIR QUALITY, is adopted and engrossed.

CALENDAR (Continued)

S.B. 809 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA APPRAISERS ACT.

The Committee Substitute bill passes its second reading (44-3).

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 Monday, April 28, for further consideration upon third reading.

S.B. 708 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN DISCLOSURES BY THE SPONSORS OF POLITICAL ADVERTISEMENTS, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading and is ordered engrossed and sent to the House of Representatives.

S.B. 945 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PRESCRIBER'S AND THE PATIENT'S CONSENT FOR INTERCHANGE OF A LIMITED CLASS OF DRUGS, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Rand, the Senate adjourns at 1:34 P.M. to meet Monday, April 28, at 5:00 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting Frederick Buechner as follows:

"Our Lord and God, as we begin a new week in the Senate, the sheer volume of work is increasing, as it always seems to do at this time of the legislative year. "Maybe there's nothing on earth more important for us to do during these hurried days than to sit down every evening or morning and think over, try to figure out if we can, try to come to terms with the events of each day. Where they are taking us. Where they are taking the people we care about. That kind of quiet reflection is, if nothing else, an effective way of beginning our personal prayers with You." Help each of us to take that kind of time this week, for Your sake and our own. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, April 24, has been examined and is found to be correct. On 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. Eugene M. Bozymski from Chapel Hill, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

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

H.B. 429, AN ACT TO ALLOW THE CITIES OF RALEIGH AND ROANOKE RAPIDS AND THE TOWN OF WAYNESVILLE TO DONATE UNCLAIMED BICYCLES.

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. 740, AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES. (Became law upon ratification, April 24, 1997 - S.L. 1997-37.)

S.B. 286, AN ACT TO MAKE AN EMERGENCY APPROPRIATION, ON THE REQUEST OF THE GOVERNOR, TO THE NEW AND EXPANDING INDUSTRY TRAINING PROGRAM. (Became law upon approval of the Governor, April 24, 1997 - S.L. 1997-38.)

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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. 994, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DIRECT SHIPMENT OF ALCOHOLIC BEVERAGES TO CONSUMERS 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 4588 is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 726, A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF 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 A742, which changes the title to read S.B. 726 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT PLANNING AND ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY, 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. 315 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROVIDE FOR THE OPEN, FAIR, AND NONPOLITICAL SELECTION OF THE MOST QUALIFIED PERSONS FOR STATE GOVERNMENT EMPLOYMENT BY LIMITING POLITICAL HIRINGS, TO PROVIDE FOR BROADER PROTECTIONS FOR STATE EMPLOYEES REPORTING GROSS MISMANAGEMENT AND IMPROPER GOVERNMENT ACTIVITIES, AND TO PROVIDE FOR THE REPORTING OF CERTAIN HIRINGS AND OTHER MATTERS TO THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS.

Referred to Judiciary Committee.

H.B. 400, A BILL TO BE ENTITLED AN ACT TO REWRITE THE AUTHORITY OF THE STATE BANKING COMMISSION TO ASSESS BANKS AND CONSUMER FINANCE LICENSEES FOR THE MAINTENANCE AND OPERATION OF THE

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OFFICE OF THE COMMISSIONER OF BANKS.
Referred to Commerce Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BEACH PLAN PARTICIPATION FORMULA AND REVISE OTHER STATUTES RELATED TO THE BEACH PLAN.
Referred to Pensions & Retirement and Insurance Committee.

H.B. 522, A BILL TO BE ENTITLED AN ACT TO AMEND THE MEMBERSHIP OF THE STATE FIRE AND RESCUE COMMISSION.
Referred to Pensions & Retirement and Insurance Committee.

H.B. 538 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PROVIDING OF TRUTHFUL EMPLOYMENT REFERENCES IN ORDER TO PROMOTE SAFER WORKPLACES.
Pursuant to Rule 43, the Committee Substitute bill is ordered held in the Office of the Principal Clerk pending referral to committee.

H.B. 611 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE, TO EXEMPT THE COMPENSATION FROM STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS.
Referred to Appropriations Committee.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COST LIMIT ON CONSTRUCTION WORK UNDERTAKEN BY THE CITY OF LAURINBURG USING FORCE ACCOUNT QUALIFIED LABOR.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 754, A BILL TO BE ENTITLED AN ACT TO LEVY AN EXCISE TAX ON ILICIT SPIRITUOUS LIQUOR, AN EXCISE TAX ON MASH, AND AN EXCISE TAX ON ILICIT MIXED BEVERAGES.
Referred to Finance Committee.

H.B. 771, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF A SANITARY DISTRICT WITH FOUR-YEAR TERMS THAT ARE NOT STAGGERED TO PROVIDE FOR STAGGERED TERMS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 772, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW.
Referred to State Government, Local Government, and Personnel Committee.
H.B. 828, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILSON TO INCREASE THE SETTLEMENT AUTHORITY OF THE CITY MANAGER.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 881, A BILL TO BE ENTITLED AN ACT TO AMEND THE DURHAM CITY CHARTER TO PERMIT THE APPOINTMENT OF A BOARD OF ADJUSTMENT WITH MORE THAN FIVE MEMBERS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 885, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE ALAMANCE COUNTY SCHOOL ADMINISTRATIVE UNIT TO PICK UP AND DISCHARGE PUPILS AT DAY CARE.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE THE VOTERS OF BEAUFORT COUNTY THE SAME RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 894, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 898 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC RECORDS LAW TO CLARIFY PROVISIONS CONCERNING CORRESPONDENCE.
Referred to Judiciary Committee.

H.B. 966, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR EXTENDED TRUCKLOADS.
Referred to Transportation Committee.

H.B. 967, A BILL TO BE ENTITLED AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST ROUTES TO A NON-LIGHT-TRAFFIC ROAD.
Referred to Transportation Committee.

H.B. 997, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT NOTARIES PUBLIC OBTAIN THE RECOMMENDATION OF A PUBLICLY ELECTED OFFICIAL.
Referred to Judiciary Committee.

Bills received from the House of Representatives on April 24, and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the Rules and Operations of the Senate Committee pursuant to Rule 43, are referred to Committee, as follows:
H.B. 183 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION, TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS PENDING DISPOSITION, AND TO ALLOW FOR MODIFICATION OF SENTENCE FOR IMPAIRED DRIVING ON REMAND TO DISTRICT COURT OR WITHDRAWAL OF APPEAL.
Referred to Judiciary Committee.

H.B. 299 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS AND TO PROVIDE THAT THE TEN-DOLLAR ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO SUPPORT THE NORTH CAROLINA VETERANS HOME.
Referred to Transportation Committee.

H.B. 312, A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE.
Referred to Pensions & Retirement and Insurance Committee.

Referred to Judiciary Committee.

H.B. 851 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CAPE CARTERET AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL PLANNING JURISDICTION.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 877, A BILL TO BE ENTITLED AN ACT TO ADD, FOR THE TOWN OF KURE BEACH ONLY, EROSION CONTROL MEASURES TO THE LIST OF PUBLIC ENTERPRISES THAT CITIES HAVE FULL AUTHORITY TO PROTECT AND REGULATE.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 935, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE LLAMAS AS LIVESTOCK ANIMALS.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 1046, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AUDIT PROCESS FOR THE NORTH CAROLINA PARTNERSHIP FOR CHILDREN, INC.
Referred to Education/Higher Education Committee.

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Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 585** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX IF APPROVED BY THE VOTERS OF THE CITY, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 34, noes 8, as follows:


Voting in the negative: Senators Ballantine, Clark, East, Forrester, Foxx, McDaniel, Page, and Webster—8.

The Committee Substitute bill is ordered sent to the House of Representatives.

**REPORT OF COMMITTEE**

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 Winner for the Education/Higher Education Committee:

**S.B. 442**, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE INSTRUCTION ON OUR AMERICAN HERITAGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6663, which changes the title to read **S.B. 442** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY, is adopted and engrossed.

**S.B. 958**, A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A743 is adopted and engrossed.

**CALENDAR** (Continued)

**S.B. 710**, A BILL TO BE ENTITLED AN ACT TO RESTRICT ANNEXATIONS BY THE TOWNS OF LELAND AND BELVILLE AND TO ALLOW THE TOWN OF
BELVILLE TO EXERCISE ITS EXTRATERRITORIAL PLANNING JURISDICTION WITHIN A CERTAIN DESCRIBED AREA.

With unanimous consent, on motion of Senator Soles, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today’s Calendar and is re-referred to the Commerce Committee.

S.B. 437, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF ELGIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF CHEROKEE, CLAY, GUILFORD, MACON, AND POLK COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

Without objection, the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 672 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

Without objection, the Committee Substitute bill is taken up out of its regular order of business.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 683, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DURHAM CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO APPROVE THE PAYMENT OF FACILITIES FEES IN INSTALLMENTS.

Without objection, the bill is taken up out of its regular order of business.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 684, A BILL TO BE ENTITLED AN ACT AMENDING THE DURHAM CITY CHARTER TO RENAME THE SUBDIVISION REVIEW BOARD AND INCREASING THE NUMBER OF PERSONS WHO MAY SERVE ON THAT BOARD.

Without objection, the bill is taken up out of its regular order of business.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 723, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOUR-YEAR TERMS FOR THE MAYOR AND COUNCIL OF THE TOWN OF STONEVILLE.

Without objection, the bill is taken up out of its regular order of business.

The bill passes its second and third readings and is ordered sent to the House of Representatives.

S.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF CORNELIUS, DAVIDSON, GARNER,
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HUNTERSVILLE, KNIGHTDALE, AND NAGS HEAD TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THE TOWNS.

Senator Gulley offers Amendment No. 1 which is adopted (45-0), changing the title to read S.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWNS OF CORNELIUS, DAVIDSON, DURHAM, GARNER, HUNTERSVILLE, KNIGHTDALE, AND NAGS HEAD TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THE TOWNS.

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. 245 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE METROPOLITAN SEWERAGE DISTRICTS AND CERTAIN SANITARY DISTRICTS TO USE INSTALLMENT PURCHASE FINANCING TO THE SAME EXTENT AS OTHER UNITS OF LOCAL GOVERNMENT, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and the sent to the House of Representatives.

S.B. 5, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO CHANGE THE COMPOSITION OF THE STATE BOARD OF EDUCATION AND MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE STATE BOARD OF EDUCATION, AND TO MAKE CORRESPONDING STATUTORY CHANGES, upon second reading.

Receiving a three-fifths affirmative majority, the bill passes its second reading by roll-call vote, ayes 45, noes 2, as follows:


Voting in the negative: Senators Dannelly and McDaniel—2.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, April 29, for further consideration upon third reading.

S.B. 975, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS CONCERNING EMPLOYER AND EMPLOYER GROUP WORKERS' COMPENSATION SELF-INSURANCE AND CODIFY RELATED ADMINISTRATIVE RULES AND TO

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PROVIDE FOR GUIDELINES FOR PERSONS AND ENTITIES THAT ADMINISTER OR SERVICE WORKERS' COMPENSATION BUSINESS FOR SELF-INSURED EMPLOYERS AND EMPLOYER GROUPS, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, April 29, for further consideration upon third reading.

S.B. 19 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT STUDENTS MASTER THE BASICS AT ONE GRADE LEVEL BEFORE THEY ARE PROMOTED TO THE NEXT GRADE LEVEL.

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 Cooper for the Judiciary Committee:

S.B. 263, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT SO THAT NONRESIDENT ALIENS RECEIVE COMPENSATION EQUAL TO THAT RECEIVED BY OTHER WORKERS UNDER THE 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 2779 is adopted and engrossed.

S.B. 324, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON IS NOT LIABLE UNDER THE CONCEALED HANDGUN LAWS FOR POSTING OR NOT POSTING PREMISES OF WHICH THE PERSON IS IN LEGAL POSSESSION OR CONTROL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7780 is adopted and engrossed.

S.B. 430, A BILL TO BE ENTITLED AN ACT TO PROVIDE TITLE PROTECTION FOR THE PROFESSION OF INDUSTRIAL HYGIENISTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6665 is adopted and engrossed.
S.B. 844, A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS, TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS AND TO CLARIFY INFORMATION THAT MUST BE DISCLOSED PUBLICLY ABOUT PROSPECTIVE REAL ESTATE PURCHASES BY PUBLIC BODIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7778, which changes the title to read S.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS, is adopted and engrossed.

S.B. 862, A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER FLEXIBILITY TO THE UNIVERSITY OF NORTH CAROLINA IN NEGOTIATING CERTAIN CONTRACTS AND CAPITAL PROJECTS, TO INCREASE THE BENCHMARK FOR PURCHASES BY THE UNIVERSITY OF NORTH CAROLINA AND OTHER STATE AGENCIES, AND TO AUTHORIZE EMPLOYEE PAYROLL DEDUCTIONS FOR CERTAIN DISCRETIONARY PRIVILEGES OF UNIVERSITY SERVICE AT 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 2735 is adopted and engrossed.

By Senator Lucas for the Children & Human Resources Committee:

S.B. 929, A BILL TO BE ENTITLED AN ACT TO ENHANCE AND IMPROVE CHILD CARE IN NORTH CAROLINA, with a favorable report.

COMMITTEE REFERRAL RECALL

S.B. 668, A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS, referred to the Appropriations Committee on April 17.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from the Appropriations Committee and placed on the Calendar for Wednesday, April 30, for consideration upon its passage, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and places it on the Calendar for Wednesday, April 30, for consideration upon its passage.

CALENDAR (Continued)

S.B. 809 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA APPRAISERS ACT, upon third reading.

With unanimous consent, on motion of Senator Ledbetter, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29, for consideration upon third reading.

April 28, 1997
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. 323, A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2724 is adopted and engrossed.

S.B. 34, A BILL TO BE ENTITLED AN ACT TO ADJUST THE SHARE THE CITIES RECEIVE FROM THE STATE GROSS RECEIPTS TAX TO MAKE THE DISTRIBUTION MORE EQUITABLE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8683, which changes the title to read S.B. 34 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST THE SHARE THE CITIES RECEIVE FROM THE STATE GROSS RECEIPTS TAX TO MAKE THE DISTRIBUTION MORE EQUITABLE AND TO ALLOW THE DEPARTMENT OF REVENUE TO GIVE CITY FINANCE OFFICIALS INFORMATION NEEDED TO VERIFY THE ACCURACY OF A CITY'S DISTRIBUTION, is adopted and engrossed.

S.B. 833, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2731 is adopted and engrossed.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 400, A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS AND CHEMICAL DEPENDENCY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1789, which changes the title to read S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS, is adopted and engrossed.

S.B. 538, A BILL TO BE ENTITLED AN ACT TO DEFINE A PROFESSIONAL FIREFIGHTERS' BENEFIT ACCRUAL RATE FOR MEMBERS AND BENEFICIARIES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT
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 8666 is adopted and engrossed.

With unanimous consent, on motion of Senator Jenkins, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 673, A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT 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 4587 is adopted and engrossed.

S.B. 297 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, with an unfavorable report as to Committee Substitute bill as written by the Education/Higher Education Committee, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, A741, is adopted and engrossed.

With unanimous consent, on motion of Senator Jenkins, the Committee Substitute bill No. 2 is re-referred to the Finance Committee.

CALENDAR (Continued)

S.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.

With unanimous consent, on motion of Senator Jenkins, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, April 29, for consideration upon its passage.

REPORT OF COMMITTEE

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. 859, A BILL TO BE ENTITLED AN ACT TO ALLOW PRESCRIBED BURNING IN FORESTS BY FOREST LANDOWNERS UNDER CERTAIN CONDITIONS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

April 28, 1997
S.B. 193, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO EVALUATE SEPTIC TANKS IN THE NEUSE RIVER BASIN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8681, which changes the title to read S.B. 193 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO EVALUATE THE USE OF ON-SITE WASTEWATER MANAGEMENT SYSTEMS IN THE STATE, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 194, A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 4590, which changes the title to read S.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4) ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; AND (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

S.B. 918, A BILL TO BE ENTITLED AN ACT TO AMEND THE DUTY OF PERSONS WHO DISCHARGE OIL OR ANY HAZARDOUS SUBSTANCE TO REPORT THE DISCHARGE TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2738 is adopted and engrossed.

CALENDAR (Continued)

S.B. 325, A BILL TO BE ENTITLED AN ACT TO EXEMPT A SWORN LAW ENFORCEMENT OFFICER OR A RETIRED SWORN LAW ENFORCEMENT
OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN ONE YEAR OF RETIREMENT.

Senator McDaniel offers Amendment No. 1 which is adopted (49-0), changing the title, pursuant to Rule 55, to read S.B. 325, A BILL TO BE ENTITLED AN ACT TO EXEMPT A SWORN LAW ENFORCEMENT OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN TWO YEARS OF RETIREMENT.

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. 345, A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE.

With unanimous consent, upon motion of Senator Reeves, further consideration of the bill is postponed indefinitely.

S.B. 486 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE DEFINITION OF ESTABLISHMENTS THAT ARE SUBJECT TO REGULATION AS FOOD AND LODGING FACILITIES.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives.

S.B. 625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 626, A BILL TO BE ENTITLED AN ACT TO ESTABLISH IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES THE OFFICE OF WOMEN'S HEALTH.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 786, A BILL TO BE ENTITLED AN ACT TO AMEND THE SUBROGATION RIGHTS REQUIREMENTS FOR THE DIVISION OF VOCATIONAL REHABILITATION TO CONFORM WITH MEDICAID SUBROGATION.

The bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives.

S.B. 800, A BILL TO BE ENTITLED AN ACT TO TRANSFER THE AUTHORITY TO EMPLOY AN EXECUTIVE SECRETARY FOR THE JUDICIAL STANDARDS COMMISSION FROM THE COMMISSION AS A WHOLE TO THE COMMISSION CHAIR.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.
S.B. 811, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO HIRE AND CONTRACT FOR PERSONNEL.

The bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives.

S.B. 842, A BILL TO BE ENTITLED AN ACT TO EXEMPT PERSONS PERFORMING CERTAIN ALTERATIONS, REMODELING, AND RENOVATIONS OF EXISTING BUILDINGS OR STRUCTURES FROM THE ARCHITECTURAL LICENSURE REQUIREMENTS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 845 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DIVISION OF AIR QUALITY OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, WITH THE ASSISTANCE AND COOPERATION OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION, TO STUDY THE COSTS AND BENEFITS OF EXPANDING THE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM FOR MOTOR VEHICLES, TO IMPROVE COMPLIANCE WITH THE CURRENT EMISSIONS INSPECTION AND MAINTENANCE PROGRAM, AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY WHETHER THE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM SHOULD BE TRANSFERRED FROM THE DIVISION OF MOTOR VEHICLES TO THE DIVISION OF AIR QUALITY.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 848, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SECONDARY SUPPLIER OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 891, A BILL TO BE ENTITLED AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING, as amended.

The bill, as amended, passes its second (49-1) and third readings and, having been previously engrossed, is ordered sent to the House of Representatives.

S.B. 910, A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS.

The bill passes its second reading (47-3).

Senator Ballance 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 29, for further consideration upon third reading.
S.B. 914, A BILL TO BE ENTITLED AN ACT TO REVISE THE
REIMBURSEMENT METHODOLOGY FOR HOSPITAL CHARGES UNDER
WORKERS' COMPENSATION.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of
the Senate, Lieutenant Governor Wicker, who presides.

The bill passes its second reading (50-0).

Senator Shaw of Guilford objects to third reading of the measure. Pursuant to
Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday,
April 29, for further consideration upon third reading.

S.B. 966, A BILL TO BE ENTITLED AN ACT TO MAKE NO DAMAGE FOR
DELAY CLAUSES IN PUBLIC CONTRACTS UNENFORCEABLE.

The President orders, without objection, the bill temporarily displaced.

S.B. 987 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW
THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN
INTERSTATE ECONOMIC DEVELOPMENT ZONES.

The Committee Substitute bill passes its second (39-11) and third readings and is
ordered sent to the House of Representatives.

S.B. 992, A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS
RELATED TO THE NORTH CAROLINA BOXING COMMISSION.

The bill passes its second (48-2) and third readings and is ordered sent to the House of
Representatives.

S.B. 996, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE
PLUMBING LICENSURE REQUIREMENTS CERTAIN PERSONS PERFORMING
ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS
UNDERNEATH MANUFACTURED HOMES.

The bill passes its second (48-0) and third readings and is ordered sent to the House of
Representatives.

S.B. 1011 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE CHILDREN TO
KINDERGARTEN AFTER THE FIRST MONTH OF SCHOOL.

The Committee Substitute bill passes its second (49-0) and third readings and is
ordered sent to the House of Representatives.

S.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
PROVIDE FOR PROJECT EXPEDITERS ON PUBLIC CONTRACTS.

The Committee Substitute bill passes its second reading (49-0).

Senator Shaw of Cumberland objects to the third reading of the measure. Pursuant to
Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday,
April 29, for further consideration upon third reading.

S.B. 966, A BILL TO BE ENTITLED AN ACT TO MAKE NO DAMAGE FOR
DELAY CLAUSES IN PUBLIC CONTRACTS UNENFORCEABLE, temporarily
displaced earlier.

Senator Horton offers Amendment No. 1.

With unanimous consent, on motion of Senator Miller, the bill is withdrawn from
today's Calendar and placed on the Calendar for Tuesday, April 29, with Amendment
No. 1 pending.

S.B. 53 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST ADMINISTRATIVE PENALTIES FOR ADULT CARE HOMES AND NURSING HOMES WHICH ARE FOUND TO BE IN VIOLATION OF APPLICABLE STATE AND FEDERAL LAWS AND REGULATIONS, upon third reading.

The Committee Substitute bill passes its third reading (49-1) and is ordered sent to the House of Representatives.

COMMITTEE REFERRAL RECALL

S.B. 297 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, referred to the Finance Committee earlier today.

Pursuant to Rule 47(a), Senator Kerr offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Finance Committee and placed on the Calendar for Tuesday, April 29, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 recalled from the Finance Committee and places it on the Calendar for Tuesday, April 29, for consideration upon its passage.

S.B. 1016, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF CERTIFIED SUBSTANCE ABUSE PROFESSIONALS UNDER HEALTH INSURANCE POLICIES AND PLANS, referred to the Appropriations Committee on April 21.

Pursuant to Rule 47(a), Senator Perdue offers a motion that the bill be withdrawn from the Appropriations Committee and re-referred to the Children & Human Resources Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and refers the measure to the Children & Human Resources Committee.


Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

S.B. 1024, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SHERIFFS' EDUCATION AND TRAINING STANDARDS COMMISSION TO ESTABLISH MINIMUM EMPLOYMENT, TRAINING, AND RETENTION STANDARDS FOR TELECOMMUNICATORS AND TO APPROPRIATE FUNDS TO IMPLEMENT THE ACT, referred to the Judiciary Committee on April 21.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local
Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

S.B. 1049, A BILL TO BE ENTITLED AN ACT TO ALLOW SATELLITE POLLING PLACES TO SERVE CAMPUS HOUSING AT INSTITUTIONS OF HIGHER EDUCATION, referred to the Judiciary Committee on April 21.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

S.B. 943, A BILL TO BE ENTITLED AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT, referred to the Judiciary Committee on April 17.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

H.B. 315 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROVIDE FOR THE OPEN, FAIR, AND NONPOLITICAL SELECTION OF THE MOST QUALIFIED PERSONS FOR STATE GOVERNMENT EMPLOYMENT BY LIMITING POLITICAL HIRINGS, TO PROVIDE FOR BROADER PROTECTIONS FOR STATE EMPLOYEES REPORTING GROSS MISMANAGEMENT AND IMPROPER GOVERNMENT ACTIVITIES, AND TO PROVIDE FOR THE REPORTING OF CERTAIN HIRINGS AND OTHER MATTERS TO THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, referred to the Judiciary Committee earlier today.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the Committee Substitute bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 741, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6664 is adopted and engrossed.

COMMITTEE REFERRAL RECALL

S.B. 1013, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE NORTH CAROLINA’S ELECTRIC UTILITIES TO IMPLEMENT RENEWABLE ENERGIES AND ENERGY EFFICIENCY, referred to the Rules and Operations of the Senate Committee on April 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 Commerce Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Commerce Committee.

WITHDRAWAL FROM CALENDAR

S.B. 297 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, placed on the Calendar for Tuesday, April 29, earlier today.

Senator Gulley offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Calendar for Tuesday, April 29, and placed on the Calendar for Wednesday, April 30, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the Committee Substitute bill No. 2 withdrawn from the Calendar for Tuesday, April 29, and places it on the Calendar for Wednesday, April 30, for consideration upon its passage.

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

Margaret Bannard, Cary; James Clark Boyne, Raleigh; Sarah Ann Brubaker, Raleigh; Joshua Adam Bryson, Highlands; Laneka Maria Butts, Louisburg; Ethan Michael Denny, Madison; James Patrick Ellington, Sandy Ridge; Shadi Eskamani, Raleigh; Richard Edwin Griggs, Statesville; Reagan Elizabeth Hardy, Kinston; James William Kimball, Peachland; Ruth Anne Kroon, Raleigh; Adrienne M. Lopez, Raleigh; Rose Ponton, Corolla; Jennifer Robbins, Raleigh; Jessica Mollie Sheppard, Pink Hill; Megan Cline Sloan, Statesville; Courtney Leigh Smith, Lincolnton; Stephanie Claire Smith, High Point; David Len Tilley, Raleigh; and Bret Michael Turner, Crouse.

On motion of Senator Basnight, seconded by the Guilford and Buncombe Delegations, the Senate adjourns at 7:14 P.M. in memory of former Senators Mary Seymour of Guilford County and Bob Swain of Buncombe County to meet tomorrow, Tuesday, April 29, at 3:00 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Eternal God, I believe it was Thomas Jefferson who said, 'Good people with good intentions with the same facts don't always agree.'

"Godly people with good intentions had great difficulty even deciding which books should be canonized as Holy Scripture. We are also reminded that in this Senate Chamber, the men and women who serve here will not always agree.

"Good people with good intentions, let Your Spirit be the ultimate arbiter in such disagreements so that each may say, 'Some things I do for the soul'. Amen."

With unanimous consent, the President grants a leave of absence for today to Senator Gulley to attend his father-in-law's funeral.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, April 28, has been examined and is found to be correct. On 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 Liles from Albemarle, 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:


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 Children & Human Resources Committee:

S.B. 754, A BILL TO BE ENTITLED AN ACT RELATING TO ELIGIBILITY FOR UNEMPLOYMENT BENEFITS IN THE EVENT OF SPOUSAL RELOCATION OR SPOUSAL ABUSE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee.
S.B. 521, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEXUAL ASSAULT PROGRAM FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

S.B. 636, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF LOCAL PUBLIC HEALTH AUTHORITIES, AS RECOMMENDED BY THE NORTH CAROLINA PUBLIC HEALTH COMMISSION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

S.B. 690, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY-BASED NEEDLE AND SYRINGE EXCHANGE PILOT 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 8689 is adopted and engrossed.

S.B. 351, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE SOCIAL SERVICES COMMISSION HAS THE AUTHORITY TO SET PERSONNEL REQUIREMENTS IN MATERNITY HOMES, CHILD PLACING AGENCIES, AND CHILD CARE INSTITUTIONS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The bill, as amended, is engrossed.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 128, A BILL TO BE ENTITLED AN ACT TO ELIMINATE INFRACTIONS FROM CONSIDERATION IN THE SAFE DRIVER INCENTIVE PLAN, TO PROVIDE FOR A GRADUATED INSURANCE POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN AUTOMOBILE ACCIDENTS, AND TO PROHIBIT INSURANCE POINTS AND SURCHARGES IF BODILY INJURY DOES NOT OCCUR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2736, which changes the title to read S.B. 128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THERE IS NO INSURANCE PREMIUM SURCHARGE OR ASSESSMENT OF POINTS FOR A CONVICTION FOR SPEEDING FIFTEEN MILES PER HOUR OR LESS OVER THE SPEED LIMIT, is adopted and engrossed.

S.B. 455, A BILL TO BE ENTITLED AN ACT TO IMPROVE HMO SERVICES BY PROTECTING PHYSICIAN COMMUNICATIONS REGARDING TREATMENT, REQUIRING COVERAGE FOR EMERGENCY CARE, PROVIDING PEER REVIEW PROTECTION, AND ALLOWING THE USE OF RATES UPON FILING; AND TO CONFORM STATE LAW TO FEDERAL REQUIREMENTS REGARDING RENEWABILITY OF HEALTH INSURANCE POLICIES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill 6670, which changes the title to read S.B. 455 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE HMO SERVICES BY PROTECTING PHYSICIAN COMMUNICATIONS REGARDING TREATMENT, REQUIRING COVERAGE FOR EMERGENCY CARE, AND REDUCING THE APPROVAL PERIOD FOR RATE FILINGS, is adopted and engrossed.

S.B. 843, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE LAWS AND MAKE TECHNICAL AND CLARIFYING AMENDMENTS AND CORRECTIONS IN VARIOUS INSURANCE STATUTES; AND TO EXTEND THE EXPIRATION DATE OF THE 1986 RISK SHARING PLAN 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 8680 is adopted and engrossed.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

S.B. 947, A BILL TO BE ENTITLED AN ACT TO MODIFY THE BURDEN OF PROOF THAT MUST BE SATISFIED TO OBTAIN AN INTERBASIN TRANSFER PERMIT, TO AUTHORIZE THE ENVIRONMENTAL MANAGEMENT COMMISSION TO ISSUE SPECIAL ORDERS FOR INTERBASIN TRANSFER VIOLATIONS, AND TO LIMIT THE TOTAL AMOUNT OF WATER THAT MAY BE TRANSFERRED OUT OF ANY RIVER BASIN, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A745, which changes the title to read S.B. 947 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE BURDEN OF PROOF THAT MUST BE SATISFIED TO OBTAIN A CERTIFICATE AUTHORIZING AN INTERBASIN TRANSFER OF SURFACE WATERS, TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATING TO INTERBASIN TRANSFERS, AND TO IMPOSE A TEMPORARY MORATORIUM ON CERTAIN INTERBASIN TRANSFERS DURING THE PENDENCY OF THE STUDY, is adopted and engrossed.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 714, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1797 is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 548, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF
DELIQUENT TAXES IN STOKES COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELIQUENT TAXES, with a favorable report.

S.B. 959, A BILL TO BE ENTITLED AN ACT TO EXEMPT MODULAR CONSTRUCTION CERTIFYING AGENCIES FROM CHAPTER 89C OF THE GENERAL STATUTES WHILE PRACTICING EXCLUSIVELY AS CERTIFYING AGENCIES, with a favorable report.


S.B. 1054, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES, CITIES, AND LOCAL BOARDS OF EDUCATION TO ESTABLISH REQUIREMENTS CONCERNING DOING BUSINESS WITH THE UNION OF MYANMAR, FORMERLY BURMA, IN PROJECTS FINANCED BY PUBLIC FUNDS, with a favorable report.

S.B. 1067, A BILL TO BE ENTITLED AN ACT TO DENOUNCE THE HEROIN TRAFFIC TRADE FROM THE UNION OF MYANMAR, FORMERLY BURMA, AND TO REQUEST COMPANIES PRESENTLY DOING BUSINESS WITH THE STATE OF NORTH CAROLINA AND ALSO DOING BUSINESS IN THE UNION OF MYANMAR TO WITHDRAW THEIR OPERATION FROM THE UNION OF MYANMAR IN SUPPORT OF THE DEMOCRACY MOVEMENT IN THE UNION OF MYANMAR, with a favorable report.

S.B. 546, A BILL TO BE ENTITLED AN ACT TO AMEND THE REAL PROPERTY DISCLOSURE LAWS RELATING TO THE SALE OF REAL PROPERTY WITHIN THE CITY OF RALEIGH AND AREAS WITHIN ITS EXTRATERRITORIAL JURISDICTION, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted, changing the title to read SB 546, (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REAL PROPERTY DISCLOSURE LAWS TO INCLUDE PROVISIONS FOR THE DISCLOSURE OF FLOOD HAZARD AREAS ON PROPERTY LOCATED PARTLY OR WHOLLY IN WAKE COUNTY. The bill, as amended, is engrossed.

The President rules that the adoption of Amendment No. 1 changes the measure from a local bill to a public bill.

S.B. 936, A BILL TO BE ENTITLED AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2744 is adopted and engrossed.

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By Senator Rand for the Rules and Operations of the Senate Committee:

S.J.R. 1072, A JOINT RESOLUTION INVITING THE HONORABLE JESSE A. HELMS, UNITED STATES SENATOR, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., with a favorable report.

S.B. 37, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STUDY COMMISSION ON THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4594, which changes the title to read S.B. 37 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LEGISLATIVE OVERSIGHT COMMITTEE ON THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES, is adopted and engrossed.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is re-referred to the Appropriations Committee.

S.B. 508, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR UNION COUNTY AND THE MUNICIPALITIES IN THAT 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 2737, which changes the title to read S.B. 508 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A TURKEY GROWER SHALL NOT BE DISQUALIFIED FROM USE VALUE TAXATION FOR A TWO-YEAR PERIOD IF THE GROWER'S LAND IS TAKEN OUT OF PRODUCTION SOLELY BECAUSE OF THE PRESENCE OF TURKEY DISEASE IN THE AREA, is adopted and engrossed. Upon adoption of the Committee Substitute bill, the bill becomes a public bill.

With unanimous consent, on motion of Senator Rand, the Committee Substitute bill is re-referred to the Finance Committee.

S.B. 513, A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR STANLY 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 A744, which changes the title to read S.B. 513 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF OAKBORO IN STANLY COUNTY, is adopted and engrossed.

S.B. 993, A BILL TO BE ENTITLED AN ACT RELATING TO CORPORATE CONVERSIONS OR RESTRUCTURING OF NONPROFIT HOSPITAL, MEDICAL, AND DENTAL SERVICE 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 2740, which changes the title to read S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO
PROTECT THE RIGHTS OF SUBSCRIBERS AND CERTIFICATE HOLDERS IN THE RESERVES AND CAPITAL OF HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS UPON CONVERSION, is adopted and engrossed.

S.B. 1055, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL 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 7786 is adopted and engrossed.

S.J.R. 211, A JOINT RESOLUTION NAMING BILLY GRAHAM AS THEOLOGIAN LAUREATE, 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 1653, which changes the title to read S.J.R. 211 (Committee Substitute), A JOINT RESOLUTION COMMEMORATING THE MEMORY OF RELIGIOUS LEADERS IN THE STATE OF NORTH CAROLINA AND NAMING BILLY GRAHAM AS WORLD EVANGELIST, is adopted and engrossed.

S.J.R. 340, A JOINT RESOLUTION INVITING THE REVEREND BILLY GRAHAM TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, 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 1791, which changes the title to read S.J.R. 340 (Committee Substitute), A JOINT RESOLUTION INVITING THE REVEREND BILLY GRAHAM TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., is adopted and engrossed.

With unanimous consent, on motion of Senator Rand, the Committee Substitute joint resolution is placed on the Calendar for today in its regular order of business, for further consideration.

By Senator Soles for the Commerce Committee:

S.B. 919, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCONTINUATION OF TELECOMMUNICATIONS SERVICE USED FOR UNLAWFUL PURPOSE, with a favorable report.

S.B. 930, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE MUTUAL BURIAL ASSOCIATION COMMISSION AND TO TRANSFER ITS DUTIES TO THE BOARD OF MORTUARY SCIENCE, with a favorable report.

S.B. 417, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE BONDING REQUIREMENTS FOR PUBLIC CONTRACTS WITH A VALUE OF ONE MILLION DOLLARS OR LESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A748, which changes the title to read S.B. 417 (Committee Substitute), A BILL TO BE ENTITLED AN ACT

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TO AMEND THE LAW GOVERNING HIGHWAY SMALL PROJECT BIDDING, is adopted and engrossed.

S.B. 866, A BILL TO BE ENTITLED AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACEUTICAL SERVICES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8687 is adopted and engrossed.

S.B. 869, A BILL TO BE ENTITLED AN ACT TO TRANSFER STATE INFORMATION PROCESSING SERVICES, STATE TELECOMMUNICATIONS SERVICES, AND THE INFORMATION RESOURCE MANAGEMENT COMMISSION FROM THE STATE CONTROLLER AND CENTER FOR GEOGRAPHIC INFORMATION AND ANALYSIS (GEODETIC SURVEY), AND BOARD OF SCIENCE AND TECHNOLOGY TO ANOTHER DEPARTMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A735, which changes the title to read S.B. 869 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER TECHNOLOGY-RELATED FUNCTIONS OF STATE GOVERNMENT TO THE DEPARTMENT OF COMMERCE, is adopted and engrossed.

S.B. 1027, A BILL TO BE ENTITLED AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY 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 7785 is adopted and engrossed.

S.B. 1044, A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PERSONNEL SERVICES TO CHARGE APPLICANTS A REGISTRATION FEE AND TO REQUIRE THAT SUCH SERVICES POST A SECURITY BOND COVERING THE REFUND OF REGISTRATION FEES WITH THE DEPARTMENT OF LABOR, with an unfavorable report.

By Senator Hoyle for the Finance Committee:

S.B. 427, A BILL TO BE ENTITLED AN ACT TO INCLUDE WOOD CHIP TRANSPORTERS IN THE LIGHT DUTY ROAD WEIGHT EXEMPTIONS, with a favorable report.

S.B. 826, A BILL TO BE ENTITLED AN ACT TO PROVIDE "QUICK TAKE" PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY SCHOOL BOARDS, with a favorable report.

S.B. 699, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE MOTOR VEHICLE MANUFACTURER'S LICENSING LAW DOES NOT APPLY TO MANUFACTURERS OF VEHICLES THAT ARE NOT SELF-PROPELLED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
Pursuant to Rule 45.1, the proposed Committee Substitute bill 1796, which changes the title to read S.B. 699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PLACE OF BUSINESS OF A MOTOR VEHICLE DEALER WHO SELLS ONLY TRAILERS OR SEMITRAILERS DOES NOT HAVE TO MEET THE REQUIREMENTS SET FOR AN ESTABLISHED OFFICE OR SALESROOM OF A MOTOR VEHICLE DEALER, is adopted and engrossed.

S.B. 816, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF COMMERCIALLY RAISED ALLIGATORS AND YELLOW PERCH AND TO PROVIDE FOR THE INSPECTION OF ALLIGATOR MEAT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1793, which changes the title to read S.B. 816 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE NEED TO OBTAIN PRIOR APPROVAL FROM THE WILDLIFE RESOURCES COMMISSION TO RAISE YELLOW PERCH COMMERCIALY IN SOME AREAS OF THE STATE AND TO ALLOW ALLIGATORS TO BE RAISED COMMERCIALY, is adopted and engrossed.

S.B. 872, 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 1795, which changes the title to read S.B. 872 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TEENAGERS WHO ARE FOURTEEN OR FIFTEEN YEARS OLD TO WORK AT CERTAIN PLACES THAT SELL ALCOHOLIC BEVERAGES, is adopted and engrossed.

S.B. 940, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE INVESTMENTS BY LOCAL GOVERNMENTS IN FUNDING 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 7776, which changes the title to read S.B. 940 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE TREASURER TO CONDUCT A STUDY OF THE PERMISSIBLE INVESTMENTS FOR LOCAL UNITS OF GOVERNMENT, is adopted and engrossed.

By Senator Lucas for the Children & Human Resources Committee:

S.B. 484, A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES FOR VITAL 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 2746 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.
By Senator Cooper for the Judiciary Committee:

S.B. 764, A BILL TO BE ENTITLED AN ACT TO ALLOW AN EMPLOYER AND ITS REPRESENTATIVES TO CONTACT AN EMPLOYEE'S TREATING PHYSICIAN AS NECESSARY TO EXERCISE THE EMPLOYER'S RIGHT TO DIRECT MEDICAL TREATMENT AND TO OBTAIN INFORMATION REGARDING MEDICAL TREATMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8686, which changes the title to read S.B. 764 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION, is adopted and engrossed.

S.B. 896, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PRACTICE OF LAW BY ATTORNEYS REPRESENTING 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 4592 is adopted and engrossed.

S.B. 561, A BILL TO BE ENTITLED AN ACT TO REMEDY THE INADVERTENT EXCLUSION OF DULY SWORN AND COMMISSIONED CAMPUS POLICE OFFICERS FROM THE CONCEALED HANDGUN STATUTES, with a favorable report.

S.B. 855, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONTRACT WITH THIRD PARTIES TO PROVIDE REMOTE ELECTRONIC ACCESS TO COURT INFORMATION, with a favorable report.

S.B. 864, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA TRADEMARK REGISTRATION ACT TO THE 1992 MODEL STATE TRADEMARK BILL BY MAKING VARIOUS AMENDMENTS TO THE ACT, INCLUDING REPEALING THE REQUIREMENT THAT APPLICANTS FOR A REGISTRATION INCLUDE PROOF OF USE OF THE TRADEMARK IN NORTH CAROLINA, with a favorable report.

S.B. 897, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE ELECTRONIC SURVEILLANCE LAW, with a favorable report.

S.B. 663, A BILL TO BE ENTITLED AN ACT TO AMEND THE ABSENTEE VOTING TO ALLOW NO EXCUSE ABSENTEE VOTING AND TO ALLOW COUNTY BOARDS OF ELECTIONS THE OPTION OF ADDING ADDITIONAL SITES FOR EARLY VOTING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7784, which changes the title to read S.B. 663 (Committee Substitute), A BILL TO BE ENTITLED AN ACT
TO MAKE CHANGES IN THE ELECTION LAWS DESIGNED TO PREVENT LONG LINES AT THE POLLS ON ELECTION DAY, is adopted and engrossed.

COMMITTEE REFERRAL RECALL

S.B. 725, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE FILING OF A DEFERRED CHARGE WITH EEOC OR THE OFFICE OF ADMINISTRATIVE HEARINGS BY STATE OR LOCAL GOVERNMENT EMPLOYEES, referred to the Judiciary Committee on April 7.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

S.B. 62, A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL MUNICIPAL SERVICES TO BE PROVIDED TO A NEWLY ANNEXED AREA ON THE DATE OF ANNEXATION, referred to the Judiciary Committee on February 6.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

S.B. 791, A BILL TO BE ENTITLED AN ACT CLARIFYING WHEN WITNESS STATEMENTS OBTAINED PURSUANT TO THE ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT MAY BE RELEASED, referred to the Judiciary Committee on April 10.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

S.B. 1068, A BILL TO BE ENTITLED AN ACT TO ALLOW A HOUSING AUTHORITY TO TERMINATE OR FAIL TO RENEW A LEASE IF A TENANT ENGAGES IN CRIMINAL ACTIVITY ON OR NEAR THE PREMISES AND TO ALLOW CERTAIN SUMMARY EJECTMENT ACTIONS INITIATED BY A HOUSING AUTHORITY TO BE HELD IN DISTRICT COURT INSTEAD OF IN MAGISTRATE'S COURT, referred to the Judiciary Committee on April 21.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.
S.B. 434, A BILL TO BE ENTITLED AN ACT TO PROVIDE HEALTH BENEFITS FOR NATIONAL GUARD MEMBERS AND THEIR ELIGIBLE DEPENDENTS WHO DO NOT HAVE ACCESS TO COMPREHENSIVE GROUP HEALTH BENEFITS BY ALLOWING VOLUNTARY PARTICIPATION IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, referred to the Appropriations Committee on April 24.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from the Appropriations Committee and placed on the Calendar for Wednesday, April 30, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and placed on the Calendar for Wednesday, April 30, for consideration upon its passage.

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 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 72, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF OAK RIDGE, SUBJECT TO A REFERENDUM.
Referred to Rules and Operations of the Senate Committee.

H.B. 176 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE ACTIVITIES.
Referred to Judiciary Committee.

H.B. 222 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY THE LAW CONCERNING HABITUAL FELONS AND VIOLENT HABITUAL FELONS, TO PROVIDE THAT THE ISSUE OF WHETHER A DEFENDANT IS AN HABITUAL FELON OR A VIOLENT HABITUAL FELON SHALL BE DETERMINED BY THE TRIAL JUDGE, AND TO MAKE OTHER CHANGES.
Referred to Judiciary Committee.

H.B. 233 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM NEAR AN ELEMENTARY OR SECONDARY SCHOOL IN VANCE COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 433, A BILL TO BE ENTITLED AN ACT TO EXEMPT A SWORN LAW ENFORCEMENT OFFICER OR A RETIRED SWORN LAW ENFORCEMENT OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN ONE YEAR OF RETIREMENT.
Referred to Judiciary Committee.
H.B. 456, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REQUIRING THE REGISTER OF DEEDS TO DISTRIBUTE INFORMATION ON THE DANGERS OF DRUG AND ALCOHOL ABUSE DURING PREGNANCY WITH EACH MARRIAGE LICENSE.
Referred to Children & Human Resources Committee.

H.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS.
Referred to Judiciary Committee.

H.B. 534 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE CONTRACTUAL OBLIGATIONS OF SPOUSES, THE TRANSFER OF PROPERTY AND INCOME WITHHOLDING TO ENFORCE SUPPORT ORDERS, AND THE AWARDING OF ALIMONY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.
Referred to Judiciary Committee.

H.B. 554 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FREE DRIVERS, HUNTING, AND FISHING LICENSES FOR CERTAIN DISABLED VETERANS.
Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 581 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE A CIVIL ACTION REMEDY FOR PERSONS WHO ARE SEXUALLY EXPLOITED BY THEIR PSYCHOTHERAPIST.
Referred to Judiciary Committee.

H.B. 584 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT, TO MODIFY, AND ENHANCE ATTEMPTING TO ELUDE ARREST STATUTES.
Referred to Judiciary Committee.

H.B. 643, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 649 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN CHEROKEE COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 695, A BILL TO BE ENTITLED AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

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H.B. 747 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE TERM OF OFFICE OF THE CHARLOTTE-MECKLENBURG BOARD OF EDUCATION FROM FOUR YEARS TO TWO YEARS, SUBJECT TO A REFERENDUM.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 790 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CHECK TAKER OR ACCEPTOR SHALL NOT WRITE OR PRINT THE RACE OR GENDER ON THE CHECK OR DRAFT OF A CHECK PASSER.

Referred to Commerce Committee.

H.B. 791, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DURHAM PUBLIC SCHOOLS TO DISPOSE OF CERTAIN REAL PROPERTY.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 855, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE BOARD OF COMMISSIONERS OF LEE COUNTY SHALL CONSIST OF SEVEN MEMBERS ELECTED AT LARGE FOR FOUR-YEAR STAGGERED TERMS ON A NONPARTISAN BASIS AT THE TIME OF THE GENERAL ELECTION.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 899 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE REQUIREMENTS FOR DISCLOSURES UPON THE SALE OF RESIDENTIAL PROPERTIES.

Referred to Commerce Committee.

H.B. 929 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY AND EXPAND THE CLASSIFICATION OF PERSONS WHO MAY OBTAIN A PROTECTIVE ORDER; TO CLARIFY THE CIRCUMSTANCES UNDER WHICH MAGISTRATES MAY ISSUE PROTECTIVE ORDERS; AND TO IMPOSE A CRIMINAL PENALTY FOR VIOLATION OF A PROTECTIVE ORDER.

Referred to Judiciary Committee.

H.B. 945 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PART-TIME BACCALAUREATE DEGREE STUDENTS ARE ELIGIBLE FOR NURSING SCHOLARSHIP LOANS.

Referred to Education/Higher Education Committee and upon a favorable report, re-referred to the Appropriations Committee.

H.B. 954, A BILL TO BE ENTITLED AN ACT TO AMEND EXISTING LAW PERTAINING TO SESSIONS OF THE SUPREME COURT.

Referred to Judiciary Committee.

H.B. 972, A BILL TO BE ENTITLED AN ACT TO OFFICIALLY RECOGNIZE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE HALIWA TRIBE AS THE HALIWA SAPONI TRIBE.

Referred to State Government, Local Government, and Personnel Committee.
H.B. 977, A BILL TO BE ENTITLED AN ACT TO ALLOW PARENTS TO ELECT THE PARENTS WHO SERVE ON SCHOOL IMPROVEMENT TEAMS.
Referred to Education/Higher Education Committee.

H.B. 1024, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE LICENSING OF CERTAIN SUBSIDIARIES OF INSURERS OWNED OR CONTROLLED BY FOREIGN GOVERNMENTS.
Referred to Pensions & Retirement and Insurance Committee.

H.B. 1026 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELEVEN MONTHS OF EMPLOYMENT FOR TEACHERS.
Referred to Rules and Operations of the Senate Committee.

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT A RULE TO AUTHORIZE THE USE OF DESIGN CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMPLIES WITH FEDERAL LAW AND THAT PROVIDES FOR AN ALTERNATE LANDFILL LINER THAT IS AT LEAST AS PROTECTIVE AS THE CURRENTLY AUTHORIZED LANDFILL LINER.
Referred to Agriculture/Environment/Natural Resources Committee.

COMMITTEE REFERRAL RECALL

S.B. 1008, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE LICENSING BOARD FOR GENERAL CONTRACTORS TO ISSUE AN INSULATING SPECIALTY CONTRACTOR'S LICENSE AND TO PERMIT ONLY PERSONS LICENSED AS BUILDING, RESIDENTIAL, OR INSULATION SPECIALTY CONTRACTORS TO INSTALL, ALTER, OR REPAIR INSULATING MEDIA, referred to the Commerce Committee on April 21.
Pursuant to Rule 47(a), Senator Soles 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 recalled from the Commerce Committee and refers the measure to the Finance Committee.

WITHDRAWAL FROM CALENDAR

S.J.R. 211 (Committee Substitute), A JOINT RESOLUTION COMMEMORATING THE MEMORY OF RELIGIOUS LEADERS IN THE STATE OF NORTH CAROLINA AND NAMING BILLY GRAHAM AS WORLD EVANGELIST, placed on the Calendar for Wednesday, April 30.
Senator Rand offers a motion that the Committee Substitute joint resolution be withdrawn from the Calendar for Wednesday, April 30, and placed on the Calendar for Monday, May 5, which motion prevails with unanimous consent.
The Senate reconsiders the previous action and the Chair orders the Committee Substitute joint resolution withdrawn from the Calendar for Wednesday, April 30, and places it on the Calendar for Monday, May 5, for consideration upon its passage.
Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 579** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF LEONOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 726** (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING BINDING JOINT PLANNING AND ZONING JURISDICTION FOR THE SWIFT CREEK AREA IN WAKE COUNTY SUBJECT TO MODIFICATION ONLY BY INTERLOCAL AGREEMENT BY AND BETWEEN ALL JURISDICTIONS INVOLVED OR BY ACTION OF THE GENERAL ASSEMBLY.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 741** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION.

The Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives.

**S.B. 5**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO CHANGE THE COMPOSITION OF THE STATE BOARD OF EDUCATION AND MAKE THE SUPERINTENDENT OF PUBLIC INSTRUCTION AN APPOINTEE OF THE STATE BOARD OF EDUCATION, AND TO MAKE CORRESPONDING STATUTORY CHANGES, upon third reading.

Receiving a three-fifths affirmative majority vote, the bill passes its third reading by roll-call vote, ayes 46, noes 2, as follows:


Voting in the negative: Senators Ballance and McDaniel—2.

The bill is ordered sent to the House of Representatives.

**S.B. 975**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS CONCERNING EMPLOYER AND EMPLOYER GROUP WORKERS' COMPENSATION SELF-INSURANCE AND CODIFY RELATED ADMINISTRATIVE RULES AND TO PROVIDE FOR GUIDELINES FOR PERSONS AND ENTITIES THAT ADMINISTER OR SERVICE WORKERS' COMPENSATION BUSINESS FOR SELF-INSURED EMPLOYERS AND EMPLOYER GROUPS, upon third reading.

The President rules the bill does not require a call of the roll.

The bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

April 29, 1997
H.B. 488, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS, upon second reading.

With unanimous consent, on motion of Senator Rand, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, May 6, for consideration upon second reading.

S.B. 34 (Committee Substitute) A BILL TO BE ENTITLED AN ACT TO ADJUST THE SHARE THE CITIES RECEIVE FROM THE STATE GROSS RECEIPTS TAX TO MAKE THE DISTRIBUTION MORE EQUITABLE AND TO ALLOW THE DEPARTMENT OF REVENUE TO GIVE CITY FINANCE OFFICIALS INFORMATION NEEDED TO VERIFY THE ACCURACY OF A CITY’S DISTRIBUTION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 118 (Committee Substitute), AN BILL ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS OF AT LEAST TEN PERCENT FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.

Senator Perdue offers Amendment No. 1.

Senator Rand offers Amendment No. 2, substitute for Amendment No. 1, proposing to change the title to read S.B. 118 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR AUTOMOBILE INSURANCE PREMIUM DISCOUNTS FOR CERTAIN PERSONS WHO COMPLETE ACCIDENT PREVENTION COURSES.

Senator Rand calls the previous question, seconded by Senator Ballance. The call is sustained

Substitute Amendment No. 2, offered by Senator Rand, is adopted (33-16).

Senator Webster offers Amendment No. 3 which fails of adoption (20-29).

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill, as amended, is re-referred to the Appropriations Committee.

S.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4) ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; AND (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Committee Substitute bill passes its second reading (49-0).
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, April 30, for further consideration upon third reading.

S.B. 263 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT SO THAT NONRESIDENT ALIENS RECEIVE COMPENSATION EQUAL TO THAT RECEIVED BY OTHER WORKERS UNDER THE ACT.

The Committee Substitute bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives.

S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT CONTRACT AND LEASE DEBTS, TO REQUIRE LOCAL GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBTS, AND TO CAP THE AMOUNT OF INSTALLMENT CONTRACT AND LEASE DEBT COUNTIES AND CITIES MAY INCUR.

Senator Winner offers Amendment No. 1 which is adopted (49-0).

Senators Conder and Plyer offer Amendment No. 2, proposing to change the title to read S.B. 317 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW ALL COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR LOCAL BOARDS OF EDUCATION, TO PROVIDE THAT EXISTING LOCAL GOVERNMENT DEBT STATEMENT REQUIREMENTS AND DEBT LIMITATIONS APPLY TO INSTALLMENT CONTRACT AND LEASE DEBTS, TO REQUIRE LOCAL GOVERNMENT COMMISSION APPROVAL OF MORE NONVOTED DEBT.

Senator Winner offers Amendment No. 3, substitute for Amendment No. 2, which is adopted (25-24).

The Committee Substitute bill, as amended, passes its second (32-17) and third readings and is ordered engrossed and sent to the House of Representatives.

S.B. 323 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 324 (Committee Substitute) A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON IS NOT LIABLE UNDER THE CONCEALED HANDGUN LAWS FOR POSTING OR NOT POSTING PREMISES OF WHICH THE PERSON IS IN LEGAL POSSESSION OR CONTROL.

Senator McDaniel offers Amendment No. 1.

Senator Ballance calls the previous question on Amendment No. 1, seconded by Senator Odom. The call is sustained.

Amendment No. 1, offered by Senator McDaniel, is adopted (24-23).

Senator Webster offers Amendment No. 2, proposing to change the title to read S.B. 324 (Committee Substitute) A BILL TO BE ENTITLED AN ACT TO PROVIDE
THAT A PERSON IS NOT LIABLE UNDER THE CONCEALED HANDGUN LAWS FOR POSTING OR NOT POSTING PREMISES OF WHICH THE PERSON IS IN LEGAL POSSESSION OR CONTROL AND TO RESTORE THE RIGHT AND ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA TO PROTECT THEMSELVES.

Senator Webster calls the previous question, which motion fails for lack of a second.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill, as amended, with Amendment No. 2 pending, is recommitted to the Judiciary Committee.

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS.

With unanimous consent, on motion of Senator Winner, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, April 30, for consideration upon its passage.

S.B. 665, 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 PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT.

With unanimous consent, on motion of Senator Rand, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today’s Calendar and is re-referred to the Rules and Operations of the Senate Committee.

S.B. 430 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TITLE PROTECTION FOR THE PROFESSION OF INDUSTRIAL HYGIENISTS.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Committee Substitute bill passes its second (45-3) and third readings and is ordered sent to the House of Representatives.

S.J.R. 340 (Committee Substitute), A JOINT RESOLUTION INVITING THE REVEREND BILLY GRAHAM TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., placed earlier today on today’s Calendar.

With unanimous consent, on motion of Senator Carpenter, the joint resolution is read in its entirety.

The joint resolution passes its second reading (49-0) and third reading, unanimously with Members standing, and is ordered, without objection, sent to the House of Representatives by special messenger.

S.B. 442 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.
S.B. 456, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET FROM THE 1995 AMENDMENTS TO THE LAWS PROVIDING FOR THE ESTABLISHMENT OF CARTWAYS.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Without objection, Senator Wellons is excused from voting on the bill for the stated reason “pending litigation.”

The bill fails to pass its second reading (15-33) and the measure lies upon the table.

S.B. 673 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES’ RETIREMENT SYSTEM.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 833 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The Committee Substitute bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

S.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS

With unanimous consent, on motion of Senator Basnight, the Committee Substitute bill is recommitted to the Judiciary Committee.

S.B. 859, A BILL TO BE ENTITLED AN ACT TO ALLOW PRESCRIBED BURNING IN FORESTS BY FOREST LANDOWNERS UNDER CERTAIN CONDITIONS, as amended.

The bill, as amended, passes its second (43-2) and third readings and, having been previously engrossed, is ordered sent to the House of Representatives.

S.B. 862 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE GREATER FLEXIBILITY TO THE UNIVERSITY OF NORTH CAROLINA IN NEGOTIATING CERTAIN CONTRACTS AND CAPITAL PROJECTS, TO INCREASE THE BENCHMARK FOR PURCHASES BY THE UNIVERSITY OF NORTH CAROLINA AND OTHER STATE AGENCIES, AND TO AUTHORIZE EMPLOYEE PAYROLL DEDUCTIONS FOR CERTAIN DISCRETIONARY PRIVILEGES OF UNIVERSITY SERVICE AT THE UNIVERSITY OF NORTH CAROLINA.

Senator Foxx offers Amendment No. 1 which fails of adoption (18-31).

The Committee Substitute bill passes its second (43-5) and third readings and is ordered sent to the House of Representatives.
S.B. 918 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DUTY OF PERSONS WHO DISCHARGE OIL OR ANY HAZARDOUS SUBSTANCE TO REPORT THE DISCHARGE TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

The Committee Substitute bill passes its second reading (44-2).

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Committee Substitute bill passes its third reading (39-9) and is ordered sent to the House of Representatives.

S.B. 929, A BILL TO BE ENTITLED AN ACT TO ENHANCE AND IMPROVE CHILD CARE IN NORTH CAROLINA.

The bill passes its second reading (44-4).

Senator Martin of Pitt 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, April 30, for further consideration upon third reading.

S.B. 958 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 966, A BILL TO BE ENTITLED AN ACT TO MAKE NO DAMAGE FOR DELAY CLAUSES IN PUBLIC CONTRACTS UNENFORCEABLE, with Amendment No. 1 pending.

Without objection, Senator Horton withdraws Amendment No. 1.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Horton offers Amendment No. 2 which is adopted (46-0).

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. 994 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DIRECT SHIPMENT OF ALCOHOLIC BEVERAGES TO CONSUMERS IN NORTH CAROLINA.

The Committee Substitute bill passes its second (46-2) and third readings and is ordered sent to the House of Representatives.

Senator Rand offers a motion that the rules be suspended to the end that all measures reported from Committee through Thursday, May 1, be placed on a Supplemental Calendar for the same day as reported, which motion prevails with unanimous consent.

S.B. 809 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE NORTH CAROLINA APPRAISERS ACT, upon third reading.

Senator Hoyle 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.
S.B. 837, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO SPORTS CLUBS, as amended, upon third reading.

The bill, as amended, passes its third reading (29-20) and is ordered engrossed and sent to the House of Representatives.

S.B. 838, A BILL TO BE ENTITLED AN ACT TO ESTABLISH TOURISM RESORTS AND TO AUTHORIZE THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS TO THESE ENTITIES, upon third reading.

Senator Ballance offers Amendment No. 1 which is adopted (35-14).

The bill, as amended, passes its third reading (27-22) and is ordered engrossed and sent to the House of Representatives.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 228, A BILL TO BE ENTITLED AN ACT TO IMPOSE A CRIMINAL PENALTY FOR THE WILLFUL FAILURE TO REPORT CHILD ABUSE, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7788 is adopted and engrossed.

COMMITTEE REFERRAL RECALL

S.B. 765, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS, referred to the Appropriations Committee on April 9.

Pursuant to Rule 47(a), Senator Perdue offers a motion that the bill be withdrawn from the Appropriations Committee and re-referred to the Education/Higher Education Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and refers the measure to the Education/Higher Education Committee.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 7:33 P.M. to meet tomorrow, Wednesday, April 30, at 3:00 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O God, for most of us, a meaningful life lived by faith is not attained in some peaceful retreat away from the noise of the world. No group of people understand this better than the Lieutenant Governor, Senators, and staff on the day before crossover deadline.

"Reassure them, O Lord, that they can have peace under pressure and triumph amidst tribulations because You have promised, 'Be of good cheer, I have overcome the world and I will help you to do likewise.'

"In Your Holy name we pray, Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, April 29, has been examined and is found to be correct. On 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. Paul Blanchard from Charlotte, 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. 38, AN ACT TO ESTABLISH THE STUDY COMMISSION ON THE FUTURE OF ELECTRIC SERVICE IN NORTH CAROLINA. (Became law upon approval of the Governor, April 30, 1997 - S.L. 1997-40).

H.B. 517, AN ACT TO EXTEND THE DEADLINE FOR RAISING FUNDS FOR CONSTRUCTION OF THE NORTH CAROLINA INDIAN CULTURAL CENTER PROVIDED THAT THE NORTH CAROLINA INDIAN CULTURAL CENTER, INC., REORGANIZES ITSELF TO FACILITATE THE FUND-RAISING PROCESS. (Became law upon approval of the Governor, April 30, 1997 - S.L. 1997-41).

REPORTS OF COMMITTEES

Pursuant to the motion of Senator Rand prevailing on April 29, all bills and resolutions reported from Committees are placed on today's Supplemental Calendar, unless otherwise noted.
Bills are reported from standing committees, read by their titles, together with the reports accompanying them, and take their place on the Supplemental Calendar, as follows:

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY IN HUNTING BIG GAME, with a favorable report.

S.B. 791, A BILL TO BE ENTITLED AN ACT CLARIFYING WHEN WITNESS STATEMENTS OBTAINED PURSUANT TO THE ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT MAY BE RELEASED, with a favorable report.

S.B. 900, A BILL TO BE ENTITLED AN ACT TO MAKE CONSISTENT AMONG GENERAL STATUTES CERTAIN REQUIREMENTS FOR ANNOUNCING OF CAPITAL IMPROVEMENT PROJECT DESIGN REQUIREMENTS, with a favorable report.

S.B. 1049, A BILL TO BE ENTITLED AN ACT TO ALLOW SATELLITE POLLING PLACES TO SERVE CAMPUS HOUSING AT INSTITUTIONS OF HIGHER EDUCATION, with a favorable report.

S.B. 725, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE FILING OF A DEFERRED CHARGE WITH EEOC OR THE OFFICE OF ADMINISTRATIVE HEARINGS BY STATE OR LOCAL GOVERNMENT 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 7789 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 943, A BILL TO BE ENTITLED AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS 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 7787 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

By Senator Lucas for the Children & Human Resources Committee:

S.B. 1015, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WELFARE REFORM ACT OF 1997, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8690 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 876, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO CRIMINAL BACKGROUND CHECKS REQUIRED TO BE OBTAINED BY NURSING HOMES, ADULT CARE HOMES, AND HOME CARE AGENCIES, with a favorable report.

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S.B. 889, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE AMERICAN SIGN LANGUAGE (ASL) AS THE MODERN LANGUAGE OF CHOICE FOR MANY DEAF, HARD-OF-HEARING AND HEARING NORTH CAROLINA CITIZENS, with a favorable report.

S.B. 962, A BILL TO BE ENTITLED AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW TO PROVIDE FOR VOLUNTARY COMMITMENT OF MOTHERS WHO ARE SUBSTANCE ABUSERS AND THEIR CHILDREN UNDER AGE THREE, with a favorable report.

S.B. 1016, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF CERTIFIED SUBSTANCE ABUSE PROFESSIONALS UNDER HEALTH INSURANCE POLICIES AND PLANS, with a favorable report.

S.B. 924, A BILL TO BE ENTITLED AN ACT TO REQUIRE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8691, which changes the title to read S.B. 924 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 307, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE INDEPENDENT STUDY COMMISSION ON THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1802, which changes the title to read S.B. 307 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UNDERTAKE THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

By Senator Soles for the Commerce Committee:

S.B. 819, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN A DATABASE OF DOWNTOWN PROPERTIES AVAILABLE FOR INDUSTRIAL RECRUITMENT, with a favorable report.

S.B. 824, A BILL TO BE ENTITLED AN ACT TO ADD A DOWNTOWN DEVELOPMENT REPRESENTATIVE TO THE MEMBERSHIP OF THE BUILDING CODE COUNCIL, with a favorable report.

S.B. 892, A BILL TO BE ENTITLED AN ACT TO LIMIT THE RIGHT OF CERTAIN SHAREHOLDERS TO DISSENT FROM CORPORATE ACTIONS AND TO AMEND THE LAW GOVERNING OFFERS OF PAYMENT TO DISSENTERS, with a favorable report.

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S.B. 953, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME CORPORATIONS MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION, with a favorable report.

S.B. 361, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORIZED USERS AND USES OF THE NORTH CAROLINA INFORMATION HIGHWAY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A749 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 577, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING INSURANCE PREMIUM FINANCING, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8693 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 777, A BILL TO BE ENTITLED AN ACT TO ALLOW LICENSEES TO ADJUST CERTAIN INTEREST RATES AND LOAN CEILINGS, TO COLLECT ATTORNEY FEES AND COURT COSTS IN THE CASE OF DEFAULT, AND TO MAINTAIN RECORDS IN THE FORM OF OPTICAL IMAGING, 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. 777 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE LEGISLATIVE RESEARCH COMMISSION TO STUDY WHETHER TO ALLOW CONSUMER FINANCE LICENSEES TO ADJUST CERTAIN INTEREST RATES AND LOAN CEILINGS, AND OTHER ISSUES RELATED TO THE CONSUMER FINANCE INDUSTRY, is adopted and engrossed.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is re-referred to the Rules and Operations of the Senate Committee.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

S.B. 797, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS SUBSTANTIVE AMENDMENTS TO LAWS RELATING TO SMALL EMPLOYER GROUP HEALTH INSURANCE, GROUP HEALTH INSURANCE CONTINUATION, MEDICARE SUPPLEMENT INSURANCE, GROUP LIFE INSURANCE POLICIES, LIFE INSURANCE SALES, AND UNFAIR TRADE PRACTICES, with a favorable report.

S.B. 611, A BILL TO BE ENTITLED AN ACT TO PROTECT INSURANCE POLICYHOLDERS BY SETTING STANDARDS FOR THE FRONTING OF INSURANCE BUSINESS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6666 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 613, A BILL TO BE ENTITLED AN ACT TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Committee Substitute bill A750 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

By Senator Winner for the Education/Higher Education Committee:

S.B. 765, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS, with a favorable report.

S.B. 1066, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHICH GROUPS OF STUDENTS ARE LIKELY TO SCORE BELOW BENCHMARKS ON STATEWIDE TESTS AND TO RECOMMEND WAYS TO FOCUS RESOURCES ON ADDRESSING THE NEEDS OF THOSE STUDENTS, with a favorable report.

S.B. 616, A BILL TO BE ENTITLED AN ACT TO LIMIT APPEALS TO LOCAL BOARDS OF EDUCATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2747 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

COMMITTEE REFERRAL RECALL

S.B. 1006, A BILL TO BE ENTITLED AN ACT TO MODIFY THE JUVENILE CODE TO EXPEDITE THE PROCEDURE FOR TERMINATION OF PARENTAL RIGHTS, referred to the Children & Human Resources Committee on April 21.

Pursuant to Rule 47(a), Senator Lucas offers a motion that the bill be withdrawn from the Children & Human Resources Committee and re-referred to the Select Committee on the Future of the Courts, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Children & Human Resources Committee and refers the measure to the Select Committee on the Future of the Courts.

CALENDAR

S.B. 690 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A COMMUNITY-BASED NEEDLE AND SYRINGE EXCHANGE PILOT PROGRAM, on today’s Calendar.

With unanimous consent, on motion of Senator Lucas, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is recommitted to the Children & Human Resources Committee.

REPORTS OF COMMITTEES (Continued)

By Senator Shaw of Cumberland for the Transportation Committee:

S.B. 894, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND MOTOR VEHICLE FEES TO THE STATE, with a favorable report.

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S.B. 931, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR EXTENDED TRUCK LOADS, with a favorable report.

CALENDAR (Continued)

S.B. 521, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEXUAL ASSAULT PROGRAM FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION, as amended, on today’s Calendar.

With unanimous consent, on motion of Senator Carpenter, the bill is taken up out of its regular order of business and on his further motion, the bill is withdrawn from today’s Calendar and is re-referred to the Appropriations Committee.

S.B. 485, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF COUNTY MEDICAL INVESTIGATORS, on today’s Calendar, upon third reading.

With unanimous consent, on motion of Senator Soles, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today’s Calendar and is re-referred to the Commerce Committee.

REPORTS OF COMMITTEES (Continued)

By Senator Cooper for the Judiciary Committee:

S.B. 371, A BILL TO BE ENTITLED AN ACT TO EXTEND THE INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR CONCILIATION OF DISPUTES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6672 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 372, A BILL TO BE ENTITLED AN ACT TO REMOVE, FOR SERVICE IN A CIVIL ACTION UPON A DEFENDANT LOCATED OUTSIDE THE UNITED STATES, THE TIME LIMITS REGARDING THE SECURING OF AN ENDORSEMENT UPON THE ORIGINAL SUMMONS OR THE SUING OUT OF AN ALIAS OR PLURIES SUMMONS WHEN THE DEFENDANT IS NOT SERVED WITHIN THE TIME ALLOWED FOR 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 8692, which changes the title to read S.B. 372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND, FOR SERVICE IN A CIVIL ACTION UPON A DEFENDANT LOCATED OUTSIDE THE UNITED STATES, THE TIME LIMITS REGARDING THE SECURING OF AN ENDORSEMENT UPON THE ORIGINAL SUMMONS OR THE SUING OUT OF AN ALIAS OR PLURIES SUMMONS WHEN THE DEFENDANT IS NOT SERVED WITHIN THE TIME ALLOWED FOR SERVICE, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 409, A BILL TO BE ENTITLED AN ACT TO PERMIT AIRPORT LAW ENFORCEMENT AGENCIES TO ENTER COOPERATION AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES, with a favorable report.

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S.B. 554, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET, with a favorable report.

S.B. 744, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING GRANDPARENTS' LIABILITY FOR CERTAIN CHILD SUPPORT, with a favorable report.

S.B. 998, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS A CLASS 1 MISDEMEANOR FOR A PERSON FRAUDULENTLY TO REPRESENT HIMSELF OR HERSELF AS A CRIME VICTIM, with a favorable report.

By Senator Cooper for the Select Committee on Session Limits:

S.B. 905, A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7790 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 904, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE, with a favorable report.

CROSSOVER DEADLINE

Senator Rand announces that it is agreed by the Senate and House of Representatives that all bills and resolutions passed by the House of Representatives or the Senate on May 1, 1997, 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.

CALENDAR (Continued)

Bills on the Calendar carried forward as unfinished business from Tuesday, April 29, are taken up and disposed of, as follows:

Senator Rand offers a motion that all bills and resolutions ordered sent to the House of Representatives today through Thursday, May 1, be sent by special messenger, which motion prevails with unanimous consent.

S.B. 910, A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS, upon third reading.

The bill passes its third reading (48-2) and is ordered sent to the House of Representatives by special messenger.

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S.B. 914, A BILL TO BE ENTITLED AN ACT TO REVISE THE REIMBURSEMENT METHODOLOGY FOR HOSPITAL CHARGES UNDER WORKERS' COMPENSATION, upon third reading.

The bill passes its third reading (50-0) and is ordered sent to the House of Representatives by special messenger.

S.B. 1030 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR PROJECT EXPEDITERS ON PUBLIC CONTRACTS, upon third reading.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives by special messenger.

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. 373 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANNEXATION IN CALDWELL COUNTY BY MUNICIPALITIES LOCATED PRIMARILY OUTSIDE THAT COUNTY BE APPROVED BY REFERENDUM.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 531, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF THE PITT COUNTY ABC BOARD FROM THREE TO FIVE MEMBERS.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 1052, A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW.

Referred to Pensions & Retirement and Insurance Committee.

H.B. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR MEDIATION OF SPECIAL EDUCATION DISPUTES.

Referred to Education/Higher Education Committee.

REPORT OF COMMITTEE

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 Supplemental Calendar, as follows:

By Senator Cooper for the Judiciary Committee:

S.B. 573, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT ACCESS FOR POLITICAL PARTIES, with an
unfavorable report as to bill, but favorable as to Committee Substitute bill. Pursuant to Rule 45.1, the proposed Committee Substitute bill 4593 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

**CALENDAR (Continued)**

Bills and a resolution on today’s Calendar are taken up and disposed of, as follows:

**S.B. 513** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF OAKBORO IN STANLY COUNTY.

The President rules the Committee Substitute bill requires a call of the roll.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, May 1, for further consideration upon third reading.

**S.B. 548**, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN STOKES COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

**S.B. 864**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA TRADEMARK REGISTRATION ACT TO THE 1992 MODEL STATE TRADEMARK BILL BY MAKING VARIOUS AMENDMENTS TO THE ACT, INCLUDING REPEALING THE REQUIREMENT THAT APPLICANTS FOR A REGISTRATION INCLUDE PROOF OF USE OF THE TRADEMARK IN NORTH CAROLINA, upon second reading.

The President rules the bill does not require a call of the roll.

The bill passes its second reading (50-0).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, May 1, for further consideration upon third reading.

**S.B. 872** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TEENAGERS WHO ARE FOURTEEN OR FIFTEEN YEARS OLD TO WORK AT CERTAIN PLACES THAT SELL ALCOHOLIC BEVERAGES, upon second reading.

The President rules the Committee Substitute bill does not require a call of the roll.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

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S.B. 128 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THERE IS NO INSURANCE PREMIUM SURCHARGE OR ASSESSMENT OF POINTS FOR A CONVICTION FOR SPEEDING FIFTEEN MILES PER HOUR OR LESS OVER THE SPEED LIMIT.

Senator Odom offers Amendment No. 1.
On motion of Senator Rand, the Committee Substitute bill, with Amendment No. 1 pending, is re-referred to the Judiciary Committee (26-22).

S.B. 228 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPOSE A CRIMINAL PENALTY FOR THE WILLFUL FAILURE TO REPORT CHILD ABUSE, AS RECOMMENDED BY THE CHILD FATALITY TASK FORCE.
The Committee Substitute bill passes its second (45-5) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 297 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.
Senator Gulley offers Amendment No. 1 which is adopted (49-1).
The Committee Substitute bill No. 2, as amended, passes its second (42-7) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

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 Supplemental Calendar, as follows:

By Senator Soles for the Commerce Committee:

S.B. 564, A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, ACCOUNT NUMBER, AND TYPE OF ACCOUNT OF ANY CUSTOMER, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1800, which changes the title to read S.B. 564 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, AND TYPE OF ACCOUNT OF ANY CUSTOMER, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 565, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANK'S RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH AND TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND 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 2748 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

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S.B. 973, A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE CERTAIN INFORMATION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the Committee Substitute bill 6674, which changes the title to read S.B. 973 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH BENEFIT PLANS TO PROVIDE CERTAIN INFORMATION, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

By Senator Winner for the Education/Higher Education Committee:

S.B. 1058, 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, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1803, which changes the title to read S.B. 1058 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE ISSUES RELATED TO THE STUDENT MEMBER OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND SPOUSAL CONFLICTS OF INTEREST, is adopted and engrossed.

With unanimous consent, on motion of Senator Winner, the Committee Substitute bill is re-referred to the Rules and Operations of the Senate Committee.

CALENDAR (Continued)

S.B. 351, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE SOCIAL SERVICES COMMISSION HAS THE AUTHORITY TO SET PERSONNEL REQUIREMENTS IN MATERNITY HOMES, CHILD PLACING AGENCIES, AND CHILD CARE INSTITUTIONS, as amended.

The bill, as amended, fails to pass its second reading (22-28) and the measure lies upon the table.

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 417 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING HIGHWAY SMALL PROJECT BIDDING.

The Committee Substitute bill passes its second (41-7) and third readings.

Senators Dalton, Martin of Pitt, and Rand request to be recorded voting "aye."

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

S.B. 427, A BILL TO BE ENTITLED AN ACT TO INCLUDE WOOD CHIP TRANSPORTERS IN THE LIGHT DUTY ROAD WEIGHT EXEMPTIONS.

The bill passes its second (44-5) and third readings and is ordered sent to the House of Representatives by special messenger.

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S.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE HEALTH BENEFITS FOR NATIONAL GUARD MEMBERS AND THEIR ELIGIBLE DEPENDENTS WHO DO NOT HAVE ACCESS TO COMPREHENSIVE GROUP HEALTH BENEFITS BY ALLOWING VOLUNTARY PARTICIPATION IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

Senators Odom, Plyler, and Perdue offer Amendment No. 1, proposing to change the title to read S.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE HEALTH BENEFITS FOR NATIONAL GUARD MEMBERS, FIREFIEMEN, RESCUE SQUAD WORKERS AND THEIR ELIGIBLE DEPENDENTS WHO DO NOT HAVE ACCESS TO COMPREHENSIVE GROUP HEALTH BENEFITS BY ALLOWING VOLUNTARY PARTICIPATION IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

With unanimous consent, on motion of Senator Odom, the Committee Substitute bill, with Amendment No. 1 pending, is recommitted to the Appropriations Committee.

S.B. 455 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE HMO SERVICES BY PROTECTING PHYSICIAN COMMUNICATIONS REGARDING TREATMENT, REQUIRING COVERAGE FOR EMERGENCY CARE, AND REDUCING THE APPROVAL PERIOD FOR RATE FILINGS.

Senator McDaniel offers Amendment No. 1 which is adopted (48-1). 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 by special messenger.

S.B. 546, A BILL TO BE ENTITLED AN ACT TO AMEND THE REAL PROPERTY DISCLOSURE LAWS TO INCLUDE PROVISIONS FOR THE DISCLOSURE OF FLOOD HAZARD AREAS, as amended.

The President orders, without objection, the bill, as amended, temporarily displaced.

S.B. 561, A BILL TO BE ENTITLED AN ACT TO REMEDY THE INADVERTENT EXCLUSION OF DUTY SWORN AND COMMISSIONED CAMPUS POLICE OFFICERS FROM THE CONCEALED HANDGUN STATUTES.

The bill passes its second reading (50-0).

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, May 1, for further consideration upon third reading.

S.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today's Calendar and is recommitted to the Appropriations 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 Cooper for the Judiciary Committee:

S.B. 825, A BILL TO BE ENTITLED AN ACT RELATING TO FUND-RAISING IN SESSION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8696, which changes the title to read S.B. 825 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR CANDIDATE DISCLOSURE WITH REGARD TO ADVERTISEMENTS, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Thursday, May 1, for further consideration.

COMMITTEE REFERRAL RECALL

S.B. 30, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE ONE HUNDRED DOLLAR PENALTY FOR SPEEDING IN A HIGHWAY WORK ZONE IS IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER PENALTY FOR A SPEEDING OFFENSE, referred to the Judiciary Committee on February 3.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

S.B. 885, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAWS REGARDING THE TIME AND METHOD FOR EXECUTION, referred to the Judiciary Committee on April 15.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

S.B. 1012, A BILL TO BE ENTITLED AN ACT TO PROVIDE PARTIES WITH THE RIGHT TO THE PUBLICATION OF ANY OPINION ISSUED BY THE COURT OF APPEALS, referred to the Judiciary Committee on April 21.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Finance Committee.

REPORTS OF COMMITTEES (Continued)

By Senator Lucas for the Children & Human Resources Committee:

S.B. 851, A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF TIME AN ADULT CARE HOME MAY OPERATE UNDER A PROVISIONAL

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LICENSE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill A751, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 1023, A BILL TO BE ENTITLED AN ACT TO PROVIDE STANDARDS FOR THE QUALITY OF CARE IN FOSTER HOMES AND TO ALLOW COUNTY DEPARTMENT OF SOCIAL SERVICES TO GRANT WAIVERS TO THE STANDARDS UNDER CERTAIN CIRCUMSTANCES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2750, which changes the title to read S.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS AND DUTIES OF THE DEPARTMENT OF HUMAN RESOURCES TO REQUIRE THE DEPARTMENT TO ACT ON REQUESTS FOR WAIVERS TO COMMISSION OF HEALTH SERVICES RULES AND TO REPORT TO THE GENERAL ASSEMBLY ON PROGRESS AND RECOMMENDATIONS TO IMPROVE THE PROCESS FOR THE GRANTING OR DENIAL OF APPLICATIONS FOR LICENSURE AND WAIVERS, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 757, A BILL TO BE ENTITLED AN ACT TO ESTABLISH ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2749 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

CALENDAR (Continued)

S.B. 872 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TEENAGERS WHO ARE FOURTEEN OR FIFTEEN YEARS OLD TO WORK AT CERTAIN PLACES THAT SELL ALCOHOLIC BEVERAGES, temporarily displaced earlier.

Senator Cochrane offers Amendment No. 1 which is adopted (50-0).

The Committee Substitute bill, as amended, passes its second (44-6) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 636, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ESTABLISHMENT OF LOCAL PUBLIC HEALTH AUTHORITIES, AS RECOMMENDED BY THE NORTH CAROLINA PUBLIC HEALTH COMMISSION, as amended by the Children & Human Resources Committee and engrossed.

Senator Hartsell 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 by special messenger.

COMMITTEE REFERRAL RECALL

S.B. 367, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE SIX PRESCRIPTION LIMIT FOR MEDICAID RECIPIENTS, referred to the Children &

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Human Resources Committee on March 11.

Pursuant to Rule 47(a), Senator Lucas offers a motion that the bill be withdrawn from the Children & Human Resources Committee and re-referred to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Children & Human Resources Committee and refers the measure to the Appropriations Committee.

S.B. 311, A BILL TO BE ENTITLED AN ACT TO IMPOSE A CIVIL PENALTY AND TO MAKE IT A CLASS 3 MISDEMEANOR IF A LANDLORD FAILS TO PROVIDE, INSTALL, REPLACE, OR REPAIR A SMOKE DETECTOR IN A RESIDENTIAL RENTAL DWELLING, referred to the Judiciary Committee on March 5.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Appropriations Committee.

CALENDAR (Continued)

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS, temporarily displaced earlier.

Senator Winner offers Amendment No. 1.

Senator Hoyle inquires, pursuant to Rule 42.2(a)(2), as to necessity of an actuarial note. The President takes the inquiry under advisement and orders, without objection, the Committee Substitute bill temporarily displaced, with Amendment No. 1 pending.

S.B. 663 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE ELECTION LAWS DESIGNED TO PREVENT LONG LINES AT THE POLLS ON ELECTION DAY.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Ballance offers Amendment No. 1 which is adopted (47-0).

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 by special messenger.

S.B. 699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE PLACE OF BUSINESS OF A MOTOR VEHICLE DEALER WHO SELLS ONLY TRAILERS OR SEMITRAILERS DOES NOT HAVE TO MEET THE REQUIREMENTS SET FOR AN ESTABLISHED OFFICE OR SALESROOM OF A MOTOR VEHICLE DEALER.

The Committee Substitute bill passes its second (46-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO PROVIDE
COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM
MASTECTOMY.

The Committee Substitute bill passes its second (48-0) and third readings and is
ordered sent to the House of Representatives by special messenger.

S.B. 764 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND
THE WORKERS’ COMPENSATION ACT REGARDING EMPLOYER ACCESS TO
MEDICAL INFORMATION.

The Committee Substitute bill passes its second (46-1) and third readings and is
ordered sent to the House of Representatives by special messenger.

S.B. 816 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
ELIMINATE THE NEED TO OBTAIN PRIOR APPROVAL FROM THE WILDLIFE
RESOURCES COMMISSION TO RAISE YELLOW PERCH COMMERCIALLY IN
SOME AREAS OF THE STATE AND TO ALLOW ALLIGATORS TO BE RAISED
COMMERCIALLY.

The Committee Substitute bill passes its second (47-1) and third readings and is
ordered sent to the House of Representatives by special messenger.

REPORT OF COMMITTEE

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 Shaw of Cumberland for the Transportation Committee:

S.B. 1059, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT DEALER
PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE
OF THE DEALERSHIP, with an unfavorable report as to bill, but favorable as to
Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8695, which changes
the title to read S.B. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT
TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN
FOR A BUSINESS PURPOSE OF THE DEALERSHIP AND TO LIMIT THE
NUMBER OF TRANSporter PLATES THAT MAY BE ISSUED TO A DEALER, is
adopted and engrossed.

With unanimous consent, on motion of Senator Shaw of Cumberland, the Committee
Substitute bill is placed on the Calendar for Thursday, May 1, for further consideration.

CALENDAR (Continued)

S.B. 546, A BILL TO BE ENTITLED AN ACT TO AMEND THE REAL
PROPERTY DISCLOSURE LAWS TO INCLUDE PROVISIONS FOR THE
DISCLOSURE OF FLOOD HAZARD AREAS, as amended by the State Government,
Local Government, and Personnel Committee and engrossed, temporarily displaced
earlier.

Senator Reeves offers Amendment No. 1, which is adopted (45-0), changing the title
to read S.B. 546, A BILL TO BE ENTITLED AN ACT TO AMEND THE REAL
PROPERTY DISCLOSURE LAWS TO INCLUDE PROVISIONS FOR THE
DISCLOSURE OF FLOOD HAZARD AREAS ON PROPERTY LOCATED PARTLY OR WHOLLY IN WAKE COUNTY.

Adoption of Amendment No. 1 changes the measure from a public bill to a local bill.

The bill, as amended, passes its second (44-0) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 826, A BILL TO BE ENTITLED AN ACT TO PROVIDE "QUICK TAKE" PROCEDURES IN EMINENT DOMAIN PROCEEDINGS BY SCHOOL BOARDS.

Senator Miller offers Amendment No. 1 which is adopted (44-2).

The bill, as amended, passes its second (41-7) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE LAWS AND MAKE TECHNICAL AND CLARIFYING AMENDMENTS AND CORRECTIONS IN VARIOUS INSURANCE STATUTES; AND TO EXTEND THE EXPIRATION DATE OF THE 1986 RISK SHARING PLAN LAW.

The Committee Substitute bill passes its second (45-1) and third readings.

Senator Cochrane requests to be recorded voting “aye.”

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

S.B. 855, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONTRACT WITH THIRD PARTIES TO PROVIDE REMOTE ELECTRONIC ACCESS TO COURT INFORMATION.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACEUTICAL SERVICES.

Senator Rand offers Amendment No. 1 which is adopted (50-0).

Senator Cochrane offers Amendment No. 2.

Senator Cochrane offers Amendment No. 3, substitute for Amendment No. 2, which is adopted (49-1).

Senator Winner offers Amendment No. 4 which is adopted (44-6).

Senator Rand calls the previous question, seconded by Senator Conder. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (40-10).

Senator Winner 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 1, for further consideration upon third reading.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 799, A BILL TO BE ENTITLED AN ACT TO BRING MORE OPENNESS TO THE PERFORMANCE OF PUBLIC EMPLOYEES BY PROVIDING GREATER ACCESS TO PERSONNEL 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 1805, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Thursday, May 1, for further consideration.

S.B. 997, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO IGNORES A WARNING REGARDING PERSONAL SAFETY IN A DISASTER SITUATION AND PLACES HIMSELF OR HERSELF OR ANOTHER IN DANGER AND REQUIRES AN EMERGENCY RESCUE IS GUILTY OF A CLASS 2 MISDEMEANOR AND IS ALSO CIVILLY LIABLE FOR THE COSTS OF THE RESCUE EFFORT, with an unfavorable report as to bill, but a favorable report as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8697, which changes the title to read S.B. 997 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO IGNORES A WARNING REGARDING PERSONAL SAFETY IN A DISASTER SITUATION AND PLACES HIMSELF OR HERSELF OR ANOTHER IN DANGER AND REQUIRES AN EMERGENCY RESCUE IS CIVILLY LIABLE FOR THE COSTS OF THE RESCUE EFFORT, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Thursday, May 1, for further consideration.

**CALENDAR (Continued)**

S.B. 869 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER TECHNOLOGY-RELATED FUNCTIONS OF STATE GOVERNMENT TO THE DEPARTMENT OF COMMERCE.

Senator Rand offers Amendment No.1.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Amendment No. 1, offered by Senator Rand, is adopted (43-3).

The Committee Substitute bill, as amended, passes its second (40-7) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PRACTICE OF LAW BY ATTORNEYS REPRESENTING CORPORATIONS.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 897, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE ELECTRONIC SURVEILLANCE LAW.
The bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 919, A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCONTINUATION OF TELECOMMUNICATIONS SERVICE USED FOR UNLAWFUL PURPOSE.

The bill passes its second (46-2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 930, A BILL TO BE ENTITLED AN ACT TO ABOLISH THE MUTUAL BURIAL ASSOCIATION COMMISSION AND TO TRANSFER ITS DUTIES TO THE BOARD OF MORTUARY SCIENCE.

Without objection, Senator Jordan is excused from voting on the bill for the stated reason, "my profession is connected with this interest."

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 936 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS.

The Committee Substitute bill passes its second reading (47-1).

Senator Warren objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, May 1, for further consideration upon third reading.

WITHDRAWAL FROM CALENDAR

S.J.R. 211 (Committee Substitute), A JOINT RESOLUTION COMMEMORATING THE MEMORY OF RELIGIOUS LEADERS IN THE STATE OF NORTH CAROLINA AND NAMING BILLY GRAHAM AS WORLD EVANGELIST, placed on the Calendar for Monday, May 5.

Senator Rand offers a motion that the Committee Substitute joint resolution be withdrawn from the Calendar for Monday, May 5, and placed at the end of today's Calendar, which motion prevails with unanimous consent.

The Senate reconvenes its previous action and the Chair orders the Committee Substitute joint resolution withdrawn from the Calendar for Monday, May 5, and places it at the end of the today's Calendar for consideration upon its passage.

S.B. 864, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA TRADEMARK REGISTRATION ACT TO THE 1992 MODEL STATE TRADEMARK BILL BY MAKING VARIOUS AMENDMENTS TO THE ACT, INCLUDING REPEALING THE REQUIREMENT THAT APPLICANTS FOR A REGISTRATION INCLUDE PROOF OF USE OF THE TRADEMARK IN NORTH CAROLINA, placed earlier today on the Calendar for Thursday, May 1, upon third reading.

Senator Kerr withdraws his objection to third reading, the Senate reconvenes and the bill is withdrawn from the Calendar for Thursday, May 1, and is placed before the Senate for further consideration upon third reading.

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Senator Kerr offers Amendment No. 1 which is adopted (50-0).

The bill, as amended, passes its third reading (48-2) and is ordered engrossed and sent to the House of Representatives by special messenger.

CALCULATION (Continued)

S.B. 940 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE STATE TREASURER TO CONDUCT A STUDY OF THE PERMISSIBLE INVESTMENTS FOR LOCAL UNITS OF GOVERNMENT.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 947 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE BURDEN OF PROOF THAT MUST BE SATISFIED TO OBTAIN A CERTIFICATE AUTHORIZING AN INTERBASIN TRANSFER OF SURFACE WATERS, TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATING TO INTERBASIN TRANSFERS, AND TO IMPOSE A TEMPORARY MORATORIUM ON CERTAIN INTERBASIN TRANSFERS DURING THE PENDENCY OF THE STUDY.

The Committee Substitute bill passes its second (45-4) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 959, A BILL TO BE ENTITLED AN ACT TO EXEMPT MODULAR CONSTRUCTION CERTIFYING AGENCIES FROM CHAPTER 89C OF THE GENERAL STATUTES WHILE PRACTICING EXCLUSIVELY AS CERTIFYING AGENCIES.

The bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO PROTECT THE RIGHTS OF SUBSCRIBERS AND CERTIFICATE HOLDERS IN THE RESERVES AND CAPITAL OF HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS UPON CONVERSION.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The President Pro Tempore orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 1027 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE HIGH-VOLTAGE LINE SAFETY ACT.

Senator Miller offers Amendment No. 1 which is adopted (49-0).

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 by special messenger.

S.B. 1028, A BILL TO BE ENTITLED AN ACT TO ALLOW A CONTRACTOR, ON BEHALF OF A SUBCONTRACTOR, TO FILE AN ACTION AGAINST THE

The bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1054, A BILL TO BE ENTITLED AN ACT AUTHORIZING COUNTIES, CITIES, AND LOCAL BOARDS OF EDUCATION TO ESTABLISH REQUIREMENTS CONCERNING DOING BUSINESS WITH THE UNION OF MYANMAR, FORMERLY BURMA, IN PROJECTS FINANCED BY PUBLIC FUNDS. The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1055 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1067, A BILL TO BE ENTITLED AN ACT TO DENOUNCE THE HEROIN TRAFFIC TRADE FROM THE UNION OF MYANMAR, FORMERLY BURMA, AND TO REQUEST COMPANIES PRESENTLY DOING BUSINESS WITH THE STATE OF NORTH CAROLINA AND ALSO DOING BUSINESS IN THE UNION OF MYANMAR TO WITHDRAW THEIR OPERATION FROM THE UNION OF MYANMAR IN SUPPORT OF THE DEMOCRACY MOVEMENT IN THE UNION OF MYANMAR.

Senator Rand rises to a point of order as to the measure being a bill or resolution. The Chair rules the measure a resolution and it is thereby excluded from consideration in the Senate pursuant to Rule 40(b).

S.J.R. 1072, A JOINT RESOLUTION INVITING THE HONORABLE JESSE A. HELMS, UNITED STATES SENATOR, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR.

The joint resolution passes its second (46-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4) ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR

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QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; AND (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives by special messenger.

S.B. 929, A BILL TO BE ENTITLED AN ACT TO ENHANCE AND IMPROVE CHILD CARE IN NORTH CAROLINA, upon third reading.

The bill passes its third reading and is ordered sent to the House of Representatives by special messenger.

S.J.R. 211 (Committee Substitute), A JOINT RESOLUTION COMMEMORATING THE MEMORY OF RELIGIOUS LEADERS IN THE STATE OF NORTH CAROLINA AND NAMING BILLY GRAHAM AS WORLD EVANGELIST, placed on the Calendar earlier today.

The Committee Substitute joint resolution passes its second (50-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS, with Amendment No. 1 pending, temporarily displaced earlier.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Without objection, Senator Winner withdraws Amendment No. 1.

The President rules that an actuarial note with Amendment No.1 is not required to be referred to the Finance Committee pursuant to Rule 42.2(e).

Senator Winner offers Amendment No. 2 which is adopted (46-3).

Senator Odom offers Amendment No. 3.

Senator Odom calls the previous question on Amendment No. 3, seconded by Senator Hoyle. The call is sustained.

Amendment No. 3, offered by Senator Odom, is adopted (38-12).

Senator Winner calls the previous question, seconded by Senator Jenkins. The call is sustained.

The Committee Substitute bill, as amended, passes its second (43-7) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages and 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 pursuant to Rule 43, are ordered held in the Office of the Principal Clerk pending referral to committee, as follows:

H.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO SEVERANCE PAY FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS.
H.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA HEALTH INSURANCE LAWS TO RECENTLY ENACTED FEDERAL LAWS CONCERNING HEALTH INSURANCE UNDERWRITING AND PORTABILITY, MATERNITY COVERAGE, AND COVERAGE FOR MENTAL ILLNESS.

H.B. 448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR'S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED.

H.B. 485 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS.

H.B. 656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISIONS OF THE WATERSHED PROTECTION ACT AS THEY APPLY TO SCHOOLS, TO MODIFY THE LAWS RELATING TO SATELLITE ANNEXATION WHICH APPLY TO MOORESVILLE, AND TO LIMIT THE SPEED OF BOATS ON LAKE NORMAN.

H.B. 681 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO.

H.B. 871, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE, TO PERMIT EMPLOYERS SUBJECT TO THE STATE MINIMUM WAGE TO TAKE THE SAME TIP CREDIT AS FEDERALLY COVERED EMPLOYERS, AND TO EXEMPT COMPUTER PROFESSIONALS FROM MINIMUM WAGE AND OVERTIME PROVISIONS.

H.B. 907, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES.

H.B. 926, A BILL TO BE ENTITLED AN ACT PERTAINING TO PREFERRED PROVIDER CONTRACTS.

H.B. 1099 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES.

H.B. 431 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE GARNISHMENT OF WAGES TO RECoup FRAUDULENT OR ERRONEOUS PUBLIC ASSISTANCE PROGRAM PAYMENTS, TO PROVIDE INVESTIGATORY SUBPOENA POWER TO COUNTY DEPARTMENTS OF SOCIAL SERVICES AND THE DEPARTMENT OF HUMAN RESOURCES, AND TO CREATE AN OFFENSE FOR ILLEGAL POSSESSION OR USE OF FOOD STAMPS.

H.B. 402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INFRACTION FOR CERTAIN ALCOHOL-RELATED
OFFENSES MAY BE EXPUNGED FROM A PERSON'S RECORD AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE.

H.B. 410, A BILL TO BE ENTITLED AN ACT ENACTING AND ENTERING INTO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

H.B. 499, A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF GEOGRAPHICAL INFORMATION SYSTEM DATABASE INFORMATION BY REAL ESTATE TRADE ASSOCIATIONS.

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE AUTHORITY OF MUNICIPALITIES AND HOSPITAL AUTHORITIES REGARDING LEASES AND JOINT VENTURES.

H.B. 652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE STATUTES GOVERNING THE OFFICE OF THE STATE AUDITOR.

H.B. 739 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW.

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDEDENT'S SPOUSE.

H.B. 994, A BILL TO BE ENTITLED AN ACT TO ALLOW PAY TELEPHONE PROVIDERS TO OBTAIN LINE ACCESS FROM COMPETITIVE LOCAL PROVIDERS OF TELEPHONE SERVICE AND TO ELIMINATE THE STATUTORY REQUIREMENT THAT LINE ACCESS RATES BE SET ON A MEASURED RATE BASIS.

H.B. 1006, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXEMPTION FOR ANNOUNCING REQUIREMENTS OF CAPITAL IMPROVEMENT PROJECT DESIGNS.

H.B. 1120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRESCRIBED BURNING IN FORESTS BY FOREST LANDOWNERS UNDER CERTAIN CONDITIONS.

H.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT SCHOOL ACTIVITY BUSES MAY NOT COMPETE WITH THE PRIVATE SECTOR.

H.B. 651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES.

H.B. 1115, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CANCELLATION OF INSURANCE POLICIES THAT PROVIDE COVERAGE FOR CHURCHES FOR LOSSES RESULTING FROM A FIRE.
H.B. 1140, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMMUNITY SERVICE BE IMPOSED FOR A CONVICTION OF LITTERING.

H.B. 940, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A REAL ESTATE BROKER AND REAL ESTATE SALESPERSON ARE NOT EMPLOYEES WITHIN THE MEANING OF THE WORKERS’ COMPENSATION ACT.

H.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE SANITIZATION OF COOKING UTENSILS PROVIDED BY LODGING ESTABLISHMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

CALENDAR (Continued)

S.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROMOTE COMPETITION, CHOICE, AND AVAILABILITY IN THE PURCHASE OF PRESCRIPTION DRUGS AND PHARMACEUTICAL SERVICES, as amended, placed earlier today on the Calendar for Thursday, May 1, upon third reading.

Senator Winner withdraws her objection to third reading, the Senate reconsiders and the Committee Substitute bill, as amended, is withdrawn from the Calendar for Thursday, May 1, and is placed before the Senate for further consideration upon third reading.

The Committee Substitute bill, as amended, passes its third reading (38-4) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO PROTECT THE RIGHTS OF SUBSCRIBERS AND CERTIFICATE HOLDERS IN THE RESERVES AND CAPITAL OF HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS UPON CONVERSION, temporarily displaced earlier.

Senator Rand offers Amendment No. 1 which is adopted (46-0), changing the title to read S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CORPORATE CONVERSIONS OR RESTRUCTURING OF NONPROFIT HOSPITAL, MEDICAL, AND DENTAL SERVICE.

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 messenger.

SUPPLEMENTAL CALENDAR

Bills on today’s Supplemental Calendar are taken up and disposed of, as follows:

S.B. 552, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY IN HUNTING BIG GAME.

The bill passes its second and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 924 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND
APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES, upon second reading.

Senator Odom offers Amendment No. 1 which is adopted (45-0).

Senator Kinnaird offers Amendment No. 2 which is adopted (44-1).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, May 1, for further consideration upon third reading.

S.B. 307 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UNDERTAKE THE REORGANIZATION OF THE DEPARTMENT OF HUMAN RESOURCES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 361 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE AUTHORIZED USERS AND USES OF THE NORTH CAROLINA INFORMATION HIGHWAY.

Senator Cooper offers Amendment No. 1 which is adopted (47-0).

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 messenger.

S.B. 371 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR CONCILIATION OF DISPUTES.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 905 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is taken up out of its regular order of business.

Senator Cooper offers Amendment No. 1 which is adopted (48-1).

Senator Shaw of Guilford offers Amendment No. 2.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Gulley rises to a point of order under Rule 57.1 as to Amendment No. 2 being germane to the original subject matter of the Committee Substitute bill.

The President Pro Tempore rules Amendment No. 2 not germane.

April 30, 1997
Senator Hoyle calls the previous question, seconded by Senator Kerr. The call is sustained.

Receiving a three-fifth affirmative majority vote, the Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 35, noes 13, as follows:


Voting in the negative: Senators Allran, Blust, Clark, Cochrane, Foxx, Horton, Kinnaird, Ledbetter, Martin of Guilford, McDaniel, Miller, Rucho, and Shaw of Guilford—13.

Senator Horton 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 1, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

S.B. 61, A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST TWO REPRESENTATIVES FROM A MUNICIPALITY'S EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION ON THE PLANNING AGENCY, referred to the Judiciary Committee on February 6.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the State Government, Local Government, and Personnel Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the State Government, Local Government, and Personnel Committee.

On motion of Senator Ballance, seconded by Senator Rand, the Senate adjourns at 10:19 P.M. with bills remaining on the Supplemental Calendar as unfinished business, to meet tomorrow, Thursday, May 1, at 9:30 A.M.

FIFTY-FOURTH DAY

Senate Chamber
Thursday, May 1, 1997

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, in this place where important laws are being considered and written, let us remember also to take Your laws seriously. Obedience to them must not be made easy, otherwise we devalue who You are and what You mean to our very existence.

May 1, 1997
“And so, as this session continues, allow Holy Scripture’s two greatest laws to inform and underwrite all the lawmaking that goes on here. We are to love You and our neighbor as ourself. On these two commandments, should all laws hinge. Amen.”

With unanimous consent, the President Pro Tempore grants a leave of absence for today to Senator Kinnaird due to a Federal trial.

Senator Lee announces the Journal of yesterday, Wednesday, April 30, has been examined and is found to be correct. On 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. Charles H. Mann from Cary, who is serving the Senate as Doctor of the Day.

CALENDAR

Bills carried forward as unfinished business from the Supplemental Calendar of Wednesday, April 30, are taken up and disposed of, as follows:

Pursuant to the motion of Senator Rand prevailing on April 30, all measures ordered sent to the House of Representatives are sent by special messenger.

S.B. 372 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND, FOR SERVICE IN A CIVIL ACTION UPON A DEFENDANT LOCATED OUTSIDE THE UNITED STATES, THE TIME LIMITS REGARDING THE SECURING OF AN ENDORSEMENT UPON THE ORIGINAL SUMMONS OR THE SUING OUT OF AN ALIAS OR PLURIES SUMMONS WHEN THE DEFENDANT IS NOT SERVED WITHIN THE TIME ALLOWED FOR SERVICE.

The Committee Substitute bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 409, A BILL TO BE ENTITLED AN ACT TO PERMIT AIRPORT LAW ENFORCEMENT AGENCIES TO ENTER COOPERATION AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

The bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 554, A BILL TO BE ENTITLED AN ACT TO REMOVE THE SUNSET.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 564 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, AND TYPE OF ACCOUNT OF ANY CUSTOMER.

The Committee Substitute bill passes its second reading (44-3).

May 1, 1997
S.B. 565 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANK'S RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH AND TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES.

On motion of Senator Webster, the President Pro Tempore orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 573 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO STATUTES CONCERNING BALLOT ACCESS FOR POLITICAL PARTIES.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

COMMITTEE REFERRAL RECALL

S.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS, referred to the Judiciary Committee on April 29.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the Committee Substitute bill be withdrawn from the Judiciary Committee and placed on today's Calendar in its regular order of business, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Judiciary Committee and places it on today's Calendar in its regular order of business for consideration upon its passage.

S.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE HEALTH BENEFITS FOR NATIONAL GUARD MEMBERS AND THEIR ELIGIBLE DEPENDENTS WHO DO NOT HAVE ACCESS TO COMPREHENSIVE GROUP HEALTH BENEFITS BY ALLOWING VOLUNTARY PARTICIPATION IN THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, referred to the Appropriations Committee on April 30, with Amendment No. 1 pending.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Committee Substitute bill, with Amendment No. 1 pending, be withdrawn from the Appropriations Committee and re-referred to the Rules and Operations of the Senate Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill, with Amendment No. 1 pending, recalled from the Appropriations Committee and refers the measure to the Rules and Operations of the Senate Committee.

CALENDAR (Unfinished Business Continued)

S.B. 577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING INSURANCE PREMIUM FINANCING.

May 1, 1997
The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is taken up out of its regular order of business, and pursuant to Rule 42(b), is re-referred to the Finance Committee.

S.B. 611 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT INSURANCE POLICYHOLDERS BY SETTING STANDARDS FOR THE FRONTING OF INSURANCE BUSINESS.

The Committee Substitute bill passes its second (43-3) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 616 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT APPEALS TO LOCAL BOARDS OF EDUCATION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives by special messenger.

RECONSIDERATION

S.B. 351, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE SOCIAL SERVICES COMMISSION HAS THE AUTHORITY TO SET PERSONNEL REQUIREMENTS IN MATERNITY HOMES, CHILD PLACING AGENCIES, AND CHILD CARE INSTITUTIONS, having failed to pass its second reading on April 30.

Senator Shaw of Cumberland, having voted in the majority on April 30, offers a motion that the vote by which the bill failed to pass its second reading be reconsidered.

Senator Webster offers a motion that the motion to reconsider do lie upon the table, which motion fails for lack of a second, and the question before the Body is the motion to reconsider the vote by which the bill failed to pass its second reading.

The motion to reconsider offered by Senator Shaw of Cumberland prevails (28-19), and the question becomes the passage of the bill upon second reading.

With unanimous consent, on motion of Senator Rand, the bill is re-referred to the Rules and Operations of the Senate Committee.

CALENDAR (Unfinished Business Continued)

S.B. 725 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE FILING OF A DEFERRED CHARGE WITH EEOC OR THE OFFICE OF ADMINISTRATIVE HEARINGS BY STATE OR LOCAL GOVERNMENT EMPLOYEES.

Senator Rand calls the previous question, seconded by Senator Ballance. The call is sustained.

The Committee Substitute bill passes its second reading (39-10).

Senator Kincaid objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, May 5, for further
consideration upon third reading.

With unanimous consent, Senator Kincaid withdraws his objection to third reading, the Senate reconsiders, and the Committee Substitute bill is withdrawn from the Calendar for Monday, May 5, and is placed before the Senate for consideration upon third reading.

The Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives by special messenger.

S.B. 744, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW REGARDING GRANDPARENTS' LIABILITY FOR CERTAIN CHILD SUPPORT.

The bill passes its second (48-0) and third (45-0) readings and is ordered sent to the House of Representatives by special messenger.

COMMITTEE REFERRAL RECALL

S.B. 1013, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE NORTH CAROLINA'S ELECTRIC UTILITIES TO IMPLEMENT RENEWABLE ENERGIES AND ENERGY EFFICIENCY, referred to the Commerce Committee on April 28.

Pursuant to Rule 47(a), Senator Soles offers a motion that the bill be withdrawn from the Commerce Committee and re-referred to the Rules and Operations of the Senate Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Commerce Committee and refers the measure to the Rules and Operations of the Senate Committee.

REPORT OF COMMITTEE

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 Supplemental Calendar, as follows:

S.B. 821, A BILL TO BE ENTITLED AN ACT TO DIRECT THE HOUSING FINANCE AGENCY TO EXAMINE THE USE OF FUNDS FROM THE HOUSING TRUST FUND IN DOWNTOWN AREAS, with a favorable report.

S.B. 740, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GARNISHMENT OF WAGES AS AN ADDITIONAL MEANS OF SATISFYING JUDGMENTS IN CIVIL ACTIONS AND TO AUTHORIZE COLLECTION AGENCIES TO TAKE AN ASSIGNMENT OF CLAIMS AS REAL PARTIES IN INTEREST FOR THE PURPOSE OF BILLING, COLLECTION, AND BRINGING SUITS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6675, which changes the title to read S.B. 740 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GARNISHMENT OF WAGES AS AN ADDITIONAL MEANS OF SATISFYING JUDGMENTS IN CIVIL ACTIONS, is adopted and engrossed.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is re-referred to the Rules and Operations of the Senate Committee.
S.B. 757 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH ADVANCE INSTRUCTION FOR MENTAL HEALTH TREATMENT.

The Committee Substitute bill passes its second (45-4) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 765, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 791, A BILL TO BE ENTITLED AN ACT CLARIFYING WHEN WITNESS STATEMENTS OBTAINED PURSUANT TO THE ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT MAY BE RELEASED.

The bill passes its second reading (34-14).

On motion of Senator Odom, the President orders, without objection, the bill temporarily displaced.

S.B. 564 (COMMITTEE SUBSTITUTE), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA FINANCIAL PRIVACY ACT TO PERMIT THE DISCLOSURE OF THE NAME, ADDRESS, AND TYPE OF ACCOUNT OF ANY CUSTOMER, upon third reading, temporarily displaced earlier.

Senator Reeves offers Amendment No. 1 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its third reading (45-3) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 565 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE APPLICATION OF THE COMMISSIONER OF BANK'S RATE TO VARIABLE RATE LOANS WITH ADJUSTMENT PERIODS GREATER THAN ONE MONTH AND TO REPEAL THE LAWS GOVERNING VARIABLE RATE LOANS OF MANUFACTURED HOMES AND INSTALLMENT RATES AND FEES, temporarily displaced earlier.

The Committee Substitute bill passes its second (43-3) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 797, A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS SUBSTANTIVE AMENDMENTS TO LAWS RELATING TO SMALL EMPLOYER GROUP HEALTH INSURANCE, GROUP HEALTH INSURANCE CONTINUATION, MEDICARE SUPPLEMENT INSURANCE, GROUP LIFE INSURANCE POLICIES, LIFE INSURANCE SALES, AND UNFAIR TRADE PRACTICES.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 819, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN A DATABASE OF DOWNTOWN PROPERTIES
AVAILABLE FOR INDUSTRIAL RECRUITMENT.
The bill passes its second reading (46-1).

Senator Webster offers Amendment No. 1.

On motion of Senator Shaw of Cumberland, the President Pro Tempore orders the bill temporarily displaced, with Amendment No. 1 pending.

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. 860, A BILL TO BE ENTITLED AN ACT TO REDEFINE PRISON ENTERPRISES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7792, which changes the title to read S.B. 860 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE JOINT LEGISLATIVE CORRECTIONS OVERSIGHT COMMITTEE TO STUDY THE CORRECTIONS ENTERPRISES SIGN SHOP, is adopted and engrossed.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is re-referred to the Rules and Operations of the Senate Committee.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

S.B. 30, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE ONE HUNDRED DOLLAR PENALTY FOR SPEEDING IN A HIGHWAY WORK ZONE IS IN ADDITION TO, AND NOT IN LIEU OF, ANY OTHER PENALTY FOR A SPEEDING OFFENSE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4597, which changes the title to read S.B. 30 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR SPEEDING IN A HIGHWAY WORK ZONE TO TWO HUNDRED FIFTY DOLLARS, AND TO PROVIDE THAT THE SAFE DRIVER INCENTIVE PLAN EXCEPTION FOR VIOLATIONS OF SPEEDING TEN MILES PER HOUR OR LESS OVER THE SPEED LIMIT SHALL NOT APPLY TO SPEEDING IN A HIGHWAY WORK ZONE, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 643, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GREENSBORO CITY COUNCIL MEMBERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6678 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 644, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE
OF PROPERTY INTERESTS AND ASSETS BY HIGH POINT CITY COUNCIL MEMBERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6677 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 885, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAWS REGARDING THE TIME AND METHOD FOR EXECUTION, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2751, which changes the title to read S.B. 885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAW REGARDING THE TIME FOR EXECUTION, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

CALENDAR (Unfinished Business Continued)

S.B. 824, A BILL TO BE ENTITLED AN ACT TO ADD A DOWNTOWN DEVELOPMENT REPRESENTATIVE TO THE MEMBERSHIP OF THE BUILDING CODE COUNCIL.

The bill passes its second (41-2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS, TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS AND TO CLARIFY INFORMATION THAT MUST BE DISCLOSED PUBLICLY ABOUT PROSPECTIVE REAL ESTATE PURCHASES BY PUBLIC BODIES, placed earlier on today's Calendar.

Without objection, the Committee Substitute bill is taken up out of its regular order of business.

The President Pro Tempore orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 851 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE AMOUNT OF TIME AN ADULT CARE HOME MAY OPERATE UNDER A PROVISIONAL LICENSE.

Senator Lucas offers Amendment No. 1 which is adopted (46-2), changing the title to read S.B. 851 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING ADULT CARE HOME LICENSES.

On motion of Senator Lucas, the President Pro Tempore orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

S.B. 876, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO CRIMINAL BACKGROUND CHECKS REQUIRED TO BE OBTAINED BY NURSING HOMES, ADULT CARE HOMES, AND HOME CARE AGENCIES.

The bill passes its second (44-0) and third readings and is ordered sent to the House of Representatives by special messenger.

May 1, 1997
S.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS, TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS AND TO CLARIFY INFORMATION THAT MUST BE DISCLOSED PUBLICLY ABOUT PROSPECTIVE REAL ESTATE PURCHASES BY PUBLIC BODIES, temporarily displaced earlier.

Senator Hoyle offers Amendment No. 1 which is adopted (48-0).

With unanimous consent, on motion of Senator Kerr, the remarks of Senators Odom and Hoyle, speaking to Amendment No. 1, are spread upon the Journal as follows:

**Senator Odom:**

"I think I'll try to make this real short, if I can. With your Amendment is there any prohibition of a body that's covered by this telling a prospective company, 'We will try to spend two hundred thousand for sewer lines, and a half a million dollars for roads as an inducement,' or for it to be in the form of an offer without taking a vote and having that declared a public?"

**Senator Hoyle:**

"Senator Odom, I, we talked about that a great deal and I believe under this bill, as amended, that local government could even enter into memorandums of understanding. I think it could go that far. We're just saying that the official vote to offer these incentives must be taken in open session, but nothing in this section will be construed to prohibit negotiations in any way with the prospective industry or business. It's a pretty significant change from the original bill."

**Senator Odom:**

"Follow up question."

**President Pro Tempore:**

"He yields."

**Senator Odom:**

"So you are convinced under this Amendment that a memorandum of understanding could be entered into and then, and that would not be binding upon either party, and thereafter, if the company decided to locate, then they could then vote and make that a formal agreement. That's when it would have to become public, is that correct?"

**Senator Hoyle:**

"Absolutely, that's my understanding completely."

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 by special messenger.

**S.B. 889,** A BILL TO BE ENTITLED AN ACT TO RECOGNIZE AMERICAN SIGN LANGUAGE (ASL) AS THE MODERN LANGUAGE OF CHOICE FOR MANY DEAF, HARD-OF-HEARING AND HEARING NORTH CAROLINA CITIZENS.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

May 1, 1997
On motion of Senator Lucas, the President orders, without objection, the bill temporarily displaced.

REPORT OF COMMITTEE

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 Miller for the State Government, Local Government, and Personnel Committee:

S.B. 61, A BILL TO BE ENTITLED AN ACT TO REQUIRE AT LEAST TWO REPRESENTATIVES FROM A MUNICIPALITY’S EXTRATERRITORIAL PLANNING AND ZONING JURISDICTION ON THE PLANNING AGENCY, 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 7793, which changes the title to read S.J.R. 61 (Committee Substitute), A JOINT RESOLUTION AUTHORIZING A STUDY BY THE LEGISLATIVE RESEARCH COMMISSION OF THE PROCESS AND REQUIREMENTS FOR INCORPORATION OF NEW MUNICIPALITIES, is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

S.B. 645, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GUILFORD COUNTY BOARD OF EDUCATION MEMBERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6676 is adopted, engrossed, and placed on the Supplemental Calendar for today for consideration.

CALENDAR (Unfinished Business Continued)

S.B. 892, A BILL TO BE ENTITLED AN ACT TO LIMIT THE RIGHT OF CERTAIN SHAREHOLDERS TO DISSENT FROM CORPORATE ACTIONS AND TO AMEND THE LAW GOVERNING OFFERS OF PAYMENT TO DISSENTERS.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 889, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE AMERICAN SIGN LANGUAGE (ASL) AS THE MODERN LANGUAGE OF CHOICE FOR MANY DEAF, HARD-OF-HEARING AND HEARING NORTH CAROLINA CITIZENS, temporarily displaced earlier.

With unanimous consent, on motion of Senator Martin of Guilford, the bill is re-referred to the Appropriations Committee.

S.B. 851 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING ADULT CARE HOME LICENSES, as amended, temporarily displaced earlier.

Senator Cochrane offers Amendment No. 2 which is adopted (49-0).
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 by special messenger.

S.B. 904, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE.

With unanimous consent, on motion of Senator Hoyle, the bill is taken up out of its regular order of business.

The President orders, without objection, the bill temporarily displaced.

S.B. 894, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND MOTOR VEHICLE FEES TO THE STATE.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 900, A BILL TO BE ENTITLED AN ACT TO MAKE CONSISTENT AMONG GENERAL STATUTES CERTAIN REQUIREMENTS FOR ANNOUNCING OF CAPITAL IMPROVEMENT PROJECT DESIGN REQUIREMENTS.

The bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 819, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN A DATABASE OF DOWNTOWN PROPERTIES AVAILABLE FOR INDUSTRIAL RECRUITMENT, with Amendment No. 1 pending, temporarily displaced earlier, upon third reading.

With unanimous consent, Senator Webster withdraws Amendment No. 1.

Senator Shaw of Cumberland offers Amendment No. 2 which is adopted (46-1), changing the title to read S.B. 819, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN A DATABASE OF DOWNTOWN PROPERTIES AND COMMERCIAL PROPERTIES IN RURAL AREAS AVAILABLE FOR INDUSTRIAL RECRUITMENT.

Pursuant to Rule 42.1, Senator Plyler inquires as to the attachment of a fiscal note to Amendment No. 2.

Senator Shaw of Cumberland offers a motion that the vote by which Amendment No. 2 was adopted be reconsidered, which motion he subsequently withdraws.

On motion of Senator Shaw of Cumberland, the President orders, without objection, the Committee Substitute bill, as amended, temporarily displaced.

S.B. 931, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR EXTENDED TRUCK LOADS.

The bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 943 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives by special messenger.

May 1, 1997
S.B. 791, A BILL TO BE ENTITLED AN ACT CLARIFYING WHEN WITNESS STATEMENTS OBTAINED PURSUANT TO THE ENFORCEMENT OF THE OCCUPATIONAL SAFETY AND HEALTH ACT MAY BE RELEASED, temporarily displaced earlier, upon third reading.

Senator Ballance offers Amendment No. 1 which is adopted (44-1).

The bill, as amended, passes its third reading (42-4) and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 953, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME CORPORATIONS MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION.

The bill passes its second (44-3) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 962, A BILL TO BE ENTITLED AN ACT TO AMEND THE MENTAL HEALTH COMMITMENT LAW TO PROVIDE FOR VOLUNTARY COMMITMENT OF MOTHERS WHO ARE SUBSTANCE ABUSERS AND THEIR CHILDREN UNDER AGE THREE.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 973 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH MAINTENANCE ORGANIZATIONS TO PROVIDE CERTAIN INFORMATION.

Senator Ballantine offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second (40-6) and third readings and is ordered engrossed and sent to the House of Representative by special messenger.

S.B. 998, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IT IS A CLASS 1 MISDEMEANOR FOR A PERSON FRAUDULENTLY TO REPRESENT HIMSELF OR HERSELF AS A CRIME VICTIM.

The bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1015 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WELFARE REFORM ACT OF 1997.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (47-0).

Senator Foxx offers Amendment No. 2 which is adopted (49-0).

Upon the appearance of Senator Kinnaird in the Chamber, the President Pro Tempore acknowledges her presence and the leave of absence granted previously is withdrawn.

Senator Kerr offers Amendment No. 3.

Senator Kerr calls the previous question on Amendment No. 3, which call he subsequently withdraws.

Following further debate, Senator Kerr calls the previous question on Amendment No. 3, seconded by Senator Gulley. The call is sustained (40-7).

Amendment No. 3, offered by Senator Kerr, is adopted (32-17).
With unanimous consent, the President Pro Tempore grants a leave of absence for the remainder of today's Session to Senator Kinnaird.

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 by special messenger.

S.B. 1016, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR DIRECT PAYMENT OF CERTIFIED SUBSTANCE ABUSE PROFESSIONALS UNDER HEALTH INSURANCE POLICIES AND PLANS.

The bill passes its second (44-3) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE POWERS AND DUTIES OF THE DEPARTMENT OF HUMAN RESOURCES TO REQUIRE THE DEPARTMENT TO ACT ON REQUESTS FOR WAIVERS TO COMMISSION OF HEALTH SERVICES RULES AND TO REPORT TO THE GENERAL ASSEMBLY ON PROGRESS AND RECOMMENDATIONS TO IMPROVE THE PROCESS FOR THE GRANTING OR DENIAL OF APPLICATIONS FOR LICENSURE AND WAIVERS.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1049, A BILL TO BE ENTITLED AN ACT TO ALLOW SATELLITE POLLING PLACES TO SERVE CAMPUS HOUSING AT INSTITUTIONS OF HIGHER EDUCATION.

On motion of Senator Miller, the President Pro Tempore orders, without objection, the bill temporarily displaced.

S.B. 1066, A BILL TO BE ENTITLED AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHICH GROUPS OF STUDENTS ARE LIKELY TO SCORE BELOW BENCHMARKS ON STATEWIDE TESTS AND TO RECOMMEND WAYS TO FOCUS RESOURCES ON ADDRESSING THE NEEDS OF THOSE STUDENTS.

The bill passes its second (45-0) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 819, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN A DATABASE OF DOWNTOWN PROPERTIES AND COMMERCIAL PROPERTIES IN RURAL AREAS AVAILABLE FOR INDUSTRIAL RECRUITMENT, as amended, temporarily displaced earlier, upon third reading.

Senator Shaw of Cumberland offers a motion that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails (43-5), and the question becomes adoption of Amendment No. 2.

Without objection, Senator Shaw of Cumberland withdraws Amendment No. 2 and the title reverts to S.B. 819, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF COMMERCE TO MAINTAIN A DATABASE OF DOWNTOWN PROPERTIES AVAILABLE FOR INDUSTRIAL RECRUITMENT.

Senator Odom offers Amendment No. 3 which is adopted (47-1).
The bill, as amended, passes its third reading (47-1) and is ordered engrossed and sent to the House of Representatives by special messenger.

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 513**, A BILL TO BE ENTITLED AN ACT TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF OAKBORO IN STANLY COUNTY, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:
Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives by special messenger.

**S.B. 924** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:
Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

_Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides._

**S.B. 799** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING MORE OPENNESS TO THE PERFORMANCE OF PUBLIC EMPLOYEES BY PROVIDING GREATER ACCESS TO PERSONNEL RECORDS.

On motion of Senator Cooper, the President orders, without objection, the Committee Substitute bill temporarily displaced.

**S.B. 825** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR CANDIDATE DISCLOSURE WITH REGARD TO ADVERTISEMENTS.

Senator Page offers Amendment No. 1 which is adopted (43-1).
The Committee Substitute bill, as amended, passes its second (45-2) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 997 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO IGNORES A WARNING REGARDING PERSONAL SAFETY IN A DISASTER SITUATION AND PLACES HIMSELF OR HERSELF OR ANOTHER IN DANGER AND REQUIRES AN EMERGENCY RESCUE IS CIVILLY LIABLE FOR THE COSTS OF THE RESCUE EFFORT.

The Committee Substitute bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP AND TO LIMIT THE NUMBER OF TRANSPORTER PLATES THAT MAY BE ISSUED TO A DEALER.

The Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 561, A BILL TO BE ENTITLED AN ACT TO REMEDY THE INADVERTENT EXCLUSION OF DUTY SWORN AND COMMISSIONED CAMPUS POLICE OFFICERS FROM THE CONCEALED HANDGUN STATUTES, upon third reading.

The bill passes its third reading (48-0) and is ordered sent to the House of Representatives by special messenger.

S.B. 905 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE, as amended, upon third reading.

Pursuant to Rule 28, Senator Horton offers a motion that the question be divided, and further calls for the “ayes” and “noes” on the motion to divide, which call is sustained.

Following debate, Senator Hoyle calls the previous question on the motion that the question be divided, seconded by Senator Rand. The call is sustained.

With unanimous consent, the President grants leaves of absence for the remainder of today’s Session to Senators Carpenter and Carrington.

The motion that the question be divided, offered by Senator Horton, fails, ayes 18, noes 29, as follows:

Voting in the affirmative: Senators Allran, Ballantine, Blust, Clark, Cochrane, East, Foxx, Garwood, Hartsell, Horton, Kincaid, Ledbetter, McDaniel, Page, Plyler, Rucho, Shaw of Guilford, and Webster—18.


Senator Webster offers Amendment No. 3.

Senator McDaniel offers Amendment No. 4, substitute for Amendment No. 3.

Senator Rand rises to a point of order under Rule 57.1 as to Amendments No. 3 and No. 4 being germane to the original subject matter of the Committee Substitute bill. The Chair rules Amendments No. 3 and No. 4 not germane.
Senator Rand calls the previous question, seconded by Senator Gulley.

Senator Shaw of Guilford offers a motion that the call for the previous question do lie upon the table, seconded by Senator Webster. The motion fails to prevail (18-29) and the question before the Body reverts to the call for the previous question, which call is sustained (30-17).

Receiving a three-fifths affirmative majority vote, the Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 35, noes 12, as follows:


Voting in the negative: Allran, Blust, Clark, Cochrane, Foxx, Horton, Kincaid, Ledbetter, Martin of Guilford, Miller, Rucho, and Shaw of Guilford—12.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives by special messenger.

S.B. 936 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS, upon third reading.

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 messenger.

S.B. 904, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE, temporarily displaced earlier.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Clark.

The bill passes its second (40-5) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 799 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BRING MORE OPENNESS TO THE PERFORMANCE OF PUBLIC EMPLOYEES BY PROVIDING GREATER ACCESS TO PERSONNEL RECORDS, temporarily displaced earlier.

Senator Cooper offers Amendment No. 1 which is adopted (44-0).

Senator Cooper offers Amendment No. 2 which is adopted (42-0).

Senator Kerr offers Amendment No. 3.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Amendment No. 3, offered by Senator Kerr is adopted (46-3).

Senator Winner offers Amendment No. 4 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its second (25-21) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

May 1, 1997
SUPPLEMENTAL CALENDAR

Bills and a resolution on today's Supplemental Calendar are taken up and disposed of, as follows:

S.B. 643 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GREENSBORO CITY COUNCIL MEMBERS.

The Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 644 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY HIGH POINT CITY COUNCIL MEMBERS.

The Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 645 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GUILFORD COUNTY BOARD OF EDUCATION MEMBERS.

The Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 30 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR SPEEDING IN A HIGHWAY WORK ZONE TO TWO HUNDRED FIFTY DOLLARS, AND TO PROVIDE THAT THE SAFE DRIVER INCENTIVE PLAN EXCEPTION FOR VIOLATIONS OF SPEEDING TEN MILES PER HOUR OR LESS OVER THE SPEED LIMIT SHALL NOT APPLY TO SPEEDING IN A HIGHWAY WORK ZONE.

Senator Gulley offers Amendment No. 1 which is adopted (43-0).

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Webster offers Amendment No. 2 which fails of adoption (12-33).

The Committee Substitute bill, as amended, passes its second (28-17) and third readings and is ordered engrossed and sent to the House of Representatives by special messenger.

S.J.R. 61 (Committee Substitute), A JOINT RESOLUTION AUTHORIZING A STUDY BY THE LEGISLATIVE RESEARCH COMMISSION OF THE PROCESS AND REQUIREMENTS FOR INCORPORATION OF NEW MUNICIPALITIES.

With unanimous consent, on motion of Senator Miller, the Committee Substitute joint resolution is re-referred to the Rules and Operations of the Senate Committee.

With unanimous consent, the President grants leaves of absence for the remainder of today's Session to Senator Kincaid and to Senator Webster.

S.B. 821, A BILL TO BE ENTITLED AN ACT TO DIRECT THE HOUSING FINANCE AGENCY TO EXAMINE THE USE OF FUNDS FROM THE HOUSING TRUST FUND IN DOWNTOWN AREAS.

The bill passes its second (38-0) and third readings and is ordered sent to the House of Representatives by special messenger.

May 1, 1997
S.B. 885 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAW REGARDING THE TIME FOR EXECUTION.

The Committee Substitute bill passes its second (41-2) and third readings and is ordered sent to the House of Representatives by special messenger.

S.B. 1049, A BILL TO BE ENTITLED AN ACT TO ALLOW SATELLITE POLLING PLACES TO SERVE CAMPUS HOUSING AT INSTITUTIONS OF HIGHER EDUCATION, temporarily displaced earlier.

Following debate, Senator Soles calls the previous question, seconded by Senator Reeves.

Upon inquiry by Senator McDaniel, the Chair announces that there is not a fiscal note attached.

The call for the previous question is sustained.

The bill passes its second (31-11) and third readings and is ordered sent to the House of Representatives by special messenger.

ENROLLED RESOLUTIONS

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

S.J.R. 340, A JOINT RESOLUTION INVITING THE REVEREND BILLY GRAHAM TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR. (Res. 7)

S.J.R. 211, A JOINT RESOLUTION COMMEMORATING THE MEMORY OF RELIGIOUS LEADERS IN THE STATE OF NORTH CAROLINA AND NAMING BILLY GRAHAM AS WORLD EVANGELIST. (Res. 8)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Special 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 pursuant to Rule 43, are ordered held in the Office of the Principal Clerk pending referral to Committee, as follows:

H.B. 470, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF COUNTY MEDICAL INVESTIGATORS.

H.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGARDING STAFF-CHILD RATIOS FOR CHILD DAY CARE FACILITIES TO ADDRESS THE SPECIAL NEEDS OF LARGE CHILD DAY CARE HOMES AND REGARDING RULES ADOPTED BY THE CHILD DAY CARE COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT.

H.B. 536 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED

May 1, 1997
CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.

H.B. 900 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WATER QUALITY OF THE SURFACE WATERS OF THIS STATE BY FURTHER LIMITING THE AMOUNT OF NITROGEN THAT CERTAIN LARGE FACILITIES DISCHARGE TO NUTRIENT SENSITIVE WATERS WHERE NITROGEN IS A NUTRIENT OF CONCERN, TO AUTHORIZE THE USE OF UP TO TWENTY-FIVE PERCENT OF THE FUNDS IN THE CLEAN WATER MANAGEMENT TRUST FUND FOR A PORTION OF THE COSTS TO LOCAL GOVERNMENTS OF MODIFYING EXISTING FACILITIES TO ACHIEVE FURTHER REDUCTIONS OF NITROGEN, AND TO AUTHORIZE THE USE OF THE CLEAN WATER MANAGEMENT TRUST FUND FOR LOANS.

H.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN NONPROFIT AND CONSUMER-OWNED WATER OR SEWER UTILITIES FROM REGULATION BY THE UTILITIES COMMISSION.

H.B. 1008, A BILL TO BE ENTITLED AN ACT REGARDING THE EDUCATIONAL REQUIREMENTS FOR CHIROPRACTIC LICENSURE AND TO AUTHORIZE THE BOARD TO LICENSE PERSONS WHO HAVE PASSED THE NATIONAL CHIROPRACTIC EXAMINATION.

H.B. 354, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF CERTIFIED MAIL NOTICE IN BOND FORFEITURE CASES.

H.B. 853, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROFESSIONAL CORPORATION ACT TO ALLOW COLLABORATIVE PRACTICES BETWEEN PHYSICIANS AND AUDIOLOGISTS.

H.B. 734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY G.S. 153A-15 TO EXEMPT PUBLIC WATER SUPPLY AND DISTRIBUTION SYSTEMS FROM THE REQUIREMENT OF OBTAINING CONSENT FROM COUNTY BOARDS OF COMMISSIONERS FOR CERTAIN COUNTIES.

H.B. 303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAN PARTIAL-BIRTH ABORTIONS.

H.J.R. 1152, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

H.B. 1033 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE OUT-OF-STATE BANKS TWO MORE YEARS TO ESTABLISH AND MAINTAIN A DE NOVO BRANCH OR A BRANCH THROUGH ACQUISITION PURSUANT TO CERTAIN CONDITIONS.

May 1, 1997
H.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE ESTABLISHMENT OF PYRAMID DISTRIBUTION PLANS.

H.B. 460 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO DESIGNATE WHO HAS THE DUTY TO ESTABLISH AND REVISE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS.

H.B. 476 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES FOR VITAL RECORDS.

H.B. 748, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE.

H.B. 753, A BILL TO BE ENTITLED AN ACT TO MOVE A PARCEL OF PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF ABERDEEN AND TO THE TOWN OF SOUTHERN PINES, AND TO ANNEX A PARCEL OF PROPERTY TO THE TOWN OF ABERDEEN.

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.

H.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM.

H.B. 915, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FIREFIGHTERS WHO ENGAGE IN SOME FIRE INSPECTION ACTIVITIES AS A SECONDARY RESPONSIBILITY ARE NOT COVERED BY THE LAW PROHIBITING CONFLICTS OF INTEREST BY INSPECTION DEPARTMENTS.

H.B. 988, A BILL TO BE ENTITLED AN ACT TO RESTORE OFFICIAL RECOGNITION TO THE INDIANS OF PERSON COUNTY AND TO PROVIDE THEM WITH REPRESENTATION ON THE COMMISSION OF INDIAN AFFAIRS.

H.B. 1012, A BILL TO BE ENTITLED AN ACT TO PROTECT SPORT SHOOTING RANGES AND THEIR OWNERS, OPERATORS, AND USERS FROM PUNITIVE RESTRICTIONS.
H.B. 1087 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TRESPASSING WITH A MOTORIZED ALL TERRAIN VEHICLE A MISDEMEANOR.

H.B. 5 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN COVERAGE FOR DIABETES IN HEALTH AND ACCIDENT INSURANCE POLICIES, IN HOSPITAL OR MEDICAL SERVICES PLANS, AND IN HMO PLANS.

H.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS WITH RESPECT TO INCREASING THE PUNISHMENT FOR MISDEMEANOR DEATH BY VEHICLE FROM A CLASS I MISDEMEANOR TO A CLASS A1 MISDEMEANOR.

H.B. 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS.

H.B. 672, A BILL TO BE ENTITLED AN ACT TO EXEMPT COUNTIES AND CITIES FROM THE STATUTORY REQUIREMENTS REGARDING PUBLIC CONTRACTS WHEN CONSTRUCTING CERTAIN METAL BUILDINGS.

H.B. 511 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS TO ENSURE THAT EVOLUTION IS NOT TAUGHT AS FACT IN NORTH CAROLINA SCHOOLS.

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT.

H.B. 891 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION.

H.B. 936 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR LLAMA ACTIVITIES.

H.B. 958 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED HANDGUN LAWS.

H.B. 1044, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO DESIGNATE AN OFFICIAL TO RECEIVE SALES TAX REFUND INFORMATION.

H.B. 1051, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DUTY OF HOSPITALS AND OTHER AGENCIES WITH RESPECT TO ORGAN PROCUREMENT AND DONATION.

May 1, 1997
H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES TO DEVELOP AND IMPLEMENT A PLAN FOR PROVIDING LOW-COST HEALTH INSURANCE COVERAGE TO CHILDREN WHOSE PARENTS ARE ORDERED TO MAINTAIN HEALTH INSURANCE UNDER ORDERS ENFORCED BY THE DEPARTMENT.

H.B. 1071, A BILL TO BE ENTITLED AN ACT TO REQUIRE TENANTS TO PAY TO THE CLERK OF COURT THE AMOUNT OF RENT IN ARREARS TO STAY THE EXECUTION OF JUDGMENT FOR SUMMARY EJECTMENT PENDING APPEAL TO DISTRICT COURT AND TO POST A BOND FOR ANY FURTHER APPEALS.

H.B. 1122, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY, WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY.

H.B. 1142 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE TUITION FOR CHILDREN OR SPOUSES OF CERTAIN EMERGENCY WORKERS KILLED OR DISABLED IN THE LINE OF DUTY.

H.B. 995 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF LAND SURVEYORS TO ENTER ON LAND.

On motion of Senator Basnight, seconded by Senator Shaw of Guilford, the Senate adjourns at 5:16 P.M. to meet Monday, May 5, at 5:30 P.M.

FIFTY-FIFTH DAY

Senate Chamber
Monday, May 5, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting Vance Havner as follows:

“Almighty God, Bishop Desmond Tutu once remarked that he was ‘puzzled about which Holy Scripture people were reading when they suggested that religion and politics don’t mix.’

“He was right to the extent, O God, that we ask our clergy leaders and the people whom we elect to political office to possess the same qualities, ‘the mind of a scholar, the heart of a child, and the hide of a rhinoceros.’ The problem for people called into the professions of religion and politics, really all of us, is how to ‘toughen our hides without
hardening our hearts.'

"We pray for Your special compensation of all three to the men and women of the Senate. Later tonight we will hear Your prophet, the Reverend Billy Graham, who has been greatly influential in both religious and political venues. As they relate to the kingdom of God, let us hear him well. For Your sake, Amen."

With unanimous consent, the President grants leaves of absences for tonight to Senator Cooper and to Senator Gulley.

Senator Rand, Chairman of the Rules and Operations of the Senate Committee, announces the Journal of Thursday, May 1, has been examined and is found to be correct. On 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 Montgomery from Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED RESOLUTION

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

S.J.R. 1072, A JOINT RESOLUTION INVITING THE HONORABLE JESSE A. HELMS, UNITED STATES SENATOR, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR. (Res. 9)

Senator Rand offers a motion that the rules be suspended to the end that Messages from the House of Representatives be withdrawn from today's Calendar and placed on the Calendar for Tuesday, May 6, for first reading and referral, which motion prevails with unanimous consent.

APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read as follows:

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603-8001

May 1, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 62-10, I hereby appoint Richard Conder to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation May 5, 1997
by the North Carolina General Assembly. Mr. Conder will serve a term to begin July 1, 1997 and to expire June 30, 2005.

Enclosed is biographical information on Mr. Conder. Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt Jr.
Governor

STATE OF NORTH CAROLINA
Office of the Governor
Raleigh 27603-8001
May 1, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 62-10, I hereby appoint Robert V. Owens, Jr. to serve as a member of the North Carolina Utilities Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Owens will serve a term to begin July 1, 1997 and to expire June 30, 2005.

Enclosed is biographical information on Mr. Owens. Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt Jr.
Governor

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

SJR 340
House of Representatives
May 5, 1997

Mr. President:

Pursuant to SJR 340, A JOINT RESOLUTION INVITING THE REVEREND BILLY GRAHAM TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., the
Speaker appoints the following members of the House of Representatives to serve with a like Committee of the Senate to escort Reverend Graham to the Well of the House.

Representative McCombs, Chair;
Representative Sherrill,
Representative Cansler,
Representative Russell,
Representative Ives,
Representative Church, and
Representative Howard Hunter

Respectfully,
S/Denise Weeks
Principal Clerk

With unanimous consent, the President grants a leave of absence for the remainder of tonight's Session to Senator Winner.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 59, 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, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:


Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, changing the title, upon concurrence, to read H.B. 57 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, TO MODIFY THE DEFINITION OF EMPLOYMENT WITH RESPECT TO AGRICULTURE, LABOR, AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS, as amended, upon second reading.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 6, as follows:


May 5, 1997
Voting in the negative: Senators Ballantine, East, Garwood, Jordan, Reeves, and Webster—6.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, May 6, for further consideration, upon third reading.

ESCORT COMMITTEE

The President recognizes Senator Rand who announces the appointment by Senator Basnight, President Pro Tempore, of Senator Carpenter of Macon, Chairman; Senator Albertson of Duplin; Senator Conder of Richmond; Senator Forrester of Gaston; Senator Lucas of Durham; Senator Martin of Pitt; Senator Odom of Mecklenburg; and Senator Shaw of Guilford as the Committee to greet and escort The Reverend Billy Graham to the Joint Session in the Hall of the House of Representatives tonight.

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 address by the Reverend Billy Graham.

WITHDRAWAL FROM CALENDAR

H.B. 1033 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE OUT-OF-STATE BANKS TWO MORE YEARS TO ESTABLISH AND MAINTAIN A DE NOVO BRANCH OR A BRANCH THROUGH ACQUISITION PURSUANT TO CERTAIN CONDITIONS, received in the Office of the Principal Clerk on May 1 as a message from the House of Representatives and placed on the Calendar for Tuesday, May 6, for first reading and referral earlier tonight.

Senator Rand offers a motion that the message with the Committee Substitute bill be withdrawn from the Calendar for Tuesday, May 6, and placed before the Senate tonight for first reading and referral, which motion prevails with unanimous consent.

The Chair orders the message withdrawn from the Calendar for Tuesday, May 6, and places it before the Senate for first reading and referral.

H.B. 1033 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE OUT-OF-STATE BANKS TWO MORE YEARS TO ESTABLISH AND MAINTAIN A DE NOVO BRANCH OR A BRANCH THROUGH ACQUISITION PURSUANT TO CERTAIN CONDITIONS.

Referred to Commerce Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.J.R. 340

House of Representatives
May 5, 1997

Mr. President:

It is ordered that a message be sent your Honorable Body with the message that pursuant to SJR 340, A JOINT RESOLUTION INVITING THE REVEREND BILLY GRAHAM TO ADDRESS A JOINT SESSION OF THE HOUSE OF

May 5, 1997
REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

Senator Basnight offers a motion in accordance with S.J.R. 340 that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session and further, upon dissolution of the Joint Session, to adjourn to meet Tuesday, May 6, at 2:00 P.M., which motion prevails.

Pursuant to the motions of Senator Basnight, the Chair declares the Senate in recess at 5:50 P.M. 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 for the purpose of receiving the address of The Reverend Billy Graham.

JOINT SESSION

The Senate is received with the Members of the House of Representatives standing and the Joint Session is called to order by the Honorable Harold J. Brubaker, Speaker of the House of Representatives.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Chief Justice of the Supreme Court of North Carolina and other members of the Judiciary who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Chief Justice and members of the Judiciary to the Well of the House to be seated. The Members of the Senate and House of Representatives stand to receive the Chief Justice and Members of the Judiciary.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Council of State and Governor’s Cabinet who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Council of State and Governor’s Cabinet to the Well of the House to be seated. The Members of the Senate and House of Representatives stand to receive the Council of State and Governor’s Cabinet.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Honorable Jesse Helms, United States Senator, who awaits his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Honorable Jesse Helms to the Well of the House to be seated. The Members of the Senate and House of Representatives stand to receive the Honorable Jesse Helms.

The Speaker extends courtesies of the Gallery to Mrs. James B. Hunt, Jr., Mrs. Jesse Helms, Graham family members, Mr. And Mrs. James B. Hunt, Sr., and all invited guests.

The Speaker relinquishes the gavel to the Honorable Dennis A. Wicker, Lieutenant Governor and President of the Senate, who presides.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of The Reverend Billy Graham. The President directs the Sergeants-at-Arms of the House of Representatives and the Senate to bring the Escort Committees and Reverend Graham to the Well of the House. Senator Carpenter presents The Reverend Billy Graham to the President of the Senate. The President presents The Reverend Billy Graham to the General Assembly whereupon he delivers his address. (See Appendix)

May 5, 1997
The General Assembly responds to the address of The Reverend Graham with a standing ovation.

The President recognizes Senator Basnight who offers thanks and words of praise and honor to The Reverend Graham. Senator Basnight and Speaker Brubaker present The Reverend Graham with a copy of S.J.R. 211, A JOINT RESOLUTION COMMEMORATING THE MEMORY OF RELIGIOUS LEADERS IN THE STATE OF NORTH CAROLINA AND NAMING BILLY GRAHAM AS WORLD EVANGELIST.

The President recognizes Senator Carpenter, Representative McCombs, and the Committees to escort The Reverend Graham from the Hall of the House of Representatives.

On motion of Senator Basnight, seconded by Speaker Brubaker, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned at 6:35 P.M. to meet Tuesday, May 6, at 2:00 P.M.

FIFTY-SIXTH DAY

Senate Chamber
Tuesday, May 6, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Jim Young of Central Steele Creek Presbyterian Church in Charlotte, as follows:

"It is my pleasure to be here. I thank you for the invitation, and I ask you to pray with me. I am a Presbyterian and a Christian, and I believe that the way to God is open to us through Jesus Christ. This is not meant to be disrespectful to any who are not Christian, who are of some other persuasion. I invite all who take a seriously, a search for God, to join me in prayer. Let us pray.

"Gracious God, our Heavenly Father, we thank You for our democratic procedures and processes by which the people are served through elected representatives. I ask You now in Your mercy to be with this Senate as they meet, as they think, as they talk. Grant them Your wisdom. Grant them Your courage. Grant them Your peace. Grant them Your strength to stand for the right as You have given all of us to see the right in freedom and in peace. In the name of Christ. Amen."

With unanimous consent, the President grants leaves of absences for today to Senator Conder to attend a funeral, to Senator East to attend a funeral, and to Senator Shaw of Cumberland to travel for a funeral.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, May 5, has been examined and is found to be correct. On 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 E. Vaughn from Raleigh, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 59, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS.

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. 1033 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE OUT-OF-STATE BANKS TWO MORE YEARS TO ESTABLISH AND MAINTAIN A DE NOVO BRANCH OR A BRANCH THROUGH ACQUISITION PURSUANT TO CERTAIN CONDITIONS, with a favorable report.

By Senator Cooper for the Judiciary Committee:

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE FELONY OFFENSE OF DOG FIGHTING AND BAITING, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Appropriations Committee.

H.B. 203, A BILL TO BE ENTITLED AN ACT TO SUPPLEMENT CLARK'S CALENDAR, WHICH MAY BE INTRODUCED IN EVIDENCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 374, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS AND TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the bill is re-referred to the Appropriations Committee.

H.B. 954, A BILL TO BE ENTITLED AN ACT TO AMEND EXISTING LAW PERTAINING TO SESSIONS OF THE SUPREME COURT, with a favorable report.

May 6, 1997
Senator Rand offers a motion to suspend Rule 7 to the end that Messages from the House of Representatives are placed as the last order of business today, which motion prevails.

**COMMITTEE REFERRAL RECALL**

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE CITY OF TRINITY, referred to the Rules and Operations of the Senate Committee on March 4.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute 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 Committee Substitute bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

**CALENDAR**

Bills and resolutions 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 REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, changing the title upon concurrence, to read H.B. 57 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, TO MODIFY THE DEFINITION OF EMPLOYMENT WITH RESPECT TO AGRICULTURE, LABOR, AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS, as amended, upon third reading.

The Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

H.B. 488, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS, upon second reading.

With unanimous consent, on motion of Senator Kerr, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 8, for consideration upon second reading.

H.B. 57 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, changing the title upon concurrence, to read H.B. 57 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, TO MODIFY THE DEFINITION OF EMPLOYMENT WITH RESPECT TO AGRICULTURE, LABOR, AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING, as amended, upon third reading.

The Chair orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

May 6, 1997
WITHHOLDING BY FARMERS, as amended, upon third reading, temporarily displaced earlier.

Senator Kerr offers Amendment No. 2 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 8, as follows:
Voting in the negative: Senators Ballantine, Blust, Horton, Jordan, Ledbetter, McDaniel, Reeves, and Webster—8.

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.

PERSONAL PRIVILEGE

Senator Winner rises to a point of personal privilege and offers remarks marking the Jewish Holiday of Yom Hashoah. With unanimous consent, on motion of Senator Basnight, the remarks of Senator Winner are spread upon the Journal, as follows:

Senator Winner:

"Ladies and gentlemen, Sunday, this past Sunday, was Yom Hashoah, the Jewish time that Jewish people remember the victims of the Nazi Holocaust. And in keeping with a tradition that was started by my brother when he served in the Senate, I would like to ask you all to take just a moment and remember the six million Jewish people who were murdered during the Nazi regime in Germany and else where in Eastern Europe. And, also, would like you, if you would, just to reflect for a moment that Hitler was not able to murder these six million innocent people by himself, but was able to do it because, in large part, the good and decent citizens of Germany did not stop him. So, in addition to remembering those horrible events, I think it is also important to remember the horrible potential that bad people have when good people do not stop them. Thank you."

COMMITTEE REFERRAL RECALL

S.B. 950, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR JUVENILE COURT HEARING OFFICERS IN ABUSE, NEGLECT, AND DEPENDENCY CASES, referred to the Judiciary Committee on March 4.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Rules and Operations of the Senate Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Rules and Operations of the Senate Committee.

S.B. 1005, A BILL TO BE ENTITLED AN ACT TO PROTECT THE PRIVACY OF HEALTH INFORMATION, referred to the Judiciary Committee on April 21.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Rules and Operations of the
Senate Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Rules and Operations of the Senate Committee.

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

Michelle Brechtelsbauer, Pinehurst; Devon M. Brinkley, New Bern; Emily Eileen Carter, Chapel Hill; Kelli Cooke, Apex; Kristi Cooke, Apex; Pamela Leann Costin, Warsaw; Jacob Stephen Earley, Charlotte; Jennifer M. Fernandez, Highlands; Franklin Edward Freeman III, Raleigh; Michael C. Gullet, Clayton, Georgia; Ashley L. Hicks, Thomasville; Amy Hilliker, Kitty Hawk; Shannon Innes, Cary; Lee Jackson, Mount Olive; Patrick Mark Jenkins, Apex; Kira Straub, Kill Devil Hills; Sara Marie VandenEnde, Cary; Sara L. Wells, Clayton; and James Richmond Witherow, Charlotte.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A bill received from the House of Representatives on April 28 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the Rules and Operations of the Senate Committee pursuant to Rule 43, is referred to Committee, as follows:

**H.B. 538** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENCOURAGE THE PROVIDING OF TRUTHFUL EMPLOYMENT REFERENCES IN ORDER TO PROMOTE SAFER WORKPLACES.
Referred to Rules and Operations of the Senate Committee.

Bills received from the House of Representatives on April 30 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the Rules and Operations of the Senate Committee pursuant to Rule 43, are referred to Committee, as follows:

**H.B. 165** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE SANITIZATION OF COOKING UTENSILS PROVIDED BY LODGING ESTABLISHMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.
Referred to Children & Human Resources Committee.

**H.B. 402** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INFRACTION FOR CERTAIN ALCOHOL-RELATED OFFENSES MAY BE EXPUNGED FROM A PERSON'S RECORD AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE.
Referred to Judiciary Committee.

**H.B. 410**, A BILL TO BE ENTITLED AN ACT ENACTING AND ENTERING INTO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.
Referred to State Government, Local Government, and Personnel Committee.
H.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO SEVERANCE PAY FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS.
Referred to Commerce Committee.

H.B. 431 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE GARNISHMENT OF WAGES TO RECOUP FRAUDULENT OR ERRONEOUS PUBLIC ASSISTANCE PROGRAM PAYMENTS, TO PROVIDE INVESTIGATORY SUBPOENA POWER TO COUNTY DEPARTMENTS OF SOCIAL SERVICES AND THE DEPARTMENT OF HUMAN RESOURCES, AND TO CREATE AN OFFENSE FOR ILLEGAL POSSESSION OR USE OF FOOD STAMPS.
Referred to Judiciary Committee.

H.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA HEALTH INSURANCE LAWS TO RECENTLY ENACTED FEDERAL LAWS CONCERNING HEALTH INSURANCE UNDERWRITING AND PORTABILITY, MATERNITY COVERAGE, AND COVERAGE FOR MENTAL ILLNESS.
Referred to Pensions & Retirement and Insurance Committee.

H.B. 448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR'S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED.
Referred to Judiciary Committee.

H.B. 485 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS.
Referred to Commerce Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 499, A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF GEOGRAPHICAL INFORMATION SYSTEM DATABASE INFORMATION BY REAL ESTATE TRADE ASSOCIATIONS.
Referred to Commerce Committee.

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE AUTHORITY OF MUNICIPALITIES AND HOSPITAL AUTHORITIES REGARDING LEASES AND JOINT VENTURES.
Referred to Judiciary Committee.

H.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT SCHOOL ACTIVITY BUSES MAY NOT COMPETE WITH THE PRIVATE SECTOR.
Referred to Commerce Committee.

H.B. 651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN
INTERSTATE ECONOMIC DEVELOPMENT ZONES.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 652 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE STATUTES GOVERNING THE OFFICE OF THE STATE AUDITOR.
Referred to Judiciary Committee.

H.B. 656 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE PROVISIONS OF THE WATERSHED PROTECTION ACT AS THEY APPLY TO SCHOOLS, TO MODIFY THE LAWS RELATING TO SATELLITE ANNEXATION WHICH APPLY TO MOORESVILLE, AND TO LIMIT THE SPEED OF BOATS ON LAKE NORMAN.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 681 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 739 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW.
Referred to Commerce Committee.

H.B. 871, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE, TO PERMIT EMPLOYERS SUBJECT TO THE STATE MINIMUM WAGE TO TAKE THE SAME TIP CREDIT AS FEDERALLY COVERED EMPLOYERS, AND TO EXEMPT COMPUTER PROFESSIONALS FROM MINIMUM WAGE AND OVERTIME PROVISIONS.
Referred to Commerce Committee.

H.B. 907, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES.
Referred to Judiciary Committee.

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDENT'S SPOUSE.
Referred to Judiciary Committee.

H.B. 926, A BILL TO BE ENTITLED AN ACT PERTAINING TO PREFERRED PROVIDER CONTRACTS.
Referred to Pensions & Retirement and Insurance Committee.

H.B. 940, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A REAL ESTATE BROKER AND REAL ESTATE SALESPERSON ARE NOT EMPLOYEES WITHIN THE MEANING OF THE WORKERS' COMPENSATION ACT.
Referred to Commerce Committee.

May 6, 1997
H.B. 994, A BILL TO BE ENTITLED AN ACT TO ALLOW PAY TELEPHONE PROVIDERS TO OBTAIN LINE ACCESS FROM COMPETITIVE LOCAL PROVIDERS OF TELEPHONE SERVICE AND TO ELIMINATE THE STATUTORY REQUIREMENT THAT LINE ACCESS RATES BE SET ON A MEASURED RATE BASIS.

Referred to Commerce Committee.

H.B. 1006, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXEMPTION FOR ANNOUNCING REQUIREMENTS OF CAPITAL IMPROVEMENT PROJECT DESIGNS.

Referred to Commerce Committee.

H.B. 1099 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES.

Referred to Education/Higher Education Committee.

H.B. 1115, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CANCELLATION OF INSURANCE POLICIES THAT PROVIDE COVERAGE FOR CHURCHES FOR LOSSES RESULTING FROM A FIRE.

Referred to Pensions & Retirement and Insurance Committee.

H.B. 1120 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PRESCRIBED BURNING IN FORESTS BY FOREST LANDOWNERS UNDER CERTAIN CONDITIONS.

Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 1140, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMMUNITY SERVICE BE IMPOSED FOR A CONVICTION OF LITTERING.

Referred to Judiciary Committee.

Bills received from the House of Representatives on May 1 and ordered held in the Office of the Principal Clerk pending referral by the Chairman of the Rules and Operations of the Senate Committee pursuant to Rule 43, are referred to Committee, as follows:

H.B. 5 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN COVERAGE FOR DIABETES IN HEALTH AND ACCIDENT INSURANCE POLICIES, IN HOSPITAL OR MEDICAL SERVICES PLANS, AND IN HMO PLANS.

Referred to Pensions & Retirement and Insurance Committee.

H.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR THE ESTABLISHMENT OF PYRAMID DISTRIBUTION PLANS.

Referred to Judiciary Committee.
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H.B. 303 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BAN PARTIAL-BIRTH ABORTIONS.
Referred to Children & Human Resources Committee.

H.B. 354, A BILL TO BE ENTITLED AN ACT TO ELIMINATE THE REQUIREMENT OF CERTIFIED MAIL NOTICE IN BOND FORFEITURE CASES.
Referred to Judiciary Committee.

H.B. 460 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO DESIGNATE WHO HAS THE DUTY TO ESTABLISH AND REVISE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 468 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS WITH RESPECT TO INCREASING THE PUNISHMENT FOR MISDEMEANOR DEATH BY VEHICLE FROM A CLASS I MISDEMEANOR TO A CLASS A1 MISDEMEANOR.
Referred to Judiciary Committee.

H.B. 470, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF COUNTY MEDICAL INVESTIGATORS.
Referred to Judiciary Committee.

H.B. 476 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES FOR VITAL RECORDS.
Referred to Finance Committee.

H.B. 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 511 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PUBLIC SCHOOL LAWS TO ENSURE THAT EVOLUTION IS NOT TAUGHT AS FACT IN NORTH CAROLINA SCHOOLS.
Referred to Education/Higher Education Committee.

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 536 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE A TWENTY-FOUR-HOUR WAITING PERIOD AND THE INFORMED
CONSENT OF A PREGNANT WOMAN BEFORE AN ABORTION MAY BE PERFORMED.
Referred to Children & Human Resources Committee.

H.B. 672, A BILL TO BE ENTITLED AN ACT TO EXEMPT COUNTIES AND CITIES FROM THE STATUTORY REQUIREMENTS REGARDING PUBLIC CONTRACTS WHEN CONSTRUCTING CERTAIN METAL BUILDINGS.
Referred to Commerce Committee.

H.B. 734 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY G.S. 153A-15 TO EXEMPT PUBLIC WATER SUPPLY AND DISTRIBUTION SYSTEMS FROM THE REQUIREMENT OF OBTAINING CONSENT FROM COUNTY BOARDS OF COMMISSIONERS FOR CERTAIN COUNTIES.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 748, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 753, A BILL TO BE ENTITLED AN ACT TO MOVE A PARCEL OF PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF ABERDEEN AND TO THE TOWN OF SOUTHERN PINES, AND TO ANNEX A PARCEL OF PROPERTY TO THE TOWN OF ABERDEEN.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.
Referred to Finance Committee.

H.B. 836 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE NEW HANOVER INTERNATIONAL AIRPORT ECONOMIC DEVELOPMENT ZONE.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 853, A BILL TO BE ENTITLED AN ACT TO AMEND THE PROFESSIONAL CORPORATION ACT TO ALLOW COLLABORATIVE PRACTICES BETWEEN PHYSICIANS AND AUDIOLOGISTS.
Referred to Judiciary Committee.

May 6, 1997
H.B. 891 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION.

Referred to Judiciary Committee.

H.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGARDING STAFF-CHILD RATIOS FOR CHILD DAY CARE FACILITIES TO ADDRESS THE SPECIAL NEEDS OF LARGE CHILD DAY CARE HOMES AND REGARDING RULES ADOPTED BY THE CHILD DAY CARE COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT.

Referred to Children & Human Resources Committee.

H.B. 900 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE WATER QUALITY OF THE SURFACE WATERS OF THIS STATE BY FURTHER LIMITING THE AMOUNT OF NITROGEN THAT CERTAIN LARGE FACILITIES DISCHARGE TO NUTRIENT SENSITIVE WATERS WHERE NITROGEN IS A NUTRIENT OF CONCERN, TO AUTHORIZE THE USE OF UP TO TWENTY-FIVE PERCENT OF THE FUNDS IN THE CLEAN WATER MANAGEMENT TRUST FUND FOR A PORTION OF THE COSTS TO LOCAL GOVERNMENTS OF MODIFYING EXISTING FACILITIES TO ACHIEVE FURTHER REDUCTIONS OF NITROGEN, AND TO AUTHORIZE THE USE OF THE CLEAN WATER MANAGEMENT TRUST FUND FOR LOANS.

Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

H.B. 915, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FIREFIGHTERS WHO ENGAGE IN SOME FIRE INSPECTION ACTIVITIES AS A SECONDARY RESPONSIBILITY ARE NOT COVERED BY THE LAW PROHIBITING CONFLICTS OF INTEREST BY INSPECTION DEPARTMENTS.

Referred to Judiciary Committee.

H.B. 936 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR LLAMA ACTIVITIES.

Referred to Judiciary Committee.

H.B. 958 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED HANDGUN LAWS.

Referred to Judiciary Committee.

H.B. 988, A BILL TO BE ENTITLED AN ACT TO RESTORE OFFICIAL RECOGNITION TO THE INDIANS OF PERSON COUNTY AND TO PROVIDE THEM WITH REPRESENTATION ON THE COMMISSION OF INDIAN AFFAIRS.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN NONPROFIT AND CONSUMER-OWNED WATER OR SEWER UTILITIES FROM REGULATION BY THE UTILITIES COMMISSION.

Referred to Finance Committee.
H.B. 995 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF LAND SURVEYORS TO ENTER ON LAND. Referred to Judiciary Committee.

H.B. 1008, A BILL TO BE ENTITLED AN ACT REGARDING THE EDUCATIONAL REQUIREMENTS FOR CHIROPRACTIC Licensure AND TO AUTHORIZE THE BOARD TO LICENSE PERSONS WHO HAVE PASSED THE NATIONAL CHIROPRACTIC EXAMINATION. Referred to Judiciary Committee.

H.B. 1012, A BILL TO BE ENTITLED AN ACT TO PROTECT SPORT SHOOTING RANGES AND THEIR OWNERS, OPERATORS, AND USERS FROM PUNITIVE RESTRICTIONS. Referred to Judiciary Committee.

H.B. 1044, A BILL TO BE ENTITLED AN ACT REGARDING THE EDUCATIONAL REQUIREMENTS FOR CHIROPRACTIC Licensure AND TO AUTHORIZE THE BOARD TO LICENSE PERSONS WHO HAVE PASSED THE NATIONAL CHIROPRACTIC EXAMINATION. Referred to Finance Committee.

H.B. 1051, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DUTY OF HOSPITALS AND OTHER AGENCIES WITH RESPECT TO ORGAN PROCUREMENT AND DONATION. Referred to Children & Human Resources Committee.

H.B. 1062 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF HUMAN RESOURCES TO DEVELOP AND IMPLEMENT A PLAN FOR PROVIDING LOW-COST HEALTH INSURANCE COVERAGE TO CHILDREN WHOSE PARENTS ARE ORDERED TO MAINTAIN HEALTH INSURANCE UNDER ORDERS ENFORCED BY THE DEPARTMENT. Referred to Pensions & Retirement and Insurance Committee.

H.B. 1071, A BILL TO BE ENTITLED AN ACT TO REQUIRE TENANTS TO PAY TO THE CLERK OF COURT THE AMOUNT OF RENT IN ARREARS TO STAY THE EXECUTION OF JUDGMENT FOR SUMMARY EJECTMENT PENDING APPEAL TO DISTRICT COURT AND TO POST A BOND FOR ANY FURTHER APPEALS. Referred to Judiciary Committee.

H.B. 1087 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TRESPASSING WITH A MOTORIZED ALL TERRAIN VEHICLE A MISDEMEANOR. Referred to Judiciary Committee.

H.B. 1122, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY, WHEN THE DEFENDANT DOES NOT TIMELY OBJECT
TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY.
Referred to Judiciary Committee.

H.B. 1142 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE TUITION FOR CHILDREN OR SPOUSES OF CERTAIN EMERGENCY WORKERS KILLED OR DISABLED IN THE LINE OF DUTY.
Referred to Education/Higher Education Committee and upon a favorable report, re-referred to the Appropriations Committee.

H.J.R. 1152, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.
Referred to Education/Higher Education Committee.

A message received in the Office of the Principal Clerk on May 2, from the House of Representatives transmitting a bill for concurrence is presented to the Senate, read, and disposed of, as follows:

S.B. 272 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, May 7.

Special messages and a message received in the Office of the Principal Clerk on May 2, 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. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFETY ZONE AROUND PUBLIC AND PRIVATE SCHOOLS IN CAMDEN COUNTY BY PROHIBITING HUNTING OR THE DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY OF PUBLIC ROADS WITHIN ONE-HALF MILE OF A SCHOOL.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 146, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE CITY ZONING ORDINANCE.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 302 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TAKING OF CERTAIN WILDLIFE IN COUNTIES WHERE AN OUTBREAK OF RABIES HAS OCCURRED.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 316 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE EXEMPTION OF STATE EMPLOYEES FROM COVERAGE UNDER CERTAIN PROVISIONS OF THE STATE PERSONNEL ACT.
Referred to State Government, Local Government, and Personnel Committee.

May 6, 1997
H.B. 344 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.
Referred to Transportation Committee.

H.B. 415 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REQUIRING THE PARENTS OF A DEPENDENT CHILD WHO IS THE PARENT OF A DEPENDENT CHILD TO PAY SUPPORT FOR THEIR GRANDCHILD.
Referred to Rules and Operations of the Senate Committee.

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE METHOD FOR APPOINTMENT OF MEMBERS OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 457 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECOVERY OF FUNDS PAID AS FOREST DEVELOPMENT COST-SHARING PAYMENTS WHEN TREES ARE NOT MAINTAINED AT LEAST TEN YEARS AND TO CONVERT THE FOREST DEVELOPMENT FUND TO ONE THAT ACCRUES INTEREST.
Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 507 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE MANDATORY ACTIVE JAIL SENTENCES FOR PERSONS CONVICTED OF DRIVING WHILE IMPAIRED WITH BLOOD ALCOHOL LEVELS OF MORE THAN FIFTEEN HUNDREDTHS PERCENT.
Referred to Judiciary Committee.

H.B. 530 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN CORPORATIONS WHICH OFFER ENGINEERING, LANDSCAPE ARCHITECTURAL, AND GEOLOGICAL SERVICES FROM THE APPLICABILITY OF THE PROFESSIONAL CORPORATION ACT.
Referred to Judiciary Committee.

H.B. 564 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE DEFINITION OF DENTAL HYGIENIST, TO ALLOW DENTAL HYGIENISTS TO PERFORM CERTAIN ACTS WITHOUT THE ON-SITE SUPERVISION OF A LICENSED DENTIST, TO ALLOW DENTISTS TO EMPLOY MORE THAN TWO DENTAL HYGIENISTS AT ONE TIME AND TO STUDY ALTERNATIVE DENTAL HYGIENE EDUCATION AND TRAINING.
Referred to Children & Human Resources Committee.

H.B. 569 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IN ELECTIONS TO FILL VACANCIES ON THE WENDELL TOWN BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM, THE NEXT HIGHEST VOTE GETTER RECEIVES A TWO-YEAR TERM, RATHER THAN HAVING A SEPARATE ELECTION ON THE BALLOT.
Referred to State Government, Local Government, and Personnel Committee.

May 6, 1997
H.B. 594 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE PUNISHMENT IMPOSED FOR INJURING A PREGNANT WOMAN IN THE COMMISSION OF A FELONY, ACT OF DOMESTIC VIOLENCE, OR UNLAWFUL OPERATION OF A VEHICLE CAUSING A MISCARRIAGE OR STILLBIRTH.
Referred to Judiciary Committee.

H.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THAT COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE TOWN OF NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 761 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES.
Referred to State Government, Local Government, and Personnel Committee.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 812, A BILL TO BE ENTITLED AN ACT ALLOWING WAYNE COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE NAHUNTA VOLUNTEER FIRE DEPARTMENT BY PRIVATE SALE.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 823 (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 Committee.

H.B. 831, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF YANCEY COUNTY BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.
Referred to State Government, Local Government, and Personnel Committee.

H.B. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES.
Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.
H.B. 833, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO AUTHORIZE THE CITY TO SERVE COMPLAINTS OR ORDERS IN HOUSING CODE CASES BY REGULAR MAIL IN ADDITION TO CERTIFIED OR REGISTERED MAIL.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 834, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 870 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE, BEAUFORT, CASWELL, CRAVEN, HYDE, PITT, AND ROCKINGHAM COUNTIES TO ARRANGE FOR THE WORKING OF NON-VIOLENT MISDEMEANANTS UNDER THE SUPERVISION OF EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT OR EMPLOYEES OF A NONPROFIT, CHARITABLE CORPORATION.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 872 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS RULES OF CIVIL PROCEDURE.

Referred to Judiciary Committee.

H.B. 873 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE AGE OF UNDISCIPLINED JUVENILES.

Referred to Judiciary Committee.

H.B. 879, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN DECISIONS OF THE DURHAM COUNTY BOARD OF ADJUSTMENT TO BE MADE BY THREE-FIFTHS VOTE RATHER THAN FOUR-FIFTHS.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS PERTAINING TO THE NUMBER OF MEMBERS OF ADVISORY COMMITTEES OF NURSING HOMES AND REST HOMES.

Referred to Children & Human Resources Committee.

H.B. 904 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SENTENCE OF LIFE IMPRISONMENT WITHOUT PAROLE SHALL BE IMPOSED FOR A SECOND OR SUBSEQUENT CONVICTION OF A CLASS B1 FELONY IF THERE ARE NO MITIGATING CIRCUMSTANCES AND THE VICTIM IS THIRTEEN YEARS OF AGE OR YOUNGER.

Referred to Judiciary Committee.

H.B. 948, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF PHARMACY TO ESTABLISH A RECOVERY AND REHABILITATION PROGRAM FOR PHARMACISTS.

Referred to Children & Human Resources Committee.

May 6, 1997
H.B. 999 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE SOIL AND WATER CONSERVATION COMMISSION TO CONDUCT INSPECTIONS.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 1009 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE DUTY OF PERSONS WHO DISCHARGE OIL OR ANY HAZARDOUS SUBSTANCE TO REPORT THE DISCHARGE TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE.
Referred to Judiciary Committee.

H.B. 1037 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TRANSPORTATION AND RESALE OF THE EDIBLE PARTS OF DEER RAISED DOMESTICALLY IN ANOTHER STATE.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 1049 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR CRUELTY TO ANIMALS.
Referred to Judiciary Committee.

H.J.R. 1054, 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. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ALLOW CERTAIN TYPES OF REDEVELOPMENT WITHIN URBAN WATERFRONTS THAT HISTORICALLY HAVE A PATTERN OF URBAN-LEVEL DEVELOPMENT.
Referred to Agriculture/Environment/Natural Resources Committee.

H.B. 1064 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A HOUSING AUTHORITY TO TERMINATE OR FAIL TO RENEW A LEASE IF A TENANT ENGAGES IN CRIMINAL ACTIVITY AND TO ALLOW CERTAIN SUMMARY EJECTMENT ACTIONS INITIATED BY A HOUSING AUTHORITY TO BE HELD IN DISTRICT COURT INSTEAD OF IN MAGISTRATE'S COURT.
Referred to Judiciary Committee.

H.B. 1069, A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO ENCOURAGE THE HIRING INTO STATE GOVERNMENT EMPLOYMENT OF QUALIFIED WORK FIRST PROGRAM PARTICIPANTS.
Referred to State Government, Local Government, and Personnel Committee.

May 6, 1997
H.B. 1074, A BILL TO BE ENTITLED AN ACT TO PROHIBIT A PERSON FROM REPRESENTING THAT THE PERSON PROVIDES OR OBTAINS DEBT CONSOLIDATION WHEN THE SERVICE THAT PERSON PRIMARILY PROVIDES IS RELATED TO BANKRUPTCY PROCEEDINGS.

Referred to Commerce Committee.

H.B. 1075, A BILL TO BE ENTITLED AN ACT TO PERMIT LENDERS TO CONTRACT FOR AND RECEIVE SHARED APPRECIATION IN CERTAIN CIRCUMSTANCES.

Referred to Commerce Committee.

H.B. 1086 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND RULE 68 OF THE RULES OF CIVIL PROCEDURE REGARDING OFFERS OF JUDGMENT.

Referred to Judiciary Committee.

H.B. 1091 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN CRIMINAL RECORD CHECKS TO BE CONDUCTED BY PRIVATE BUSINESS.

Referred to Judiciary Committee.

H.B. 1124, A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE DEPARTMENT OF JUSTICE MAY PERFORM CRIMINAL RECORDS CHECKS TO FACILITATE BACKGROUND INVESTIGATIONS FOR FIREFIGHTER AND RESCUE SQUAD APPLICANTS.

Referred to Judiciary Committee.

H.B. 1132 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE IT A CRIMINAL OFFENSE TO CONTAMINATE FOOD OR DRINK WITH ANY SUBSTANCE THAT WOULD RENDER A PERSON MENTALLY INCAPACITATED OR PHYSICALLY HELPLESS WITH THE INTENT OF COMMITTING A CRIME AGAINST THAT PERSON.

Referred to Judiciary Committee.

H.B. 1135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROVIDE FOR AN INCENTIVE BONUS PROGRAM TO RECOGNIZE AND REWARD THE COST-SAVING INITIATIVE AND INNOVATIONS OF STATE EMPLOYEES.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Appropriations Committee.

H.B. 1143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT PERMANENTLY DISABLED DRIVERS DO NOT HAVE TO BE MEDICALLY RECERTIFIED WHEN RENEWING HANDICAPPED PLACARDS OR REGISTRATION PLATES.

Referred to Transportation Committee.

May 6, 1997
On motion of Senator Basnight, seconded by Senator Winner, the Senate adjourns at 3:11 P.M. in memory of the victims of the Holocaust honored by Yom Hashoah, to meet tomorrow, Wednesday, May 7, at 2:00 P.M.

FIFTY-SEVENTH DAY

Senate Chamber
Wednesday, May 7, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O Lord, as children, our growth was often measured by our parents who notched our progress as we stood against a doorpost in our homes. Year after year, the marks went higher and higher. It's no wonder that, as adults, we measure our success in vertical terms, 'upward mobility' or 'climbing the ladder.'

"While we all would aspire to the most excellent way, remind us that it is in a more horizontal position, bowing humbly in Your presence and asking forgiveness for our sins, that we realize our shortcomings. Only then shall we attain true stature in Your sight, O God. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, May 6, has been examined and is found to be correct. On 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. Cindy Hampton from Henderson, who is serving the Senate as Doctor of the Day.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 151, AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

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 7, 1997
By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 65, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON, with a favorable report.

With unanimous consent, on motion of Senator Miller, the bill is re-referred to the Finance Committee.

H.B. 100, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HERTFORD COUNTY BOARD OF EDUCATION IN NOVEMBER OF EVEN-NUMBERED YEARS, with a favorable report.

H.B. 309, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS, with a favorable report.

H.B. 342 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE COUNTY OF MECKLENBURG, with a favorable report.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 367 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE COUNTIES OF CRAVEN, GATES, HERTFORD, NORTHAMPTON, AND PAMLICO TO TAKE A LIEN ON REAL PROPERTY FOR DELINQUENT FEES FOR CERTAIN INSPECTIONS, with a favorable report.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 531, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF THE PITT COUNTY ABC BOARD FROM THREE TO FIVE MEMBERS, with a favorable report.

H.B. 583, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF KINGS MOUNTAIN LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD, with a favorable report.

H.B. 636, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF MANTEO TO REGULATE CERTAIN ACTIVITIES IN WATERWAYS ADJACENT TO THE TOWN, with a favorable report.

H.B. 649 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN CHEROKEE COUNTY, with a favorable report.

H.B. 851 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CAPE CARTERET AND

May 7, 1997
AREAS WITHIN THE TOWN'S EXTRATERRITORIAL PLANNING JURISDICTION, with a favorable report.

By Senator Cooper for the Judiciary Committee:

H.B. 336, A BILL TO BE ENTITLED AN ACT TO ALLOW TWO MEMBERS OF THE VICTIM'S FAMILY TO BE PRESENT AT AN EXECUTION, 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 8219, is adopted and engrossed.

H.B. 197 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR CONDUCTING JUDICIAL SALES OF TIMBER BY SEALED BID, AS RECOMMENDED BY THE GENERAL STATUTES 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 4114, 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. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 750, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT TO A REFERENDUM.

Referred to Rules and Operations of the Senate Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE.

Referred to State Government, Local Government, and Personnel Committee.

APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read, as follows:
May 6, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 115C-10, I hereby appoint John Lauritzen to serve as a member of the North Carolina State Board of Education and submit his name for confirmation by the North Carolina General Assembly. Mr. Lauritzen will serve a term to begin May 6, 1997 and to expire March 31, 2005.

Enclosed is biographical information on Mr. Lauritzen. Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,

S/James B. Hunt Jr.
Governor

Referred to Education/Higher Education Committee.

May 7, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 115C-10, I hereby re-appoint Ms. Evelyn B. Monroe to serve as a member of the North Carolina State Board of Education and submit her name for confirmation by the North Carolina General Assembly. Ms. Monroe will serve a term to expire March 31, 2005.

Please feel free to call on her or members of my staff if you need additional information.

May 7, 1997
May 6, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 115C-10, I hereby re-appoint Dr. Jay M. Robinson to serve as a member of the North Carolina State Board of Education and submit his name for confirmation by the North Carolina General Assembly. Dr. Robinson will serve a term to expire March 31, 2005.

Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt Jr.
Governor

Referred to Education/Higher Education Committee.

REPORT OF COMMITTEE

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. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE CITY OF TRINITY, with a favorable report.

With unanimous consent, on motion of Senator Lee, the rules are suspended to the end and the Committee Substitute bill is placed on the Calendar for today, for further consideration upon second reading.

S.B. 339, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JOBS TAX CREDIT FOR TIER ONE COUNTIES, with a favorable report.

May 7, 1997
S.B. 508 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT LOCAL LEGISLATION FOR UNION COUNTY AND THE MUNICIPALITIES IN THAT COUNTY, with a favorable report.

S.B. 942, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AGE OF HONORARY BARBER LICENSEES FROM SEVENTY TO EIGHTY YEARS OF AGE, with a favorable report.

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EMPLOYMENT SECURITY COMMISSION TO WAIVE INTEREST ON LATE CONTRIBUTIONS, with a favorable report.

S.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, as written by the Pensions & Retirement and Insurance Committee, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The Committee Substitute bill, as amended, is engrossed.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 236**, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE CITY OF TRINITY, placed earlier today on the Calendar for today, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, May 8, for further consideration upon third reading.

**H.B. 203**, A BILL TO BE ENTITLED AN ACT TO SUPPLEMENT CLARK'S CALENDAR, WHICH MAY BE INTRODUCED IN EVIDENCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 954**, A BILL TO BE ENTITLED AN ACT TO AMEND EXISTING LAW PERTAINING TO SESSIONS OF THE SUPREME COURT.

The bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

May 7, 1997
H.B. 1033 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE OUT-OF-STATE BANKS TWO MORE YEARS TO ESTABLISH AND MAINTAIN A DE NOVO BRANCH OR A BRANCH THROUGH ACQUISITION PURSUANT TO CERTAIN CONDITIONS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 272 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (17-33).

COMMITTEE REFERRAL RECALL

S.B. 972, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MANAGED CARE POLICY BOARD, referred to the Commerce Committee on April 21.

Pursuant to Rule 47(a), Senator Soles offers a motion that the bill be withdrawn from the Commerce Committee and re-referred to the Rules and Operations of the Senate Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Commerce Committee and refers the measure to the Rules and Operations of the Senate Committee.

H.B. 470, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF COUNTY MEDICAL INVESTIGATORS, referred to the Judiciary Committee on May 6.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Commerce Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Commerce Committee.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 272 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT, with the Senate failing to concur in the House Committee Substitute bill earlier today.

Senator Winner offers a motion that the Senate do appoint conferees, which motion prevails.

The President Pro Tempore appoints Senator Winner, Chairman; Senators Lee; Garwood; Hartsell; and Dalton as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator McDaniel, the Senate adjourns at 2:37 P.M. to meet tomorrow, Thursday, May 8, at 11:00 A.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Almighty God, when His disciples, over-earnest as ever, asked Jesus who was the greatest in the kingdom of Heaven, Jesus pulled a child out of the crowd and said, ‘The greatest in my kingdom are people like this.’

“He wasn’t condemning adulthood. He was saying that people who get into Heaven are people who, like children, don’t worry about it too much; who, like children, can tell the difference between a put-up job and the real thing; who, like children, live with their hands open more than their fists clenched.

“Help us to learn the lesson of this parable and live accordingly in our adult world, we pray, Amen.”

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, May 7, has been examined and is found to be correct. On 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. Jessie Leak from Fayetteville, 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. 16, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY SERVICE.

S.B. 428, AN ACT TO CREATE THE BUTNER PLANNING COUNCIL.

H.B. 203, AN ACT TO SUPPLEMENT CLARK’S CALENDAR, WHICH MAY BE INTRODUCED IN EVIDENCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 954, AN ACT TO AMEND EXISTING LAW PERTAINING TO SESSIONS OF THE SUPREME COURT.
H.B. 1033, AN ACT TO GIVE OUT-OF-STATE BANKS TWO MORE YEARS TO ESTABLISH AND MAINTAIN A DE NOVO BRANCH OR A BRANCH THROUGH ACQUISITION PURSUANT TO CERTAIN CONDITIONS.

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

S.B. 363, AN ACT TO ALLOW HARNETT COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY.

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 Miller for the State Government, Local Government, and Personnel:

H.B. 314, A BILL TO BE ENTITLED AN ACT ABOLISHING THE VACANT OFFICE OF CORONER IN ROBESON COUNTY, with a favorable report.

H.B. 122, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS, 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 A383, which changes the title, upon concurrence to read H.B. 122 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS, is adopted and engrossed.

By Senator Cooper for the Judiciary Committee:

H.B. 61, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE SECTIONS OF CHAPTER 106 OF THE NORTH CAROLINA GENERAL STATUTES, with a favorable report.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 236 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE CITY OF TRINITY, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight,

May 8, 1997

Voting in the negative: None.
The Committee Substitute bill is ordered enrolled.

H.B. 100, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HERTFORD COUNTY BOARD OF EDUCATION IN NOVEMBER OF EVEN-NUMBERED YEARS
The bill passes its second and third readings and is ordered enrolled.

H.B. 309, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS.
The bill passes its second and third readings and is ordered enrolled.

H.B. 531, A BILL TO BE ENTITLED AN ACT TO INCREASE THE SIZE OF THE PITT COUNTY ABC BOARD FROM THREE TO FIVE MEMBERS.
The bill passes its second and third readings and is ordered enrolled.

H.B. 583, A BILL TO BE ENTITLED AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF KINGS MOUNTAIN LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD.
The bill passes its second and third readings and is ordered enrolled.

H.B. 636, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF MANTEO TO REGULATE CERTAIN ACTIVITIES IN WATERWAYS ADJACENT TO THE TOWN.
The bill passes its second and third readings and is ordered enrolled.

H.B. 649 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ABOLISHING THE OFFICE OF CORONER IN CHEROKEE COUNTY.
The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 851 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CAPE CARTERET AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL PLANNING JURISDICTION.
The Committee Substitute bill passes its second and third readings and is ordered enrolled.

The President extends courtesies of the Gallery to the Honorable Alexandre Zandemala, a Deputy in the Mozambican National Assembly, and to the Honorable Muhamed Masalma, Secretary General of the Jordanian Parliament.

S.B. 942, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AGE OF HONORARY BARBER LICENSEES FROM SEVENTY TO EIGHTY YEARS OF
AGE, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered placed on the Calendar for Monday, May 12, for further consideration upon third reading.

H.B. 488, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 6, as follows:


Voting in the negative: Senators Blust, Clark, Cochrane, Forrester, Page, and Webster—6.

The bill is ordered placed on the Calendar for Monday, May 12, for further consideration upon third reading.

S.B. 339, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JOBS TAX CREDIT FOR TIER ONE COUNTIES.

Following debate, Senator Conder calls the previous question, seconded by Senator Odom. The call is sustained.

The bill passes its second reading (42-8).

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 12, for further consideration upon third reading.

S.B. 508 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A TURKEY GROWER SHALL NOT BE DISQUALIFIED FROM USE VALUE TaxATION FOR A TWO-YEAR PERIOD IF THE GROWER'S LAND IS TAKEN OUT OF PRODUCTION SOLELY BECAUSE OF THE PRESENCE OF TURKEY DISEASE IN THE AREA.

With unanimous consent, the President grants a leave of absence for the remainder of today's session to Senator Rand.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.

S.B. 613 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROVISIONS IN THE INSURANCE LAWS DEALING WITH EXAMINATIONS OF INSURANCE COMPANIES AND AUDITS OF THEIR FINANCIAL STATEMENTS, as amended.
The Committee Substitute bill, as amended, passes its second (49-0) and third readings and, having been previously engrossed, is ordered sent to the House of Representatives.

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EMPLOYMENT SECURITY COMMISSION TO WAIVE INTEREST ON LATE CONTRIBUTIONS.

The bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 197 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE FOR CONDUCTING JUDICIAL SALES OF TIMBER BY SEALED BID, AS RECOMMENDED BY THE GENERAL STATUTES 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.

COMMITTEE REFERRAL RECALL

S.B. 253, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF TELEPHONIC SELLERS IN NORTH CAROLINA, TO MAKE THE OFFERING OF TELEPHONE SALES RECOVERY SERVICES A CRIMINAL OFFENSE, AND TO RESTRICT THE TIME PERIOD WITHIN WHICH UNSOLICITED AUTOMATIC DIALING AND RECORDED MESSAGES MAY BE MADE BY PHONE, referred to the Appropriations Committee on April 17.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from the Appropriations Committee and placed on the Calendar for Tuesday, May 13, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and places it on the Calendar for Tuesday, May 13, for consideration upon its passage.

CALENDAR (Continued)

H.B. 336 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TWO MEMBERS OF THE VICTIM'S FAMILY TO BE PRESENT AT AN EXECUTION.

The Senate Committee Substitute bill passes its second reading (46-2).

Senator Ballance objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, May 12, for further consideration upon third reading.

REPORT OF COMMITTEE

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:

May 8, 1997
By Senator Hoyle for the Finance Committee:

S.B. 921, A BILL TO BE ENTITLED AN ACT TO EXEMPT CONTINUING CARE FACILITIES THAT PROVIDE HUMANE AND PHILANTHROPIC CARE TO THE ELDERLY FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SOLICITATIONS ACT, with a favorable report.

S.B. 124, A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO REPEAL THE WHITE GOODS DISPOSAL TAX SUNSET, TO PROVIDE THAT WHITE GOODS TAX REVENUE THAT IS NOT NEEDED FOR THE MANAGEMENT OF DISCARDED WHITE GOODS MAY BE USED TO CLEAN UP ILLEGAL DUMP SITES, AND TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS 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 1792, which changes the title to read S.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO PROVIDE THAT WHITE GOODS TAX REVENUE THAT IS NOT NEEDED FOR THE MANAGEMENT OF DISCARDED WHITE GOODS MAY BE USED TO CLEAN UP ILLEGAL DUMP SITES, AND TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX, is adopted and engrossed.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 98, AN ACT TO IMPROVE THE ADMINISTRATION OF THE MOTOR FUEL TAX LAWS.

On motion of Senator Basnight, seconded by Senator Garwood, the Senate adjourns at 12:17 P.M. to meet Monday, May 12, at 7:00 P.M.

FIFTY-NINTH DAY

Senate Chamber
Monday, May 12, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Charles Bullock, Pastor of Martin Street Baptist Church in Raleigh, as follows:
"Let us pray. Great is Thy faithfulness, O God, my Father. There is no shadow of turning with Thee. Thou changest not. Thy compassions they fail not, as Thou has been, Thou forever will be.

"Eternal God, we bow and ask of Thee to walk with us day by day as we go about that task which Thou hast assigned into our hands. Be Thou, we pray, with this Senate, with this Body of people who are here in the interest and concern of the government of this State. Walk with them in the plain paths where the day by day routine settles down to a task of private perseverance. Turn us, O God, this evening from dreams of far away glory and unrealized hopes that we might work in the commonplace circumstances of this mortal world.

"It is our prayer, O God, that Thou may have disclosed the miracles of Your grace in unexpected places as we fulfill the purposes of this life. We pray for those among us who are wrestling with decisions that are difficult but right. We pray for the strong that they may be sensitive and the portive of their evening prayers that we might, where we find our task this day. Give them the kind of encouragement that’s needed that they may go forth with their task.

"O God, grant us wisdom. Grant us courage. Grant us understanding that in this life we may live as we have prayed that we will fail not Thee nor man. Be Thou our guide, Be Thou, Lord, we pray our keeper. We ask it all in the name of Jesus, we pray. Amen."

With unanimous consent, the President grants a leave of absence for tonight to Senator Martin of Pitt.

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

_The President extends courtesies of the Gallery to members of the Close-Up Foundation._

**ENROLLED BILLS**

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

**H.B. 100,** AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HERTFORD COUNTY BOARD OF EDUCATION IN NOVEMBER OF EVEN-NUMBERED YEARS.

**H.B. 236,** AN ACT TO INCORPORATE THE CITY OF TRINITY.

**H.B. 309,** AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS.

**H.B. 531,** AN ACT TO INCREASE THE SIZE OF THE PITT COUNTY ABC BOARD FROM THREE TO FIVE MEMBERS.

**H.B. 583,** AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF KINGS MOUNTAIN LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD.

May 12, 1997
H.B. 636, AN ACT TO ALLOW THE TOWN OF MANTEO TO REGULATE CERTAIN ACTIVITIES IN WATERWAYS ADJACENT TO THE TOWN.

H.B. 649, AN ACT ABOLISHING THE OFFICE OF CORONER IN CHEROKEE COUNTY.

H.B. 851, AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CAPE CARTERET AND AREAS WITHIN THE TOWN'S EXTRATERRITORIAL PLANNING JURISDICTION.

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. 363, AN ACT TO ALLOW HARNETT COUNTY TO ACQUIRE AND OTHERWISE MAKE AVAILABLE PROPERTY FOR USE BY THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE WITHIN THE COUNTY. (Became law upon ratification, May 8, 1997 - S.L. 1997-42)

REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the reports accompanying them, and take their places on the Calendar, as follows:

By Senator Hoyle for the Finance Committee:

S.B. 711, A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4600 is adopted and engrossed.

S.B. 861, A BILL TO BE ENTITLED AN ACT AMENDING THE DISPENSING OPTICIANS ACT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute 2755 is adopted and engrossed.

S.B. 1064, A BILL TO BE ENTITLED AN ACT TO ALLOW A TAXPAYER WHO PREVAILS IN A PROPERTY TAX APPEAL TO RECEIVE INTEREST ON ANY OVERPAYMENT OF TAX AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS PROPERTY TAX ISSUES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute 6679 is adopted and engrossed.

H.B. 603, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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 1368 is adopted and engrossed.
INTRODUCTION OF A RESOLUTION

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

By Senator Soles:

S.J.R. 1078, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF RICHARD CONDER AND ROBERT V. OWENS, JR. 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. 506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HERTFORD AND NORTHAMPTON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION OR IMPENDING CONDEMNATION.

Referred to Finance Committee.

H.B. 604 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF MOREHEAD CITY AND NEWPORT TO EXERCISE EXTRATERRITORIAL PLANNING JURISDICTION OVER AN AREA EXTENDING NOT MORE THAN TWO MILES FROM THEIR CORPORATE LIMITS.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 722 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 789 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE TOWN OF OAKBORO.
H.B. 933, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES COLLECTED UNDER THE PHARMACY PRACTICE ACT.
Referred to Finance Committee.

REPORT TO GENERAL ASSEMBLY

A Commission directed to report to the General Assembly submits a report (see Addendum) which is ordered placed on file in the Legislative Library, as follows:


CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 314, A BILL TO BE ENTITLED AN ACT ABOLISHING THE VACANT OFFICE OF CORONER IN ROBESON COUNTY.
The bill passes its second (48-0) and third readings and is ordered enrolled.

S.B. 942, A BILL TO BE ENTITLED AN ACT TO CHANGE THE AGE OF HONORARY BARBER LICENSEES FROM SEVENTY TO EIGHTY YEARS OF AGE, upon third reading.
The bill passes its third reading by roll-call vote, ayes 47, noes 1, as follows:
Voting in the negative: Senator Clark—1.
The bill is ordered sent to the House of Representatives.

H.B. 488, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS, upon third reading.
The bill passes its third reading by roll-call vote, ayes 44, noes 4, as follows:
Voting in the negative: Senators Clark, Cochrane, Forrester, and Page—4.
The bill is ordered enrolled and sent to the Governor.

May 12, 1997
S.B. 124 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE WHITE GOODS DISPOSAL TAX RATE TO ONE RATE FOR ANY WHITE GOOD REGARDLESS OF WHETHER THE WHITE GOOD CONTAINS CHLOROFLUOROCARBONS, TO EXTEND THE WHITE GOODS DISPOSAL TAX SUNSET, TO PROVIDE THAT WHITE GOODS TAX REVENUE THAT IS NOT NEEDED FOR THE MANAGEMENT OF DISCARDED WHITE GOODS MAY BE USED TO CLEAN UP ILLEGAL DUMP SITES, AND TO ALTER THE DISTRIBUTION OF THE TAX PROCEEDS FROM THIS TAX.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 921, A BILL TO BE ENTITLED AN ACT TO EXEMPT CONTINUING CARE FACILITIES THAT PROVIDE HUMANE AND PHILANTHROPIC CARE TO THE ELDERLY FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SOLICITATIONS ACT.

The bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives.

H.B. 61, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE SECTIONS OF CHAPTER 106 OF THE NORTH CAROLINA GENERAL STATUTES.

The bill passes its second reading (48-0).

Senator Albertson objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, May 13, for further consideration upon third reading.

H.B. 122, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE TO PROVIDE FOR THE EVACUATION OF STATE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS, changing the title, upon concurrence, to read H.B. 122 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

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. 339, A BILL TO BE ENTITLED AN ACT TO INCREASE THE JOBS TAX CREDIT FOR TIER ONE COUNTIES, upon third reading.

The bill passes its third reading (41-7) and is ordered sent to the House of Representatives.

H.B. 336 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW TWO MEMBERS OF THE VICTIM'S FAMILY TO BE PRESENT AT AN EXECUTION upon third reading.

The Senate Committee Substitute bill passes its third reading (46-3) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

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

May 12, 1997
James Richard Almond, Locust; Shamar H. W. Bailey, Greensboro; Christina Blackburn, Kernersville; Barbara Lee Cobb, Raleigh; Eric Steven Dail, Goldsboro; Jonathan David Faught, Fayetteville; Jeremy David Franklin, Knightdale; Angela Gandolph, Raleigh; Jill Hames, Statesville; Kristin Nicole Hawley, Ocean Isle Beach; Lauran Candice Holton, New Bern; Jonathan David Hoyle, Chapel Hill; Joseph David Hoyle, Chapel Hill; Emily May Jenkins, Statesville; Heather Lynn Jones, New Bern; Crystal A. Oakley, Louisburg; Amy Phillips, Leasburg; Seraph Jade Sharpe, Leasburg; Alexandra Sible, Cary; Charlotte Kelley Smith, Raleigh; Micah G. Sullivan, Goldsboro; and Benjamin Wood, Chapel Hill.

On motion of Senator Basnight, seconded by Senator Jordan, the Senate adjourns at 7:47 P.M. to meet tomorrow, Tuesday, May 13, at 3:00 P.M.

SIXTIETH DAY

Senate Chamber
Tuesday, May 13, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Hope Morgan Ward, Pastor of Soapstone United Methodist Church in Raleigh, as follows:

"New every day is Your love, great God of light, and all day long You are working for good in the world. Stir up in us desire to love You, to live peacefully with one another, and to devote each day to Your service.

"You have shown us what is good. In this afternoon, may our thoughts and actions be pleasing in Your sight. May we seek justice, love mercy, and walk humbly with You, that Your shalom, complete peace, may come in our time. Amen."

With unanimous consent, the President grants leaves of absences for today to Senator Kincaid, to Senator Martin of Guilford, and to Senator Webster.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Monday, May 12, has been examined and is found to be correct. On 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. Rhett High from Raleigh, who is serving the Senate as Doctor of the Day.

AMENDED VOTE

S.B. 400 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PARITY IN HEALTH INSURANCE FOR MENTAL ILLNESS, passing its second and third readings and sent to the House of Representatives on April 30.
Senator Plyler offers a motion that the rules be suspended to the end that he be allowed to change his vote on second reading of the measure from “no” to “aye”, which motion prevails without objection.

The President announces the amended vote, ayes 44, noes 6, and directs the Principal Clerk to correct the record to reflect the amended vote.

*With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Basnight.*

**INTRODUCTION OF A RESOLUTION**

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

By Senators Ledbetter, Albertson, Ballance, Basnight, Carpenter, Clark, Cochrane, Conder, Cooper, Gulley, Hartsell, Hoyle, Jenkins, Jordan, Kerr, Lee, Martin of Guilford, Plyler, Rand, Shaw of Guilford, Soles, Warren, and Winner:

**S.J.R. 1079, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GORDON HICKS GREENWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY.**

Referred to Rules and Operations of the Senate Committee.

**MESSAGES 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, and disposed of, as follows:

**S.B. 945** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PRESCRIBER’S AND THE PATIENT’S CONSENT FOR INTERCHANGE OF A LIMITED CLASS OF DRUGS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, May 14.

A message and a special message 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. 704**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION PLATES FOR SHERIFFS.

Referred to Transportation Committee.

**H.B. 1107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT RELATING TO THE MEMBERSHIP OF FACILITY AUTHORITIES AND ROOM OCCUPANCY TAX ALLOCATIONS FOR CAPITAL IMPROVEMENTS.

Referred to Rules and Operations of the Senate Committee.

May 13, 1997
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 272

House of Representatives
May 13, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to SB 272, A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT, and requests conferees, the Speaker has appointed as conferees on the part of the House:

Representative Arnold, Chair;
Representative Preston,
Representative Grady,
Representative Rogers, and
Representative Oldham

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

H.B. 488, AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS.

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

H.B. 314, AN ACT ABOLISHING THE VACANT OFFICE OF CORONER IN ROBESON 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. 100, AN ACT TO PROVIDE FOR ELECTION OF MEMBERS OF THE HERTFORD COUNTY BOARD OF EDUCATION IN NOVEMBER OF EVEN-NUMBERED YEARS. (Became law upon ratification, May 12, 1997 - S.L. 1997-43.)
H.B. 236, AN ACT TO INCORPORATE THE CITY OF TRINITY. (Became law upon ratification, May 12, 1997 - S.L. 1997-44.)

H.B. 309, AN ACT TO ALLOW THE CITY OF CHARLOTTE TO ISSUE TICKETS FOR OVERTIME PARKING ON CITY STREETS. (Became law upon ratification, May 12, 1997 - S.L. 1997-45.)

H.B. 531, AN ACT TO INCREASE THE SIZE OF THE PITT COUNTY ABC BOARD FROM THREE TO FIVE MEMBERS. (Became law upon ratification, May 12, 1997 - S.L. 1997-46.)

H.B. 583, AN ACT TO INCREASE THE MEMBERSHIP OF THE CITY OF KINGS MOUNTAIN LOCAL ALCOHOLIC BEVERAGE CONTROL BOARD. (Became law upon ratification, May 12, 1997 - S.L. 1997-47.)

H.B. 636, AN ACT TO ALLOW THE TOWN OF MANTEO TO REGULATE CERTAIN ACTIVITIES IN WATERWAYS ADJACENT TO THE TOWN. (Became law upon ratification, May 12, 1997 - S.L. 1997-48.)

H.B. 649, AN ACT ABOLISHING THE OFFICE OF CORONER IN CHEROKEE COUNTY. (Became law upon ratification, May 12, 1997 - S.L. 1997-49.)

H.B. 851, AN ACT TO ESTABLISH A NO-WAKE ZONE FOR THE TOWN OF CAPE CARTERET AND AREAS WITHIN THE TOWN'S EXTRATERITORIAL PLANNING JURISDICTION. (Became law upon ratification, May 12, 1997 - S.L. 1997-50.)

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 711 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, May 14, for further consideration upon third reading.

H.B. 603 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 37, noes 8, as follows:

Voting in the negative: Senators Allran, Carpenter, Cochrane, East, Forrester, Foxx, Page, and Reeves—8.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, May 14, for further consideration upon third reading.

S.B. 861 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DISPENSING OPTICIANS ACT, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, May 14, for further consideration, upon third reading.

S.B. 253 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE REGISTRATION OF TELEPHONIC SELLERS IN NORTH CAROLINA, AND TO MAKE THE OFFERING OF TELEPHONE SALES RECOVERY SERVICES A CRIMINAL OFFENSE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

S.B. 1064 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A TAXPAYER WHO PREVAILS IN A PROPERTY TAX APPEAL TO RECEIVE INTEREST ON ANY OVERPAYMENT OF TAX AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS PROPERTY TAX ISSUES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered sent to the House of Representatives.

H.B. 61, A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE SECTIONS OF CHAPTER 106 OF THE NORTH CAROLINA GENERAL STATUTES, upon third reading.

The bill passes its third reading (46-0) and is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

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 Soles for the Commerce Committee:

H.B. 400, A BILL TO BE ENTITLED AN ACT TO REWRITE THE AUTHORITY OF THE STATE BANKING COMMISSION TO ASSESS BANKS AND CONSUMER FINANCE LICENSEES FOR THE MAINTENANCE AND OPERATION OF THE OFFICE OF THE COMMISSIONER OF BANKS, with a favorable report.

With unanimous consent, on motion of Senator Soles, the bill is re-referred to the Finance Committee.

S.J.R. 1078, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF RICHARD CONDER AND ROBERT V. OWENS, JR. MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, with a favorable report.

COMMITTEE REFERRAL RECALL

H.B. 704, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION PLATES FOR SHERIFFS, referred to the Transportation Committee earlier today.

Pursuant to Rule 47(a), Senator Shaw of Cumberland offers a motion that the bill be withdrawn from the Transportation Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Transportation Committee and refers the measure to the Finance Committee.

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE FELONY OFFENSE OF DOG FIGHTING AND BAITING, referred to the Appropriations Committee on May 6.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Committee Substitute bill be withdrawn from the Appropriations Committee and placed on the Calendar for Wednesday, May 14, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Appropriations Committee and places it on the Calendar for Wednesday, May 14, for consideration upon its passage.

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. 36, A BILL TO BE ENTITLED AN ACT TO RELIEVE CONSUMERS OF THE REQUIREMENT OF FILING MONTHLY USE TAX RETURNS, with a favorable report.

H.B. 204, A BILL TO BE ENTITLED AN ACT TO RAISE THE FORECLOSURE FILING FEES, with a favorable report.
By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 935, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE LLAMAS AS LIVESTOCK ANIMALS, with a favorable report.

By Senator Cooper for the Judiciary Committee:

H.B. 174, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO PERMIT AN ACTIVE SENTENCE TO BE IMPOSED FOR A CRIMINAL CONVICTION IF THE DEFENDANT SERVED TIME AWAITING TRIAL, with a favorable report.

H.B. 175 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING AMENDMENTS TO STRUCTURED SENTENCING, with a favorable report.

H.B. 191, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FILING AND REGISTRY OF CERTIFIED COPIES OF OUT-OF-STATE CUSTODY DECREES AND FOR THE VALIDATION OF CERTIFIED COPIES OF WILLS RECORDED WITHOUT PROBATE, with a favorable report.

H.B. 192, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MEMBERSHIP OF THE NORTH CAROLINA COURTS COMMISSION, with a favorable report.

On motion of Senator Ballance, seconded by Senator Carrington, the Senate adjourns at 3:39 P.M. to meet tomorrow, Wednesday, May 14, at 2:00 P.M.

SIXTY-FIRST DAY

Senate Chamber
Wednesday, May 14, 1997

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 Paul Saleeby, Pastor of Benton Heights Presbyterian Church in Monroe, as follows:

"The Psalmist declares: 'The earth is the Lord's and all that is in it, the world, and those who live in it.' (Psalm 24:1). Let us acknowledge God's greatness and call upon His name. Let us pray.
“Almighty God, who, like a Father to all His children, establishes an intimate relationship with us, let us know You in this moment as a God of presence.

“Come and reveal Your will to this body whom you have instituted to govern. Speak to us and show us each our part to play as we join efforts to seek the good of all.

“We pray, O God, for the communities we represent. Minister to them through these chosen leaders, and through the hands, feet and voices of all Your people.

“Not bound by what the world around us dictates, may we catch the larger vision of Your Kingdom thus setting our feet upon foundations of faith and trust in You.

“So keep alive in us that hope that finds its light from Your presence, its joy in serving You.

“Through Jesus Christ, let it be! Amen.”

With unanimous consent, the President Pro Tempore grants leave of absence for today to Senator Rucho due to the birth of his son.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Tuesday, May 13, has been examined and is found to be correct. On 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. Michael DiMeo from Burlington, who is serving the Senate as Doctor of the Day.

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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS, with a favorable report.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 516, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN COLUMBUS COUNTY, with a favorable report.

H.B. 532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS, with a favorable report.

H.B. 559, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH MAY REQUIRE ISSUANCE OF A BUILDING PERMIT FOR THE REPLACEMENT AND DISPOSAL OF ROOFING, with a favorable report.

May 14, 1997
H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY, with a favorable report.

H.B. 643, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, with a favorable report.
   Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

H.B. 771, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF A SANITARY DISTRICT WITH FOUR-YEAR TERMS THAT ARE NOT STAGGERED TO PROVIDE FOR STAGGERED TERMS, with a favorable report.
   Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

H.B. 791, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DURHAM PUBLIC SCHOOLS TO DISPOSE OF CERTAIN REAL PROPERTY, with a favorable report.


H.B. 845, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN GASTON COUNTY, with favorable report.

By Senator Lucas for the Children & Human Resources Committee:

H.B. 153, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO IMPROVE THE DEFINITION OF "DEPENDENT JUVENILE", with a favorable report.

H.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE SANITIZATION OF COOKING UTENSILS PROVIDED BY LODGING ESTABLISHMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, with a favorable report.

By Senator Soles for the Commerce Committee:

H.B. 790 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CHECK TAKER OR ACCEPTOR SHALL NOT WRITE OR PRINT THE RACE OR GENDER ON THE CHECK OR DRAFT OF A CHECK PASSER, with an unfavorable report as to Committee Substitute bill, but favorable as to
Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 1371 is adopted and engrossed.

By Senator Lee for the Education/Higher Education Committee:

H.J.R. 1054, 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. 1098 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR MEDIATION OF SPECIAL EDUCATION DISPUTES, with a favorable report.

H.J.R. 1152, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES, with a favorable report.

H.B. 1099 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES, 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 7310 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. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE.

Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 989 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM.

Referred to Finance Committee.

RESOLUTION FROM ANOTHER STATE

The following resolution received May 13 from another legislative body, is presented to the Senate and is ordered filed in the Office of the Principal Clerk with the papers of the Senate:

May 14, 1997
Arizona Senate Joint Resolution 1001, Declaring Sovereignty Under the United States Constitution, and Demanding That the Federal Government Stop Mandates That are Beyond its Powers. (See Appendix)

CALENDAR

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.B. 711 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 603 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 9, as follows:


Voting in the negative: Senators Allran, Carpenter, Clark, Cochrane, Forrester, Foxx, Garwood, Page, and Reeves—9.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

COMMITTEE REFERRAL RECALL

H.B. 1107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT RELATING TO THE MEMBERSHIP OF FACILITY AUTHORITIES AND ROOM OCCUPANCY TAX ALLOCATIONS FOR CAPITAL IMPROVEMENTS, referred to the Rules and Operations of the Senate Committee on May 13.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Rules and Operations of the Senate Committee and referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.
S.B. 861 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE DISPENSING OPTICIANS ACT, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 204, A BILL TO BE ENTITLED AN ACT TO RAISE THE FORECLOSURE FILING FEES, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered placed on the Calendar for tomorrow, Thursday, May 15, for further consideration upon third reading.

S.J.R. 1078, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF RICHARD CONDER AND ROBERT V. OWENS, JR. MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

Without objection, Senator Basnight is excused from voting for the stated reason “personal relationship with one nominee in resolution - R. V. Owens, Jr. is brother-in-law.”

The joint resolution passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 265, AN ACT TO AMEND THE STATUTES ON SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTIONS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO CLARIFY THE ROLE OF THE OFFICE OF THE STATE AUDITOR.
S.B. 800, AN ACT TO TRANSFER THE AUTHORITY TO EMPLOY AN EXECUTIVE SECRETARY FOR THE JUDICIAL STANDARDS COMMISSION FROM THE COMMISSION AS A WHOLE TO THE COMMISSION CHAIR.

H.B. 61, AN ACT TO REPEAL OBSOLETE SECTIONS OF CHAPTER 106 OF THE NORTH CAROLINA GENERAL STATUTES.

H.B. 143, AN ACT TO CHANGE THE ANNUAL COST REPORTING REQUIREMENTS OF ADULT CARE HOMES TO THE DEPARTMENT OF HUMAN RESOURCES AND TO CHANGE THE DEPARTMENT'S ENFORCEMENT PROVISIONS.

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. 314, AN ACT ABOLISHING THE VACANT OFFICE OF CORONER IN ROBESON COUNTY. (Became law upon ratification, May 13, 1997 - S.L. 1997-51.)

CALENDAR (Continued)

H.B. 36, A BILL TO BE ENTITLED AN ACT TO RELIEVE CONSUMERS OF THE REQUIREMENT OF FILING MONTHLY USE TAX RETURNS.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 147 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE FELONY OFFENSE OF DOG FIGHTING AND BAITING.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 174, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO PERMIT AN ACTIVE SENTENCE TO BE IMPOSED FOR A CRIMINAL CONVICTION IF THE DEFENDANT SERVED TIME AWAITING TRIAL.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 175 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING AMENDMENTS TO STRUCTURED SENTENCING.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.
H.B. 191, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FILING AND REGISTRY OF CERTIFIED COPIES OF OUT-OF-STATE CUSTODY DECREES AND FOR THE VALIDATION OF CERTIFIED COPIES OF WILLS RECORDED WITHOUT PROBATE.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 192, A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES IN THE MEMBERSHIP OF THE NORTH CAROLINA COURTS COMMISSION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 935, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE LLAMAS AS LIVESTOCK ANIMALS.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 945 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE PRESCRIBER'S AND THE PATIENT'S CONSENT FOR INTERCHANGE OF A LIMITED CLASS OF DRUGS, 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.

With unanimous consent, the President Pro Tempore grants a leave of absence for the remainder of today's Session to Senator Dannelly.

On motion of Senator Ballance, seconded by Senator Carrington, the Senate adjourns at 2:56 P.M. to meet tomorrow, Thursday, May 15, at 12:00 Noon.

SIXTY-SECOND DAY

Senate Chamber
Thursday, May 15, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, with adaptations from Sketches of Creative Living by Harold Warlick, as follows:

"O God, You have admonished us to help others. There are countless opportunities every day to do so. Whether we summon the courage to admit it or not, so often in trying to help people, our prime motivation is not their discomfort but our own guilt. We confuse loving someone and feeling sorry for them.

"You model a higher form of love, O God. You look at people in need not only with compassion but also with appreciation. You always honor people who are in need with some form of personal affirmation."
"Help us to do likewise, with the knowledge that people's most basic needs also include our time and our care for them. Amen."

With unanimous consent, the President grants leaves of absences for today to Senator Garwood, to Senator Horton, and to Senator Kincaid.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, May 14, has been examined and is found to be correct. On 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. Mike Feasel from Rocky Mount, 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. 945, AN ACT TO REQUIRE THE PRESCRIBER'S AND THE PATIENT'S CONSENT FOR INTERCHANGE OF A LIMITED CLASS OF DRUGS.

H.B. 36, AN ACT TO RELIEVE CONSUMERS OF THE REQUIREMENT OF FILING MONTHLY USE TAX RETURNS.

H.B. 147, AN ACT TO CREATE THE FELONY OFFENSE OF DOG FIGHTING AND BAITING.

H.B. 174, AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO PERMIT AN ACTIVE SENTENCE TO BE IMPOSED FOR A CRIMINAL CONVICTION IF THE DEFENDANT SERVED TIME AWAITING TRIAL.

H.B. 175, AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING AMENDMENTS TO STRUCTURED SENTENCING.

H.B. 191, AN ACT TO PROVIDE FOR THE FILING AND REGISTRY OF CERTIFIED COPIES OF OUT-OF-STATE CUSTODY DECREES AND FOR THE VALIDATION OF CERTIFIED COPIES OF WILLS RECORDED WITHOUT PROBATE.

H.B. 192, AN ACT TO MAKE CHANGES IN THE MEMBERSHIP OF THE NORTH CAROLINA COURTS COMMISSION.

H.B. 197, AN ACT TO ESTABLISH A PROCEDURE FOR CONDUCTING JUDICIAL SALES OF TIMBER BY SEALED BID, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 935, AN ACT TO RECOGNIZE LLAMAS AS LIVESTOCK ANIMALS.
The Enrolling Clerk reports the following local bill duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

S.B. 677, AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF ALBEMARLE.

COMMITTEE REFERRAL RECALL


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 be placed on the Calendar for Monday, May 19, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it on the Calendar for Monday, May 19, for further consideration upon its passage.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Dannelly.

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 Jenkins for the Pensions & Retirement and Insurance Committee:

H.B. 391, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL RETIRED HIGH POINT FIREMEN TO RECEIVE PENSION BENEFITS, with a favorable report.

H.B. 522, A BILL TO BE ENTITLED AN ACT TO AMEND THE MEMBERSHIP OF THE STATE FIRE AND RESCUE COMMISSION, with a favorable report.

H.B. 312, A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE, 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 1374 is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 70, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF ROANOKE RAPIDS TO ADDRESS ABANDONED STRUCTURES IN THE

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SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, 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 7312 is adopted and engrossed.

H.B. 828, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE CITY OF WILSON TO INCREASE THE SETTLEMENT AUTHORITY OF THE CITY MANAGER, 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 7311 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 for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 106 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL SALES OF PERSONAL PROPERTY SEIZED FOR UNPAID TAXES TO BE HELD IN ANY COUNTY, for concurrence in the House Committee Substitute bill.

Referred to Judiciary Committee.

S.B. 172 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF HUNTING LICENSES FOR CERTAIN DISABLED HUNTERS WHO HAVE NOT COMPLIED WITH THE HUNTING SAFETY COURSE REQUIREMENT, for concurrence in the House Committee Substitute bill.

Referred to State Government, Local Government, and Personnel Committee.

S.B. 316 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, for concurrence in the House Committee Substitute bill.

Referred to Finance Committee.

S.B. 891 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING, for concurrence in the House Committee Substitute bill.

Referred to Commerce Committee.

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. 305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS.

Referred to Finance Committee.
H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM.

Referred to Rules and Operations of the Senate Committee.

H.J.R. 664, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF RUSSELL ATKINSON SWINDELL, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to Rules and Operations of the Senate Committee.

COMMITTEE REFERRAL RECALL


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 Monday, May 19, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it on the Calendar for Monday, May 19, for consideration upon its passage.

S.B. 483, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT PAID TO PHYSICIANS TO READ X-RAY FILMS FOR THE DUSTY TRADES PROGRAM, referred to the Appropriations Committee on April 16.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from the Appropriations Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and refers the measure to the Finance Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
May 14, 1997

Mr. 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 HB 81, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE, and requests conferees. The Speaker has appointed:

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Representative Clary,  
Representative G. Wilson,  
Representative Gardner, and  
Representative Nesbitt,

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 adjusted.

Respectfully,  
S/Denise Weeks  
Principal Clerk

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. 660, A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7799 is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is placed on the Calendar for Tuesday, May 20, for further consideration.

By Senator Lucas for the Children & Human Resources Committee:

H.B. 28, A BILL TO BE ENTITLED AN ACT TO ALLOW THE FIFTH MEMBER OF A COUNTY BOARD OF SOCIAL SERVICES TO BE SELECTED BY MAJORITY VOTE OF THE FOUR OTHER MEMBERS, 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 6265 is adopted and engrossed.

CALENDAR

Bills and resolutions on today's Calendar are taken up and disposed of, as follows:

H.B. 516, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN COLUMBUS COUNTY.

The bill passes its second and third readings and is ordered enrolled.

H.B. 532 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY OF HENDERSON AND TO AUTHORIZE
ENTRY INTO AGREEMENTS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 559**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH MAY REQUIRE ISSUANCE OF A BUILDING PERMIT FOR THE REPLACEMENT AND DISPOSAL OF ROOFING.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 629** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY.

The Committee Substitute bill passes its second reading.

Senator Page objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, May 19, for further consideration upon third reading.

**H.B. 791**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DURHAM PUBLIC SCHOOLS TO DISPOSE OF CERTAIN REAL PROPERTY.

The bill passes its second and third readings and is ordered enrolled.


The bill passes its second and third readings and is ordered enrolled.

**H.B. 845**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN GASTON COUNTY.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 204**, A BILL TO BE ENTITLED AN ACT TO RAISE THE FORECLOSURE FILING FEES, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 2, as follows:


Voting in the negative: Senators Clark and Rucho—2.

The bill is ordered enrolled and sent to the Governor.

**H.B. 153**, A BILL TO BE ENTITLED AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO IMPROVE THE DEFINITION OF "DEPENDENT JUVENILE".

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

May 15, 1997
H.B. 1099 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES.

With unanimous consent, on motion of Senator Perdue, the Senate Committee Substitute bill is taken up out of its regular order of business.

Senator Perdue, Co-Chairman of the Appropriations Committee, requests a fiscal note on the Senate Committee Substitute bill. Pursuant to Rule 42.1 and on further motion of Senator Perdue, the Chair orders the measure re-referred to the Appropriations Committee for receipt of the fiscal note.

H.B. 165 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE SANITIZATION OF COOKING UTENSILS PROVIDED BY LODGING ESTABLISHMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

With unanimous consent, on motion of Senator Lucas, the Committee Substitute bill is withdrawn from today's Calendar and is recommitted to the Children & Human Resources Committee.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

H.B. 527 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST CONTAINMENT THROUGH REVISION OF THE HOSPITAL PRIVILEGES LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH PEER REVIEW FOR OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE, with a favorable report.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Tuesday, May 20, for further consideration.

CALENDAR (Continued)

H.B. 771, A BILL TO BE ENTITLED AN ACT TO ALLOW THE BOARD OF A SANITARY DISTRICT WITH FOUR-YEAR TERMS THAT ARE NOT STAGGERED TO PROVIDE FOR STAGGERED TERMS.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

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 places on the Calendar, as follows:

May 15, 1997
By Senator Kerr for the Finance Committee:

**S.B. 812**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SPECIAL REGISTRATION PLATES FOR SUPPORTERS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK, with a favorable report.

**S.B. 916**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART, with a favorable report.

**H.B. 1107** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT RELATING TO THE MEMBERSHIP OF FACILITY AUTHORITIES AND ROOM OCCUPANCY TAX ALLOCATIONS FOR CAPITAL IMPROVEMENTS, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

With unanimous consent, on motion of Senator Kerr, the rules are suspended to the end and the Committee Substitute bill, as amended, is placed at the end of today’s Calendar for further consideration upon second reading.

**CALENDAR (Continued)**

**H.B. 790** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A CHECK TAKER OR ACCEPTOR SHALL NOT WRITE OR PRINT THE RACE OR GENDER ON THE CHECK OR DRAFT OF A CHECK PASSER.

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.

**H.J.R. 1054**, 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 joint resolution passes its second (46-0) and third readings and is ordered enrolled.

**H.B. 1098** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROCEDURE FOR MEDIATION OF SPECIAL EDUCATION DISPUTES.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

**H.J.R. 1152**, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES.

The joint resolution passes its second (46-0) and third readings and is ordered enrolled.

May 15, 1997
H.B. 1107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT RELATING TO THE MEMBERSHIP OF FACILITY AUTHORITIES AND ROOM OCCUPANCY TAX ALLOCATIONS FOR CAPITAL IMPROVEMENTS, as amended, upon second reading, placed earlier today on the Calendar for today.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 35, noes 11, as follows:


Voting in the negative: Senators Ballantine, Blust, Clark, Cochrane, East, Forrester, Foxx, Hartsell, Ledbetter, Page, and Webster—11.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, May 19, for further consideration upon third reading.

On motion of Senator Basnight, seconded by Senator Martin of Guilford, the Senate adjourns at 1:11 P.M. to meet Monday, May 19, at 7:00 P.M.

SIXTY-THIRD DAY

Senate Chamber
Monday, May 19, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Eternal God, You are the source of all truth, wisdom, justice, and love. Lead us through the week ahead. Help us constantly to rest our lives upon the foundations of Your love and presence.

"We confess to You, O Lord, that we are not always the persons we would like others to think we are. We are not even the persons we would like to think of ourselves as being. Hear our confessions and forgive us for our duplicity.

"Through the inspiration of Your spirit, enlighten, instruct, and guide us each day, all day long. In Your holy name we pray, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Dalton due to commitments in his district relating to education issues; to Senator Hartsell to attend Cabarrus County Board of Commissioners meeting; and to Senator Hoyle.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, May 15, has been examined and is found to be correct. On 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. Tommy Newton from Clinton, 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. 57**, AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, TO MODIFY THE DEFINITION OF EMPLOYMENT WITH RESPECT TO AGRICULTURAL LABOR, AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS.

**H.B. 122**, AN ACT TO AUTHORIZE THE DIRECTOR OF THE STATE CAPITOL POLICE AND THE CHIEF OF THE GENERAL ASSEMBLY POLICE TO PROVIDE FOR THE EVACUATION OF STATE AND LEGISLATIVE BUILDINGS AND GROUNDS IN THE EVENT OF EMERGENCY OR POTENTIALLY HAZARDOUS CONDITIONS.

**H.B. 153**, AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO IMPROVE THE DEFINITION OF "DEPENDENT JUVENILE".

**H.B. 204**, AN ACT TO RAISE THE FORECLOSURE FILING FEES.

**H.B. 336**, AN ACT TO ALLOW TWO MEMBERS OF THE VICTIM'S FAMILY TO BE PRESENT AT AN EXECUTION.

**H.B. 771**, AN ACT TO ALLOW THE BOARD OF A SANITARY DISTRICT WITH FOUR-YEAR TERMS THAT ARE NOT STAGGERED TO PROVIDE FOR STAGGERED TERMS.

**H.B. 1098**, AN ACT TO AMEND THE PROCEDURE FOR MEDIATION OF SPECIAL EDUCATION DISPUTES.

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

**H.B. 516**, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN COLUMBUS COUNTY.

**H.B. 532**, AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS.

**H.B. 559**, AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH MAY REQUIRE ISSUANCE OF A BUILDING PERMIT FOR THE REPLACEMENT AND DISPOSAL OF ROOFING.

May 19, 1997
H.B. 791, AN ACT AUTHORIZING THE DURHAM PUBLIC SCHOOLS TO DISPOSE OF CERTAIN REAL PROPERTY.


H.B. 845, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN GASTON COUNTY.

H.J.R. 1152, A JOINT RESOLUTION SETTING THE DATE FOR THE HOUSE OF REPRESENTATIVES AND SENATE TO ELECT MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES. (Res. 10)

H.J.R. 1054, 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. 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. 677, AN ACT TO REPEAL THE ACT ESTABLISHING A SUPPLEMENTARY PENSION FUND FOR FIREMEN IN THE CITY OF ALBEMARLE. (Became law upon ratification, May 15, 1997 - S.L. 1997-52.)

S.B. 151, AN ACT TO CLARIFY THE DUTY OF AN OWNER, OPERATOR, OR OTHER RESPONSIBLE PARTY OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE TO NOTIFY THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OF THE EXISTENCE OF THE SITE, TO REQUIRE OWNERS, OPERATORS, AND OTHER RESPONSIBLE PARTIES TO FURNISH INFORMATION REGARDING THE SITE, AND TO SIMPLIFY THE INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE INVENTORY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, May 16, 1997 - S.L. 1997-53.)

H.B. 1033, AN ACT TO GIVE OUT-OF-STATE BANKS TWO MORE YEARS TO ESTABLISH AND MAINTAIN A DE NOVO BRANCH OR A BRANCH THROUGH ACQUISITION PURSUANT TO CERTAIN CONDITIONS. (Became law upon approval of the Governor, May 16, 1997 - S.L. 1997-54.)

H.B. 59, AN ACT TO UPDATE THE REFERENCE TO THE INTERNAL REVENUE CODE USED IN DEFINING AND DETERMINING CERTAIN STATE TAX PROVISIONS. (Became law upon approval of the Governor, May 16, 1997 - S.L. 1997-55.)
H.B. 954, AN ACT TO AMEND EXISTING LAW PERTAINING TO SESSIONS OF THE SUPREME COURT. (Became law upon approval of the Governor, May 16, 1997 - S.L. 1997-56.)

S.B. 16, AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MODIFY STATUTORY LANGUAGE DEFINING CERTAIN INTERMEDIATE PUNISHMENTS, TO CHANGE THE JUDICIAL AUTHORITY TO DELEGATE RESPONSIBILITIES TO PROBATION OFFICERS AND TO MODIFY THOSE DELEGATED RESPONSIBILITIES, TO MODIFY THE TARGET POPULATION FOR COMMUNITY PENALTIES, AND TO IDENTIFY THE POPULATION INELIGIBLE FOR COMMUNITY SERVICE. (Became law upon approval of the Governor, May 16, 1997 - S.L. 1997-57.)

H.B. 203, AN ACT TO SUPPLEMENT CLARK'S CALENDAR, WHICH MAY BE INTRODUCED IN EVIDENCE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, May 16, 1997 - S.L. 1997-58.)

S.B. 428, AN ACT TO CREATE THE BUTNER PLANNING COUNCIL. (Became law upon approval of the Governor, May 16, 1997 - S.L. 1997-59.)

S.B. 98, AN ACT TO IMPROVE THE ADMINISTRATION OF THE MOTOR FUEL TAX LAWS. (Became law upon approval of the Governor, May 16, 1997 - S.L. 1997-60.)

H.B. 516, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN COLUMBUS COUNTY. (Became law upon ratification, May 19, 1997 - S.L. 1997-61.)

H.B. 532, AN ACT TO DELETE CERTAIN OBSOLETE PROVISIONS AND MAKE CERTAIN TECHNICAL AMENDMENTS IN THE CHARTER OF THE CITY OF HENDERSON AND TO AUTHORIZE ENTRY INTO AGREEMENTS. (Became law upon ratification, May 19, 1997 - S.L. 1997-62.)

H.B. 559, AN ACT TO PROVIDE THAT THE TOWN OF SUNSET BEACH MAY REQUIRE ISSUANCE OF A BUILDING PERMIT FOR THE REPLACEMENT AND DISPOSAL OF ROOFING. (Became law upon ratification, May 19, 1997 - S.L. 1997-63.)

H.B. 791, AN ACT AUTHORIZING THE DURHAM PUBLIC SCHOOLS TO DISPOSE OF CERTAIN REAL PROPERTY. (Became law upon ratification, May 19, 1997 - S.L. 1997-64.)

H.B. 845, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY OF PUBLIC ROADS IN GASTON COUNTY. (Became law upon ratification, May 19, 1997 - S.L. 1997-66).

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. 460 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO DESIGNATE WHO HAS THE DUTY TO ESTABLISH AND REVISE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS, 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 8227, which changes the title, upon concurrence, to read H.B. 460 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ADOPT ENTRANCE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS, is adopted and engrossed.

With unanimous consent, on motion of Senator Albertson, the Senate Committee Substitute bill is re-referred to the Finance Committee.

By Senator Kerr for the Finance Committee:

S.B. 570, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "SCENIC RIVERS" REGISTRATION PLATE WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE DEPOSITED IN THE CLEAN WATER MANAGEMENT TRUST 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 8702 is adopted and engrossed.

S.B. 847, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX REUSABLE INDUSTRIAL CONTAINERS USED AS PACKAGING FOR TANGIBLE PERSONAL PROPERTY, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6681, which changes the title to read S.B. 847, (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX REUSABLE INDUSTRIAL CONTAINERS USED AS PACKAGING FOR TANGIBLE PERSONAL PROPERTY, is adopted and engrossed.

H.B. 53, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE 82ND AIRBORNE DIVISION ASSOCIATION
SPECIAL REGISTRATION PLATES, 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 A387 is adopted and engrossed.

**H.B. 704**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION PLATES FOR SHERIFFS, 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 2331, which changes the title, upon concurrence, to read **H.B. 704** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS, is adopted and engrossed.

**S.B. 426** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR MAGISTRATES, with an unfavorable report as to Committee Substitute bill as written by the Transportation Committee, but favorable as to Committee Substitute bill No. 2. Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 7800, which changes the title to read **S.B. 426** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPECIAL REGISTRATION LICENSE PLATES ON CERTAIN COMMERCIAL MOTOR VEHICLES AND TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR MAGISTRATES, is adopted and engrossed.

**CALENDAR**

**S.B. 916**, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART, on today’s Calendar. With unanimous consent, on motion of Senator Kerr, the bill is taken up out of its regular order of business and on his further motion, the bill is withdrawn from today’s Calendar and is recommitted to the Finance Committee.

**WITHDRAWAL FROM CALENDAR**

**S.B. 660** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, placed on the Calendar for Tuesday, May 20. Senator Kerr offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Tuesday, May 20, and recommitted to the Finance Committee, which motion prevails with unanimous consent. The Senate reconsiders its previous action and the Chair orders the Committee Substitute bill withdrawn from the Calendar for Tuesday, May 20, and recommits the measure to the Finance Committee.

**MESSAGES 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, and disposed of, as follows:

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S.B. 247 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO CONFIDENTIALITY OF HEALTH CARE CONTRACTS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, May 20.

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. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN LINCOLN COUNTY THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM.
Referred to Finance Committee.

H.B. 1158 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANTIQUE AIRPLANES SHALL BE VALUED AT NO MORE THAN FIVE THOUSAND DOLLARS FOR PROPERTY TAX PURPOSES.
Referred to Finance Committee.

CALENDAR (Continued)

H.B. 1107 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE FACILITY AUTHORITY ACT RELATING TO THE MEMBERSHIP OF FACILITY AUTHORITIES AND ROOM OCCUPANCY TAX ALLOCATIONS FOR CAPITAL IMPROVEMENTS, as amended, upon third reading.
With unanimous consent, on motion of Senator Reeves, the Committee Substitute bill is taken up out of its regular order of business.
Senator Reeves offers Amendment No. 2, perfecting Amendment No. 1, which is adopted (45-1).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 5, as follows:

Voting in the negative: Senators Blust, Clark, East, Foxx, and Webster—5.
The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2, without objection, by special messenger.

H.B. 70 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF ROANOKE RAPIDS TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

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. 391, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL RETIRED HIGH
POINT FIREMEN TO RECEIVE PENSION BENEFITS.
The bill passes its second and third readings and is ordered enrolled.

H.B. 828 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT
AMENDING THE CHARTER OF THE CITY OF WILSON TO INCREASE THE
SETTLEMENT AUTHORITY OF THE CITY MANAGER.
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.

The President extends courtesies of the Gallery to former University of North
Carolina basketball star, Bob Cunningham.

S.J.R. 1079, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF
GORDON HICKS GREENWOOD, FORMER MEMBER OF THE GENERAL
ASSEMBLY.

With unanimous consent, on motion of Senator Ledbetter, the joint resolution is taken
up out of its regular order of business, and on his further motion, the joint resolution is
withdrawn from today's Calendar and is placed on the Calendar for Monday, June 9, for
consideration upon its passage.

H.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW
LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY, upon third
reading.

Senator Page offers Amendment No. 1 which is adopted (46-0).
The Committee Substitute bill, as amended, passes its third reading (45-1) and is
ordered sent to the House of Representatives for concurrence in Senate Amendment
No. 1.

S.B. 812, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SPECIAL
REGISTRATION PLATES FOR SUPPORTERS OF THE GREAT SMOKY
MOUNTAINS NATIONAL PARK, 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,
Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dannelly, East, Forrester,
Foxx, Garwood, Gulley, Horton, Jenkins, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas,
Martin of Pitt, Martin of Guilford, McDaniel, Miller, Odom, Page, Perdue, Phillips,
Plyler, Rand, Reeves, Ruves, Shaw of Cumberland, Shaw of Guilford, Soles, Warren,
Webster, Weinstein, Wellons, and Winner—46.

Voting in the negative: None.
The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 20, for further
consideration upon third reading.

H.B. 28 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
ALLOW THE FIFTH MEMBER OF A COUNTY BOARD OF SOCIAL SERVICES TO
BE SELECTED BY MAJORITY VOTE OF THE FOUR OTHER MEMBERS.
The Senate Committee Substitute bill passes its second (46-0) and third readings and

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is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H.B. 312** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE.

Senator Kincaid rises to a point of order pursuant to Rule 53(b) and (a) as to whether or not the Senate Committee Substitute for **H.B. 312** can be considered since an identical bill, **S.B. 345**, A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE, was postponed indefinitely on the Senate floor on April 28. The President takes the point of order under advisement and, without objection, temporarily displaces the Senate Committee bill.

**REMOVAL FROM THE TABLE**

**S.B. 345**, A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE, postponed indefinitely on April 28.

Senator Reeves offers a motion that the bill be taken from the table, which motion prevails with a two thirds affirmative majority vote. Senator Reeves offers a further motion that the bill be recommitted to the Pensions & Retirement and Insurance Committee, which motion prevails with unanimous consent.

**CALENDAR (Continued)**

**H.B. 312** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE, temporarily displaced earlier.

The Senate Committee Substitute bill passes its second reading (36-10).

Senator Cooper objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, May 20, for further consideration upon third reading.

**H.B. 522**, A BILL TO BE ENTITLED AN ACT TO AMEND THE MEMBERSHIP OF THE STATE FIRE AND RESCUE COMMISSION.

The bill passes its second (40-5) and third readings and is ordered enrolled and sent to the Governor.


With unanimous consent, on motion of Senator Reeves, the joint resolution is read in its entirety, and on his further motion, the remarks of the Senators memorializing the life and memory of Russell Atkinson Swindell, former member of the General Assembly, are spread upon the Journal, as follows:
Senator Reeves:

"Mr. President, it is indeed a honor and a privilege to be designated by the bill sponsor, the Honorable Jane Mosley, to speak on behalf of this resolution. I knew Russell Swindell only briefly, but everything that has been said here is very true. I was introduced to him maybe four years ago when I was first elected to office. While I was just a lowly City Councilor wandering through the halls, he took his arm around me, which wasn't too hard for him to do because he was a lot taller than I am, but he took his arm around me and on various occasions over the last several years advised me on different important matters that were facing our City and our State. He knew my father-in-law, Robert Morgan, very well. Indeed, the two of them worked on a lot of issues that affected our State. And we do and have lost a significant person of our State, and I commend this resolution to your support."

Senator Soles:

"Mr. President and ladies and gentlemen of the Senate, like Senator Reeves said when he came here as a young man, Russell Swindell put his arm around him, I remember when I arrived in 1969 in the House Russell Swindell was here and he kind of took me under his wing also, and gave me good advice for many, many years. I remember one particular thing he said, after a little while, that he thought I was a smart young man, but I wasn't getting enough publicity, and he was going to take care of that. And we kind of laughed and he said, 'You ought to be the Lieutenant Governor, and you ought to run for Lieutenant Governor.' We just laughed and but, dog gone, if the next day Under the Dome didn't speculate that I was running for Lieutenant Governor. (Laughter) And we laughed about that for years. And I always remembered him coming by the office, even after I moved to this office over here, he would come by and talk with the staff, and took these people, the ladies, the staff that work so hard for us everyday, he would often take them out to lunch. And always had a kind word. I never really heard him criticize anybody. You know, he would fuss about legislation that he wasn't in favor of, but when it came to individuals I never heard him say a bad word about anybody. He was my friend and I urge you to vote for this resolution."

Senator Horton:

"I came the same time Senator Soles came, and remember Russell Swindell so well. He was in love with this institution. Loved the State, of course, but the institution, the General Assembly, was the place that he adored. And the institution and not the political winds that went through the place made the difference to him and held his devotion. After he retired from the House of Representatives, he couldn't stay away, and became a lobbyist for the Railroad Association. And was the senior, premier representative of everything, in my mind, that a lobbyist should be, unintrusive, informed, rigidly honorable. And as R. C. said, never did an unkind word pass his lips about anyone. He set an example, not only as a member of the General Assembly, but also as a lobbyist, as a member of that often vilified, but immensely valuable group of people who serve their clients and us so well. We are gonna miss him. Thank you, Mr. President."

Senator Rand:

"Thank you, Mr. President and ladies and gentlemen of the Senate, I had the good fortune to serve as a page in the legislature, in the House, in 1953. And at that time you served for half of the Session, so I was up here for about nine weeks. And during that
period of time, as a young man, it was my great, good fortune to get to know Russell Swindell, and to watch him operate in the old Capitol over there. And you, as a young man, kind of wandered around like that you really get a good look at people, and I thought at the time that he was certainly really a nice fellow. And I, my association with him over the years was very dear to me because he was always nice to me. He would see me at times when I was growing up, and when I’d wander around here, when I was in college and in law school. And he was always, would come up and speak to me, and always made me feel good. And then when I came to the legislature, he was of great assistance to me as he said because he would always look out for your, always be nice to you. And he was always a man of good humor. The legislature was a lot different when each county had a member, as it did in 1953. Every, there were one hundred members from each county and then there were twenty members of the House who were kind of passed around according to the population. So it was a different Body back then. The Sir Walter Hotel was kind of the center of things. It’s a time that was past, but it was, it was a very interesting time. A time that is very important to me in my memories, and Russell Swindell is a great part of it. He was a good man. He was, as Senator Horton says, a wonderful lobbyist who represents the very best of that group. So I would ask your support also.”

Senator Lee:

“Mr. President, Members of the Senate, I’ve known Russell Swindell for a number of years. I did not get to know him really well until I became Secretary of Natural Resources and had an opportunity to work very closely on a number of issues, but really got to know him after I came to the Senate. Senator Basnight appointed me Chair of the Committee on Transportation, and there was always something of interest to Russell in that Committee, and we worked together on a number of issues there. As Senator Horton said, he was a man who loved this institution, the legislature, the General Assembly, and he did not hesitate to share those feeling with those with whom he came in contact. The best way I can sum up my relationship with him is to simply say he was a very nice man who always treated those with whom he came in contact with respect. He always made me, at least, feel while in his presence that he was absolutely delighted to have the relationship and to have one in his presence. And I always left Russell feeling that I’d taken something good from the encounter, however brief it was, that we’d had. He’s a good man gone, and one who’s left a legacy and an image many of us would do well to imitate.”

Senator Carpenter:

“Since I have been down here, it’s nine years now, I became well acquainted with Russell Swindell and I don’t think that I ever met the man in the halls of this General Assembly without a flower in his lapel. You’ll all remember that was kind of his trademark. He loved the Chapel, and just a week before he passed away he was in the Chapel and he was telling us about he had to go, he was gonna go on Wednesday for this procedure. And that he was smiling, and he said, ‘I’m not afraid’; he said, ‘I’m gonna except what happens when I have that procedure done.’ Of course, we know the outcome, but he says, ‘Now just look around here; look at the, see all these members of the General Assembly buzzing around all over the place.’ And he says, ‘They think these bills are important, but’, he says, ‘you know there’s something a lot more important than these bills that the people are worried about.’ I got to know his son in the last couple of three
weeks of his life, and I would just urge everyone to support this resolution. Thank you very much.”

Senator Miller:

“Thank you, Mr. President. I also knew Russell Swindell. He was not the mentor to me that I know he was to Representative Mosley and, perhaps, some others. But I did know him, not through my service here, but through his involvement in the community here, and from his involvement in Wake County politics. He was certainly always very cordial to me and to others. I certainly held him in high regard, and I knew of the high regard in which he was held by others. And I do know that he gave good advice. I remember distinctly when David Price first ran for Congress in 1986; I was Chairman of Wake County Democratic Party then, and I remember being in a conversational group with Russell Swindell, and he said, ‘Somebody needs to tell him to smile and laugh a little more.’ And that was probably pretty good advice for David Price then and now (laughter), and if that’s indicative of the kind of advice Russell Swindell gave, I understand why his advice was so valued. I do commend this resolution to you.”

Senator Basnight:

“Thank you, Mr. President. Members of the Senate, Russell Swindell family, and to all who have lived and still live in the County of Hyde from which Mr. Swindell came, I can see him now, as you easily can yourself, walking the halls of the Assembly with his seersucker coat, straw hat, the little rose, Fountain, in his lapel, the smile on his face, the concern, the love that he had for all people. There was a chosen few that he would particularly give some interest and time to, and that was the pages. And I would imagine none of you who joined us tonight had the chance or the opportunity to meet Mr. Russell. But he loved you a great deal and he loved what you would become, and he was a teacher. A teacher of the principle of life that if you give you shall receive, but never expect to do so ‘cause at all costs when you are the person who has the belief that you should receive, you shall fail. Mr. Russell gave a lot to life all around him. He gave a lot to his country. He loved his small County of Hyde. He spoke often of it to me. I represent it now and I have for the thirteen years that I’ve been here, Senator Plyler. And he always would, I guess, offer the encouragement that you should remember those people who are least fortunate among us. And not that they aren’t rich in life and what they have. The beauty of the County is fantastic, its natural resources unparalleled in this State. It is its people that makes it so famous. It’s not that you have to have the same wealth or the same opportunities maybe that is afforded to other counties for jobs or to enjoy plays or, maybe, hockey in the future. It’s the life of the people, the very flower of life, that he loved so very much, and that’s the child and the children among us. He was famous then, and he is famous today. We all know where Mr. Russell resides now. God bless you and God speed for all who follow people like you in this wonderful world of ours.”

Lieutenant Governor Wicker:

“I knew Russell Swindell when I was a very small boy. My father served in the North Carolina General Assembly with him in the early fifties. And as with Senator Rand, when I came through in my childhood and adolescence I served as a page and came very close to Mr. Russell, as we called him. He was a very warm, outgoing man, a very big man, and he’d wrap those arms around me when I was a small boy, and say, ‘Someday son, we’re gonna make something of you.’ And as time went on, I really became an admirer

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of his and grew to love Russell Swindell and his family, Martha, Mary Ann, A. B. And I recall coming up here as a young legislator in the early eighties, and how he would come by and just counsel and advise me, Senator Basnight, as he did you and others. And offer his best advice on how we could cope with the stress and the strains of doing the business for the public. But I will tell you my favorite story about him, and I'm glad you said what you did, Senator Soles, was he, too, encouraged me to run for Lieutenant Governor. And I remember after I did announce that I was running that I ran into him, and I said, 'Well Russell, what do you think?' He said, 'My gosh, I didn't really think you'd do it.' (Laughter) And then he would let out one of those warm laughs that we all were so fond of. I believe you are absolutely correct, Senator Basnight, when you said, 'Russell Swindell was a giving person.' You hit the nail on the head. Because I think that for anyone who knew Russell Swindell, knew that he was the happiest when he was doing things for others. Those hunting trips, he was always there in Hyde County wanting to show people a good time, and that was his livelihood, and I think he derived a great deal of joy and satisfaction in bringing happiness to others. And that is truly the mark of a great North Carolinian. And I join all of you in your remarks tonight, but I know that he believed as we did, and he's probably in heaven right now saying the North Carolina toast, Senator Basnight. It says, 'Here's to down home of the long leaf pine. The summer's home where the sun does shine. Where the weak grow strong, and the strong grow great. Here's to down home, the old North State.' That's Russell Swindell. Thanks be to God for allowing him to share his life with us.'

The joint resolution passes its second reading (45-0) and third reading, unanimously with Members standing, and is ordered enrolled.

The President extends courtesies of the Gallery to the family of Russell Atkinson Swindell.

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

Victoria Abby Basnight, Manteo; Deborah Ashley Bonnett, Kitty Hawk; James M. Bonnett, Kitty Hawk; Emmi Burleson, Boone; April Culpepper, Kitty Hawk; Benjamin Robert Eisner, Kill Devil Hills; Elizabeth Frost, Raleigh; Ashley Ginn, Boone; Scotty Graham, Kinston; Brandon Wilson Harrell, Fayetteville; Anna Bradsher Honeycutt, Raleigh; Ashlin Barrett Hube, Raleigh; Kacey L. Oikarinen, Kill Devil Hills; Elizabeth Ann Outten, Kitty Hawk; Joseph Alexander Patton, Nags Head; Matthew Pelley, Duck; April Marie Pigg, Charlotte; Margaret Katherine Plyler, Okracoke; Mary Cameron Rudkin, Raleigh; Lauren Rutherford, Kitty Hawk; Shannan Lynn Stroud, Kinston; Jeremy Alexander Walker, Morganton; and Ashley Anderson Watson, Kitty Hawk.

On motion of Senator Basnight, seconded by Senator Martin of Pitt, the Senate adjourns at 8:44 P.M. in memory of Russell Atkinson Swindell, to meet tomorrow, Tuesday, May 20, at 4:30 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting Robert K. Greenleaf, as follows:

"Almighty God, the history of Holy Scripture documents that You have chosen great leaders to follow You. At first it seems a paradox, followers as great leaders. "But You know that the kingdom of God is no place to have one's face pointed one way and one's feet the other. "The Senate is made up of great leaders. That's why they have been chosen to serve here. But in the rhythm of decision making in this place, as a part of the kingdom God, 'Everyone, at some time and in some areas is a follower and it is just as important to be discriminating in choosing whom to follow as it is to prepare to lead.' Help the men and women here to know when and where to accept those roles. For Your sake, we pray, Amen."

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

Senator Lee announces the Journal of yesterday, Monday, May 19, has been examined and is found to be correct. On 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 Wortman from Greenville, 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. 34, AN ACT TO ADJUST THE SHARE THE CITIES RECEIVE FROM THE STATE GROSS RECEIPTS TAX TO MAKE THE DISTRIBUTION MORE EQUITABLE AND TO ALLOW THE DEPARTMENT OF REVENUE TO GIVE CITY FINANCE OFFICIALS INFORMATION NEEDED TO VERIFY THE ACCURACY OF A CITY'S DISTRIBUTION.

H.B. 522, AN ACT TO AMEND THE MEMBERSHIP OF THE STATE FIRE AND RESCUE COMMISSION.

H.B. 1107, AN ACT TO AMEND THE FACILITY AUTHORITY ACT RELATING TO THE MEMBERSHIP OF FACILITY AUTHORITIES AND ROOM OCCUPANCY TAX ALLOCATIONS FOR CAPITAL IMPROVEMENTS.

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

**H.B. 391**, AN ACT TO ALLOW ALL RETIRED HIGH POINT FIREMEN TO RECEIVE PENSION BENEFITS.


**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. 391**, AN ACT TO ALLOW ALL RETIRED HIGH POINT FIREMEN TO RECEIVE PENSION BENEFITS. (Became law upon ratification, May 20, 1997 - S.L. 1997-67.)

**H.B. 1107**, AN ACT TO AMEND THE FACILITY AUTHORITY ACT RELATING TO THE MEMBERSHIP OF FACILITY AUTHORITIES AND ROOM OCCUPANCY TAX ALLOCATIONS FOR CAPITAL IMPROVEMENTS. (Became law upon approval of the Governor, May 20, 1997 - S.L. 1997-68.)

**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. 414** (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO SEVERANCE PAY FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS, with a favorable report.

**S.B. 379**, A BILL TO BE ENTITLED AN ACT TO EXEMPT OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES WHO HAVE FIVE YEARS CONTINUOUS EXPERIENCE IMMEDIATELY PRECEDING JANUARY 1, 1998, FROM THE TRAINING COURSE REQUIREMENT FOR OPERATORS OF SOLID WASTE MANAGEMENT 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 2757, is adopted and engrossed.

**H.B. 114**, 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 GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with an unfavorable report.

The bill lies upon the table.
By Senator Hoyle for the Finance Committee:

S.B. 660 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, with an unfavorable report as to Committee Substitute bill as written by the Finance Committee, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, proposed Committee Substitute bill No. 2, 4603, is adopted and engrossed.

S.B. 916, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART, with a favorable report.

S.B. 649, A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR LATE FILING OF REPORTS BY LOBBYIST AND PRINCIPAL, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1811 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 a bill and a resolution are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS.

Referred to Finance Committee.

H.J.R. 1153, A JOINT RESOLUTION COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF FRANKLINVILLE AND HONORING THE MEMORY OF JESSE FRANKLIN.

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. 812, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR SPECIAL REGISTRATION PLATES FOR SUPPORTERS OF THE GREAT SMOKY MOUNTAINS NATIONAL PARK, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:


Voting in the negative: None.

The bill is ordered sent to the House of Representatives.
COMMITTEE REFERRAL RECALL


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 21, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it on the Calendar for Wednesday, May 21, for consideration upon its passage.

CALENDAR (Continued)

H.B. 53 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE 82ND AIRBORNE DIVISION ASSOCIATION SPECIAL REGISTRATION PLATES, 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 negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, May 21, for further consideration upon third reading.

H.B. 704, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION PLATES FOR SHERIFFS, changing the title, upon concurrence, to read H.B. 704 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS, upon second reading.

The President orders, without objection, the Senate Committee Substitute bill temporarily displaced.

S.B. 426 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPECIAL REGISTRATION LICENSE PLATES ON CERTAIN COMMERCIAL MOTOR VEHICLES AND TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR MAGISTRATES.

The President rules the Committee Substitute bill No. 2 requires a call of the roll.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller,

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Wednesday, May 21, for further consideration upon third reading.

S.B. 570 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "SCENIC RIVERS" REGISTRATION PLATE WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE DEPOSITED IN THE CLEAN WATER MANAGEMENT TRUST FUND.

The President rules the Committee Substitute bill requires a call of the roll.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, May 21, for further consideration upon third reading.

H.B. 704, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION PLATES FOR SHERIFFS, changing the title, upon concurrence, to read H.B. 704 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS, upon second reading, temporarily displaced earlier.

The President announces the voting equipment inoperative.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, May 21, for further consideration upon third reading.

S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX REUSABLE INDUSTRIAL CONTAINERS USED AS PACKAGING FOR TANGIBLE PERSONAL PROPERTY.

The President announces the voting equipment operative.

The Committee Substitute bill passes its second reading (48-0).
Senator Odom objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, May 21, for further consideration upon third reading.

**H.B. 527** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST CONTAINMENT THROUGH REVISION OF THE HOSPITAL PRIVILEGES LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH PEER REVIEW FOR OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE.

Senator Horton offers Amendment No. 1, which proposes to change the title, upon concurrence, to read **H.B. 527** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST CONTAINMENT THROUGH REVISION OF THE HOSPITAL PRIVILEGES LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH A JOINT FORMULARY COMMISSION, TO ESTABLISH PEER REVIEW FOR OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE.

Senator McDaniel rises to a point of order under Rule 53 as to whether or not an amendment which has been voted on and failed in Committee can be considered on the Senate floor. The President rules that Rule 53 is not applicable to amendments which have failed of adoption in Committee.

Pursuant to Rule 56, the President orders, with the approval of the Chairman of the Rules and Operations of the Senate Committee, that a technical correction be made to Amendment No. 1.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

With unanimous consent, the President Pro Tempore grants a leave of absence for the remainder of the Session to Senator Reeves.

Senator Conder calls the previous question, seconded by Senator McDaniel. The call is sustained.

Amendment No. 1, offered by Senator Horton, fails (7-40).

The Committee Substitute bill passes its second (44-4) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 312** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE, upon third reading.

The Senate Committee Substitute bill passes its third reading (42-5) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**S.B. 247** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO CONFIDENTIALITY OF HEALTH CARE CONTRACTS, 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.

May 20, 1997
COMMITTEE REFERRAL RECALL

S.B. 316 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, referred to the Finance Committee on May 15.

Pursuant to Rule 47(a), Senator Kerr offers a motion that the House Committee Substitute bill be withdrawn from the Finance Committee and placed on the Calendar for tomorrow, Wednesday, May 21, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill recalled from the Finance Committee and places it on the Calendar for tomorrow, Wednesday, May 21, for consideration upon concurrence.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

S.B. 676, A BILL TO BE ENTITLED AN ACT TO AMEND THE SEXUAL OFFENDER REGISTRATION PROGRAM TO COMPLY WITH FEDERAL 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 1808 is adopted and engrossed.


H.B. 402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INFRINGEMENT FOR CERTAIN ALCOHOL-RELATED OFFENSES MAY BE EXPUNGED FROM A PERSON'S RECORD AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE, with a favorable report.

COMMITTEE REFERRAL RECALL

S.B. 106 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL SALES OF PERSONAL PROPERTY SEIZED FOR UNPAID TAXES TO BE HELD IN ANY COUNTY, referred to the Judiciary Committee on May 15.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the House Committee Substitute bill be withdrawn from the Judiciary Committee and placed on the Calendar for tomorrow, Wednesday, May 21, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill recalled from the Judiciary Committee and places it on the Calendar for tomorrow, Wednesday, May 21, for consideration upon concurrence.
On motion of Senator Ballance, seconded by Senator Lee, the Senate adjourns at 5:41 P.M. to meet tomorrow, Wednesday, May 21, at 2:00 P.M.

SIXTY-FIFTH DAY

Senate Chamber
Wednesday, May 21, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, each day we ask for Your guidance as Senators debate difficult issues that may become law. We would not be so presumptuous as to ask how You communicate to the members here.

“We don’t expect divine handwriting on the wall or fire and smoke to guide their deliberations. But we would ask that You speak to each Senator in the way he or she hears You best.

“Often, the answers we seek from You are not couched in words, but are framed by the experience of the heart. Amen.”

Senator Lee announces the Journal of yesterday, Tuesday, May 20, has been examined and is found to be correct. On 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 Ostrow from Raleigh, who is serving the Senate as Doctor of the Day.

The President extends the privileges of the Floor to Ralph Hunt, former Senator from Durham County, and to Wanda Hunt, former Senator from Moore County.

The President of the Senate extends courtesies of the Gallery to Ann Turlington, member of the State Board of Community Colleges, and her husband, and to Dr. G. Herman Porter, nominee to the State Board of Community Colleges, and his wife.

REPORT OF COMMITTEE

Pursuant to Resolution 10 of the 1997 Session Laws, Senator Lee, Co-Chairman of the Education/Higher Education Committee, submits the following report:

TO: Members of the Senate

FROM: Senator Howard Lee, Co-Chairman
Senate Education/Higher Education Committee

RE: State Board of Community Colleges Election

May 21, 1997
The Senate Committee on Education/Higher Education nominates the following individuals for election by the Senate for membership from the State at-large to a six-year term, beginning July 1, 1997, on the State Board of Community Colleges:

Anne-Marie Kelly Turlington
Edenton, N. C.

Dr. G. Herman Porter
Goldsboro, N.C.

Since the date of the committee meeting, the following individual has withdrawn his consent to be nominated, and the name should not be included on the ballot.

Jeffrey Allen Nelson
Williamston, N.C.

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 Anne-Marie Kelly Knighton and Dr. G. Herman Porter.

Senator Lee 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.

The President orders the Reading Clerk to call the roll and directs the Members to vote for or against Anne-Marie Kelly Knighton and Dr. G. Herman Porter.


Those voting against Anne-Marie Kelly Knighton and Dr. G. Herman Porter are as follows: None.

In compliance with G. S. 115-2.1(b)(4)f., Senator Lee offers a motion to the end that Anne-Marie Kelly Knighton and Dr. G. Herman Porter be elected by an electronically recorded vote for a six-year term beginning July 1, 1997, and expiring June 30, 2003, which motion prevails by roll-call vote ayes 47, noes 0, as follows:


Voting in the negative: None.

The President declares Anne-Marie Kelly Knighton and Dr. G. Herman Porter elected to the State Board of Community Colleges and orders a message sent to the House of Representatives informing that Honorable Body of such action.

The President recognizes Dr. G. Herman Porter and extends congratulations to him.
REPORT OF COMMITTEE

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. 671, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL BOARDS OF HEALTH TO ESTABLISH LOCAL PROGRAMS THAT PROVIDE FOR PRELIMINARY EVALUATIONS OF PROPOSED SITES FOR WASTEWATER SYSTEMS THAT ARE NOT BINDING ON THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES OR THE LOCAL HEALTH DEPARTMENT AND TO PROHIBIT ANY OTHER PRELIMINARY SITE EVALUATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the Committee Substitute bill 6682, which changes the title to read S.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE EVALUATION OF PROPOSED SITES FOR WASTEWATER SYSTEMS; TO DIRECT THE ENVIRONMENTAL MANAGEMENT COMMISSION AND THE DIVISION OF AIR QUALITY OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, WITH THE ASSISTANCE AND COOPERATION OF THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF TRANSPORTATION, TO STUDY THE COSTS AND BENEFITS OF EXPANDING THE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM FOR MOTOR VEHICLES; TO IMPROVE COMPLIANCE WITH THE CURRENT EMISSIONS INSPECTION AND MAINTENANCE PROGRAM; AND TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY WHETHER THE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM SHOULD BE TRANSFERRED FROM THE DIVISION OF MOTOR VEHICLES TO THE DIVISION OF AIR QUALITY, is adopted and engrossed.

With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is re-referred to the Rules and Operations of the Senate Committee.

CALENDAR

S.J.R. 707, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROYCE PHELPS "BO" THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY, on today's Calendar.

With unanimous consent, on motion of Senator Jenkins, the joint resolution is taken up out of its regular order of business and is placed before the Senate for immediate consideration upon its passage.

With unanimous consent, on motion of Senator Jenkins, the joint resolution is read in its entirety, and on his further motion, the remarks of the Senators memorializing the life and memory of Royce Phelps "Bo" Thomas, former member of the General Assembly, are spread upon the Journal, as follows:

Senator Jenkins:

"Thank you Mr. President. It was indeed an honor for me to know Bo Thomas during
his political career. Bo bore a great love for western North Carolina. As was shown through his tenacious work to improve the welfare of the mountain people. He was known as a staunch supporter of education and the environment, supporting many educational causes, protecting the environment through The Ridge Law, and securing funds for his local Community College. While we knew Bo as a legislator and a friend, there’s another side of Bo that I think you would be interested in knowing as shown through a poem by his granddaughter, Weesie, that I’d like to share with you. It’s entitled Grandfathers.

They share your future, your present, your past.
Together you have a friendship that will always last.
They’re there to talk to; they’re there to sing.
I’ve been there for him as he has for me.

He knows what’s going on when I am good and when I am bad.
Now he’s gone to heaven, and I’ve become so very sad.
I wish he was there, wish he was here with his warm pleasant smile.
And when I wanted to talk his phone number I would dial.

His name was Bo Thomas, as some may recall.
He told me, ‘Keep your spirits high and never let them fall.’
He was a Senator, a father, and a grandfather of four.
He was that and many other things to family, friends and more.
He was one of the people that I first met.
He’s someone I knew and will never forget.
And that’s by his young granddaughter Weesie.

“Senator Bo Thomas was a man of the people. He sure said what he thought, and he fought for the people of western North Carolina, not only western North Carolina, but all of North Carolina. I commend the resolution to you.”

Senator Rand:

“Ladies and gentlemen of the Senate, if you didn’t know Bo Thomas, it would be like me trying to describe a great work of art or, or an opera, or something like that. If you didn’t, if you didn’t see it and you didn’t hear it, there’s no way I could adequately describe it to you. If you never had the opportunity to politic with Bo, you missed a real treat. ‘Cause you’d ride around the mountains at top speed, stopping everywhere you could, seeing everybody you saw, and it was like, I don’t know how to describe what it was like. It was great fun. Bo loved this institution, North Carolina, his family. And he said exactly what he thought about everything he came into contact with. He would sit back here all during my time, with him he did. And he made some of the funniest speeches I ever heard. He also made some of the poignant and pointed speeches I ever heard, and I remember him equally well for both. Knowing Bo was a real treat. It’s what life’s all about. It made my life a lot richer. Thank you.”

Senator Lee:

“Mr. President, Members of the Senate, I had the good fortune of having been in Raleigh serving as Secretary of Natural Resources for two years when Bo arrived. He was a character. I knew of him before that time, but I got to know him real well during the time he was here. I remember him as a man who whenever you met him, even though you may have some doubt running around in your mind, or you were feeling somewhat low or uncertain, his presence gave a lift that made you go away feeling that you could take on the biggest mountain, and take on the world because that’s what he thought. I don’t think
he ever felt that there was nothing he could accomplish or nothing he could do. And I appreciated the things he's done for the State. I feel a sense of loss because our paths did not cross in recent years as much as now I wish they had because I believe this was a real person with a real big heart, a real man who represents the best in North Carolina. The fact that he lived here, contributed to this State, offered himself for public service, made himself available for the highest office in this State. All of these things I will remember, but I guess the thing I'll remember him most for is his spirit of optimism, his depth of caring, and the fact that he had the ability to make one feel good about himself. I'm glad he lived and walked among us."

**Senator Carpenter:**

"Ladies and gentlemen of the Senate, I've known, I knew Bo Thomas since before I took early retirement and ran for the Senate, way back in the eighties, the late eighties. But, he, he was quite a, quite an individual. I think what Senator Rand just said a few minutes ago really, really captures the type of person that Bo Thomas was. He'd come bouncing in the bank, and he'd have something funny to say. He'd have a pocket full of matches that he'd want to hand out, matches all folded up. But, he was the kind of guy, he and my nephew Jeff are in the same, were in the same business, the produce business. And he just, he just made an indelible mark, I think, on most everyone that he came in touch with. And he was a very successful businessman. He operated, you know, a much bigger scope than most people knew. My nephew would fill me in on all the different things that he was doing from time to time. He had a straight forward manner about him, and as has already been said he was a very opinionated person. But, he was opinionated in such a way that you had to smile and listen to him and feel comfortable when he talked to you. And I think the two words that Tony Rand said a few minutes ago, he was great fun. I think that pretty much sums it up into two words. So, Margaret, I'd like to wish you, I can't see you from where I'm sitting or standing, but, Margaret Thomas is just a great, great lady, and I just want to pass on to you our deepest condolences, mine and Helen's. Tony, I mean, Bo Thomas was a great guy, and I'm just privileged to be able to speak on his behalf. Thank you very much."

**Senator Plyler:**

"I knew Bo Thomas for many, many years and certainly admired him, and thought the world of him. We had a lot of conversations. He certainly looked out for his district very well. In Appropriations he was there at all times. The one thing I'd like to say about Bo. When he was campaigning for Senate, he was down in Richmond County, Senator Conder, and he went by to see Sheriff Raymond Goodman. And if you don't know Sheriff Raymond Goodman, if you ever run for statewide office, you'd better go down there first. (Laughter) And he did. And he got the confidence of Sheriff Goodman, and then Sheriff Goodman says, 'Bo, how 'bout riding with me over to Ellerbee. I want to show you my mill.' Bo said, 'All right, sir.' So they get in the Sheriff's Lincoln Continental. And so they go over about eight miles to Ellerbee. They go through the mill completely; meet all the people there; shakes the hands, and come back out. So they head back for Rockingham. So they were going up two twenty, and the Sheriff was driving. And so he says, 'Bo,' and he took his hand and he put it on his heart. He says, 'I am having a heart attack.' Bo said, 'Pull over Mr. Sheriff, and let me drive.' The Sheriff says, 'I haven't got time,' says, 'I've gotta get to the doctor or to the hospital.' And so he begins to drive faster and faster. And Bo said, 'Please Mr. Sheriff,' says, 'if you would, let me drive.' He says, 'I don't have time,' says, 'if you will, reach in the dash box there;
get the telephone, and tell the ambulance to be there at the store when I get there.’ So Bo told me, said, ‘I didn’t think we’d ever get there, alive.’ But again, Bo was a great fellow. He certainly could get the confidence of people, as he did Sheriff Goodman after talking to him a little bit, and I would urge you to support this resolution.”

Senator Ballance:
“Briefly, I was in the House in 1983, and I did not get to the Senate when Bo Thomas was here. And I don’t remember, family members, how we got to be friends. But some how or another, through my being in the House and his being in the Senate, we got to be friends. Senator Plyler, you reminded me when you said when he ran for the Senate, I think it was 1990 and, Senator Basnight, you may remember that time when I invited you up to Littleton in the ice and the snow. And you drove up and Senator Bo Thomas drove down in that bad weather there in Littleton in Halifax County, North Carolina. But I remember Senator Thomas as, as somewhat of a funny person, humorous, but at the same time very sincere. And he was an outgoing, gregarious kind of person who made friends easily. And I’m just proud to have this opportunity to say a word about him.”

Senator Martin of Pitt:
“Bo was here when I arrived, and he seemed to be a little what, somewhat aloof, and I stayed away from Bo for some time not knowing how to approach him. But later on, all of that evaporated. I got to know Bo. I got to know Bo as a dear friend. We talked a lot about produce. We, my wife and I, were up in Hendersonville one summer. We dropped by to see Bo, and nothing would do but to bring back a bushel of tomatoes and other things that go with it. And he was a great character, a good debater, very feisty, I believe Tony, as he has been described. He was that. I used to get amused at some of the, the discussions he carried on with the Lieutenant Governor, Jordan. They had quite a time at times, but Bo persisted. He was very persistent. He believed in what he was doing. He was a great environmentalist. By environmentalist, he cared for his people back in the hills. He loved them. And one thing that I will remember Bo most for, he, in discussion of produce and what have you, I told him I needed a bean that I could grow in my garden that would last in the summer time. He sent me a box of pole beans from Florida. I planted those beans. They turned out good, and after I used them up I told him that they didn’t half do and I needed some more. (Laughter) So he sent me about three pounds in a box later on, and I’m planting those beans today. I have a crop coming this year. They’re about three years old now, and I have enough for about two more years. I keep them frozen, and get what I want each spring, and freeze them back again. And so I’m eating beans now in memory of Bo. I loved the fellow. He was a great character, and I certainly would urge everybody to vote for this resolution. Thank you.”

Senator Rand:
“Ladies and gentlemen of the Senate, one thing I forgot to tell you. There was one thing about Bo I never understood. He was a Duke basketball fan.” (Laughter)

Senator Basnight:
“Thank you Mr. President, Members of the Senate, Margaret, your family, your children, your grandchildren, friends of Bo. There are some sitting in the Gallery today that I’ve not seen in a while that have showed up. Ralph Hunt come back to the Senate for the first since Jeanne came, I recall to that. Bo, to me, was a lot. He was the soil. He was the air. He was the mountaintop, David. He was the coast and all in between and it’s
great people. He was flags. He was flowers. He was all of everything. I remember Senator Jim Richardson seeing Bo coming into the Chambers one day, and he had some very colorful clothes on and his white bucks, the white belt, plaid shirt, a chartreuse coat. I’m not sure where he got it, always a little tight. He said, ‘Bo, you look like a ice cream cone.’ (Laughter) He said, ‘Jim, you look like a chocolate one.’ (Laughter) The flags were very special. I’m sure they’re still on your home, on his home flying, the American and the North Carolina flag, as well as at the beach cottage and the mountain retreat. Bo’s flags were there. And the beach cottage, Tony, in Nags Head, he would fly the Duke pennant, as well. Most especially on those special occasions when they showed up for some tournament, and there was a grand victory. Bo took me into the mountains one day and one of the back roads, places I’d never been before, and there was a bevvy of Mexicans working the field. And they were working aggressively and hard, and they were taking melons out of the field and they were transferring them from hand to basket, to basket, to the guy in the truck. And it was hot, and it was heated, and I asked Bo. I said, ‘Bo, obviously they work very good, but what do they do to the community? Is there degradation? Do they create problems for the courts? What are they doing to Hendersonville? And this county that you love so much? Her people?’ He said, ‘They complement this community. They’re no different than anyone else. They were given to us by the Lord, Himself. We are no better, nor are we no worse. They’re people. They’re human beings.’ He respected you not for your color or where you came from. He respected you as a human being and a person. He loved his work a great deal. He said, ‘I got to go sell a peck of tomatoes.’ And sell them he did. He had places in Nogales. He had ‘em in Florida, and of course in his home. And he could sell tomatoes, and he could sell ‘em with the best. And out of that grew his generosity, his ability to give to others. And boy did he give, and did he appreciate the station of life that many people found theirselves, Howard. He told me about pork barrel, and how some people felt it was ever so damaging, and I respect the opinions of all, as we all do. Bo told me about a school bus, an activity bus for a football team that he saw on the shoulder of a mountain road trying to compete against another team in the mountains. The radiator had sprung a leak, leaked all its water out. Steam was coming out, Tommy. And that bus was the high school bus for Graham County’s Robersonville football team. ‘And boy could they play football,’ Bo said. In fact my high school team played ‘em for the State Championship in 1966, and they beat us real bad. But Bo saw that Liston Ramsey, through enlisting his support, Aaron, got an appropriation to buy a new bus. He bought a bus for the little people of a little county in a little town, a mountain town that had very little. I guess sometimes, and this is Bo speaking, it’s okay for us to build an ice ring, and I support that for white people to play on ice with sticks, and that’s good. And that’s what Bo would say, but at the same time that we do that, let’s not forget the little people among us. Those that do not have the lobbyists or the power of other people to support them. Bo’s belief was equalness and fairness for all. He stood on the back row, and Charlie Hipps sat in front of him one day and he spoke to all of us. And he spoke so beautifully as he looked upon us and he said, ‘For those of you who drive the German cars, and wear the Swiss watch, don’t ever forget those who can only buy a Timex, at Best, or drive a used Ford from Detroit. They’re the people of North Carolina. Let them be a part as well.’ There was great condemnations at times that he applied upon us, Fountain, and rightfully so. He made better law in North Carolina by tempering our actions. And if you brought forward some special interest bill, Bo Thomas was there to hammer you, and rightfully so. He feared no man that is on the face of this earth. His fear was not founded above us. For his children, his grandchildren, I can swear to you that the Lord has him in
His scope of heaven today. You had a special grandfather. You had a special father, Jim, you and your family. He was a special man to all of us, and to this great State. For all the pages who never saw or met Bo Thomas, you missed a grand opportunity in life. God speed to you and we love you.”

The joint resolution passes its second reading (49-0) and third reading, unanimously with Members standing, and is ordered sent to the House of Representatives.

The President extends courtesies of the Gallery to the friends and family of Royce Phelps “Bo” Thomas.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 167, AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION.

S.B. 247, AN ACT PERTAINING TO CONFIDENTIALITY OF HEALTH CARE CONTRACTS.

S.B. 305, AN ACT TO REINSTATE THE OPTION THAT A LICENSED SOLICITOR OF CHARITABLE SOLICITATIONS MAY SUBMIT A CERTIFICATE OF DEPOSIT IN LIEU OF A SECURITY BOND.

S.B. 876, AN ACT TO AMEND THE LAW PERTAINING TO CRIMINAL BACKGROUND CHECKS REQUIRED TO BE OBTAINED BY NURSING HOMES, ADULT CARE HOMES, AND HOME CARE AGENCIES.

H.B. 527, AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST CONTAINMENT THROUGH REVISION OF THE HOSPITAL PRIVILEGES LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH PEER REVIEW FOR OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE.

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 Children & Human Resources Committee:

H.B. 363 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HUMAN RESOURCES NOT TO ELECT ANY CHILD SUPPORT DISTRIBUTION OPTION FOR WHICH FEDERAL FUNDS ARE NOT PROVIDED AND TO INCREASE THE APPLICATION FEE FOR NONPUBLIC
ASSISTANCE CHILD SUPPORT ENFORCEMENT SERVICES, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 455 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA AND DIABETES, with a favorable report.

H.B. 456, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REQUIRING THE REGISTER OF DEEDS TO DISTRIBUTE INFORMATION ON THE DANGERS OF DRUG AND ALCOHOL ABUSE DURING PREGNANCY WITH EACH MARRIAGE LICENSE, with a favorable report.

By Senator Kerr for the Finance Committee:

H.B. 65, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON, with a favorable report.

H.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A CIDER AND VINEGAR MANUFACTURER PERMIT TO BE ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, with a favorable report.

H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHICH PREINDUCEMENT EXPENDITURES MAY BE FINANCED WITH INDUSTRIAL REVENUE BONDS, with a favorable report.

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with a favorable report.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 17, A BILL TO BE ENTITLED AN ACT TO REPEAL AN ACT RELATING TO DISCLOSURE OF BUSINESS INTEREST IN GUILFORD COUNTY, with a favorable report.

H.B. 51, A BILL TO BE ENTITLED AN ACT TO GIVE MUNICIPALITIES IN BUNCOMBE COUNTY GENERAL LAW POWERS AS TO DOWNTOWN DEVELOPMENT PROJECTS, with a favorable report.

H.B. 75, A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE PERSON COUNTY BOARD OF EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA, with a favorable report.
H.B. 281, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ALEXANDER COUNTY BOARD OF COMMISSIONERS MUST FILL A VACANCY WITH THE PERSON NOMINATED BY THE APPROPRIATE POLITICAL PARTY IF THE NOMINATION IS MADE ON A TIMELY BASIS BY REGULAR MAIL IN HOUSING CODE CASES IN THE CITY OF GREENSBORO, with a favorable report.

H.B. 288 A BILL TO BE ENTITLED AN ACT TO ALLOW SERVICE OF COMPLAINTS BY PUBLICATION AND SERVICE OF NOTICES AND ORDERS BY REGULAR MAIL IN HOUSING CODE CASES IN THE CITY OF GREENSBORO, with a favorable report.

H.B. 298 (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING FROM FIVE TO SEVEN THE MEMBERSHIP OF THE COLUMBUS COUNTY AIRPORT AUTHORITY, with a favorable report.

H.B. 526, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO CREATE A SEA TURTLE SANCTUARY, with a favorable report.

H.B. 569 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IN ELECTIONS TO FILL VACANCIES ON THE WENDELL TOWN BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM, THE NEXT HIGHEST VOTE GETTER RECEIVES A TWO-YEAR TERM, RATHER THAN HAVING A SEPARATE ELECTION ON THE BALLOT, with a favorable report.

H.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE, with a favorable report.

H.B. 877, A BILL TO BE ENTITLED AN ACT TO ADD, FOR THE TOWN OF KURE BEACH ONLY, EROSION CONTROL MEASURES TO THE LIST OF PUBLIC ENTERPRISES THAT CITIES HAVE FULL AUTHORITY TO PROTECT AND REGULATE, with a favorable report.

H.B. 988, A BILL TO BE ENTITLED AN ACT TO RESTORE OFFICIAL RECOGNITION TO THE INDIANS OF PERSON COUNTY AND TO PROVIDE THEM WITH REPRESENTATION ON THE COMMISSION OF INDIAN AFFAIRS, with a favorable report.

H.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFETY ZONE AROUND PUBLIC AND PRIVATE SCHOOLS IN CAMDEN COUNTY BY PROHIBITING HUNTING OR THE DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY OF PUBLIC ROADS WITHIN ONE-HALF MILE OF A SCHOOL, 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 2335 is adopted and engrossed.
H.B. 508, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER, 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 2336 is adopted and engrossed.

H.B. 71, A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF HALIFAX AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

By Senator Winner for the Education/Higher Education Committee:

H.B. 945, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PART-TIME BACCALAUREATE DEGREE STUDENTS ARE ELIGIBLE FOR NURSING SCHOLARSHIP LOANS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee.

H.B. 977, A BILL TO BE ENTITLED AN ACT TO ALLOW PARENTS TO ELECT THE PARENTS WHO SERVE ON SCHOOL IMPROVEMENT TEAMS, 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 2334 is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 681 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO, 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 7317 is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute 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 for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, May 22.
S.B. 323 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, May 22.

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. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FUEL PIPING LICENSE FOR PLUMBING AND HEATING CONTRACTORS, TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO CREATE OTHER RESTRICTED LICENSE CLASSIFICATIONS, AND TO ALLOW THE REVOCATION OR SUSPENSION OF A LICENSE FOR FAILURE TO COMPLY WITH RULES PROMULGATED BY THE BOARD.

Referred to the Commerce Committee and upon a favorable report, re-referred to the Finance Committee.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Jordan.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 426 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SPECIAL REGISTRATION LICENSE PLATES ON CERTAIN COMMERCIAL MOTOR VEHICLES AND TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR MAGISTRATES, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

S.B. 570 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A "SCENIC RIVERS" REGISTRATION PLATE WITH THE NET PROCEEDS FROM THE SALE OF THE PLATES TO BE DEPOSITED IN THE CLEAN WATER MANAGEMENT TRUST FUND, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

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Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

H.B. 53 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE 82ND AIRBORNE DIVISION ASSOCIATION SPECIAL REGISTRATION PLATES, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


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. 704, A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION PLATES FOR SHERIFFS, changing the title, upon concurrence, to read H.B. 704 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS, 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 negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 660 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 40, noes 9, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Blust, Carpenter, Carrington, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Garwood, Gulley, Hartsell, Hoyle, Jenkins, Kerr, Kinnaird, Lee, Lucas, Martin of Pitt,

Voting in the negative: Senators Ballantine, Clark, Foxx, Horton, Kincaid, Ledbetter, Page, Rucho, and Webster—9.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Thursday, May 22, for further consideration upon third reading.

S.B. 379 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES WHO HAVE FIVE YEARS CONTINUOUS EXPERIENCE IMMEDIATELY PRECEDING JANUARY 1, 1998, FROM THE TRAINING COURSE REQUIREMENT FOR OPERATORS OF SOLID WASTE MANAGEMENT FACILITIES.

Senator Foxx offers Amendment No. 1 which fails of adoption (15-33).

The Committee Substitute bill passes its second (45-3) and third readings and is ordered sent to the House of Representatives.

S.B. 649 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PENALTY FOR LATE FILING OF REPORTS BY LOBBYIST AND PRINCIPAL.

The Committee Substitute bill passes its second (47-2) and third readings and is ordered sent to the House of Representatives.

S.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEXUAL OFFENDER REGISTRATION PROGRAM TO COMPLY WITH FEDERAL LAW.

Senator Odom offers Amendment No. 1.

With unanimous consent, on motion of Senator Basnight, the Senate recesses at 3:40 P.M. to reconvene at 3:55 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

S.B. 676 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE SEXUAL OFFENDER REGISTRATION PROGRAM TO COMPLY WITH FEDERAL LAW, with Amendment No. 1 pending.

Amendment No. 1, offered by Senator Odom, is adopted (46-0).

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Hartsell.

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.

S.B. 916, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART.

Senator Kerr offers Amendment No. 1 which is adopted (45-0).
Senator Kerr calls the previous question, seconded by Senator Hoyle. The call is sustained.

The bill, as amended, passes its second readings (40-5).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, May 22, for further consideration upon third reading.

**H.B. 402 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INFRACTION FOR CERTAIN ALCOHOL-RELATED OFFENSES MAY BE EXPUNGED FROM A PERSON'S RECORD AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE.**

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 22, for consideration upon its passage.

**H.B. 414 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO SEVERANCE PAY FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS.**

The Committee Substitute bill passes its second (46-1) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 465, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A DEFENDANT BE NOTIFIED WHEN THE PROSECUTOR TAKES A VOLUNTARY DISMISSAL OF THE CHARGES AGAINST THE DEFENDANT AND NEITHER THE DEFENDANT NOR THE DEFENDANT'S ATTORNEY IS PRESENT AT THE TIME OF THE DISMISSAL.**

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 22, for consideration upon its passage.

**S.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX REUSABLE INDUSTRIAL CONTAINERS USED AS PACKAGING FOR TANGIBLE PERSONAL PROPERTY, upon third reading.**

The Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives.

**S.B. 316 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, for concurrence in the House Committee Substitute bill, upon second reading.**

The Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 3, noes 43, as follows:

Voting in the affirmative: Senators Horton, Ledbetter, and Webster—3.


Senator Kerr requests that conferees be appointed at the appropriate time.
S.B. 106 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW REGIONAL SALES OF PERSONAL PROPERTY SEIZED FOR UNPAID TAXES TO BE HELD IN ANY COUNTY, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
May 21, 1997

Mr. 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 has confirmed Ms. Sharon Decker and Mr. Peter Hans, to serve on the State Board of Community Colleges for a six-year term beginning July 1, 1997.

Respectfully,
S/Denise Weeks
Principal Clerk

On motion of Senator Basnight, seconded by Senator Lee, the Senate adjourns at 4:52 P.M. in memory of Royce Phelps "Bo" Thomas, to meet tomorrow, Thursday, May 22, at 12:00 Noon.

SIXTY-SIXTH DAY

Senate Chamber
Thursday, May 22, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Tom Holtzclaw, Pastor of Jarvis Memorial United Methodist Church in Greenville, as follows:

"Dear God, we bow in Your presence to offer our prayers this day. We acknowledge Your sovereign power, grace, and majesty. We praise Your holy name, and offer our thanksgiving for Your mercy and love given freely to each of us.

"We thank You for the privilege of citizenship in this nation and especially in this great State of North Carolina. We give thanks to You for these dedicated legislators who give of their time and talents to serve the citizenry. We pray that You would grant each of them a portion of Your divine wisdom, understanding, compassion, and a sensitivity to
Your holy will for every person. We pray for their families who make major sacrifices in order that they may work toward our good. May Your spirit continue to uphold them, empowering each one for the task that lies before them every day.

"Please help us, the recipients of Your grace, and the benefactors of their diligent labors, to show our appreciation not only in word, but also in our daily living. This prayer we ask in the name of the One who modeled for us all, the role of true servanthood. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Carrington, to Senator Cochrane, to Senator Jordan due to a family matter, and to Senator Warren.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, May 21, has been examined and is found to be correct. On 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 Wehbie from Raleigh, who is serving the Senate as Doctor of the Day.

COMMITTEE REFERRAL RECALL


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 Monday, May 26, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it on the Calendar for Monday, May 26, for consideration upon its passage.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 106, AN ACT TO ALLOW REGIONAL SALES OF PERSONAL PROPERTY SEIZED FOR UNPAID TAXES TO BE HELD IN ANY COUNTY.

S.B. 1023, AN ACT TO AMEND THE POWERS AND DUTIES OF THE DEPARTMENT OF HUMAN RESOURCES TO REQUIRE THE DEPARTMENT TO ACT ON REQUESTS FOR WAIVERS TO COMMISSION OF HEALTH SERVICES RULES AND TO REPORT TO THE GENERAL ASSEMBLY ON PROGRESS AND RECOMMENDATIONS TO IMPROVE THE PROCESS FOR THE GRANTING OR DENIAL OF APPLICATIONS FOR LICENSURE AND WAIVERS.

H.B. 202, AN ACT TO INCREASE THE MINIMUM AMOUNT BY WHICH AN UPSET BID ON REAL PROPERTY IN JUDICIAL SALES AND EXECUTION SALES

May 22, 1997
MUST EXCEED THE REPORTED SALE PRICE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 414, AN ACT RELATING TO SEVERANCE PAY FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS.

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 Jenkins for the Pensions & Retirement and Insurance Committee:

H.B. 1024, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE LICENSING OF CERTAIN SUBSIDIARIES OF INSURERS OWNED OR CONTROLLED BY FOREIGN 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 2332 is adopted and engrossed.

S.B. 1029, A BILL TO BE ENTITLED AN ACT TO PROVIDE REVENUE BOND FUNDING FOR THE PAYMENT OF NATURAL DISASTER CLAIMS UNDER POLICIES OF INSOLVENT INSURERS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6683 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 81 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE.

Pursuant to the message from the House of Representatives received May 15 requesting conferees, without objection, the President Pro Tempore appoints Senator Cochrane, Chairman; and Senators Lucas; Hartsell; Carpenter; and Dalton as conferees on the part of the Senate to act with a like committee from the House of Representatives 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.

S.B. 316 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, with the Senate failing to concur in the House Committee Substitute bill on May 21.

Without objection, the President Pro Tempore appoints Senator Kerr, Chairman; and Senators Hoyle; Kincaid; and Martin of Pitt as conferees on the part of the Senate to
resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

REPORTS OF COMMITTEES (Continued)

By Senator Hoyle for the Finance Committee:

H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION OR IMPENDING CONDEMNATION, with a favorable report.

H.B. 643, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, with a favorable report.

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA SECURITIES ACT AND THE INVESTMENT ADVISERS ACT TO THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted. The Committee Substitute bill, as amended, is engrossed.

S.B. 466, A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN INCOME FROM THE PARENTAL SAVINGS TRUST FUND FROM STATE INCOME 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 8705, which changes the title to read S.B. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE INCOME TAX ALL OF THE ANNUAL INVESTMENT INCOME EARNED BY CONTRIBUTORS ON DEPOSITS IN THE PARENTAL SAVINGS TRUST FUND AS WELL AS THE DISTRIBUTIONS TO BENEFICIARIES OF THAT FUND, is adopted and engrossed.

S.B. 784, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX RELIEF AND SIMPLIFICATION BY CONFORMING STATE TAX LAW TO THE FEDERAL RULE THAT GRANTS A FILING EXTENSION EVEN IF THE REQUEST IS NOT ACCOMPANIED BY PAYMENT, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed bill A754 is adopted and engrossed.

S.B. 875 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES, with an unfavorable report as to Committee Substitute bill as written by the State Government, Local Government, and Personnel...
Committee, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 1815, is adopted and engrossed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 370 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR THE ENFORCEMENT OF ARBITRATION AWARDS PURSUANT TO THE ACT ENTERED OUTSIDE NORTH CAROLINA AND TO GIVE A PARTY THE RIGHT TO BE REPRESENTED BY AN ATTORNEY AT A PROCEEDING PURSUANT TO THE ACT, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, May 26.

S.B. 409 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT AIRPORT LAW ENFORCEMENT AGENCIES TO ENTER COOPERATION AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, May 26.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 65, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, May 26, for further consideration upon third reading.

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Conder, Cooper, Dalton, Dannelly, Garwood, Gulley, Hartsell, Horton,

Voting in the negative: Senators Clark, East, Forrester, Foxx, Kincaid, Page, and Webster—7.

The Committee Substitute bill is ordered placed on the Calendar for Monday, May 26, for further consideration upon third reading.

H.B. 508 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER.

With unanimous consent, on motion of Senator Plyler, the Senate Committee Substitute bill is taken up out of its regular order of business.

Senator Plyler offers Amendment No. 1 which is adopted (46-0), changing the title, upon concurrence, to read H.B. 508 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER AND TO PROVIDE FOR NO WAKE ZONES ON LAKE NORMAN.

The Senate Committee Substitute bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 17, A BILL TO BE ENTITLED AN ACT TO REPEAL AN ACT RELATING TO DISCLOSURE OF BUSINESS INTEREST IN GUILFORD COUNTY.

The bill passes its second and third readings and is ordered enrolled.

H.B. 51, A BILL TO BE ENTITLED AN ACT TO GIVE MUNICIPALITIES IN BUNCOMBE COUNTY GENERAL LAW POWERS AS TO DOWNTOWN DEVELOPMENT PROJECTS.

The bill passes its second and third readings and is ordered enrolled.

H.B. 75, A BILL TO BE ENTITLED AN ACT CODIFYING THE METHOD OF ELECTING THE PERSON COUNTY BOARD OF EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

The bill passes its second and third readings and is ordered enrolled.

H.B. 112 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFETY ZONE AROUND PUBLIC AND PRIVATE SCHOOLS IN CAMDEN COUNTY BY PROHIBITING HUNTING OR THE DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY OF PUBLIC ROADS WITHIN ONE-HALF MILE OF A SCHOOL.

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. 281, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THE ALEXANDER COUNTY BOARD OF COMMISSIONERS MUST FILL A VACANCY WITH THE PERSON NOMINATED BY THE APPROPRIATE POLITICAL PARTY IF
THE NOMINATION IS MADE ON A TIMELY BASIS.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 288,** A BILL TO BE ENTITLED AN ACT TO ALLOW SERVICE OF COMPLAINTS BY PUBLICATION AND SERVICE OF NOTICES AND ORDERS BY REGULAR MAIL IN HOUSING CODE CASES IN THE CITY OF GREENSBORO.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 298** (Committee Substitute), A BILL TO BE ENTITLED AN ACT INCREASING FROM FIVE TO SEVEN THE MEMBERSHIP OF THE COLUMBUS COUNTY AIRPORT AUTHORITY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 526,** A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO CREATE A SEA TURTLE SANCTUARY.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 569** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT IN ELECTIONS TO FILL VACANCIES ON THE WENDELL TOWN BOARD FOR THE REMAINDER OF THE UNEXPRIED TERM, THE NEXT HIGHEST VOTE Getter RECEIVES A TWO-YEAR TERM, RATHER THAN HAVING A SEPARATE ELECTION ON THE BALLOT.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 806** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 877,** A BILL TO BE ENTITLED AN ACT TO ADD, FOR THE TOWN OF KURE BEACH ONLY, EROSION CONTROL MEASURES TO THE LIST OF PUBLIC ENTERPRISES THAT CITIES HAVE FULL AUTHORITY TO PROTECT AND REGULATE.

The bill passes its second and third readings and is ordered enrolled.

**S.B. 660** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 38, noes 8, as follows:


May 22, 1997
Voting in the negative: Senators Ballantine, Blust, Clark, Foxx, Horton, Kincaid, Ledbetter, and Webster—8.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

**H.B. 348** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A CIDER AND VINEGAR MANUFACTURER PERMIT TO BE ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill is ordered placed on the Calendar for Monday, May 26, for further consideration upon third reading.

The President extends the courtesies of the Gallery to Jennie Reeves, the mother of Senator Reeves.

**H.B. 402** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN INFRACTION FOR CERTAIN ALCOHOL-RELATED OFFENSES MAY BE EXPUNGED FROM A PERSON'S RECORD AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE.

The Committee Substitute bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 455** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA AND DIABETES.

The Committee Substitute bill passes its second (45-1) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 456**, A BILL TO BE ENTITLED AN ACT TO REPEAL THE LAW REQUIRING THE REGISTER OF DEEDS TO DISTRIBUTE INFORMATION ON THE DANGERS OF DRUG AND ALCOHOL ABUSE DURING PREGNANCY WITH EACH MARRIAGE LICENSE.

The bill passes its second (44-1) and third readings and is ordered enrolled and sent to the Governor.


With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, May 28, for consideration upon its passage.
H.B. 474 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHICH PREINDUCEMENT EXPENDITURES MAY BE FINANCED WITH INDUSTRIAL REVENUE BONDS.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 977 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW PARENTS TO ELECT THE PARENTS WHO SERVE ON SCHOOL IMPROVEMENT TEAMS.

The President grants a leave of absence for the remainder of today’s Session to Senator Plyler.

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. 988, A BILL TO BE ENTITLED AN ACT TO RESTORE OFFICIAL RECOGNITION TO THE INDIANS OF PERSON COUNTY AND TO PROVIDE THEM WITH REPRESENTATION ON THE COMMISSION OF INDIAN AFFAIRS.

The bill passes its second (43-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 916, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART, as amended, upon third reading.

Senator East offers Amendment No. 2.

The President orders, without objection, the bill, as amended, temporarily displaced with Amendment No. 2 pending.

S.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER, 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 44, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for Monday, May 26, for further consideration of concurrence upon third reading.

S.B. 323 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES, 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. 916, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART, as amended, upon third reading, temporarily displaced earlier with Amendment No. 2 pending.

The President orders, without objection, the bill, as amended, temporarily displaced with Amendment No. 2 pending.

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. 1035, A BILL TO BE ENTITLED AN ACT TO REVISE THE DEFINITION OF FOOD FOR SALES TAX PURPOSES AND ALLOW A PERCENTAGE DISCOUNT TO MERCHANTS FOR COLLECTING STATE SALES AND USE TAXES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8704 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Appropriations Committee.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 999 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE SOIL AND WATER CONSERVATION COMMISSION TO CONDUCT INSPECTIONS, 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 8241 is adopted and engrossed.

S.B. 916, A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS REGULATING COSMETIC ART, as amended, upon third reading, temporarily displaced earlier with Amendment No. 2 pending.

With unanimous consent, Senator East withdraws Amendment No. 2.

Senator East offers Amendment No. 3 which is adopted (43-0).

Upon the appearance of Senator Warren in the Chamber, the President acknowledges his presence and the leave of absence granted previously is withdrawn.

The bill, as amended, passes its third reading (42-3) and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Kerr, the Senate adjourns at 1:26 P.M. to meet Monday, May 26, at 7:00 P.M.
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 Ronald Avery, Pastor of St. Matthew Baptist Church in Raleigh, as follows:

"May we bow in prayer.

"Standing on the promises of Christ, my King, through eternal ages let His praises ring. 'Glory in the highest,' I will shout and sing, standing on the promises of God.

"Our Father, and our strong God, we bow this evening in thanksgiving for our being here. We thank You, Lord, for the acts of bravery and the ultimate sacrifices of our military men and women. And most of all Lord, we thank You for the substitutionary act of Jesus that makes our living not in vain.

"Bless our world and our governments at all levels, and bless, Father, these men and women that have assembled here and have taken the challenge of leadership. I pray, God, that You give them the wisdom of Solomon that they might be better able to lead Your people. And then encamp round about them Your amazing grace and Your manifold mercies. And then Lord, so that they might be more sensitized to the infirmities of the weak, I pray, our God, that You will fill their hearts with Your love. That love that runs from heart to heart and from breast to breast. And now my God, as I close this prayer, we do not cease from praying. I pray, God, that You will take this prayer and make it a blessing, and then make us a blessing. I offer this petition in the name of the Father, the Son, and the blessed Holy Ghost, in Jesus’ name we pray, Amen."

With unanimous consent, the President Pro Tempore grants leaves of absence for tonight to Senator East due to business and to Senator Jordan due to a family matter.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of Thursday, May 22, has been examined and is found to be correct. On 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. Benton Satterfield from Raleigh, who is serving the Senate as Doctor of the Day in absentia.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 323, AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES.

H.B. 402, AN ACT TO PROVIDE THAT AN INFRACTION FOR CERTAIN ALCOHOL-RELATED OFFENSES MAY BE EXPUNGED FROM A PERSON'S
RECORD AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE.

H.B. 455, AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA AND DIABETES.

H.B. 456, AN ACT TO REPEAL THE LAW REQUIRING THE REGISTER OF DEEDS TO DISTRIBUTE INFORMATION ON THE DANGERS OF DRUG AND ALCOHOL ABUSE DURING PREGNANCY WITH EACH MARRIAGE LICENSE.

H.B. 474, AN ACT TO CLARIFY WHICH PREINDUCEMENT EXPENDITURES MAY BE FINANCED WITH INDUSTRIAL REVENUE BONDS.

H.B. 790, AN ACT TO PROVIDE THAT A CHECK TAKER OR ACCEPTOR SHALL NOT WRITE OR PRINT THE RACE OR GENDER ON THE CHECK OR DRAFT OF A CHECK PASSER.

H.B. 988, AN ACT TO RESTORE OFFICIAL RECOGNITION TO THE INDIANS OF PERSON COUNTY AND TO PROVIDE THEM WITH REPRESENTATION ON THE COMMISSION OF INDIAN AFFAIRS.

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

H.B. 17, AN ACT TO REPEAL AN ACT RELATING TO DISCLOSURE OF BUSINESS INTEREST IN GUILFORD COUNTY.

H.B. 51, AN ACT TO GIVE MUNICIPALITIES IN BUNCOMBE COUNTY GENERAL LAW POWERS AS TO DOWNTOWN DEVELOPMENT PROJECTS.

H.B. 75, AN ACT CODIFYING THE METHOD OF ELECTING THE PERSON COUNTY BOARD OF EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.

H.B. 281, AN ACT TO PROVIDE THAT THE ALEXANDER COUNTY BOARD OF COMMISSIONERS MUST FILL A VACANCY WITH THE PERSON NOMINATED BY THE APPROPRIATE POLITICAL PARTY IF THE NOMINATION IS MADE ON A TIMELY BASIS.

H.B. 288, AN ACT TO ALLOW SERVICE OF COMPLAINTS BY PUBLICATION AND SERVICE OF NOTICES AND ORDERS BY REGULAR MAIL IN HOUSING CODE CASES IN THE CITY OF GREENSBORO.

H.B. 298, AN ACT INCREASING FROM FIVE TO SEVEN THE MEMBERSHIP OF THE COLUMBUS COUNTY AIRPORT AUTHORITY.

H.B. 526, AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO CREATE A SEA TURTLE SANCTUARY.

H.B. 569, AN ACT TO CLARIFY THAT IN ELECTIONS TO FILL VACANCIES
ON THE WENDELL TOWN BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM, THE NEXT HIGHEST VOTE GETTER RECEIVES A TWO-YEAR TERM, RATHER THAN HAVING A SEPARATE ELECTION ON THE BALLOT.

H.B. 806, AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

H.B. 877, AN ACT TO ADD, FOR THE TOWN OF KURE BEACH ONLY, EROSION CONTROL MEASURES TO THE LIST OF PUBLIC ENTERPRISES THAT CITIES HAVE FULL AUTHORITY TO PROTECT AND REGULATE.

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. 488, AN ACT TO AUTHORIZE AN INCREASE IN THE FEE CHARGED FOR RABIES TAGS. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-69.)

H.B. 336, AN ACT TO ALLOW TWO MEMBERS OF THE VICTIM'S FAMILY TO BE PRESENT AT AN EXECUTION. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-70.)

S.B. 265, AN ACT TO AMEND THE STATUTES ON SPECIAL RESPONSIBILITY CONSTITUENT INSTITUTIONS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO CLARIFY THE ROLE OF THE OFFICE OF THE STATE AUDITOR. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-71.)

S.B. 800, AN ACT TO TRANSFER THE AUTHORITY TO EMPLOY AN EXECUTIVE SECRETARY FOR THE JUDICIAL STANDARDS COMMISSION FROM THE COMMISSION AS A WHOLE TO THE COMMISSION CHAIR. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-72.)

H.B. 143, AN ACT TO CHANGE THE ANNUAL COST REPORTING REQUIREMENTS OF ADULT CARE HOMES TO THE DEPARTMENT OF HUMAN RESOURCES AND TO CHANGE THE DEPARTMENT'S ENFORCEMENT PROVISIONS. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-73.)

H.B. 61, AN ACT TO REPEAL OBSOLETE SECTIONS OF CHAPTER 106 OF THE NORTH CAROLINA GENERAL STATUTES. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-74.)

H.B. 527, AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST CONTAINMENT THROUGH REVISION OF THE HOSPITAL PRIVILEGES LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF

May 26, 1997
CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH PEER REVIEW FOR OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-75.)

S.B. 945, AN ACT TO REQUIRE THE PRESCRIBER'S AND THE PATIENT'S CONSENT FOR INTERCHANGE OF A LIMITED CLASS OF DRUGS. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-76.)

H.B. 36, AN ACT TO RELIEVE CONSUMERS OF THE REQUIREMENT OF FILING MONTHLY USE TAX RETURNS. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-77.)

H.B. 147, AN ACT TO CREATE THE FELONY OFFENSE OF DOG FIGHTING AND BAITING. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-78.)

H.B. 174, AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO PERMIT AN ACTIVE SENTENCE TO BE IMPOSED FOR A CRIMINAL CONVICTION IF THE DEFENDANT SERVED TIME AWAITING TRIAL. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-79.)

H.B. 175, AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO MAKE CERTAIN TECHNICAL, CLARIFYING, AND CONFORMING AMENDMENTS TO STRUCTURED SENTENCING. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-80.)

H.B. 191, AN ACT TO PROVIDE FOR THE FILING AND REGISTRY OF CERTIFIED COPIES OF OUT-OF-STATE CUSTODY DECREES AND FOR THE VALIDATION OF CERTIFIED COPIES OF WILLS RECORDED WITHOUT PROBATE. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-81.)

H.B. 192, AN ACT TO MAKE CHANGES IN THE MEMBERSHIP OF THE NORTH CAROLINA COURTS COMMISSION. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-82.)

H.B. 197, AN ACT TO ESTABLISH A PROCEDURE FOR CONDUCTING JUDICIAL SALES OF TIMBER BY SEALED BID, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-83.)

H.B. 935, AN ACT TO RECOGNIZE LLAMAS AS LIVESTOCK ANIMALS. (Became law upon approval of the Governor, May 22, 1997 - S.L. 1997-84.)

H.B. 17, AN ACT TO REPEAL AN ACT RELATING TO DISCLOSURE OF BUSINESS INTEREST IN GUILFORD COUNTY. (Became law upon ratification, May 26, 1997 - S.L. 1997-85.)

H.B. 51, AN ACT TO GIVE MUNICIPALITIES IN BUNCOMBE COUNTY
GENERAL LAW POWERS AS TO DOWNTOWN DEVELOPMENT PROJECTS.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-86.)

H.B. 75, AN ACT CODIFYING THE METHOD OF ELECTING THE PERSON COUNTY BOARD OF EDUCATION AS ORDERED BY THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-87.)

H.B. 281, AN ACT TO PROVIDE THAT THE ALEXANDER COUNTY BOARD OF COMMISSIONERS MUST FILL A VACANCY WITH THE PERSON NOMINATED BY THE APPROPRIATE POLITICAL PARTY IF THE NOMINATION IS MADE ON A TIMELY BASIS.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-88.)

H.B. 288, AN ACT TO ALLOW SERVICE OF COMPLAINTS BY PUBLICATION AND SERVICE OF NOTICES AND ORDERS BY REGULAR MAIL IN HOUSING CODE CASES IN THE CITY OF GREENSBORO.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-89.)

H.B. 298, AN ACT INCREASING FROM FIVE TO SEVEN THE MEMBERSHIP OF THE COLUMBUS COUNTY AIRPORT AUTHORITY.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-90.)

H.B. 526, AN ACT TO AUTHORIZE THE TOWN OF WRIGHTSVILLE BEACH TO CREATE A SEA TURTLE SANCTUARY.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-91.)

H.B. 569, AN ACT TO CLARIFY THAT IN ELECTIONS TO FILL VACANCIES ON THE WENDELL TOWN BOARD FOR THE REMAINDER OF THE UNEXPIRED TERM, THE NEXT HIGHEST VOTE GETTER RECEIVES A TWO-YEAR TERM, RATHER THAN HAVING A SEPARATE ELECTION ON THE BALLOT.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-92.)

H.B. 806, AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-93.)

H.B. 877, AN ACT TO ADD, FOR THE TOWN OF KURE BEACH ONLY, EROSION CONTROL MEASURES TO THE LIST OF PUBLIC ENTERPRISES THAT CITIES HAVE FULL AUTHORITY TO PROTECT AND REGULATE.  
(Became law upon ratification, May 26, 1997 - S.L. 1997-94.)

CALENDAR

H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE
LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION OR IMPENDING CONDEMNATION, on today’s Calendar upon second reading.

With unanimous consent, on motion of Senator Dalton, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 4, for consideration upon second reading.

The President Pro Tempore extends courtesies of the floor to Jim Garrison, former Senator from Stanly County.

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 Cooper for the Judiciary Committee:

H.B. 448 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR’S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED, 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 1381, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, May 28, for further consideration.

By Senator Hoyle for the Finance Committee:

S.B. 374, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX CERTAIN NUTRITIONAL SUPPLEMENTS DISPENSED BY CHIROPRACTORS, with unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4606, which changes the title to read S.B. 374 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX NUTRITIONAL SUPPLEMENTS SOLD BY CHIROPRACTORS, is adopted and engrossed.

CALENDAR (Continued)

S.B. 875 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES, on today’s Calendar upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill No. 2 is taken up out of its regular order of business, and on his further motion, the
Committee Substitute bill No. 2 is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, May 27, for consideration upon second reading.

MESSAGES 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, and disposed of, as follows:

S.B. 914 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE REIMBURSEMENT METHODOLOGY FOR HOSPITAL CHARGES UNDER WORKERS’ COMPENSATION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, May 27.

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. 537, A BILL TO BE ENTITLED AN ACT TO PROVIDE RELIEF FOR FEDERAL RETIREES AND THE SURVIVING SPOUSES OF FEDERAL RETIREES.
Referred to Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 316  
House of Representatives  
May 22, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute for SB 316, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, the Speaker has appointed as conferees on the part of the House,

Representative Gray, Chair;
Representative Dickson,
Representative Carpenter,
Representative Owens, and
Representative R. Hunter

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

May 26, 1997
REPORT TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit a report (see Addendum) which is ordered placed on file in the Office of the Principal Clerk, as follows:

The Office of the State Controller, along with the Office of the State Budget and Management and the North Carolina Department of Revenue, submit the State of North Carolina Summary of Financial Condition, dated April 30, 1997.

CALENDAR (Continued)

Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

S.J.R. 164, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WESLEY DAVIS WEBSTER, FORMER MEMBER OF THE GENERAL ASSEMBLY.

With unanimous consent, on motion of Senator Plyler, the joint resolution is taken up out of its regular order of business and is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator Plyler, the joint resolution is read in its entirety, and on his further motion, the remarks of the Senators memorializing the life and memory of Wesley Davis Webster, former member of the General Assembly, are spread upon the Journal, as follows:

Senator Plyler:

"Thank you, Mr. President and Members of the Senate. I rise to speak on the resolution. You have heard it in its entirety, but I have a few more remarks that I would like to make about our good friend, Wes Webster. We all knew Wes as a very, very hard working gentleman. He worked here in the Senate. He worked in the House. He worked for the Department of Transportation. He worked for several groups across the State as a lobbyist here, and did an outstanding job. Everyone really loved and respected Wes Webster. On your desks you will find a poppy and a little pin. The family has furnished these poppies so that if you will, take those in memory of Wes. This was a real favorite day of Wes Webster, Memorial Day. He always loved to participate in memorial functions whenever he could. And course, course certainly it is fitting because he loved his country so well and served in World War II. Wes was awarded the Purple Heart. He marched in the Battle of the Bulge where he suffered frost bites in the, in the, in his feet. Because of this, Wes sponsored a bill creating the Purple Heart license plate. He was offered the number one plate, but the General had requested it and knowing Wes, he said he would graciously concede to the General because he knew his place. As long as he lived he wore his Purple Heart license plate just like he wore his glasses. Many of you know that he wore those glasses, but then he would take 'em off occasion and he would stick the stem in his mouth and walk around for hours with the stem in his mouth. That was his trademark. He loved to tell war stories. The poppies on your desk is, as I mentioned before, is from from his family for you to wear in celebration of Wes', the memory of his life. And good friends, Wes was an absolute good friend to me. Wes had lots of good friends. He loved Jim Garrison to death. He proceeded as Jim proceeded me in the Senate and as the President has already announced that Jim is here on the Floor this evening.

"I have a letter that Jim gave me and asked me if I would read this letter to each of
you this evening. ’I met former Senator Wes Webster when he was in the House and I served in the Senate. Later he was elected to the Senate, and that was when our real friendship began. Wes has a great background. Let me tell you a little bit about it. He was a County Commissioner, House Member, Senator, and Deputy Secretary of Transportation. He excelled in all of these jobs. Wes did a great job for the Governor, Hunt, for these, in these positions. Governor Hunt used to spend the night in Raleigh with Wes when he was Lieutenant Governor. One of my proudest moments was when Wes asked me to be his best man when he married Sandra. I have been elected in politics for twenty years and active for forty years. Wes impressed me more than any other person who has worked with government. Not only that, he was a very loyal person. I still have a hard time talking about Wes without getting emotional. I think it is great that you are honoring Wes and his family today. And I want to personally thank you for it, Former Senator Jim Garrison.'

“We, we knew Wes as what has been mentioned before, but there was another part of Wes that hasn’t been mentioned yet; how much he liked to help people. Wes had rather do someone a favor than himself, than to get a favor done for him. He would work with people to try to get them positions in various areas, or if they were in a little bit of trouble he would try to help ‘em get out of that trouble. And until Wes’ last few hours he was on the telephone, and sometimes Sandra would have to hold the telephone up to his ear and then take a message, but he was on the telephone trying to help people that he knew, and that he knew that he could a little bit of good for. Again, Wes Webster was loved by everyone. We miss him very, very much. We want to say to the family that we appreciate you letting us know him as long as we did, and we know that you took care of him the best that could be taken, anyone could be taken care of during his illness and his death. Mr. President and Members of the Senate, I commend this resolution to you tonight in memory of Wes Webster, a good friend to all. Thank you.”

Senator Conder:

“Thank you, Mr. President, ladies and gentlemen of the Senate. I rise, too, to speak in support of this very important resolution. It seems like that my life and Wes Webster’s life sort of paralleled itself starting back in both our County Commissioners days. I used to sit around at night and philosophize with Wes about county government, comparing my home county, Richmond County, with his home county, Rockingham County. People always would get us confused because our county seat is Rockingham City. But, Wes was a very devoted public servant. He did a magnificent job for the citizens of Rockingham County, the ten or twelve years that he served up there as the County Commissioner. I also followed his career as he came into the General Assembly working as a member of the House, also a Member of the Senate. And I also knew Wes in another life, he was also a banker. And I used to see Wes at bankers meetings across the State, and we had a good dialogue going on banking interests as well as our county government at that time. I also echo Senator Plyer’s comments about always helping people. I never saw Wes Webster when he didn’t have something on his mind about trying to do something to help someone else. He wanted this world and his life to be better than the way he found it. And if anybody ever practiced that, that was Senator Wes Webster. And he was also a man of unquestioned integrity, and I don’t think anybody could say anything any finer about a person than having unquestioned integrity, but that was Wes Webster. I commend this resolution to you. Thank you.”
Senator Kincaid:

"Thank you, Mr. President, Members of the Senate. I had the pleasure of serving with Wes Webster in the House in 1971, and then we both came to the Senate in '73. You, Members of this Body that have served in the House in those days, may recall that often times, especially in the House, there was a lot of political infighting. I'm proud to say I've never seen too much of that in the Senate, and we seem to get more civilized each Session, and for that I appreciate this in the Senate. But, back in those days I'm proud to say that Senator Webster, due to all the political infighting, was one of the fairest people that I served with. On pure, purely partisan matters, of course, he supported his party and I supported mine, but usually, ninety percent of the time, with the exception of purely political matters, Senator Webster was a statesman. And he's helped me a lot in the General Assembly. I appreciate it. I concur with everything that Senator Plyler has stated tonight, and Senator Conder. There's a lot I could say about Senator Webster. He's what has made North Carolina better. He was indeed a respected statesman, and I'm proud to say a few words in favor of this resolution."

Senator Hoyle:

"Thank you, Mr. President and Members of the Senate. I had the privilege of meeting Wes Webster in June of 1977 when myself and Senator Basnight were sworn in on to the Highway Commission, the State Board of Transportation, and Wes was serving as Deputy Secretary. And from the first hand shake and the first hello, he made me feel as if we'd known each other for fifty years. Wes Webster was a, was a gentleman, and a gentle man. I never heard Wes Webster say an unkind word about a soul, about anybody. And if you stay around this place for as long as he did, you get plenty of opportunities, but not with Wes. Wes Webster was a man of great character and class. And as Senator Plyler said he would come into my office, he'd sit down and take his glasses off and start chewing on the stem, sort of tell you what, what was on his mind, and then go on about his business. My life was enriched by having had the opportunity to get to know Wes Webster. I know that he will be missed by his family and by his many friends, and he's gonna be missed by me greatly. Thank you."

Senator Soles:

"Mr. President, ladies and gentlemen of the Senate, I had the good fortune to serve in the House of Representatives and in the Senate with Wes Webster. As you've already heard he was a man of sterling character. He was a man that never was too busy to take time to talk with you or to help you with your problems. I remember when he was at the Department of Transportation and my office was on the front where Senator Basnight's is now, and I can see him going back and forth between the buildings, working, trying to coordinate with the Department of Transportation and the legislature. Of all the people that I've ever had to try to help me with the Department of Transportation, Wes Webster could get more done than anybody else, and he just would come in grinning to sit down to tell you and give you a report of what he had done for you. His great pleasure was to be able to accomplish something for someone else, and then to come back and tell you that that little problem had been taken care of. The State of North Carolina is better for having had Wes Webster here, and I'm certainly a better person for having served with him."

Senator Perdue:

"Thank you. Wes Webster, Members of the Senate, was one of the finest people I've ever met. He happened also to be one of the first folks I met when I came to the House
ten years ago as a green freshman. And he sat me down because at that time, I guess he thought because he was so good to freshmen, that he needed to have some special advice because I was a woman and one of the few women serving here at that time. He talked to me in my office and said, 'You know, Ms. Perdue, you need to do what's right as a North Carolina Member of the General Assembly, 'cause you've always got to remember there's somebody somewhere who's watching you.' And then he thought a minute and chewed on those glasses, Aaron, and he said, 'You know what? And you're supposed to be a little bit better because you're elected.' And he stopped and he chewed a little bit longer and he said, 'But Bev, if you can't do that,' it had gone from Ms. Perdue to Bev. I figured he knew I couldn't be as good as he wanted me to be. He said, 'Just be good, just as good as the average Joe or Josephine in North Carolina 'cause you're looking at one.' Sandra and the members of Wes' family, Wes Webster didn't tell the truth that day. He was never average. He was as good as you can get in North Carolina. We loved him here. He was the man of the deepest integrity I've ever seen. If he told you something, you could take it to the bank. I can only imagine how you all must miss him every day because every day when I walk in the building I think of Wes Webster, and I miss him terribly. Thank you, thank you, thank you for sharing him with us for but a brief time. He made me better, and I would bet he made each of you better, and I know he made North Carolina better.'

Senator Rand:

"Thank you. Ladies and gentlemen of the Senate, Wes Webster did the one thing that any successful lobbyist has to do. He made you always glad to see him. When he would come by, whether he was delivering good news or bad news or whatever. He did it with unfailingly good spirits. He always did it honestly. He always did it up front, and he always did it in the way it should be done. It was my pleasure to know him while he worked with the DOT, and to work on a number of projects with him. He was a grand fellow to be around. He was a great addition to the legislative process, and we will certainly all miss him now. Thank you."

Senator Lee:

"Mr. President, Members of the Senate, I met Wes Webster in the mid '70's when as mayor of Chapel Hill I began working the legislature on behalf of my community. He was one of the people in this Body who stood out because, though I was a green mayor, still very much inexperienced, had no idea as to how to work this system, he was one of the few in this Body who took the time to help me along and I shall never forget that. When I was running for Lieutenant Governor in 1976 and went into his area, even though the former Speaker of the House was running at the same time, Wes did not shy away from escorting me into various events and showing up where I showed up. Convincing me that he was a man both of principle and courage. And then when I arrived in Raleigh as Secretary of the Department of Natural Resources and had to spend much more time in the Senate, he was among a few people in this Body who embraced me and helped me along, who guided me and ensured that I made fewer mistakes, and that I was a success in my role. Then as a member of the Department of Transportation, former member of the Department of Transportation when I came back and Senator Basnight asked me to serve as Chair of the Transportation Committee for the Senate, there was Wes Webster. There to assist me with adjusting, helping me understand the Department, and pointing out pitfalls that I needed to be aware of. And then when he became a lobbyist, the one thing I can say about him is that he was a lobbyist lobby, a lobbyist lobbyist. He always told the
truth. He always gave complete information. He always tried to make sure you understood both sides of the problem, and then he left you to make your decision, and he respected that decision. I agree with Senator Perdue. He was an above average person. I did not know him as a member of the House, but as a Senator he was an outstanding Senator. As an administrator, he was an outstanding administrator. As a lobbyist, he was a fine example of what a lobbyist should be. And as a man, his mark is indelibly left upon the face of this State. I am pleased I had a chance to get to know him, to work with him, and I’m glad I was here when he passed along this way. I commend this resolution to you, my colleagues.”

Senator Carpenter:
“Helen and I enjoyed many happy moments with his lovely wife, Sandra, and Wes. We, we knew this man in a particular way that has been already reflected here tonight by the different speeches that have been made far more eloquently than I can talk. He truly was a dedicated and valuable citizen of North Carolina. He had a bipartisan rapport, approach, Senator Kincaid had already eluded to. In all of his endeavors, lobbying or the DOT or whatever it had to do. North Carolina is truly a better place to live because of his accomplishments, and they were very many. He had many trademarks as Senator Plyler so eloquently stated, and I think they reflect and they parallel, somewhat, another gentleman we just spoke to last week, Russell Swindell. They all had little, it’s been mentioned about the way he’d hook the corner of his glasses in his cheek and would walk around and talk. It’s just a sort of a thing you could just see him in the Halls right now if close your eyes. We will miss Wes. We will continue to miss him. I’m very happy, Mr. President, to urge the adoption of this resolution. Thank you.”

Senator Foxx:
“Ladies and gentlemen, you have spoken eloquently about Wes Webster, and I knew Wes a little bit when he worked with the Department of Transportation, and found him to be as you all have said, somebody very easy to work with and to get along with. But I’m in Rockingham County a good bit since I represent Rockingham County, and you all have spoken well about his service here and the respect that he gained here. Let me tell you he has never lost the respect of the people in Rockingham County for all that he did, and has continued to mean to Rockingham County. And I think that the resolution is so well stated. He was a respected statesman, a devoted family man, and was dedicated to the advancement of his community, and the folks in Rockingham County will never forget Wes Webster and what he did for that community and how well he represented them. And it’s an honor to continue to represent that county.”

Senator Basnight:
“In time there will be spoken words about all of us. In another generation and hopefully in the same place, Senator Lee, but I do not believe from my knowledge and the period of my life that I spent with Wes that they will be quite as generous as those that are offered tonight, and for those unspoken words that we do not hear in this Chamber. Wes Webster was a soldier, and is it not very fitting that this resolution that we speak to today occurs on Memorial Day. The day in which we honor all veterans and those who gave the supreme sacrifice. Wes Webster gave a great deal to his State and to mankind. He was willing to share a lighter time of the days that we had together in the Halls. He always had a little laugh to offer all of us. But there was a deeper part that I most appreciated about a man willing to do those things that made his State greater and better by his time
here. Wes would stop for anyone to have conversation and share some of those joys and his concerns. He made many friends. But, Senator Kincaid, when you try to bridge the gap between political parties regardless of it being here or Washington or any other state, it becomes very difficult. Jim Harrington joins us tonight. He flew in from Egypt. He was a very special person to Wes. He employed him as the Deputy Transportation Secretary, and he chose Wes among all the people of this great State of ours to do just that. And Jim to you I say a job well done. "Cause Wes could easily speak to people of any party, and Senator Ballance, obviously to any color as well. He was a good, generous, caring, loving man. I miss him, but more so than myself, his family will miss him, and those who follow us in the Chamber that he loved so very much."

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

The President Pro Tempore extends courtesies of the Gallery to the friends and family of Wesley Davis Webster, including Sandra, his wife; daughter, Connie Trempsus and husband, Bill, with their children, Todd McFall, Wendy Womble, Michael Trempsus; grandson, C. J. McFall, and great grandchild, Jessica Womble; son, Dodd and wife, Ann, with their son, Christopher Lee; his niece, Patricia Morris; his sister, Josephine Pollard; and his brother and wife, Phillip and Helen Webster; and former colleagues from the Department of Transportation.

H.B. 65, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON, upon third reading. The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.
The bill is ordered enrolled.

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 29, for consideration upon third reading.

H.B. 643, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, May 27, for further consideration upon third reading.

H.B. 348 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A CIDER AND VINEGAR MANUFACTURER PERMIT TO BE ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA SECURITIES ACT AND THE INVESTMENT ADVISERS ACT TO THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996, as amended, upon second reading.

With unanimous consent, on motion of Senator Reeves, the Committee Substitute bill, as amended, is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, May 28, for consideration upon second reading.

S.B. 466 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM STATE INCOME TAX ALL OF THE ANNUAL INVESTMENT INCOME EARNED BY CONTRIBUTORS ON DEPOSITS IN THE PARENTAL SAVINGS TRUST FUND AS WELL AS THE DISTRIBUTIONS TO BENEFICIARIES OF THAT FUND.

The Committee Substitute bill passes its second (47-1) and third (47-1) readings and is ordered sent to the House of Representatives.

S.B. 784 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX RELIEF AND SIMPLIFICATION BY CONFORMING STATE TAX LAW TO THE FEDERAL RULE THAT GRANTS A FILING EXTENSION EVEN IF THE REQUEST IS NOT ACCOMPANIED BY PAYMENT.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.
H.B. 999 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE SOIL AND WATER CONSERVATION COMMISSION TO CONDUCT INSPECTIONS.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, May 28, for consideration upon its passage.

H.B. 1024 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOR THE LICENSING OF CERTAIN SUBSIDIARIES OF INSURERS OWNED OR CONTROLLED BY FOREIGN GOVERNMENTS.

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.

S.B. 266 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered enrolled and sent to the Governor.

S.B. 370 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR THE ENFORCEMENT OF ARBITRATION AWARDS PURSUANT TO THE ACT ENTERED OUTSIDE NORTH CAROLINA AND TO GIVE A PARTY THE RIGHT TO BE REPRESENTED BY AN ATTORNEY AT A PROCEEDING PURSUANT TO THE 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.

S.B. 409 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT AIRPORT LAW ENFORCEMENT AGENCIES TO ENTER COOPERATION AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES, 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.

May 26, 1997
ESCORT COMMITTEE

The President Pro Tempore recognizes Senator Ballance, Deputy President Pro Tempore, who appoints Senator Page, Chairman; Senator Cochrane; Senator Conder; Senator Kincaid; Senator Lee; Senator Plyler; and Senator Shaw of Guilford as the Committee to greet and escort Senator Jesse A. Helms to the Joint Session in the Hall of the House of Representatives on Tuesday, May 27.

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

Christopher David Barrett, Conover; Brian Bell, Jackson Springs; Eric N. Carpenter, Sylva; Rebecca Conner, Buxton; Brian Keith Ellison, Hatteras; Patrick Stephen Flack, Rutherfordton; Naila Rashida Frye, Southern Pines; Susan Spruill Green, Scotland Neck; James Edward Harper, Hatteras; Natalie Ann Harvey, Lincolnton; Aaron Houghton, Sylva; Andrew G. Houlihan, Smithfield; Charles E. Jones, Jr., Durham; Claire H. King, New Bern; Clayton Kirk, Salisbury; Andrew Clayton Ledbetter, Lincolnton; Jeffrey Allen Maddry, Cary; April Miller, New Bern; Aaron Abraham Rosenstein, Durham; Nicole Cathlee Rosenstein, Durham; Anna Elizabeth Sherrill, Lincolnton; Chelsea Vegter, Wanchese; Susan Abigail Whitaker, Carthage; and Kristen Marie Wingenroth, Buxton.

On motion of Senator Ballance, seconded by Senator Wellons, the Senate adjourns at 8:14 P.M., in memory of Wesley Davis Webster and in honor of all veterans, and especially those who gave their lives for their country, to meet tomorrow, Tuesday, May 27, at 10:30 A.M.

SIXTY-EIGHTH DAY

Senate Chamber
Tuesday, May 27, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Dan Sanders, Pastor of Springfield Baptist Church in Raleigh, as follows:

"Let us bow for the benefit of prayer.
"Our Father and our Lord, we humbly pause at this moment to thank You for the beauty of a new day. We recognize You as our maker and our creator, and without You nothing that is would be. We, therefore, invoke You now, to come into this gathering, and through and by Your divine spirit, we pray, Father God, that You would guide these that have gathered here this morning to consider matters that have come before them. We pray, Lord, that what we might do here this day might be found pleasing and acceptable in Your sight. Come now, Heavenly Father, into our midst; lead, guide and direct our minds, our actions that they might be those things that will be acceptable to You. These things we ask this morning in Your son Jesus’ name. Amen."

May 27, 1997
Senator Rand, Chairman of the Rules and Operations of the Senate Committee, announces the Journal of yesterday, Monday, May 26, has been examined and is found to be correct. On 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. David B. Crosland from Mount Pleasant, who is serving the Senate as Doctor of the Day in absentia.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 207, AN ACT TO MODIFY THE CRIMINAL HISTORY RECORD CHECKS LAW TO MAKE CLARIFYING CHANGES AND TO REQUIRE A CRIMINAL BACKGROUND CHECK ON HOME HEALTH AGENCY APPLICANTS ONLY FOR CERTAIN POSITIONS.

S.B. 266, AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER.

S.B. 370, AN ACT TO AMEND THE NORTH CAROLINA INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR THE ENFORCEMENT OF ARBITRATION AWARDS PURSUANT TO THE ACT ENTERED OUTSIDE NORTH CAROLINA AND TO GIVE A PARTY THE RIGHT TO BE REPRESENTED BY AN ATTORNEY AT A PROCEEDING PURSUANT TO THE ACT.

S.B. 409, AN ACT TO PERMIT AIRPORT LAW ENFORCEMENT AGENCIES TO ENTER COOPERATION AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES.

S.B. 673, AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM.

H.B. 28, AN ACT TO ALLOW THE FIFTH MEMBER OF A COUNTY BOARD OF SOCIAL SERVICES TO BE SELECTED BY MAJORITY VOTE OF THE FOUR OTHER MEMBERS.

H.B. 312, AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE.

H.B. 348, AN ACT TO PROVIDE FOR A CIDER AND VINEGAR MANUFACTURER PERMIT TO BE ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION.

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

May 27, 1997
S.B. 47, AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY IN WASHINGTON COUNTY.

S.B. 64, AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES.

S.B. 121, AN ACT TO INCLUDE BUNCOMBE, MADISON, MCDOWELL, AND YANCEY COUNTIES IN THE STATEWIDE SEASONS FOR TAKING BEAVER.

S.B. 290, AN ACT TO AMEND THE CHARTER OF RUTHERFORDTON CONCERNING THE DISTRIBUTIONS OF PROFITS FROM THE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM.

S.B. 322, AN ACT TO REQUIRE THAT PETITIONS TO QUALIFY INDEPENDENT CANDIDATES ON THE BALLOT FOR COUNTY OFFICE IN AVERY COUNTY RECEIVE THE MINIMUM AMOUNT OF SIGNATURES FROM EACH PRECINCT.

H.B. 65, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON.

H.B. 70, AN ACT TO GRANT AUTHORITY TO THE CITY OF ROANOKE RAPIDS TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

H.B. 603, AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

H.B. 629, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY.

H.B. 828, AN ACT AMENDING THE CHARTER OF THE CITY OF WILSON TO INCREASE THE SETTLEMENT AUTHORITY OF THE CITY MANAGER.

S.J.R. 164, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF WESLEY DAVIS WEBSTER, FORMER MEMBER OF THE GENERAL ASSEMBLY. (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. 47, AN ACT TO PROHIBIT THE RECKLESS USE OF A FIREARM OR BOW AND ARROW AND TO REGULATE HUNTING FROM THE RIGHT-OF-WAY
IN WASHINGTON COUNTY. (Became law upon ratification, May 27, 1997 - S.L. 1997-95.)

S.B. 64, AN ACT TO AMEND THE CHARTER OF THE TOWN OF TARBORO TO PERMIT MEMBERS OF THE TOWN COUNCIL TO ENTER INTO UNDERTAKINGS OR CONTRACTS WITH THE TOWN UNDER CERTAIN CIRCUMSTANCES. (Became law upon ratification, May 27, 1997 - S.L. 1997-96.)

S.B. 121, AN ACT TO INCLUDE BUNCOMBE, MADISON, MCDOWELL, AND YANCEY COUNTIES IN THE STATEWIDE SEASONS FOR TAKING BEAVER. (Became law upon ratification, May 27, 1997 - S.L. 1997-97.)

S.B. 290, AN ACT TO AMEND THE CHARTER OF RUTHERFORDTON CONCERNING THE DISTRIBUTIONS OF PROFITS FROM THE LOCAL ALCOHOLIC BEVERAGE CONTROL SYSTEM. (Became law upon ratification, May 27, 1997 - S.L. 1997-98.)

S.B. 322, AN ACT TO REQUIRE THAT PETITIONS TO QUALIFY INDEPENDENT CANDIDATES ON THE BALLOT FOR COUNTY OFFICE IN AVERY COUNTY RECEIVE THE MINIMUM AMOUNT OF SIGNATURES FROM EACH PRECINCT. (Became law upon ratification, May 27, 1997 - S.L. 1997-99.)

H.B. 65, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF CANTON. (Became law upon ratification, May 27, 1997 - S.L. 1997-100.)

H.B. 70, AN ACT TO GRANT AUTHORITY TO THE CITY OF ROANOKE RAPIDS TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND. (Became law upon ratification, May 27, 1997 - S.L. 1997-101.)

H.B. 603, AN ACT TO AUTHORIZE MADISON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, May 27, 1997 - S.L. 1997-102.)

H.B. 629, AN ACT TO PROHIBIT HUNTING FROM THE RIGHT-OF-WAY AND TO MODIFY THE LAW LIMITING THE USE OF CENTER-FIRE RIFLES IN HARNETT COUNTY. (Became law upon ratification, May 27, 1997 - S.L. 1997-103.)


REPORT OF COMMITTEE

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:

May 27, 1997
By Senator Soles for the Commerce Committee:

H.B. 871, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE, TO PERMIT EMPLOYERS SUBJECT TO THE STATE MINIMUM WAGE TO TAKE THE SAME TIP CREDIT AS FEDERALLY COVERED EMPLOYERS, AND TO EXEMPT COMPUTER PROFESSIONALS FROM MINIMUM WAGE AND OVERTIME PROVISIONS, with a favorable report.

S.B. 891 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING, with a favorable report as to concurrence.

MESSAGES 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, and disposed of, as follows:

S.B. 814 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-STAND SALES OF ALCOHOLIC BEVERAGES IN CERTAIN STADIUMS, BALLPARKS, AND SIMILAR PUBLIC PLACES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, May 28.

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. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 1082 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIVE AMERICAN REGISTRATION PLATE.

Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 1137 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE SOIL AND WATER CONSERVATION AND TO PROVIDE THAT A PORTION OF THE SALES REVENUE GOES TO FUND WATER QUALITY AND ENVIRONMENTAL EDUCATION.

Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.
H.B. 1156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATES WILL BE GIVEN TO THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION.

Referred to Transportation Committee and upon a favorable report, re-referred to the Finance Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.J.R. 1072

House of Representatives
May 27, 1997

Mr. President:

Pursuant to S.J.R. 1072, A JOINT RESOLUTION INVITING THE HONORABLE JESSE A. HELMS, UNITED STATES SENATOR, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., the Speaker appoints the following members of the House of Representatives to serve with a like Committee of the Senate to escort Senator Jesse A. Helms to the Joint Session:

Representative Neely, Chair;
Representative Starnes,
Representative Capps,
Representative Bowie,
Representative Miner,
Representative Mosley,
Representative Gardner, and
Representative H. Hunter.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 643, a BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, 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, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Guilford, McDaniel, Miller, Odom,

Voting in the negative: None.
The bill is ordered enrolled.

S.B. 875 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 47, noes 1, as follows:


Voting in the negative: Senator Webster—1.
The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Wednesday, May 28, for further consideration upon third reading.

S.B. 374 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX NUTRITIONAL SUPPLEMENTS SOLD BY CHIROPRACTORS.

The Committee Substitute bill passes its second reading (48-0).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Wednesday, May 28, for further consideration upon third reading.

S.B. 914 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE REIMBURSEMENT METHODOLOGY FOR HOSPITAL CHARGES UNDER WORKERS' COMPENSATION, 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.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

H.B. 477, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS TO ADMINISTER COMPUTER-BASED EXAMINATIONS AND TO KEEP CERTAIN RECORDS CONFIDENTIAL, with a favorable report.
H.B. 615, A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF APPOINTING THE PUBLIC DEFENDER IN DISTRICT 16B, with a favorable report.

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, there to sit in Joint Session.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.J.R. 1072

Mr. President:

It is ordered that a message be sent your Honorable Body with the message that pursuant to S.J.R. 1072, A JOINT RESOLUTION INVITING THE HONORABLE JESSE A. HELMS, UNITED STATES SENATOR, TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

Senator Basnight offers a motion in accordance with S.J.R. 1072, Resolution 9 of the 1997 Session Laws, that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session and further, upon dissolution of the Joint Session, to adjourn to meet Wednesday, May 28, at 2:00 P.M., which motion prevails.

Pursuant to the motions of Senator Basnight, the President declares the Senate in recess at 10:56 A.M. 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 for the purpose of receiving the address of the Honorable Jesse A. Helms, United States Senator.

JOINT SESSION

The Senate is received with the Members of the House of Representatives standing and the Joint Session is called to order by the Honorable Harold J. Brubaker, Speaker of the House of Representatives.

The Speaker 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 Members of the Senate and House of Representatives stand to receive the members of the Judiciary.

May 27, 1997
The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Council of State and Governor's Cabinet who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Council of State and Governor's Cabinet to the Well of the House to be seated. The Members of the Senate and House of Representatives stand to receive the Council of State and Governor’s Cabinet.

The Speaker extends courtesies of the Gallery to Mrs. Jesse A. Helms, and all invited guests.

The Speaker relinquishes the gavel to the Honorable Dennis A. Wicker, Lieutenant Governor and President of the Senate, who presides.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Honorable Jesse A. Helms, United States Senator. The President directs the Sergeants-at-Arms of the House of Representatives and the Senate to bring the Escort Committees and Senator Helms to the Well of the House. Senator Page, Chairman of the Senate Escort Committee, presents the Honorable Jesse A. Helms, United States Senator, to the President of the Senate. The President presents Senator Helms to the General Assembly whereupon he delivers his address. (See Appendix)

The General Assembly responds to the address of Senator Helms with a standing ovation.

The President recognizes Senator Page and the Committees to escort Senator Helms from the Hall of the House of Representatives.

On motion of Senator Basnight, seconded by Representative Black, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned at 11:39 A.M. to meet Wednesday, May 28, at 2:00 P.M.

SIXTY-NINTH DAY

Senate Chamber
Wednesday, May 28, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Tom Banks, Pastor of First Christian Church in Greenville, as follows:

"O gracious and faithful Father in Heaven, we thank You today for a precious gift, the nearly seven million lives of the people of North Carolina.

"Bless these legislators, who are willing to carry within their hearts the burden of responsibility for these citizens. You have called them away from families and home places and careers for this time, to stand for their constituents and to speak with their voices.

"Grant this legislature Your insight, for Your knowledge of the people cannot be surpassed. You care for the citizens of this State completely, though they be found in factories or in fields, in schools or in hospitals, in day cares or in nursing homes, in
shopping malls or in country stores, in prisons or in police stations.

"Grant this legislature Your guidance. Help them to walk in the counsel of the Proverb: 'Trust in the Lord with all your heart, and do not rely on your own insight. In all your ways acknowledge Him, and He will make straight your paths.'

"Direct the course of this Session through these legislators so that You may lead us, as a people and as a State, into greatness. In the name of Jesus Christ I pray. Amen."

ENROLLED BILLS

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 914, AN ACT TO REVISE THE REIMBURSEMENT METHODOLOGY FOR HOSPITAL CHARGES UNDER WORKERS' COMPENSATION.

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

H.B. 643, AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

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. 643, AN ACT TO AUTHORIZE THE CITY OF BELMONT TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION. (Became law upon ratification, May 28, 1997 - S.L. 1997 - 105)

With unanimous consent, the President grants a leave of absence for today to Senator Soles to meet with Congressman McIntyre in Columbus County.

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, and disposed of, as follows:

S.B. 356 A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 356 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS AND TO EXEMPT

May 28, 1997
HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967, which is placed on the Calendar for tomorrow, Thursday, May 29.

The President of the Senate extends courtesies of the floor to Dr. James Gant from Jacksonville, who is serving the Senate as Doctor of the Day.

The Senate recesses at 2:17 P.M. to reconvene at 2:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Dalton to give the commencement address at Isothermal Community College.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, May 27, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

CALENDAR

H.B. 448 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR'S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED, on today's Calendar.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 29, for consideration upon its passage.

S.B. 891 (House Committee Substitute) A BILL TO BE ENTITLED AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING, for concurrence in the House Committee Substitute bill, on today's Calendar.

With unanimous consent, on motion of Senator Weinstein, the House Committee Substitute bill is taken up out of its regular order of business and on his further motion, the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, May 29, for consideration upon concurrence.

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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 233 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM NEAR AN ELEMENTARY OR
SECONDARY SCHOOL IN VANCE COUNTY, with a favorable report.

H.B. 406 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES AND COUNTIES TO ADOPT ORDINANCES THAT IMPOSE A CURFEW ON PERSONS UNDER THE AGE OF EIGHTEEN, with a favorable report.

H.B. 410, A BILL TO BE ENTITLED AN ACT ENACTING AND ENTERING INTO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT, with a favorable report.

H.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE LESSONS LEARNED FROM HURRICANE FRAN WITH RESPECT TO THE MOBILIZATION OF THE NORTH CAROLINA NATIONAL GUARD, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Appropriations Committee.

H.B. 548, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE, with a favorable report.

H.B. 718 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES, AND TO ALLOW THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES, with a favorable report.

H.B. 1050, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE UNCLAIMED BICYCLES TO CHARITY, with a favorable report.

By Senator Lucas for the Children & Human Resources Committee:

H.B. 897 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS PERTAINING TO THE NUMBER OF MEMBERS OF ADVISORY COMMITTEES OF NURSING HOMES AND REST HOMES, with a favorable report.

H.B. 948, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF PHARMACY TO ESTABLISH A RECOVERY AND REHABILITATION PROGRAM FOR PHARMACISTS, with a favorable report.

By Senator Shaw of Cumberland for the Transportation Committee:

H.B. 966, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR EXTENDED TRUCKLOADS, with a favorable report.

H.B. 554 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FREE DRIVERS, HUNTING, AND FISHING LICENSES FOR CERTAIN
DISABLED VETERANS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

**H.B. 299** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS, AND TO PROVIDE THAT THE TEN-DOLLAR ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO SUPPORT THE NORTH CAROLINA VETERANS HOME, with a favorable report.

With unanimous consent, on motion of Senator Shaw of Cumberland, the Committee Substitute bill is re-referred to the Finance Committee.

**CALENDAR (Continued)**

Bills on today's Calendar are taken up and disposed of, as follows:

**S.B. 875** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 46, noes 2, as follows:


Voting in the negative: Senators Clark and Webster—2.

The Committee Substitute bill No. 2 is ordered sent to the House of Representatives.

The President extends courtesies of the Gallery to Mrs. Robert Morgan, Senator Reeves' mother-in-law, and her Buiies Creek Wednesday morning ladies group, along with Senator Reeves' wife and daughter, Mary Morgan Reeves and Elizabeth.

**S.B. 439** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA SECURITIES ACT AND THE INVESTMENT ADVISERS ACT TO THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 2, as follows:

Voting in the negative: Senators Clark and Webster—2.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, May 29, for further consideration upon third reading.


With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 3, for consideration upon its passage.

**H.B. 477**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS TO ADMINISTER COMPUTER-BASED EXAMINATIONS AND TO KEEP CERTAIN RECORDS CONFIDENTIAL.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

_The President extends courtesies of the Gallery to Senator Carpenter’s son, Thomas P. Carpenter and granddaughter, Tiffany Carpenter._

**H.B. 615**, A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF APPOINTING THE PUBLIC DEFENDER IN DISTRICT 16B.

With unanimous consent, on motion of Senator Weinstein, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, May 29, for consideration upon its passage.

**H.B. 871**, A BILL TO BE ENTITLED AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE, TO PERMIT EMPLOYERS SUBJECT TO THE STATE MINIMUM WAGE TO TAKE THE SAME TIP CREDIT AS FEDERALLY COVERED EMPLOYERS, AND TO EXEMPT COMPUTER PROFESSIONALS FROM MINIMUM WAGE AND OVERTIME PROVISIONS.

The bill passes its second (46-1) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 999** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY OF THE SOIL AND WATER CONSERVATION COMMISSION TO CONDUCT INSPECTIONS.

The Senate Committee Substitute bill passes its second (42-5) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**COMMITTEE REFERRAL RECALL**

**S.B. 441**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT ALLOCATED TO SHERIFFS FROM THE FEES CHARGED FOR CONCEALED
HANDGUN APPLICATIONS AND RENEWALS, referred to the Appropriations Committee on April 17.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from the Appropriations Committee and placed on the Calendar for Tuesday, June 3, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and places it on the Calendar for Tuesday, June 3, for consideration upon its passage.

CALENDAR (Continued)

S.B. 374 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX NUTRITIONAL SUPPLEMENTS SOLD BY CHIROPRACTORS, upon third reading.

The President orders, without objection, the Committee Substitute bill temporarily displaced.

S.B. 814 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR IN-STAND SALES OF ALCOHOLIC BEVERAGES IN CERTAIN STADIUMS, BALLPARKS, AND SIMILAR PUBLIC PLACES, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (34-14) and the measure is ordered enrolled and sent to the Governor.

COMMITTEE REFERRAL RECALL


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 end of the Calendar for today, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it at the end of the Calendar for today, for consideration upon its passage.

S.B. 374 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX NUTRITIONAL SUPPLEMENTS SOLD BY CHIROPRACTORS, upon third reading, temporarily displaced earlier.

Senator Webster offers Amendment No. 1.

Senator Rand rises to a point of order under Rule 57.1 as to Amendment No. 1 being germane to the original subject matter of the bill. The President takes the point of order under advisement.

On motion of Senator Basnight, the rules are suspended to the end to extend courtesies of the Floor to Hubert Seymour, husband of the late Senator Mary Seymour from Guilford County.

With unanimous consent, Senator Webster withdraws Amendment No. 1.

The President extend courtesies of the Floor to Jim Speed, former Senator from Franklin County.
The Committee Substitute bill passes its third reading (48-0) and is ordered sent to the House of Representatives.

**S.J.R. 871, A JOINT RESOLUTION COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE CITY OF GOLDSBORO AND HONORING THE MEMORY OF MAJOR MATTHEW TILGHMAN GOLDSBOROUGH,** placed earlier on the Calendar for today.

The joint resolution passes its second (45-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

On motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns at 3:33 P.M. to meet tomorrow, Thursday, May 29, at 12:00 Noon.

**SEVENTIETH DAY**

Senate Chamber
Thursday, May 29, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Almighty God, we have learned from Your example that it is all right to be criticized when we dare to reach out, in compassion, to those whom the world has ignored.

“We’ve also learned that it’s acceptable to make people mad when we step over unjust boundaries that the world has established.

“Forgive us when we want to settle down in our own comfort zones. You are the Lord of the whole world. Make us the sort of followers who love the adventure of following along behind Your expansive, ever-reaching love, wherever that may take us. In Your Holy Name we pray, Amen.”

With unanimous consent, the President grants leaves of absence for today to Senator Jordan due to a business emergency; to Senator Perdue to attend her son’s graduation; and to Senator Winner to attend a Senate related meeting.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, May 28, has been examined and is found to be correct. On 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 Noell from Sylva, 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:

May 29, 1997
S.B. 554, AN ACT TO REMOVE THE SUNSET.

S.B. 811, AN ACT TO AUTHORIZE THE SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO HIRE AND CONTRACT FOR PERSONNEL.

S.B. 814, AN ACT TO PROVIDE FOR IN-STAND SALES OF ALCOHOLIC BEVERAGES IN CERTAIN STADIUMS, BALLPARKS, AND SIMILAR PUBLIC PLACES.

H.B. 53, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE 82ND AIRBORNE DIVISION ASSOCIATION SPECIAL REGISTRATION PLATES.

H.B. 477, AN ACT TO AUTHORIZE THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS TO ADMINISTER COMPUTER-BASED EXAMINATIONS AND TO KEEP CERTAIN RECORDS CONFIDENTIAL.

H.B. 704, AN ACT TO PROVIDE SPECIAL REGISTRATION PLATES FOR CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS.

H.B. 871, AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE, TO PERMIT EMPLOYERS SUBJECT TO THE STATE MINIMUM WAGE TO TAKE THE SAME TIP CREDIT AS FEDERALLY COVERED EMPLOYERS, AND TO EXEMPT COMPUTER PROFESSIONALS FROM MINIMUM WAGE AND OVERTIME PROVISIONS.

H.B. 977, AN ACT TO ALLOW PARENTS TO ELECT THE PARENTS WHO SERVE ON SCHOOL IMPROVEMENT TEAMS.

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

S.B. 130, AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE.

S.B. 282, AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND.

H.B. 112, AN ACT TO CREATE A SAFETY ZONE AROUND PUBLIC AND PRIVATE SCHOOLS IN CAMDEN COUNTY BY PROHIBITING HUNTING OR THE DISCHARGE OF FIREARMS FROM THE RIGHT-OF-WAY OF PUBLIC ROADS WITHIN ONE-HALF MILE OF A SCHOOL.

S.J.R. 871, A JOINT RESOLUTION COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE CITY OF GOLDSBORO AND HONORING THE MEMORY OF MAJOR MATTHEW TILGHMAN GOLDSBOROUGH. (Res. 14)
The President extends courtesies of the Gallery to members of Delta Sigma Theta Sorority of which Senator Lucas is a member.

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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 833, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO AUTHORIZE THE CITY TO SERVE COMPLAINTS OR ORDERS IN HOUSING CODE CASES BY REGULAR MAIL IN ADDITION TO CERTIFIED OR REGISTERED MAIL, 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 1388, which changes the title, upon concurrence, to read H.B. 833 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE MUNICIPALITIES WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN HOUSING CODE CASES, is adopted and engrossed.

The Senate Committee Substitute bill changes the local bill to a public bill.

H.B. 277 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING CERTAIN RELATIVES OF A CANDIDATE FOR NOMINATION OR ELECTION FROM SERVING ON THE COUNTY BOARD OF ELECTIONS, 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 8246 is adopted and engrossed.

By Senator Soles for the Commerce Committee:

H.B. 499, A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF GEOGRAPHICAL INFORMATION SYSTEM DATABASE INFORMATION BY REAL ESTATE TRADE ASSOCIATIONS, 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 4121, is adopted and engrossed.

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and ordered held in the Office of the Principal Clerk with the papers of the Senate, as follows:


May 29, 1997
Bills on today’s Calendar are taken up and disposed of, as follows:

H.B. 448 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR’S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED.

With unanimous consent, on motion of Senator Odom, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is re-referred to the Appropriations Committee.

COMMITTEE REFERRAL RECALL

H.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCOUNT WITHIN THE CLEAN WATER REVOLVING LOAN AND GRANT FUND SO THAT FUNDS MADE AVAILABLE UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1996 MAY BE USED BY THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the Appropriations Committee on April 1.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Committee Substitute bill be withdrawn from the Appropriations Committee and re-referred to the Agriculture/Environment/Natural Resources Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Appropriations Committee and refers the measure to the Agriculture/Environment/Natural Resources Committee.

CALENDAR (Continued)

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 356 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS AND TO EXEMPT HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967, upon second reading.

With unanimous consent, on motion of Senator Foxx, the House Committee Substitute bill is taken up out of its regular order of business, and on her further motion, the House Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 4, for consideration upon concurrence upon second reading.

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY
AND TOURISM DEVELOPMENT TAX, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 7, as follows:


Voting in the negative: Senators Clark, Cochrane, Forrester, Foxx, McDaniel, Page, and Webster—7.

The Committee Substitute bill is ordered enrolled.

H.B. 233 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM NEAR AN ELEMENTARY OR SECONDARY SCHOOL IN VANCE COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 548, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

The bill passes its second and third readings and is ordered enrolled.

H.B. 718 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES, AND TO ALLOW THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

S.B. 439 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA SECURITIES ACT AND THE INVESTMENT ADVISERS ACT TO THE NATIONAL SECURITIES MARKETS IMPROVEMENT ACT OF 1996, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 2, as follows:


Voting in the negative: Senators Clark and Webster—2.

The Committee Substitute bill, as amended, having been previously engrossed, is ordered sent to the House of Representatives.

H.B. 406 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CITIES AND COUNTIES TO ADOPT ORDINANCES THAT IMPOSE A CURFEW ON PERSONS UNDER THE AGE OF EIGHTEEN.

Senator Wellons offers Amendment No. 1 which is adopted (40-7).
The Committee Substitute bill, as amended, passes its second (37-10) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

**H.B. 410, A BILL TO BE ENTITLED AN ACT ENACTING AND ENTERING INTO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.**

The bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

**RECONSIDERATION**

**H.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, having passed its third reading and ordered enrolled earlier today.

Senator Cooper offers a motion that the rules be suspended to the end and that the Committee Substitute bill be recalled from the Enrolling Office and placed before the Senate for the purpose of offering a motion to reconsider the measure, which motion prevails.

Senator Cooper offers a motion that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails, and the question before the Body becomes the passage of the Committee Substitute bill upon third reading.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is placed on the Calendar for Thursday, June 5, for further consideration upon third reading.

**CALENDAR (Continued)**

**H.B. 615, A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF APPOINTING THE PUBLIC DEFENDER IN DISTRICT 16B.**

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 897** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS PERTAINING TO THE NUMBER OF MEMBERS OF ADVISORY COMMITTEES OF NURSING HOMES AND REST HOME.

The Committee Substitute bill passes its second (45-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 948, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF PHARMACY TO ESTABLISH A RECOVERY AND REHABILITATION PROGRAM FOR PHARMACISTS.**

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 966, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR EXTENDED TRUCKLOADS.**

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

May 29, 1997
H.B. 1050, A BILL TO BE ENTITLED AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.

The bill passes its second (47-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 891 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING, 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

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 Lucas for the Children & Human Resources Committee:

H.B. 1051, A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DUTY OF HOSPITALS AND OTHER AGENCIES WITH RESPECT TO ORGAN PROCUREMENT AND DONATION, 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 7322, is adopted and engrossed.

PERSONAL PRIVILEGE

With unanimous consent, on motion of Senator Ballance, Deputy President Pro Tempore, the remarks of Senator Martin of Guilford, who rises to a point of personal privilege memorializing Samuel DeWitt Proctor, are spread upon the Journal, as follows:

Senator Martin of Guilford:

"Thank you, Mr. President and Members of the Senate. There was an article that appeared in the May 24th edition of The News and Record, the Greensboro paper, and just to quote briefly from that, it says, 'Samuel D. Proctor, scholar, pastor, and educator, whose oratorical magic is still remembered on the North Carolina A&T State University campus where he was President briefly in the 1960's before leaving for the Kennedy and Johnson Administrations, died Friday from an apparent heart attack in Cedar Falls, Iowa.'

"I would just say to you that The News and Record article seriously understates the case, really. Samuel Proctor's oratorical magic really extended far beyond the campus of A&T, far beyond Greensboro, beyond North Carolina, and really even beyond the United States as a whole. Knowledge of this great man and his oratorical skills really extended to the Far East, to the Middle East, Israel, Caribbeans, Canada, New Zealand, and numerous other places where he was invited as a guest speaker, lecturer, and so forth. And you've probably heard a lot, I know you've heard a lot about the sit ins, demonstrations, and other activities that pricked the conscience of America arising from the 1960's in Greensboro. And I would just indicate to you though that Samuel Proctor had a great part
to do with that and most folks might not know that. Sam Proctor was, like Martin Luther King, Jr., a student at Boston University during the '50's. And the spirit of Martin Luther King's theological and societal concept of peaceful confrontation, and non-violence was instilled in him, and he in turn instilled that in the minds and actions of the student leaders at North Carolina A&T. Although Dr. Proctor was President of A&T during a short period a time, four years. And during half of that time he was on leave with the Peace Corps, that's during the time that I was a student there, Dr. Proctor also was a professor at Rutgers University. He was Pastor of Abysinian Baptist Church in New York where he succeeded Congressman Adam Clayton Powell, Jr. And he's also served as President of Virginia Union University. He had served on the faculty at Duke University and many other issues and various other locations that I would speak to you about if time allowed. And this native of our neighboring state to the north, of Virginia, Samuel D. Proctor spoken often and recently in the State of North Carolina, and at such events such as the North Carolina Legislative Black Caucus weekend, such as the installation of Willis McCloud at Fayetteville State University, and at the recent commencement address at St. Augustine College here in Raleigh, at Duke University, and A&T, and other campuses on many occasions. And these are just to mention a few of the instances. He was also a noted author, and I believe that his latest publications, or at least one of the most recent ones, was one entitled, The Substance of Things Hoped For, and in that book its, he gives a glimpse as to his faith and inspiration. It's sort of an inspirational memoir. And he talked about moving to a state of genuine community through outreach and family rejuvenation. He talked about salvaging the lives of our youth which many of us talk about around here a lot, through effective education, and school reform. And he also talks about the need of renewing our faith, emphasizing hard work, personal responsibility, personal pride, and the pursuit of justice and equality, and a deep faith, a deep faith in the future filled with meaning and purpose. These ingredients, Dr. Proctor asserts, are key elements to really making America, helping America to redefine herself. I hope that we'll all understand that we have indeed lost a giant among humankind, but that his universal presence will always remain with us. And, Mr. President, I would hope that when we do adjourn today's Session that we could do so in honor of this giant, Samuel DeWitt Proctor. Thank you very much."

REPORTS OF COMMITTEES (Continued)

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDERATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS, 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 1380, is adopted and engrossed.

By Senator Cooper for the Judiciary Committee:

H.B. 958 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED HANDGUN LAWS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

May 29, 1997
Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 6268, which changes the title, upon concurrence, to read H.B. 958 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED WEAPON AND CONCEALED HANDGUN PERMIT LAWS, is adopted and engrossed.

H.B. 907, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES, 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 1385, is adopted and engrossed.

RECORDED VOTE

S.B. 1015 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE WELFARE REFORM ACT OF 1997, having been engrossed and sent to the House of Representatives on May 1.

Without objection, the rules are suspended to the end that Senator Foxx be recorded as voting “aye” on the call for the previous question on May 1. The President announces the corrected vote total (41-7).

On motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 1:29 P.M. in memory of Samuel DeWitt Proctor, to meet Monday, June 2, at 7:00 P.M.

SEVENTY-FIRST DAY

Senate Chamber
Monday, June 2, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, sometimes we are far too easily pleased. We give up the idea that life can be lived with any sense of real joy and accept as substitute the concept that we can live, at least, unselfishly. Being unselfish is not a bad alternative, but it was never meant to be an end in itself.

“The Psalmist wrote, ‘Restore to me the joy of Your salvation.’

“Restore to us that same joy, O Lord. We may not like all the outcomes, but what a great difference a sense of Your joy within us will make if we but allow it in all that we do this week. Amen.”

With unanimous consent, the President grants a leave of absence for today to Senator Hoyle.
Senator Basnight, President Pro Tempore, announces the Journal of Thursday, May 29, has been examined and is found to be correct. On 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. Kirt Hobler from Raleigh, 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. 891, AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING.

H.B. 410, AN ACT ENACTING AND ENTERING INTO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT.

H.B. 615, AN ACT TO CHANGE THE METHOD OF APPOINTING THE PUBLIC DEFENDER IN DISTRICT 16B.

H.B. 897, AN ACT TO AMEND THE REQUIREMENTS PERTAINING TO THE NUMBER OF MEMBERS OF ADVISORY COMMITTEES OF NURSING HOMES AND REST HOMES.

H.B. 948, AN ACT TO AUTHORIZE THE BOARD OF PHARMACY TO ESTABLISH A RECOVERY AND REHABILITATION PROGRAM FOR PHARMACISTS.

H.B. 966, AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR EXTENDED TRUCKLOADS.

H.B. 1024, AN ACT TO ALLOW FOR THE LICENSING OF CERTAIN SUBSIDIARIES OF INSURERS OWNED OR CONTROLLED BY FOREIGN GOVERNMENTS.

H.B. 1050, AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE UNCLAIMED BICYCLES TO CHARITY.

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

S.B. 464, AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN, BUT WHO CANNOT BE SERVED BY THE PUBLIC OFFICER AFTER EXERCISING REASONABLE DILIGENCE.
S.B. 499, AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT ORDINANCES RELATING TO THE PARKING OR STANDING OF MOTOR VEHICLES NEAR FIRE HYDRANTS AND FIRE STATIONS AND IN FIRE LANES.

H.B. 233, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM NEAR AN ELEMENTARY OR SECONDARY SCHOOL IN VANCE COUNTY.

H.B. 508, AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER AND TO PROVIDE FOR NO WAKE ZONES ON LAKE NORMAN.

H.B. 548, AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.

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. 130, AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, AND HUNTERSVILLE TO EXERCISE EXTRATERRITORIAL JURISDICTION WITHIN THEIR RESPECTIVE SPHERES OF INFLUENCE. (Became law upon ratification, May 29, 1997 - S.L. 1997-106.)

S.B. 282, AN ACT TO ALLOW THE CITY OF CHARLOTTE TO RETAIN POSSESSION OF TOWED VEHICLES UNTIL THE OWNER PAYS THE TOWING FEE AND OVERDUE TICKETS OR POSTS A BOND. (Became law upon ratification, May 29, 1997 - S.L. 1997-107.)


H.B. 57, AN ACT TO REQUIRE WITHHOLDING FROM CERTAIN PAYMENTS TO NONRESIDENTS IN ORDER TO PREVENT NONRESIDENTS FROM AVOIDING NORTH CAROLINA INCOME TAXES, TO MODIFY THE DEFINITION OF EMPLOYMENT WITH RESPECT TO AGRICULTURAL LABOR, AND TO CONFORM TO FEDERAL RULES ON WAGE WITHHOLDING BY FARMERS. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-109.)

S.B. 1023, AN ACT TO AMEND THE POWERS AND DUTIES OF THE DEPARTMENT OF HUMAN RESOURCES TO REQUIRE THE DEPARTMENT TO ACT ON REQUESTS FOR WAIVERS TO COMMISSION OF HEALTH SERVICES RULES AND TO REPORT TO THE GENERAL ASSEMBLY ON PROGRESS AND RECOMMENDATIONS TO IMPROVE THE PROCESS FOR THE GRANTING OR DENIAL OF APPLICATIONS FOR LICENSURE AND WAIVERS. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-110.)

June 2, 1997
H.B. 474, AN ACT TO CLARIFY WHICH PREINDUCEMENT EXPENDITURES MAY BE FINANCED WITH INDUSTRIAL REVENUE BONDS. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-111.)


H.B. 153, AN ACT RECOMMENDED BY THE CHILD FATALITY TASK FORCE TO IMPROVE THE DEFINITION OF "DEPENDENT JUVENILE". (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-113.)

H.B. 204, AN ACT TO RAISE THE FORECLOSURE FILING FEES. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-114.)

H.B. 1098, AN ACT TO AMEND THE PROCEDURE FOR MEDIATION OF SPECIAL EDUCATION DISPUTES. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-115.)

H.B. 522, AN ACT TO AMEND THE MEMBERSHIP OF THE STATE FIRE AND RESCUE COMMISSION. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-116.)

H.B. 771, AN ACT TO ALLOW THE BOARD OF A SANITARY DISTRICT WITH FOUR-YEAR TERMS THAT ARE NOT STAGGERED TO PROVIDE FOR STAGGERED TERMS. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-117.)

S.B. 34, AN ACT TO ADJUST THE SHARE THE CITIES RECEIVE FROM THE STATE GROSS RECEIPTS TAX TO MAKE THE DISTRIBUTION MORE EQUITABLE AND TO ALLOW THE DEPARTMENT OF REVENUE TO GIVE CITY FINANCE OFFICIALS INFORMATION NEEDED TO VERIFY THE ACCURACY OF A CITY'S DISTRIBUTION. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-118.)

H.B. 202, AN ACT TO INCREASE THE MINIMUM AMOUNT BY WHICH AN UPSET BID ON REAL PROPERTY IN JUDICIAL SALES AND EXECUTION SALES MUST EXCEED THE REPORTED SALE PRICE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-119.)

H.B. 414, AN ACT RELATING TO SEVERANCE PAY FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-120.)
S.B. 106, AN ACT TO ALLOW REGIONAL SALES OF PERSONAL PROPERTY SEIZED FOR UNPAID TAXES TO BE HELD IN ANY COUNTY. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-121.)

S.B. 167, AN ACT TO ESTABLISH A STANDARD TIME PERIOD OF SIXTY DAYS IN WHICH TO OBTAIN OR CHANGE A DRIVERS LICENSE, A SPECIAL IDENTIFICATION CARD, OR A VEHICLE REGISTRATION. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-122.)

S.B. 247, AN ACT PERTAINING TO CONFIDENTIALITY OF HEALTH CARE CONTRACTS. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-123.)

S.B. 305, AN ACT TO REINSTATE THE OPTION THAT A LICENSED SOLICITOR OF CHARITABLE SOLICITATIONS MAY SUBMIT A CERTIFICATE OF DEPOSIT IN LIEU OF A SECURITY BOND. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-124.)

S.B. 876, AN ACT TO AMEND THE LAW PERTAINING TO CRIMINAL BACKGROUND CHECKS REQUIRED TO BE OBTAINED BY NURSING HOMES, ADULT CARE HOMES, AND HOME CARE AGENCIES. (Became law upon approval of the Governor, May 29, 1997 - S.L. 1997-125.)

INTRODUCTION OF A RESOLUTION

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

By Senators Kerr, Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, Wellons, and Winner:

S.J.R. 1080, A JOINT RESOLUTION HONORING THE LIFE, SERVICE, AND MEMORY OF CHARLES DUNN.

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 for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 447, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LUMBERTON ECONOMIC DEVELOPMENT AND TOURIST DISTRICT AND TO AUTHORIZE THE ISSUANCE OF CERTAIN ABC PERMITS IN THIS TYPE OF DISTRICT, for concurrence in House Amendment No. 2, which is placed on the Calendar for tomorrow, Tuesday, June 3.
S.B. 529, A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 529 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF HOPE MILLS AND WEAVERVILLE, which is placed on the Calendar for tomorrow, Tuesday, June 3.

S.B. 626, A BILL TO BE ENTITLED AN ACT TO ESTABLISH IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES THE OFFICE OF WOMEN'S HEALTH, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, June 3.

S.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE COMMITTEE ON APPROPRIATIONS BY ESTABLISHING THE PERCENTAGE RATES FOR THE INSURANCE REGULATORY CHARGE AND THE PUBLIC UTILITY REGULATORY FEE, BY CLARIFYING THE BASIS OF THE PREMIUM TAX LIABILITY ON WHICH THE INSURANCE REGULATORY CHARGE IS LEVIED, BY INCREASING COURT FEES IN CRIMINAL CASES, AND BY INCREASING THE FEES FOR FILING CERTAIN DOCUMENTS, for concurrence in the House Committee Substitute, which changes the title, upon concurrence, to read S.B. 727 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE STATE SALES TAX ON FOOD BY AN ADDITIONAL ONE CENT EFFECTIVE JANUARY 1, 1998, TO ESTABLISH THE PERCENTAGE RATES FOR THE INSURANCE REGULATORY CHARGE AND THE PUBLIC UTILITY REGULATORY FEE, TO CLARIFY THE BASIS OF THE PREMIUM TAX LIABILITY ON WHICH THE INSURANCE REGULATORY CHARGE IS LEVIED, TO INCREASE COURT FEES IN CRIMINAL CASES, TO INCREASE THE FEES FOR FILING CERTAIN DOCUMENTS, AND TO PROVIDE THAT ANNUAL REPORTS OF MOST BUSINESS CORPORATIONS SHALL BE FILED WITH THE DEPARTMENT OF REVENUE RATHER THAN THE SECRETARY OF STATE.
Referred to Finance Committee.

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. 495 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS NORTH CAROLINA'S URGENT INFRASTRUCTURE NEEDS BY CLARIFYING THAT THE NORTH CAROLINA UTILITIES COMMISSION MAY ESTABLISH DIFFERENT RATES FOR NATURAL GAS SERVICE TO UNSERVED COUNTIES THAT REFLECT THE COST OF PROVIDING SERVICE TO THE UNSERVED COUNTIES AND AUTHORIZING THE CREATION OF NATURAL GAS DISTRICTS FOR NATURAL GAS EXPANSION.
Referred to Finance Committee.

H.B. 769 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN STUDENTS WHO DROP OUT OF SCHOOL OR DO

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NOT MAKE PROGRESS TOWARD GRADUATION SHALL NOT BE ELIGIBLE FOR DRIVERS PERMITS OR LICENSES.
Referred to Education/Higher Education Committee.

H.B. 1057, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES TAX AUDIOVISUAL MASTER TAPES USED IN THE MOTION PICTURE, TELEVISION, AND AUDIO PRODUCTION INDUSTRIES.
Referred to Finance Committee.

H.B. 1157, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTES OF LIMITATIONS FOR TAX REFUNDS, TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES.
Referred to Finance Committee.

REPORT OF COMMITTEE

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:

S.B. 516, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A LEAD-BASED PAINT HAZARD MANAGEMENT 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 8711, which changes the title to read S.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE-ADMINISTERED LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM IN LIEU OF HAVING A FEDERALLY ADMINISTERED PROGRAM APPLY IN THIS STATE, is adopted and engrossed.

S.B. 712, A BILL TO BE ENTITLED AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL CHANGE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.
Pursuant to Rule 45.1, the proposed Committee Substitute bill 4610 is adopted and engrossed.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 277 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROHIBITING CERTAIN RELATIVES OF A CANDIDATE FOR NOMINATION OR ELECTION FROM SERVING ON THE COUNTY BOARD OF ELECTIONS.
With unanimous consent, the President grants a leave of absence for the remainder of
today's Session to Senator Webster.

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. 484 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS.

With unanimous consent, on motion of Senator Albertson, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 4, for consideration upon its passage.

H.B. 499 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF GEOGRAPHICAL INFORMATION SYSTEM DATABASE INFORMATION BY REAL ESTATE TRADE ASSOCIATIONS.

Upon the appearance of Senators Hayle and Webster in the Chamber, the President acknowledges their presence and the leaves of absence granted previously are withdrawn.

The Senate Committee Substitute bill passes its second (44-4) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 833 A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO AUTHORIZE THE CITY TO SERVE COMPLAINTS OR ORDERS IN HOUSING CODE CASES BY REGULAR MAIL IN ADDITION TO CERTIFIED OR REGISTERED MAIL, changing the title, upon concurrence, to read H.B. 833 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE MUNICIPALITIES WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN HOUSING CODE CASES.

The Senate Committee Substitute bill passes its second reading (47-1).

Senator Jordan objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, June 3, for further consideration upon third reading.

H.B. 907 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES.

On motion of Senator Cooper, the President orders the Senate Committee Substitute bill temporarily displaced.

H.B. 958 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED HANDGUN LAWS, changing the title, upon concurrence, to read, H.B. 958 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED WEAPON AND CONCEALED HANDGUN PERMIT LAWS.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator McDaniel objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow Tuesday, June 3, for consideration upon third reading.
H.B. 1051 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE DUTY OF HOSPITALS AND OTHER AGENCIES WITH RESPECT TO ORGAN PROCUREMENT AND DONATION.

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. 907 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES, temporarily displaced earlier.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 4, for consideration upon its passage.

WITHDRAWAL FROM CALENDAR

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, placed on the Calendar for Thursday, June 5, upon third reading.

Senator Cooper offers a motion that the Committee Substitute bill be withdrawn from the Calendar for Thursday, June 5, upon third reading and re-referred to the Judiciary Committee, which motion prevails with unanimous consent.

The Senate reconvenes its previous action and the Chair orders the Committee Substitute bill withdrawn from the Calendar for Thursday, June 5, and re-refers the measure to the Judiciary Committee.

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

Victor Vahid Ahdieh, Hamlet; Mary Catherine Brake, Beaufort; Fulton Byron Bryant, Rose Hill; Chastity Lynn Cassada, Franklin; H. Spalding Craft, Morehead City; Jay Matthew Culpepper, Whittier; Elizabeth Lynette Dalton, Rutherfordton; Emily Kelly Fleming, Greenville; Brian Douglas Gardner, Burnsville; Collin Harrison Goforth, Kings Mountain; Robert C. Hewett, Greensboro; John Everett Nobles III, Morehead City; Jessica Ashton Parks, Goldsboro; Rebekah Rachel Price, Franklin; Greta Ray, Mooresville; Russell Lee Saine, Iron Station; Fabyan Richardson Saxe IV, Plano, Texas; Carey Kindel Sveen, Franklin; Lillian E. Thomas, Beaufort; Brock Leslie Turner, Durham; Kathleen R. Tuttle, Clayton; Meredith Ann Whitford, Morehead City; Kolita L. Williams, Kings Mountain; and Kayce D. Wohlman, Whittier.

On motion of Senator Basnight, seconded by Senator Dannelly, the Senate adjourns at 7:59 P.M. to meet tomorrow, Tuesday, June 3, at 2:00 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by Dr. Ray Howell, Pastor of First Baptist Church in Lexington, as follows:

"Almighty God, our Heavenly Father, who has given us much and reminded us that from whom much is given, much is required; we ask for Your wisdom and blessing as we meet here today.

"We are thankful for this good State in which we live. You have blessed us with a diversity of beauty, a wealth of natural resources, and a legacy of hard working and industrious people.

"The good people of this State have placed a sacred trust in these dedicated public servants gathering in this place. I pray the members of this Body would receive the strength to serve, the wisdom to legislate, and the courage to make decisions based on the truth. May the legacy of this Chamber echo with the words of the ancient prophet, that 'justice would roll down like waters and righteousness like an everflowing stream.'

"Teach us to number our days that we may apply our hearts to wisdom. Each day gives us new opportunities and new possibilities. May we be found using wisely our time, talents, and strength. Help us to wade through the non-essential and trivial matters, so that our attention and energy may be focused on those issues of lasting significance.

"Bless the family members of those who serve our State. Bless these, our elected representatives, so that every action is reflective not only of the people’s will, but most importantly, of Your will. Amen."

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Monday, June 2, has been examined and is found to be correct. On 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. Carl Haynes from Kinston, 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. 869, AN ACT TO TRANSFER TECHNOLOGY-RELATED FUNCTIONS OF STATE GOVERNMENT TO THE DEPARTMENT OF COMMERCE.

S.B. 936, AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS.
The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**S.B. 437, AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.**

**H.B. 718, AN ACT TO PROVIDE FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES, AND TO ALLOW THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES.**

**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. 464, AN ACT TO ALLOW THE CITY OF WINSTON-SALEM AND FORSYTH COUNTY TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN, BUT WHO CANNOT BE SERVED BY THE PUBLIC OFFICER AFTER EXERCISING REASONABLE DILIGENCE** (Became law upon ratification, June 2, 1997 - S.L. 1997-126.)

**S.B. 499, AN ACT TO AUTHORIZE THE CITY OF CHARLOTTE TO ADOPT ORDINANCES RELATING TO THE PARKING OR STANDING OF MOTOR VEHICLES NEAR FIRE HYDRANTS AND FIRE STATIONS AND IN FIRE LANES.** (Became law upon ratification, June 2, 1997 - S.L. 1997-127.)

**H.B. 233, AN ACT TO PROHIBIT THE DISCHARGE OF A FIREARM NEAR AN ELEMENTARY OR SECONDARY SCHOOL IN VANCE COUNTY.** (Became law upon ratification, June 2, 1997 - S.L. 1997-128.)

**H.B. 508, AN ACT TO PROVIDE FOR ADDITIONAL REGULATION OF PERSONAL WATERCRAFT ON THE UPPER CATAWBA RIVER AND TO PROVIDE FOR NO WAKE ZONES ON LAKE NORMAN.** (Became law upon ratification, June 2, 1997 - S.L. 1997-129.)

**H.B. 548, AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE.** (Became law upon ratification, June 2, 1997 - S.L. 1997-130.)

**CALENDAR**

**S.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE-ADMINISTERED LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM IN LIEU OF HAVING A FEDERALLY ADMINISTERED PROGRAM APPLY IN THIS STATE, on today’s Calendar, upon second reading.**

With unanimous consent, on motion of Senator Ballance, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 4, for consideration upon second reading.
H.B. 432 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE LESSONS LEARNED FROM HURRICANE FRAN WITH RESPECT TO THE MOBILIZATION OF THE NORTH CAROLINA NATIONAL GUARD, referred to the Appropriations Committee on May 28.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Committee Substitute bill be withdrawn from the Appropriations Committee and placed on the Calendar for Wednesday, June 4, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Appropriations Committee and places it on the Calendar for Wednesday, June 4, for consideration upon its passage.

H.B. 448 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR'S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED, referred to the Appropriations Committee on May 29.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the bill be withdrawn from the Appropriations Committee and placed on the Calendar for Wednesday, June 4, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and places it on the Calendar for Wednesday, June 4, for consideration upon its passage.

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. 134, A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED ARTICLE 8 OF THE UNIFORM COMMERCIAL CODE AND CONFORMING AND MISCELLANEOUS AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, with a favorable report.

H.B. 482, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL HANDICAPPED PERSONS TO USE A REGISTERED SIGNATURE FACSIMILE AS A MARK OF THEIR LEGAL SIGNATURE, with a favorable report.

H.B. 485 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 994, A BILL TO BE ENTITLED AN ACT TO ALLOW PAY TELEPHONE PROVIDERS TO OBTAIN LINE ACCESS FROM COMPETITIVE LOCAL PROVIDERS OF TELEPHONE SERVICE AND TO ELIMINATE THE STATUTORY
REQUIREMENT THAT LINE ACCESS RATES BE SET ON A MEASURED RATE BASIS, with a favorable report.

By Senator Cooper for the Judiciary Committee:

H.B. 1140, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMMUNITY SERVICE BE IMPOSED FOR A CONVICTION OF LITTERING, with a favorable report.

H.B. 1008, A BILL TO BE ENTITLED AN ACT REGARDING THE EDUCATIONAL REQUIREMENTS FOR CHIROPRACTIC LICENSURE AND TO AUTHORIZE THE BOARD TO LICENSE PERSONS WHO HAVE PASSED THE NATIONAL CHIROPRACTIC EXAMINATION, 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 2337 is adopted and engrossed.

By Senator Hoyle for the Finance Committee:

H.B. 283, A BILL TO BE ENTITLED AN ACT TO ALLOW PERQUIMANS COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, with a favorable report.

H.B. 411, a BILL TO BE ENTITLED AN ACT TO REVISE THE LAW RELATING TO THE GAME COMMISSION OF CURRITUCK COUNTY, with a favorable report.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 604 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF MOREHEAD CITY AND NEWPORT TO EXERCISE EXTRATERRITORIAL PLANNING JURISDICTION OVER AN AREA EXTENDING NOT MORE THAN TWO MILES FROM THEIR CORPORATE LIMITS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute 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 for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 58, A BILL TO BE ENTITLED AN ACT TO ADD BURKE, CALDWELL, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, for concurrence in House Amendments No. 1 and No. 2, which change the title, upon concurrence, to read S.B. 58, A BILL TO BE ENTITLED AN ACT TO ADD ALAMANCE, BEAUFORT, BURKE, CALDWELL, CASWELL, CRAVEN, CUMBERLAND, HYDE, MCDOWELL,
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S.B. 153 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE FOR FIVE MORE YEARS, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, June 4.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 529, A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 529 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF HOPE MILLS AND WEAVERVILLE, 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 negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 4, for further consideration upon third reading.

S.B. 712 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL CHANGE, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 9, as follows:

Voting in the negative: Senators Blust, Clark, Cochrane, East, Horton, Kincaid, Ledbetter, Page, and Webster—9.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, June 4, for further consideration upon third reading.

**S.B. 441**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT ALLOCATED TO SHERIFFS FROM THE FEES CHARGED FOR CONCEALED HANDGUN APPLICATIONS AND RENEWALS.

The bill passes its second (49-0) and third readings and is ordered sent to the House of Representatives.


With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, June 5, for consideration upon its passage.

**H.B. 833**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF WILMINGTON TO AUTHORIZE THE CITY TO SERVE COMPLAINTS OR ORDERS IN HOUSING CODE CASES BY REGULAR MAIL IN ADDITION TO CERTIFIED OR REGISTERED MAIL, changing the title, upon concurrence, to read **H.B. 833** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE MUNICIPALITIES WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN HOUSING CODE CASES, upon third reading.

The Senate Committee Substitute bill passes its third reading (50-0) 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 AMEND THE CONCEALED HANDGUN LAWS, changing the title, upon concurrence, to read **H.B. 958** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED WEAPON AND CONCEALED HANDGUN PERMIT LAWS, upon third reading.

Senator McDaniel offers Amendment No. 1 which is adopted (48-2).

Senator McDaniel offers Amendment No. 2.

The President orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced, with Amendment No. 2 pending.

**S.B. 447**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE LUMBERTON ECONOMIC DEVELOPMENT AND TOURIST DISTRICT AND TO AUTHORIZE THE ISSUANCE OF CERTAIN ABC PERMITS IN THIS TYPE OF DISTRICT, for concurrence in House Amendment No. 2.

The Senate concurs in House Amendment No. 2 (36-14) and the measure is ordered enrolled and sent to the Governor.

June 3, 1997
S.B. 626, A BILL TO BE ENTITLED AN ACT TO ESTABLISH IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES THE OFFICE OF WOMEN'S HEALTH, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (50-0) and the measure is ordered enrolled and sent to the 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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS, 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 1391, which changes the title to read H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS AND MODIFYING THE LAWS RELATING TO SATELLITE ANNEXATIONS WHICH APPLY TO MOORESVILLE, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the Finance Committee.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCOUNT WITHIN THE CLEAN WATER REVOLVING LOAN AND GRANT FUND SO THAT FUNDS MADE AVAILABLE UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1996 MAY BE USED BY THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

S.B. 261, A BILL TO BE ENTITLED AN ACT TO CREATE THE WELL CONTRACTORS CERTIFICATION COMMISSION, TO REQUIRE THAT WELL CONTRACTORS BE CERTIFIED, AND TO MAKE VARIOUS AMENDMENTS TO THE WELL CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 6685 is adopted and engrossed.

With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is re-referred to the Finance Committee.
S.B. 874, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE MANDATORY ARBITRATION OF CLAIMS RELATED TO DEFECTIVE SEED, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1827, which changes the title to read S.B. 874 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE INVESTIGATION AND RESOLUTION OF CLAIMS RESULTING FROM DEFECTIVE SEED, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

COMMITTEE REFERRAL RECALL

S.B. 889, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE AMERICAN SIGN LANGUAGE (ASL) AS THE MODERN LANGUAGE OF CHOICE FOR MANY DEAF, HARD-OF-HEARING AND HEARING NORTH CAROLINA CITIZENS, referred to the Appropriations Committee on May 1.

Pursuant to Rule 47(a), Senator Perdue offers a motion that the bill be withdrawn from the Appropriations Committee and re-referred to the Education/Higher Education Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and refers the measure to the Education/Higher Education Committee.

CALENDAR (Continued)

H.B. 958, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED HANDGUN LAWS, changing the title, upon concurrence, to read H.B. 958 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED WEAPON AND CONCEALED HANDGUN PERMIT LAWS, as amended, upon third reading, with Amendment No. 2 pending, temporarily displaced earlier.

With unanimous consent, on motion of Senator McDaniel, further consideration of the Senate Committee Substitute bill, as amended, is postponed until Wednesday, June 4, with Amendment No. 2 pending.

COMMITTEE REFERRAL RECALL

S.B. 935, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES AND RIGHTS FOR MANAGED CARE PLAN MEMBERS IN UTILIZATION REVIEW DECISIONS AND GRIEVANCES AGAINST MANAGED CARE ORGANIZATIONS, referred to the Judiciary Committee on April 17.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Commerce Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Commerce Committee.

S.B. 1037, A BILL TO BE ENTITLED AN ACT RELATING TO THE NORTH CAROLINA RAILROAD, referred to the Rules and Operations of the Senate Committee on April 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 Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

On motion of Senator Basnight, seconded by Senator Carrington, the Senate adjourns at 3:04 P.M. to meet tomorrow, Wednesday, June 4, at 2:00 P.M.

SEVENTY-THIRD DAY

Senate Chamber
Wednesday, June 4, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Dear God, in an exchange at the door of the sanctuary following worship, a parishioner said, 'That was a wonderful sermon,' to which the clergyman responded, 'That remains to be seen!'

"In the book of James, we find the scripture, 'Be doers of the Word, and not hearers only.'

"When You call the question, O God, our best and shortest answer is doing Your Word in the world. Help us to be doers today. For Your sake, Amen."

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, June 3, has been examined and is found to be correct. On 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 Clutts from Greensboro, who is serving the Senate as Doctor of the Day.

The Senate recesses at 2:27 P.M. to reconvene at 3:00 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 447, AN ACT TO ESTABLISH THE LUMBERTON ECONOMIC DEVELOPMENT AND TOURIST DISTRICT AND TO AUTHORIZE THE ISSUANCE OF CERTAIN ABC PERMITS IN THIS TYPE OF DISTRICT.

S.B. 626, AN ACT TO ESTABLISH IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES THE OFFICE OF WOMEN'S HEALTH.

H.B. 999, AN ACT TO CLARIFY THE AUTHORITY OF THE SOIL AND WATER CONSERVATION COMMISSION TO CONDUCT INSPECTIONS.

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. 437, AN ACT TO ALLOW THE TOWN OF ELKIN TO CONVEY CERTAIN DESCRIBED PROPERTY AT PRIVATE SALE. (Became law upon ratification, June 3, 1997 - S.L. 1997-131.)

H.B. 718, AN ACT TO PROVIDE FOR THE HUNTING AND TRAPPING OF FOXES AND RACCOONS IN HYDE AND BEAUFORT COUNTIES, AND TO ALLOW THE USE OF SNARES WHEN TRAPPING FUR-BEARING ANIMALS IN THOSE COUNTIES. (Became law upon ratification, June 3, 1997 - S.L. 1997-132.)

CALENDAR

S.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE-ADMINISTERED LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM IN LIEU OF HAVING A FEDERALLY ADMINISTERED PROGRAM APPLY IN THIS STATE, on today’s Calendar, upon second reading.

With unanimous consent, on motion of Senator Ballance, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 4, for consideration 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 Perdue for the Appropriations Committee:

H.B. 55 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT SPECIAL PURPLE HEART AWARD REGISTRATION PLATES

June 4, 1997
SHALL BE ISSUED WITHOUT AN ADDITIONAL FEE, TO PROVIDE THAT SURVIVING SPOUSES OF PURPLE HEART PLATEHOLDERS MAY CONTINUE TO BE ISSUED THOSE PLATES, AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL MOTOR VEHICLE PLATE FOR RECIPIENTS OF THE SILVER STAR, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the Finance Committee.

H.B. 945, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PART-TIME BACCALAUREATE DEGREE STUDENTS ARE ELIGIBLE FOR NURSING SCHOLARSHIP LOANS, with a favorable report.

H.B. 1099 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES, with a favorable report.

S.B. 299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LONG-TERM CARE BENEFITS FOR QUALIFIED EMPLOYEES, RETIRED EMPLOYEES, AND THEIR DEPENDENTS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, with a favorable report.

S.B. 451, A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES, TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS, AND TO PROVIDE THAT THOSE CLAIMS MUST BE BROUGHT WITHIN FIVE YEARS, with a favorable report.

With unanimous consent, on motion of Senator Perdue, the bill is re-referred to the Judiciary Committee.

S.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS, with a favorable report.

S.B. 476, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OSTEOPOROSIS PREVENTION TASK FORCE, AND TO APPROPRIATE FUNDS THEREFOR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4614 is adopted and engrossed.

S.B. 521, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SEXUAL ASSAULT PROGRAM FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION, with an unfavorable report as to bill as amended by the Children & Human Resources Committee, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8709, which changes the title to read S.B. 521 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PILOT PROGRAMS ON SEXUAL ASSAULT FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION, is adopted and engrossed.
H.B. 374, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS AND TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION, 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 2342, which changes the title, upon concurrence, to read H.B. 374 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS, TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION, AND TO PROVIDE THAT COLLATERAL SOURCES FOR THE PAYMENT OF FUNERAL EXPENSES SHALL NOT CONSTITUTE GROUNDS FOR DENIAL OR REDUCTION OF AN AWARD OF COMPENSATION, is adopted and engrossed.

S.B. 232 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, with an unfavorable report as to Committee Substitute bill as written by the Finance Committee, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 6686, is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HERTFORD AND NORTHAMPTON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, with a favorable report.

H.B. 748, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

H.B. 831, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF YANCEY COUNTY BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

H.B. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.
H.B. 879, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN DECISIONS OF THE DURHAM COUNTY BOARD OF ADJUSTMENT TO BE MADE BY THREE-FIFTHS VOTE RATHER THAN FOUR-FIFTHS, with a favorable report.

H.B. 881, A BILL TO BE ENTITLED AN ACT TO AMEND THE DURHAM CITY CHARTER TO PERMIT THE APPOINTMENT OF A BOARD OF ADJUSTMENT WITH MORE THAN FIVE MEMBERS, with a favorable report.

H.B. 772, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW, 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 8242, which changes the title to read H.B. 772 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW, TO ANNEX PROPERTY TO THE TOWN OF SHALLOTTE, AND TO CORRECT AN ERROR IN THE DESCRIPTION OF DISTRICTS IN THE WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT, is adopted and engrossed.

COMMITTEE REFERRAL RECALL

S.B. 1073, A BILL TO BE ENTITLED AN ACT RELATING TO THE INFORMATION RESOURCE MANAGEMENT COMMISSION, referred to the Rules and Operations of the Senate Committee on April 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 Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

REPORTS OF COMMITTEES (Continued)

By Senator Cooper for the Judiciary Committee:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A SYSTEM OF COMPLETE PUBLIC FINANCING OF ELECTIONS FOR GOVERNOR, COUNCIL OF STATE, AND GENERAL ASSEMBLY; AND TO MAKE RELATED 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 8714, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Appropriations Committee.

By Senator Kerr for the Finance Committee:

H.B. 97 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE ADMINISTRATION OF THE GASTONIA POLICEMEN'S SUPPLEMENTAL RETIREMENT FUND AND THE GASTONIA FIREMEN'S SUPPLEMENTAL
RETIREMENT FUND FROM THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT, with a favorable report.

H.B. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN LINCOLN COUNTY THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM, with a favorable report.

H.B. 933, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES COLLECTED UNDER THE PHARMACY PRACTICE ACT, with a favorable report.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

By Senator Kerr for the Finance Committee:

S.B. 271, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA CAPITAL ACCESS AUTHORITY, WHICH WILL CREATE 25,000 JOBS FOR NORTH CAROLINA BY PROVIDING LOAN GUARANTEES FOR SMALL AND MEDIUM-SIZED BUSINESSES, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute 8715, which changes the title to read S.B. 271 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE AT LEAST TWENTY-FIVE THOUSAND JOBS FOR NORTH CAROLINA BY PROVIDING ACCESS TO CAPITAL FOR SMALL AND MEDIUM-SIZED NORTH CAROLINA BUSINESSES THROUGH LOAN GUARANTEES, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Appropriations Committee.

H.B. 260 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES AND TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE CONSIDERED IN DETERMINING THE APPRAISED VALUE OF LAND AND IMPROVEMENTS, with an unfavorable report as to Senate Committee Substitute bill as written by the Finance Committee, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 2343, which changes the title, upon concurrence, to read H.B. 260 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE CONSIDERED IN DETERMINING THE APPRAISED VALUE OF LAND AND IMPROVEMENTS, AND TO ESTABLISH THE CONSERVATION GRANT FUND, 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 for concurrence are presented to the Senate, read, and disposed of, as follows:

June 4, 1997
S.B. 162 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS, NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING CERTIFICATION OF IDENTIFICATION OF INDIVIDUALS OF FOREIGN BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION, CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES, AND TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT ASSESSMENTS TO EIGHTEEN MONTHS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 162 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS, NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING CERTIFICATION OF IDENTIFICATION OF INDIVIDUALS OF FOREIGN BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION, CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES, TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT ASSESSMENTS TO EIGHTEEN MONTHS, TO PROVIDE THAT EXECUTION OF A RELINQUISHMENT DOES NOT TERMINATE THE DUTY OF SUPPORT, AND TO PERMIT ALL RELINQUISHMENTS TO BE RESCINDED BY MUTUAL AGREEMENT, which is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read, S.B. 429 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, which is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 524 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN
AND THEY REFUSE TO ACCEPT SERVICE, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 524 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF CONOVER AND SANFORD TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE, which is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 892 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE RIGHT OF CERTAIN SHAREHOLDERS TO DISSENT FROM CORPORATE ACTIONS AND TO AMEND THE LAW GOVERNING OFFERS OF PAYMENT TO DISSENTERS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PRACTICE OF LAW BY ATTORNEYS REPRESENTING CORPORATIONS, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 1011 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF SCHOOL, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, June 5.

S.B. 1064 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A TAXPAYER WHO PREVAILS IN A PROPERTY TAX APPEAL TO RECEIVE INTEREST ON ANY OVERPAYMENT OF TAX AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS PROPERTY TAX ISSUES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, June 5.

A special message received in the Office of the Principal Clerk from the House of Representatives transmitting a resolution is presented to the Senate, read the first time, and disposed of, as follows:

H.J.R. 1232, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ADOLPH LORENZ DIAL, FORMER MEMBER OF THE GENERAL ASSEMBLY.
Referred to Rules and Operations of the Senate Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 283, A BILL TO BE ENTITLED AN ACT TO ALLOW PERQUIMANS COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, upon second reading.
The bill passes its second reading by roll-call vote, ayes 46, noes 2, as follows:
Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight,

Voting in the negative: Senators Webster and Winner—2.

The bill is ordered placed on the Calendar for tomorrow, Thursday, June 5, for further consideration upon third reading.

H.B. 411, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW RELATING TO THE GAME COMMISSION OF CURRITUCK COUNTY, upon second reading.

Senator Hoyle offers a motion that the bill be withdrawn from today’s Calendar and placed on the Calendar for Thursday, June 5, which motion he subsequently withdraws with unanimous consent.

The bill passes its second reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered placed on the Calendar for tomorrow, Thursday, June 5, for further consideration upon third reading.

S.B. 529, A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 529 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF HOPE MILLS AND WEAVERVILLE, upon third reading.

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 negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 356 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE
CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS AND TO EXEMPT HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967, upon second reading.

The Senate fails to concur in the House Committee Substitute bill on its second reading by roll-call vote, ayes 0, noes 49, as follows:

Voting in the affirmative: None.


A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 58, A BILL TO BE ENTITLED AN ACT TO ADD BURKE, CALDWELL, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS, for concurrence in House Amendments No. 1 and No. 2, which change the title, upon concurrence, to read S.B. 58, A BILL TO BE ENTITLED AN ACT TO ADD ALAMANCE, BEAUFORT, BURKE, CALDWELL, CASWELL, CRAVEN, CUMBERLAND, HYDE, MCDOWELL, ORANGE, PITT, ROCKINGHAM, UNION, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

The Senate concurs in House Amendments No. 1 and No. 2 (49-0), and the measure is ordered enrolled.

S.B. 712 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CERTIFY CLINICAL ADDICTIONS SPECIALISTS, PROVIDE SPECIFIC AUTHORITY FOR CERTIFICATION OF CLINICAL SUPERVISORS AND RESIDENTIAL FACILITY DIRECTORS, AND TO MAKE A TECHNICAL CHANGE, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 7, as follows:


Voting in the negative: Senators Clark, Cochran, East, Ledbetter, Page, Rucho, and Webster—7.

The Committee Substitute bill is ordered sent to the House of Representatives.

S.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE-ADMINISTERED LEAD-BASED PAINT HAZARD MANAGEMENT
PROGRAM IN LIEU OF HAVING A FEDERALLY ADMINISTERED PROGRAM APPLY IN THIS STATE, upon second reading.

Senator Ballance offers Amendment No. 1.

_The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides._

Amendment No. 1, offered by Senator Ballance, is adopted (49-0).

_Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides._

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 34, noes 15, as follows:


Voting in the negative: Senators Ballantine, Blust, Clark, Cochrane, East, Foxx, Garwood, Horton, Kincaid, Ledbetter, McDaniel, Page, Rucho, Shaw of Guilford, and Webster—15.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, June 5, for further consideration upon third reading.

_H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION OR IMPENDING CONDEMNATION, upon second reading._

With unanimous consent, on motion of Senator Dalton, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 11, for consideration upon second reading.

_H.B. 907 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES, upon second reading._

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, June 5, for further consideration upon third reading.

_H.B. 134, A BILL TO BE ENTITLED AN ACT TO ENACT THE REVISED ARTICLE 8 OF THE UNIFORM COMMERCIAL CODE AND CONFORMING AND AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER_
GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 194** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCOUNT WITHIN THE CLEAN WATER REVOLVING LOAN AND GRANT FUND SO THAT FUNDS MADE AVAILABLE UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1996 MAY BE USED BY THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

On motion of Senator Odom, the President orders the Committee Substitute bill temporarily displaced to the end of today’s Calendar.

**H.B. 432** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE LESSONS LEARNED FROM HURRICANE FRAN WITH RESPECT TO THE MOBILIZATION OF THE NORTH CAROLINA NATIONAL GUARD.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 448** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR’S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED.

Senator Odom offers Amendment No. 1 which is adopted (48-0).

Senator Shaw of Guilford offers Amendment No. 2.

Senator Cooper offers Amendment No. 3, a substitute Amendment for Amendment No. 2.

Senator Shaw of Guilford offers a motion that substitute Amendment No. 3 do lie upon the table, seconded by Senator Webster. Subsequently, Senator Webster withdraws his second, to the motion, and Senator Shaw of Guilford withdraws his motion.

Senator Shaw of Guilford rises to a point of order under Rule 42.3A as to a fiscal note being attached to substitute Amendment No. 3. The President announces that a note from the Sentencing and Policy Advisory Commission is attached to the amendment, and he further rules that said note satisfies the requirement of Rule 42.3A as substitute Amendment No. 3 proposes lower incarceration rates than Amendment No. 2 which has a fiscal note from the Fiscal Research Division attached.

Following debate, Senator Cooper calls the previous question on substitute Amendment No. 3 and through the passage of the bill, seconded by Senator Odom. Senator Shaw of Guilford calls for the “ayes” and “noes” on the question, which call is sustained. The call for the previous question passes by roll-call vote, ayes 29, noes 20, as follows:


Voting in the negative: Senators Allran, Ballance, Ballantine, Blust, Carpenter, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Horton, Kincaid, Ledbetter, McDaniel, Page, Rucho, Shaw of Guilford, and Webster—20.
Substitute Amendment No. 3, offered by Senator Cooper, is adopted (37-12). The Senate Committee Substitute bill, as amended, passes its second reading (49-0).

Senator Kincaid objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, June 5, for further consideration upon third reading.

With bills remaining on the Calendar, on motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 5:38 P.M. to meet tomorrow, Thursday, June 5, at 12:00 Noon.

SEVENTY-FOURTH DAY

Senate Chamber
Thursday, June 5, 1997

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, the hardest part of any journey is not the start or the finish, but those long, tedious last miles before we get to our destination. The Senators and staff may be experiencing that part of the Legislative Session now.

"We pray that when the journey seems too hard, when we feel depleted, when our compassion turns to complaining, when our efforts toward justice and mercy seem to get us nowhere, it's time to remember the humility part, that it is You who has made us, and not we ourselves; that the saving of the world or even part of it is not entirely on our shoulders.

"Then we shall come unto You and You will give us rest, and with rest we will remember what it is we are about. Thank You for that promise, O God. Amen."

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Wednesday, June 4, has been examined and is found to be correct. On 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. H. D. Tyndall from Goldsboro, 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. 134, AN ACT TO ENACT THE REVISED ARTICLE 8 OF THE UNIFORM COMMERCIAL CODE AND CONFORMING AND MISCELLANEOUS
AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION.

H.B. 432, AN ACT TO IMPLEMENT THE LESSONS LEARNED FROM HURRICANE FRAN WITH RESPECT TO THE MOBILIZATION OF THE NORTH CAROLINA NATIONAL GUARD.

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

S.B. 58, AN ACT TO ADD ALAMANCE, BEAUFORT, BURKE, CALDWELL, CASWELL, CRAVEN, CUMBERLAND, HYDE, MCDOWELL, ORANGE, PITT, ROCKINGHAM, UNION, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS.

S.B. 529, AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWNS OF HOPE MILLS AND WEAVERVILLE.

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 Winner for the Education/Higher Education Committee:

H.B. 746, A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM HIGHER EDUCATION ADMISSION REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS, 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 7325, which changes the title, upon concurrence, to read H.B. 746 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW AND ADOPT A POLICY REGARDING UNIFORM HIGHER EDUCATION ADMISSIONS REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS, is adopted and engrossed.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

H.B. 5 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN COVERAGE FOR DIABETES IN HEALTH AND ACCIDENT INSURANCE POLICIES, IN HOSPITAL OR MEDICAL SERVICES PLANS, AND IN HMO 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 7324 is adopted and engrossed.

June 5, 1997
H.B. 81 (Senate Committee Substitute)

Senator Cochrane for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 81 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE, 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 81, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE, Senate Children & Human Resources Committee Substitute Adopted 4/16/97, submit the following report:

The House and Senate agree to the following amendments to the Senate Committee Substitute, Senate & Human Resources Committee Substitute Adopted 4/16/97, and the House concurs in the Senate Committee Substitute as amended:

on page 1, lines 15 through 20, by rewriting the lines to read:

"a. A resident of North Carolina for at least 90 days immediately prior to receiving this assistance;

b. A person coming to North Carolina to join a close relative who has resided in North Carolina for at least 180 consecutive days immediately prior to the person’s application. The close relative shall furnish verification of his or her residency to the local department of social services at the time the applicant applies for special assistance. As used in this sub-subdivision, a close relative is the person’s parent, grandparent, brother, sister, spouse, or child; or

c. A person discharged from a State facility who was a patient in the facility as a result of an interstate mental health compact. As used in this sub-subdivision the term State facility is a facility listed under G.S. 122C-181."

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

Date conferees approved report: June 3, 1997.

S/Betsy L. Cochrane  S/Debbie A. Clary
S/Jeannie H. Lucas  S/Gene Wilson
S/Fletcher Lee Hartsell, Jr.  S/Charlotte Gardner
S/Robert C. Carpenter  S/Martin Nesbitt
S/Walter Dalton

Conferees for the Senate  Conferees for the House of Representatives

June 5, 1997
On motion of Senator Cochrane, the Conference Report is adopted (44-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

INTRODUCTION OF RESOLUTIONS

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

By Senators Shaw of Cumberland, Cooper, Albertson, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hoyle, Jenkins, Kerr, Kincaid, Kinnaird, Ledbetter, Lucas, Martin of Guilford, Martin of Pitt, McDaniel, Page, Phillips, Rand, Rucho, Shaw of Guilford, Warren, Webster, Weinstein, Wellons, and Winner:

S.J.R. 1081, A JOINT RESOLUTION HONORING THE MEMORY OF JACKIE ROBINSON AND RECOGNIZING WALTER FENNER "BUCK" LEONARD ON THE FIFTIETH ANNIVERSARY OF JACKIE ROBINSON'S BREAKING THE COLOR BARRIER IN MAJOR LEAGUE BASEBALL.

Referred to Rules and Operations of the Senate Committee.


S.J.R. 1082, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS B. SAWYER, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to Rules and Operations of the Senate Committee.

The Senate recesses at 12:15 P.M. to reconvene at 12:30 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Marc Basnight, President Pro Tempore.

CALENDAR

Bills on the Calendar, carried forward as unfinished business from Wednesday, June 4, are taken up and disposed of, as follows:

H.B. 482, A BILL TO BE ENTITLED AN ACT TO ALLOW ALL HANDICAPPED PERSONS TO USE A REGISTERED SIGNATURE FACSIMILE AS A MARK OF THEIR LEGAL SIGNATURE.

The bill passes its second (41-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 484 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE
OFFICE OF THE REGISTER OF DEEDS.

Senator Albertson offers Amendment No. 1 which is adopted (47-1).

The Senate Committee Substitute bill, as amended, passes its second (44-4) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 994, A BILL TO BE ENTITLED AN ACT TO ALLOW PAY TELEPHONE PROVIDERS TO OBTAIN LINE ACCESS FROM COMPETITIVE LOCAL PROVIDERS OF TELEPHONE SERVICE AND TO ELIMINATE THE STATUTORY REQUIREMENT THAT LINE ACCESS RATES BE SET ON A MEASURED RATE BASIS.

The bill passes its second reading (49-1).

Senator Jordan objects to third reading of the measure. Pursuant to Rule 50, the President Pro Tempore orders the measure placed on the Calendar for Monday, June 9, for further consideration upon third reading.

H.B. 1008 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE EDUCATIONAL REQUIREMENTS FOR CHIROPRACTIC LICENSURE AND TO AUTHORIZE THE BOARD TO LICENSE PERSONS WHO HAVE PASSED THE NATIONAL CHIROPRACTIC EXAMINATION.

The Senate Committee Substitute bill 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.

H.B. 1140, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMMUNITY SERVICE BE IMPOSED FOR A CONVICTION OF LITTERING.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Horton offers Amendment No. 1 which is adopted (32-18).

The bill, as amended, passes its second reading (48-2).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 9, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

S.B. 810, A BILL TO BE ENTITLED AN ACT TO RESTORE THE RIGHT AND ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA TO PROTECT THEMSELVES, referred to the Judiciary Committee on April 10.

Senator Webster offers a motion that the Senate direct the Chairman of the Judiciary Committee to recall the bill from the Judiciary Committee, pursuant to Rule 47(a), and place it before the Senate for immediate consideration, and he further calls the question, seconded by Senator East. Senator Webster also calls for the “ayes” and “noes” on the question.

The President delays a ruling on the motion at this time.

H.B. 958 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CONCEALED WEAPON AND CONCEALED HANDGUN PERMIT LAWS, as amended, with Amendment No. 2 pending, upon third reading.
With unanimous consent, Senator McDaniel withdraws Amendment No. 2. Senator McDaniel offers Amendment No. 3 which fails of adoption (23-26). The Senate Committee Substitute bill, as amended, passes its third reading (48-1) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**S.B. 153 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE FOR FIVE MORE YEARS, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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 negative: None.

The House Committee Substitute bill remains on the Calendar for Monday, June 9, for concurrence upon third reading.

**H.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN ACCOUNT WITHIN THE CLEAN WATER REVOLVING LOAN AND GRANT FUND SO THAT FUNDS MADE AVAILABLE UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1996 MAY BE USED BY THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, temporarily displaced on June 4.**

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

**H.B. 994, A BILL TO BE ENTITLED AN ACT TO ALLOW PAY TELEPHONE PROVIDERS TO OBTAIN LINE ACCESS FROM COMPETITIVE LOCAL PROVIDERS OF TELEPHONE SERVICE AND TO ELIMINATE THE STATUTORY REQUIREMENT THAT LINE ACCESS RATES BE SET ON A MEASURED RATE BASIS, placed earlier today on the Calendar for Monday, June 9.**

Senator Jordan withdraws his objection to third reading, the Senate reconsiders, and the bill is taken from the Calendar for June 9, and is placed before the Senate for further consideration upon third reading.

The bill passes its third reading (46-2) and is ordered enrolled and sent to the Governor.

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 283, A BILL TO BE ENTITLED AN ACT TO ALLOW PERQUIMANS COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF**
EDUCATION, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 2, as follows:


Voting in the negative: Senators Webster and Winner—2.

The bill is ordered enrolled.

H.B. 411, A BILL TO BE ENTITLED AN ACT TO REVISE THE LAW RELATING TO THE GAME COMMISSION OF CURRITUCK COUNTY, upon third reading.

The bill fails to pass its third reading by roll-call vote, ayes 4, noes 43, as follows:


The bill lies upon the table.

Senator Gulley offers a motion that the rules be suspended and the bill be taken from the table and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails with a two-thirds affirmative majority. Senator Gulley offers a motion that the vote by which the bill failed to pass its third reading be reconsidered, which motion prevails with unanimous consent, and the question becomes the passage of the bill upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 2, as follows:


Voting in the negative: Senators Clark and Webster—2.

The bill is ordered enrolled.

H.B. 506 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW HERTFORD AND NORTHAMPTON COUNTIES TO ACQUIRE PROPERTY FOR USE BY THEIR COUNTY BOARDS OF EDUCATION, upon second reading.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is withdrawn from today’s Calendar and is re-referred to the Finance Committee.

H.B. 804 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN
LINCOLN COUNTY THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 9, for further consideration upon third reading.

**H.B. 97** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE ADMINISTRATION OF THE GASTONIA POLICEMEN'S SUPPLEMENTAL RETIREMENT FUND AND THE GASTONIA FIREFMEN'S SUPPLEMENTAL RETIREMENT FUND FROM THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H.B. 772**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW, changing the title, upon concurrence, to read **H.B. 772** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW, TO ANNEX PROPERTY TO THE TOWN OF SHALLOTTE, AND TO CORRECT AN ERROR IN THE DESCRIPTION OF DISTRICTS IN THE WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT.

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. 831**, A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF YANCEY COUNTY BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 879**, A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN DECISIONS OF THE DURHAM COUNTY BOARD OF ADJUSTMENT TO BE MADE BY THREE-FIFTHS VOTE RATHER THAN FOUR-FIFTHS.

The bill passes its second and third readings and is ordered enrolled.

**H.B. 881**, A BILL TO BE ENTITLED AN ACT TO AMEND THE DURHAM CITY CHARTER TO PERMIT THE APPOINTMENT OF A BOARD OF ADJUSTMENT WITH MORE THAN FIVE MEMBERS.

The bill passes its second and third readings and is ordered enrolled.

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S.B. 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 429 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

The Senate fails to concur in the House Committee Substitute bill (0-47).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 524 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF CONOVER TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 524 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF CONOVER AND SANFORD TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

The Senate concurs in the House Committee Substitute bill (49-0) and the measure is ordered enrolled.

S.B. 516 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A STATE-ADMINISTERED LEAD-BASED PAINT HAZARD MANAGEMENT PROGRAM IN LIEU OF HAVING A FEDERALLY ADMINISTERED PROGRAM APPLY IN THIS STATE, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 34, noes 15, as follows:

Voting in the negative: Senators Ballantine, Blust, Carrington, Clark, Cochrane, East, Foxx, Horton, Kincaid, Ledbetter, McDaniel, Page, Rucho, Shaw of Guilford, and Webster—15.

The Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Warren.

H.B. 907 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES
IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


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.

S.B. 232 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, upon second reading.

On motion of Senator Kerr, the President orders the Committee Substitute bill No. 2 temporarily displaced.

H.B. 260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A CONSERVATION EASEMENTS PROGRAM THAT USES CONSERVATION TAX CREDITS FOR THE PROTECTION OF NATURAL RESOURCES AND THAT FURTHERS APPROPRIATE PUBLIC USE OF NATURAL RESOURCES, TO CREATE THE FACILITATION AND ASSISTANCE GRANT FUND TO SUPPORT COOPERATIVE CONSERVATION EFFORTS, AND TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, changing the title, upon concurrence, to read H.B. 260 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE CONSIDERED IN DETERMINING THE APPRAISED VALUE OF LAND AND IMPROVEMENTS, AND TO ESTABLISH THE CONSERVATION GRANT FUND, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered placed on the Calendar for Monday, June 9, for further consideration upon third reading.
H.B. 933, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES COLLECTED UNDER THE PHARMACY PRACTICE ACT, as amended, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 8, as follows:


Voting in the negative: Senators Ballantaine, Clark, East, Forrester, Foxx, McDaniel, Page, and Webster—8.

The bill, as amended, is ordered placed on the Calendar for Monday, June 9, for further consideration upon third reading.

S.B. 299 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE LONG-TERM CARE BENEFITS FOR QUALIFIED EMPLOYEES, RETIRED EMPLOYEES, AND THEIR DEPENDENTS UNDER THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

S.B. 476 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE OSTEOPOROSIS PREVENTION TASK FORCE, AND TO APPROPRIATE FUNDS THEREFOR.

The Committee Substitute bill passes its second (47-0) and third readings and is ordered sent to the House of Representatives.

S.B. 521 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PILOT PROGRAMS ON SEXUAL ASSAULT FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

Senator Carpenter 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. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS.

Senator Hoyle offers Amendment No. 1 which is adopted (48-0).

The Committee Substitute bill, as amended, passes its second reading (42-6).

Senator Webster objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 9, for further consideration upon third reading.

H.B. 374, A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS AND TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION, changing the title, upon concurrence, to read H.B. 374 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO
INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS, TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION, AND TO PROVIDE THAT COLLATERAL SOURCES FOR THE PAYMENT OF FUNERAL EXPENSES SHALL NOT CONSTITUTE GROUNDS FOR DENIAL OR REDUCTION OF AN AWARD OF COMPENSATION.

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.

COMMITTEE REFERRAL RECALL

S.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CONTROL OF LEAD EXPOSURE OF CHILDREN, referred to the Appropriations Committee on April 17.

Pursuant to Rule 47(a), Senator Perdue offers a motion that the Committee Substitute bill be withdrawn from the Appropriations Committee and placed on the Calendar for Tuesday, June 10, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Appropriations Committee and places it on the Calendar for Tuesday, June 10, for consideration upon its passage.


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 Monday, June 9, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it on the Calendar for Monday, June 9, for consideration upon its passage.

CALENDAR (Continued)

H.B. 1140, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMMUNITY SERVICE BE IMPOSED FOR A CONVICTION OF LITTERING, placed earlier today on the Calendar for Monday, June 9, upon third reading.

Senator Kerr withdraws his objection to third reading, the Senate reconsiders, and the bill is withdrawn from the Calendar for June 9, and is placed on today’s Calendar, upon third reading.


Senator Cooper offers Amendment No. 1 which is adopted (47-0).

The bill, 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.

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H.B. 945, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN PART-TIME BACCALAUREATE DEGREE STUDENTS ARE ELIGIBLE FOR NURSING SCHOLARSHIP LOANS.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1099 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES.

With unanimous consent, on motion of Senator Winner, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 11, for consideration upon its passage.

H.B. 448 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE GOVERNOR’S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED, as amended, upon third reading.

The President rules that, pursuant to Rule 23, the call for the previous question on the amendment and through the passage of the bill made by Senator Cooper on June 4 carries through to the passage of the Senate Committee Substitute bill, as amended, on third reading today.

The Senate Committee Substitute bill, as amended, passes its third reading (47-1) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 162 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS, NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING CERTIFICATION OF IDENTIFICATION FOR INDIVIDUALS OF FOREIGN BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION, CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES, AND TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT ASSESSMENTS TO EIGHTEEN MONTHS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read, S.B. 162 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS, NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING CERTIFICATION OF IDENTIFICATION FOR INDIVIDUALS OF FOREIGN BIRTH AS

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RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION, CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES, TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT ASSESSMENTS TO EIGHTEEN MONTHS, TO PROVIDE THAT EXECUTION OF A RELINQUISHMENT DOES NOT TERMINATE THE DUTY OF SUPPORT, AND TO PERMIT ALL RELINQUISHMENTS TO BE RESCINDED BY MUTUAL AGREEMENT.

The Senate concurs in the House Committee Substitute bill (47-1), and the measure is ordered enrolled and sent to the Governor.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

S.B. 892 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO LIMIT THE RIGHT OF CERTAIN SHAREHOLDERS TO DISSENT FROM CORPORATE ACTIONS AND TO AMEND THE LAW GOVERNING OFFERS OF PAYMENT TO DISSENTERS, 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. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE PRACTICE OF LAW BY ATTORNEYS REPRESENTING CORPORATIONS, for concurrence in House Amendment No. 1.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Senate concurs in House Amendment No. 1 (47-0), and the measure is ordered enrolled and sent to the Governor.

S.B. 1011 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF SCHOOL, 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. 1064 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A TAXPAYER WHO PREVAILS IN A PROPERTY TAX APPEAL TO RECEIVE INTEREST ON ANY OVERPAYMENT OF TAX AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS PROPERTY TAX ISSUES, 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.

H.B. 1140, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMMUNITY SERVICE BE IMPOSED FOR A CONVICTION OF LITTERING, as amended, placed earlier today on today’s Calendar upon third reading.

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.
S.B. 232 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, temporarily displaced earlier upon second reading.

Senator Kerr offers Amendment No. 1, held to be material, which is adopted (48-0), constituting the first reading of the measure.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for Monday, June 9, for further consideration upon second reading.

WITHDRAWAL FROM CALENDAR

H.B. 746, A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM HIGHER EDUCATION ADMISSION REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS, changing the title, upon concurrence, to read H.B. 746 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW AND ADOPT A POLICY REGARDING UNIFORM HIGHER EDUCATION ADMISSIONS REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS, placed earlier today on the Calendar for Monday, June 9.

Senator Winner offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Monday, June 9, and placed on the Calendar for Tuesday, June 10, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Monday, June 9, and places it on the Calendar for Tuesday, June 10, for consideration upon its passage.

S.B. 810, A BILL TO BE ENTITLED AN ACT TO RESTORE THE RIGHT AND ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA TO PROTECT THEMSELVES, referred to the Judiciary Committee on April 10.

Senator Webster restates his motion made earlier today and the President rules the motion offered by Senator Webster earlier today out of order pursuant to Rule 47.

Senator Webster offers a motion that the remarks of the President as to his ruling pursuant to Rule 47 be spread upon the Journal, and requests the "ayes" and "noes" on the motion.

Senator Odom offers a substitute motion that the motion of Senator Webster to spread the President's remarks upon the Journal do lie upon the table.

Senator Kerr offers a motion that the Senate adjourn, seconded by Senator Rand, which motion prevails.

Senator Webster rises to a point of order under Rule 23 as to his call for the previous question earlier today being carried forward until the next legislative day. The President rules the call for the previous question limited to the motion offered.

The Senate adjourns at 3:32 P.M. to meet Monday, June 9, at 7:00 P.M.

June 5, 1997
SENATE JOURNAL

SEVENTY-FIFTH DAY

Senate Chamber
Monday, June 9, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, forgive us when we are tempted to want to ease through life not at all sure we want to be chosen by You for special assignments.

“Being chosen can be a severe mercy. The Senators know that all too well.

“As they start this new week, though they have fought many battles already and have more ahead, let them begin with a fresh spirit and attitude.

“May each person here embrace the unique gifts You’ve given them to do the work of the Senate and great things for You, O God. Amen.”

With unanimous consent, the President grants leaves of absence for tonight to Senator Gulley and to Senator Winner due to a family matter.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, June 5, has been examined and is found to be correct. On 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 C. Martin from Raleigh, 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. 162, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS, NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING CERTIFICATION OF IDENTIFICATION FOR INDIVIDUALS OF FOREIGN BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION, CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES, AND TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT ASSESSMENTS TO EIGHTEEN MONTHS, TO PROVIDE THAT EXECUTION OF A RELINQUISHMENT DOES NOT TERMINATE THE DUTY OF
SUPPORT, AND TO PERMIT ALL RELINQUISHMENTS TO BE RESCINDED BY MUTUAL AGREEMENT.

S.B. 892, AN ACT TO LIMIT THE RIGHT OF CERTAIN SHAREHOLDERS TO DISSENT FROM CORPORATE ACTIONS AND TO AMEND THE LAW GOVERNING OFFERS OF PAYMENT TO DISSENTERS.

S.B. 896, AN ACT TO AMEND THE LAW GOVERNING THE PRACTICE OF LAW BY ATTORNEYS REPRESENTING CORPORATIONS.

S.B. 1011, AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF SCHOOL.

S.B. 1064, AN ACT TO ALLOW A TAXPAYER WHO PREVAILS IN A PROPERTY TAX APPEAL TO RECEIVE INTEREST ON ANY OVERPAYMENT OF TAX AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS PROPERTY TAX ISSUES.

H.B. 194, AN ACT TO ESTABLISH AN ACCOUNT WITHIN THE CLEAN WATER REVOLVING LOAN AND GRANT FUND SO THAT FUNDS MADE AVAILABLE UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1996 MAY BE USED BY THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 482, AN ACT TO ALLOW ALL HANDICAPPED PERSONS TO USE A REGISTERED SIGNATURE FACSIMILE AS A MARK OF THEIR LEGAL SIGNATURE.

H.B. 945, AN ACT TO PROVIDE THAT CERTAIN PART-TIME BACCALAUREATE DEGREE STUDENTS ARE ELIGIBLE FOR NURSING SCHOLARSHIP LOANS.

H.B. 994, AN ACT TO ALLOW PAY TELEPHONE PROVIDERS TO OBTAIN LINE ACCESS FROM COMPETITIVE LOCAL PROVIDERS OF TELEPHONE SERVICE AND TO ELIMINATE THE STATUTORY REQUIREMENT THAT LINE ACCESS RATES BE SET ON A MEASURED RATE BASIS.

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

S.B. 524, AN ACT TO ALLOW THE CITIES OF CONOVER AND SANFORD TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE.

H.B. 97, AN ACT TO EXEMPT THE ADMINISTRATION OF THE GASTONIA POLICEMEN’S SUPPLEMENTAL RETIREMENT FUND AND THE GASTONIA
FIREMEN'S SUPPLEMENTAL RETIREMENT FUND FROM THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT.

H.B. 283, AN ACT TO ALLOW PERQUIMANS COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

H.B. 411, AN ACT TO REVISE THE LAW RELATING TO THE GAME COMMISSION OF CURRITUCK COUNTY.

H.B. 831, AN ACT REQUIRING THE CONSENT OF YANCEY COUNTY BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

H.B. 879, AN ACT TO ALLOW CERTAIN DECISIONS OF THE DURHAM COUNTY BOARD OF ADJUSTMENT TO BE MADE BY THREE-FIFTHS VOTE RATHER THAN FOUR-FIFTHS.

H.B. 881, AN ACT TO AMEND THE DURHAM CITY CHARTER TO PERMIT THE APPOINTMENT OF A BOARD OF ADJUSTMENT WITH MORE THAN FIVE MEMBERS.

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. 312, AN ACT UPDATING THE STATUTORY MORTALITY TABLES USED AS EVIDENCE TO ESTABLISH THE EXPECTANCY OF CONTINUED LIFE. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-133.)

H.B. 348, AN ACT TO PROVIDE FOR A CIDER AND VINEGAR MANUFACTURER PERMIT TO BE ISSUED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-134.)

H.B. 28, AN ACT TO ALLOW THE FIFTH MEMBER OF A COUNTY BOARD OF SOCIAL SERVICES TO BE SELECTED BY MAJORITY VOTE OF THE FOUR OTHER MEMBERS. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-135.)

H.B. 456, AN ACT TO REPEAL THE LAW REQUIRING THE REGISTER OF DEEDS TO DISTRIBUTE INFORMATION ON THE DANGERS OF DRUG AND ALCOHOL ABUSE DURING PREGNANCY WITH EACH MARRIAGE LICENSE. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-136.)

H.B. 455, AN ACT TO AMEND THE GENERAL STATUTES CONCERNING THE DETECTION, PREVENTION, CARE, AND TREATMENT OF GLAUCOMA AND DIABETES. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-137.)

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H.B. 402, AN ACT TO PROVIDE THAT AN INFRACTION FOR CERTAIN ALCOHOL-RELATED OFFENSES MAY BE EXPUNGED FROM A PERSON'S RECORD AFTER A DISMISSAL OR UPON A FINDING OF NOT RESPONSIBLE. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-138.)

S.B. 323, AN ACT TO ALLOW AN INCOME TAX CREDIT FOR EXPENDITURES TO REHABILITATE HISTORIC STRUCTURES. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-139.)

S.B. 207, AN ACT TO MODIFY THE CRIMINAL HISTORY RECORD CHECKS LAW TO MAKE CLARIFYING CHANGES AND TO REQUIRE A CRIMINAL BACKGROUND CHECK ON HOME HEALTH AGENCY APPLICANTS ONLY FOR CERTAIN POSITIONS. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-140.)

S.B. 370, AN ACT TO AMEND THE NORTH CAROLINA INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR THE ENFORCEMENT OF ARBITRATION AWARDS PURSUANT TO THE ACT ENTERED OUTSIDE NORTH CAROLINA AND TO GIVE A PARTY THE RIGHT TO BE REPRESENTED BY AN ATTORNEY AT A PROCEEDING PURSUANT TO THE ACT. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-141.)

S.B. 266, AN ACT TO AUTHORIZE THE PRODUCTION AND SALE OF RED DEER. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-142.)

S.B. 409, AN ACT TO PERMIT AIRPORT LAW ENFORCEMENT AGENCIES TO ENTER COOPERATION AGREEMENTS WITH OTHER LAW ENFORCEMENT AGENCIES. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-143.)

S.B. 673, AN ACT TO AMEND THE DEFINITION OF LAW ENFORCEMENT OFFICER FOR PURPOSES OF ELIGIBILITY FOR BENEFITS UNDER THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-144.)

S.B. 914, AN ACT TO REVISE THE REIMBURSEMENT METHODOLOGY FOR HOSPITAL CHARGES UNDER WORKERS' COMPENSATION. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-145.)

H.B. 871, AN ACT AMENDING THE WAGE AND HOUR ACT TO RAISE THE STATE MINIMUM WAGE, TO PERMIT EMPLOYERS SUBJECT TO THE STATE MINIMUM WAGE TO TAKE THE SAME TIP CREDIT AS FEDERALLY COVERED EMPLOYERS, AND TO EXEMPT COMPUTER PROFESSIONALS FROM MINIMUM WAGE AND OVERTIME PROVISIONS. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-146.)

H.B. 988, AN ACT TO RESTORE OFFICIAL RECOGNITION TO THE INDIANS OF PERSON COUNTY AND TO PROVIDE THEM WITH REPRESENTATION ON THE COMMISSION OF INDIAN AFFAIRS. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-147.)

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S.B. 869, AN ACT TO TRANSFER TECHNOLOGY-RELATED FUNCTIONS OF STATE GOVERNMENT TO THE DEPARTMENT OF COMMERCE. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-148.)

H.B. 790, AN ACT TO PROVIDE THAT A CHECK TAKER OR ACCEPTOR SHALL NOT WRITE OR PRINT THE RACE OR GENDER ON THE CHECK OR DRAFT OF A CHECK PASSER. (Became law upon approval of the Governor, June 4, 1997 - S.L. 1997-149.)

S.B. 58, AN ACT TO ADD ALAMANCE, BEAUFORT, BURKE, CALDWELL, CASWELL, CRAVEN, CUMBERLAND, HYDE, MCDOWELL, ORANGE, PITT, ROCKINGHAM, UNION, AND WILKES COUNTIES TO THOSE COUNTIES IN WHICH IT IS UNLAWFUL TO REMOVE OR DESTROY ELECTRONIC COLLARS ON DOGS. (Became law upon ratification, June 5, 1997 - S.L. 1997-150.)

S.B. 529, AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF HOPE MILLS AND WEAVERVILLE. (Became law upon ratification, June 5, 1997 - S.L. 1997-151.)

H.B. 410, AN ACT ENACTING AND ENTERING INTO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT. (Became law upon approval of the Governor, June 6, 1997 - S.L. 1997-152.)

H.B. 432, AN ACT TO IMPLEMENT THE LESSONS LEARNED FROM HURRICANE FRAN WITH RESPECT TO THE MOBILIZATION OF THE NORTH CAROLINA NATIONAL GUARD. (Became law upon approval of the Governor, June 6, 1997 - S.L. 1997-153.)

S.B. 554, AN ACT TO REMOVE THE SUNSET. (Became law upon approval of the Governor, June 6, 1997 - S.L. 1997-154.)

S.B. 811, AN ACT TO AUTHORIZE THE SOUTHEASTERN NORTH CAROLINA REGIONAL ECONOMIC DEVELOPMENT COMMISSION TO HIRE AND CONTRACT FOR PERSONNEL. (Became law upon approval of the Governor, June 6, 1997 - S.L. 1997-155.)

H.B. 53, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE 82ND AIRBORNE DIVISION ASSOCIATION SPECIAL REGISTRATION PLATES. (Became law upon approval of the Governor, June 6, 1997 - S.L. 1997-156.)

H.B. 477, AN ACT TO AUTHORIZE THE STATE BOARD OF CERTIFIED PUBLIC ACCOUNTANT EXAMINERS TO ADMINISTER COMPUTER-BASED EXAMINATIONS AND TO KEEP CERTAIN RECORDS CONFIDENTIAL. (Became law upon approval of the Governor, June 6, 1997 - S.L. 1997-157.)

H.B. 704, AN ACT TO PROVIDE SPECIAL REGISTRATION LICENSE PLATES FOR CURRENT SHERIFFS AND CERTAIN RETIRED SHERIFFS. (Became law upon approval of the Governor, June 6, 1997 - S.L. 1997-158.)

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H.B. 977, AN ACT TO ALLOW PARENTS TO ELECT THE PARENTS WHO SERVE ON SCHOOL IMPROVEMENT TEAMS. (Became law upon approval of the Governor, June 6, 1997 - S.L. 1997-159.)

CALENDAR

S.J.R. 1080, A JOINT RESOLUTION HONORING THE LIFE, SERVICE, AND MEMORY OF CHARLES DUNN, on tonight’s Calendar.

With unanimous consent, on motion of Senator Rand, the joint resolution is taken up out of its regular order of business, and on his further motion is placed before the Senate for immediate consideration upon its passage.

With unanimous consent, on motion of Senator Kerr, the joint resolution is read in its entirety, and on his further motion, the remarks of the Senators memorializing the life and memory of Charles Dunn are spread upon the Journal, as follows:

Senator Kerr:
“Thank you, Mr. President and the ladies and gentlemen of the Senate. It is an esteemed honor that I stand here on behalf of the entire Senate to commend our fallen warrior and hero, Charles Dunn. Charles Dunn was a man of many hats. I really knew that he had done a lot in his life, but when I read this resolution and worked on this resolution, it’s amazing that someone who unfortunately was taken from us so early in life had accomplished so much. And I guess the mark of any person, male or female, is not how long you stay here, but what you do. And he did enough for three people, three or four people. He was a renaissance man. He started as a reporter in the old Capitol, and my daddy and mother thought a lot of him. And that speaks well that my daddy would like any reporter too much, but he thought a lot of Charles Dunn because he was a fair man, and it’s hard to find those today. And he was conscientious. And he was a very positive person, and he was always asking about mother and positive in the projects that he was working on. And I just hope that we will pause tonight in honor of a great North Carolinian, a man who was head of the SBI twice. He worked with Luther Hodges. He’s written books. He’s helped people. He’s a spokesperson for the people who had no spokesman or spokeslady. And I think that it is a model of what the type of people that we need to encourage to come into civic life. And though I don’t think he ever served in this General Assembly, he loved this General Assembly, and he had a deep sense of history. And, as I said he was a fine man, he was a conscientious person. He was a father, a family person, a husband, and I think in this resolution it sums up that he’s a gentleman’s gentleman, a statesman, a Christian man, and a man among men, and a friend. And, Mr. President, I commend this resolution to the Body, and at the appropriate time I wish that you’d recognize the large number, his family and the large number of friends, I think we have Senator Morgan who Mr. Dunn worked with so long, here with us, and also a large number of his colleagues from the SBI. And I commend the resolution to the Body. Thank you.”

Senator Martin of Guilford:
“Thank you, Mr. President and Members of the Body. I really liked and admired Charles Dunn, and I had the pleasure, I guess, to, of getting to know him best during the times that we had the Special Session on crime, although I had known him before and had associations with him, and worked with him following that time. That’s when I really began to understand and appreciate some of things that this resolution speaks to and some

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of the things that Senator Kerr just spoke of. As an example, he did have a very diverse life and he had been involved in a number of different experiences that made a difference in shaping the man who he was, and that impacted upon us as a State. I would say that he was a man that had compassion and concern. He did not look at things from the perspective of just how he would benefit from it, but what would be the ultimate benefit to people within the State, particularly with that focus on children that has often been spoken about. And he was a person who, I would say, did not look at so much what the consequences were of a person’s immediate actions, but what is the potential that that person had. In other words, we talk a lot about prevention in this Body. I think his life focused around that point and he emphasized those things that were preventative in nature. He realized that people had to deal with and be responsible for things that happened in their lives, however, he also realized that we have a responsibility to, a responsibility to try to help prevent the negative occurrences that one might encounter. And I think that was exemplified through all of his actions that have been spoken about. And I just want to say that we have indeed lost a person who meant a lot to this State and a lot to the children of this State, but his memory lives on, his spirit lives on, and I hope that as we deliberate, not only through this Session, but in succeeding Sessions, we will give great credence and thought to some of the ideals that were propounded by Charles Dunn. Thank you, Mr. President.”

Senator Reeves:

“Ladies and gentlemen of the Senate, it was my distinct honor and privilege to know Mr. Dunn for many years. I met him when I first started to get seriously dating my now wife, Mary Morgan. I’m not sure if he was the, being sent by my father-in-law to check up on me, but I did feel like I got to know Mr. Dunn about the high degree of professionalism that he lent to our State. And I’m humbled here tonight, and I would like to recognize my father-in-law, Robert Morgan. He is here, and he has written a letter that I will read to this Body. It is dated today, and it is addressed to the family of Charles Dunn and the North Carolina General Assembly.

“As a friend and colleague of Charles Dunn for forty years, I’d like to thank you for memorializing his life as a wonderful human being and as one of the most dedicated public servants that I’ve seen in my lifetime. His life and tenure of public service spanned four decades of the State’s and the Nation’s most difficult and tumultuous history. During the Special Session of the North Carolina General Assembly of 1956, called by Luther Hodges to consider the integration of public schools as a result of the Brown decision in the United States Supreme Court, Charles was a young reporter for the Durham Morning Herald. His clear, factual, unbiased, and courageous reporting of the emotional issues of that Session was in the highest traditions and the ethics of the free press. Legislators looked to his daily accounts of the debates and proceedings as a reliable source of information as to the doings of the legislature. He reported the news as it was, without attacking the newsmakers, either directly or by innuendo. He later accompanied former Congressman Horace Kornegay to Washington as the Congressman’s administrative assistant. His services were invaluable to the Congressman and to the people of the State as was so eloquently expressed by Congressman Kornegay at the memorial service. His first love, however, was the people of his home State, and so when Governor-elect Dan Moore asked him to become a part of his new administration he couldn’t resist. For four years he served as the administrative assistant to Governor Moore. For our State and Nation those were difficult years: the assassination of a young and dynamic President, the proliferation of drugs throughout our society, the assassination of a leading civil rights

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leader, and the riots of Chicago left a nation in turmoil. In North Carolina, Klan activity was reaching a crescendo; lawlessness and disrespect for authority and law enforcement had reached all time lows. The label ‘pigs’ became synonymous for police and law enforcement officers. Charles Dunn became Governor Moore’s point man during these times. He coordinated the efforts of the State Highway Patrol and the law enforcement across the State to deal with the problems of crime. The Governor’s Law and Order Committee was organized under Governor Moore, largely through the vision and leadership of Charles Dunn. The Committee was the forerunner of the present day Governor’s Crime Commission. It was during this time that I became Attorney General.

I immediately sought out Charles Dunn to become the leader of the North Carolina’s criminal investigation agency, the State Bureau of Investigation. He was a former newspaper reporter. Of all people, with no law enforcement experience and a young visionary to boot, initially his appointment was not well received by the people of this State, and especially within the law enforcement community. It wasn’t long, however, before the people of this State came to realize and know the real Charles Dunn. In less than six months under his leadership he had transformed the State Bureau of Investigation from a small agency to a highly professional group of people. He doubled the size from thirty-five agents to seventy. Minimum standards for the SBI and later for all law enforcement officers was established. Up until then a law enforcement officer was not required to be able to read and write, and because of the low salaries and almost no benefits many could do little more than sign their names. He helped to shepherd through the legislation, through the legislature the first bill requiring minimum salaries and standards for all law enforcement officers. With the exception of a few police training centers, there was no place for local officers to receive training. The Institute of Government which had done a great job had moved on to training the Highway Patrol and other public officials. The Community College system had some courses, but there really was no center to train law enforcement officers. Charles Dunn’s visions and leadership helped lead to the establishment of the North Carolina Justice Academy, one of the best in the nation. When he became Director of the SBI the entire bureau was housed in the east wing of the Justice Building on the first floor. The crime lab could hardly be called the lab. It had two chemists and a handwriting expert. Today, the North Carolina Crime Lab is second to none in the nation. Charles’ vision and leadership helped lead that way. No statewide communication existed for law enforcement officers except for the Highway Patrol. A speeder could be stopped in one town and at the same time be wanted in an adjoining county for murder without the knowledge of the arresting officer. During Charles Dunn’s tenure the Police Information Network, now known as the DCI, was established. Today, in just a flash it is possible for an officer to know if a man is wanted anywhere in the nation. Charles’ vision and leadership led the way. Charles Dunn left the Bureau around 1976 to assume the important and prestigious position of President of the North Carolina Textile Manufacturers Association. Later, he and I returned to the SBI and he again became Director. His love for the people and the desire to work directly for them brought him back. The present Director of the SBI, Jim Cummings, summed it up well when he said of Charles Dunn, ‘His vision and accomplishments as Director played a major role in bringing the Bureau to the high level of professionalism that it enjoys today.’ And in summation, Finally, Charles Dunn strongly believed that the ultimate solutions for the problems of society today and our nation will come through its young people. The News & Observer in its editorial on November 11, 1996 summed up his life when it said, ‘Even if he were remembered for nothing else Dunn would appreciate having been known as someone dedicated to steering youngsters from entanglement with
crimes and prisons.’ In striving to head off such problems early he raised money for children’s worthy causes. He also served on the Advisory Board of the UNC School of Social Work at Chapel Hill where he and his wife, Martha, established a scholarship fund for graduate students. The General Assembly honors itself when it honors the life and service of Charles Dunn, a true Servant.’ And it’s signed ‘Sincerely, Robert B. Morgan.’”

**Senator Cochrane:**

“Ladies and gentlemen of the Senate, the Jaycees have a creed that I paraphrase when I say service to mankind is the greatest work of man. That probably is exemplified as well in Charles Dunn’s life as anything that we could use. We remember him and we’re so grateful that we have Martha with us to remind us regularly that there are better characters all of us can strive to be.”

**Senator Cooper:**

“Thank you, Mr. President and Members of the Senate. Charles Dunn was a man of vision. He was top cop in this State being head of the SBI for many years and he believed in strong law enforcement. But, through that work I think he saw the vision that crime could be prevented and so many other social ills could be prevented if people would just become involved with our young people. He strongly believed in service, and he knew it would take people, adults getting involved with young people, to make a difference, and he made a difference. I think all of us when we leave this world would like for it to be said that we made a difference. I have, he was so fond of poetry, I have a very brief poem that is hanging on my wall that I, that as I work up here I have to look at from time to time, but I think it exemplifies his life. It’s an anonymous poem. It says, ‘The man who turns his back on human suffering is an average man; a man who turns out his pockets, an admirable man, but a man who turns over his life, he is the best man of all.’ And I think that sums it up for Charles Dunn.”

**Senator Lee:**

“Mr. President, Members of the Senate, I got to know Charles in the late sixties, early seventies. Chapel Hill during those days experienced some very uneasy and troubling events, on occasion. And working closely with him, I found that he was a man of character, a man of caring, a man of vision. And our friendship developed from working together on trying to maintain peace and calm in our community around a number of events, and I’ve had the pleasure of serving with him on a number of committees. In the eighties when the Dean of the School of Social Work was in the process of organizing the Board of Advisors for that School, he asked if I thought Charles Dunn might possibly consider serving as a member of the Board of Advisors. And I said to him then that Charles Dunn was certainly a man who would bring great quality to that Board. We approached him, and as I knew he would, he responded very positively. Charles, during his service to that School and on that, as a member of that Board, was a part of that main group of people who worked hard to insure that the School of Social Work had a decent building in which to educate students on the campus of UNC. He worked closely with a number of us in the Chamber who ourselves worked to make that happen. That will stand as a monument in my mind, of his, part of his contribution to our State. Charles was a positive man, as has been said, so as I stand and think of him tonight, I will not think how sad that he’s no longer with us. I will think how wonderful he lived among us, and I shall support the resolution in that spirit.”

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Senator Basnight:

"Thank you, Mr. President. It's obvious to all of us and most especially so very important to the members of the family that we realize today that not only you lost. Not only did you, Martha, lose a husband, and the children lose and the friends, and all of those who worked with around Charles for so many years, but we realize that the State lost and the country lost, and the world lost. From what Roy said about the poem and the words of the poem, it means so much and it tells us a great deal about life and about people, and those who are real truly stars in our galaxy of life. He was one that will shine for ever more. Bless him and thank you for allowing us to have him."

The joint resolution passes its second reading (48-0) and third reading, unanimously with Members standing, and is ordered sent to the House of Representatives by special messenger.

The President extends courtesies of the Gallery to the family of Charles Dunn: his wife, Martha; daughter, Sherrill Jones, and her husband, Sam, and child, Charlie; daughter, Lea; son, Charles Jerome Dunn III, "Jay"; and to friends from the State Bureau of Investigation and the Textile Manufacturers Association.

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. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT, 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 6270, which changes the title, upon concurrence, to read H.B. 515 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT, is adopted and engrossed.

By Senator Cooper for the Judiciary Committee:

H.B. 597 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE AUTHORITY OF MUNICIPALITIES AND HOSPITAL AUTHORITIES REGARDING LEASES AND JOINT VENTURES, 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 8252 is adopted and engrossed.

H.B. 611 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY
CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE, TO EXEMPT THE COMPENSATION FROM STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to the Rule 45.1, the proposed Senate Committee Substitute bill 1396 is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

*The President extends courtesies of the Gallery to Mary Odom, former Senator from Scotland County.*

**MESSAGES 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, and disposed of, as follows:

**S.B. 352** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE APPROPRIATIONS FOR CURRENT OPERATIONS AND FOR CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for concurrence in the House Committee Substitute bill.

*The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.*

On motion of Senator Rand, the rules are suspended without objection, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

The Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Plyler offers a motion to the end that the Senate do appoint conferees, which motion prevails.

Senator Ballance, Deputy President Pro Tempore announces the appointment by the President Pro Tempore: Senator Plyler, Chairman; Senators Perdue; Odom; Ballance; Conder; Rand; Warren; Gulley; Lee; Winner; Jordan; Martin of Pitt; Martin of Guilford; Kerr; Hoyle; Jenkins; Shaw of Guilford; Hartsell; Forrester; Rucho; and Cooper as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**CALENDAR (Continued)**

**S.B. 232** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, as amended, on tonight's Calendar upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill No. 2, as amended, is taken up out of its regular order of business and on his further
motion, the Committee Substitute bill No. 2, as amended, is withdrawn from today’s Calendar and placed on the Calendar for Tuesday, June 10, for consideration upon second reading.

H.B. 260 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES AND TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE CONSIDERED IN DETERMINING THE APPRAISED VALUE OF LAND AND IMPROVEMENTS, changing the title, upon concurrence, to read H.B. 260 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE CONSIDERED IN DETERMINING THE APPRAISED VALUE OF LAND AND IMPROVEMENTS, AND TO ESTABLISH THE CONSERVATION GRANT FUND, upon third reading.

The Senate Committee Substitute bill No. 2 is inadvertently taken up out of order.

The Senate Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 47, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD, changing the title, upon concurrence, to read S.B. 429 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, with the Senate having failed to concur in the House Committee Substitute bill on June 5.

Senator Odom offers a motion that the Senate do appoint conferees, which motion prevails without objection.

Senator Ballance, Deputy President Pro Tempore, announces the appointment by the President Pro Tempore: Senator Odom, Chairman; and Senators Winner and Rucho as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.
Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

**H.B. 804 (Committee Substitute),** A BILL TO BE ENTITLED AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN LINCOLN COUNTY THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, and noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H.B. 933,** A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEES COLLECTED UNDER THE PHARMACY PRACTICE ACT, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 6, as follows:


Voting in the negative: Senators Clark, East, Forrester, McDaniel, Page, and Webster—6.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

**S.J.R. 1079,** A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GORDON HICKS GREENWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

On motion of Senator Rand, the President orders the joint resolution temporarily displaced.

**H.B. 5 (Senate Committee Substitute),** A BILL TO BE ENTITLED AN ACT TO REQUIRE CERTAIN COVERAGE FOR DIABETES IN HEALTH AND ACCIDENT INSURANCE POLICIES, IN HOSPITAL OR MEDICAL SERVICES PLANS, AND IN HMO PLANS.

The Senate Committee Substitute bill passes its second (45-2) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.
S.B. 668 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS, as amended, upon third reading.

Senator Hoyle offers Amendment No. 2 which is adopted (47-0).

The Committee Substitute bill, as amended, passes its third reading (43-4) 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. 1227, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GORDON HICKS GREENWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

On motion of Senator Rand, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator Ledbetter, the joint resolution is read in its entirety, and on his further motion, the remarks of the Senators memorializing the life and memory of Gordon Hicks Greenwood, former member of the General Assembly, are spread upon the Journal, as follows:

Senator Ledbetter:

"Most people in western North Carolina remember Gordon Greenwood as the distinguished legislator with a lot of common sense who looked after our interests in Raleigh which he did so well. Another view that some would remember, Gordon was very proud of the fact that when he was in high school and college he played football. In fact, he was a member of the first class of Biltmore Junior College which later become UNC-A. The story goes that the class was so small that all the boys were required to play football, otherwise they would not have enough for a team. Another former member of the General Assembly, the late Congressman Roy A. Taylor of the Eleventh Congressional District, played on that team along with my brother, Grady, my older brother. In a game during the 1929 season, Gordon was credited with catching the longest forward pass to ever have been received in western North Carolina football at that time. He went on to play one year at NC State. One of Gordon’s major accomplishments for western North Carolina was organizing the Western North Carolina Development Association which is the only one of its kind, and which is still very active and has meant so much to the improvement of life in our mountain counties. As a World War II veteran, Gordon was a major influence in getting a State supported veterans’ cemetery started in western North Carolina, a facility that thousands of our veterans sorely needed and are very proud of. Those members of the General Assembly during the years 1959 to 1992 will remember Gordon for his outstanding contributions to all of North Carolina government. His work toward placing and keeping North Carolina in the forefront of higher education is legendary. Gordon was a major force in establishing our Community College System which has been and still is a Godsend to the working men and women of our State. The technical skills learned at these Community Colleges is the largest single attraction for the much needed industrial expansion as agriculture becomes less labor intensive. Gordon was a leader in the organization and success of our sixteen campus University System in North Carolina, including service on the Board of his old alma
mater. The University of North Carolina at Asheville. And Gordon was the, in the
General Assembly during the entire twelve years that I served as a Buncombe County
Commissioner. We belonged to different political parties, but I knew him to be a very
modest, unselfish, and compassionate individual. Each time I would meet him, the first
thing he would ask me would be the question about the well being of my brother, Grady,
his old classmate and team mate. All these accomplishments that I have cited were in
addition to his busy and outstanding civic, educational, and business endeavors. Ladies
and gentlemen of the Senate, if every member of this Body would be half as effective as
Greenwood was in serving his District, his State, and his nation, we will have
served our constituents well. North Carolina is indeed a better place because Gordon
Hicks Greenwood passed through. I commend the resolution to you, and Mr. President, I
hope, at the appropriate time you recognize members of his family.”

Senator Conder:
“Thank you, Mr. President, ladies and gentlemen of the Senate, I first got to know
Gordon Greenwood when we were both County Commissioners back in the sixties.
That’s the 1960’s. I found him to be a man of honor and integrity. He gave very
unselfishly of his time and talent. In fact, I thought so much of Gordon Greenwood in
1971 when I was President of the North Carolina County Commissioners Association, I
named Gordon Greenwood the outstanding County Commissioner in of North Carolina at
that time. He was truly an outstanding person, a person who you could always take
whatever he told you to the bank. That day that we went to Asheville to award Gordon
this highly coveted award as being outstanding Commissioner of North Carolina, he
surrounded himself with some pretty tall company. That day at lunch at the City Club in
Asheville, for lunch we had the Reverend Dr. Billy Graham, as well as Layton Ford, and
this is the type people that Gordon Greenwood surrounded himself with. I want to
condemn this resolution to you ‘cause Gordon was truly an outstanding gentleman.”

Senator Jenkins:
“Ladies and gentlemen of the Senate, I never had the honor to serve with
Representative Greenwood, but as a fledgling politician in the mountains, I knew his story
well, and all of the great things he accomplished, not only for the mountains of North
Carolina, but for, for all of the State of North Carolina. And when you talk about
Representative Greenwood, it reminds me of a story an old timer in Swain County told me
one time. He said that a truly great mountain legislator maintains a presence in the
General Assembly as large as the mountains from which he comes. And that, I think that
fits the bill with Gordon Greenwood. Very few, very few legislators can fit that, or can fit
those words, and I just want to thank his family for sharing Gordon with the State of
North Carolina and for all the good things he’s done for North Carolina. I commend the
resolution to you.”

Senator Carpenter:
“Thank you, Mr. President, ladies and gentlemen of the Senate, and the members of
the family. I don’t know Rick very well, but I used to work in the same bank with Buddy
Greenwood, Gordon Greenwood, Jr., and I thought that knowing Buddy for a while was
great in my mind, but having known Gordon Greenwood, Sr. for so many, many years.
He just was a super guy and a great inspiration for people. When you talked to Gordon
Greenwood, you knew that you were talking to a gentleman from the word go. He served
twenty-seven years, I think, in the House, and everyone knows what a fine legislator that
he was as has already been said here tonight. I remember so very well when I came down here, Gordon had gone through major surgery. I won't go into the details of that, but I don't know that there's a person in this room who could have stood what that man went through and yet he had that perpetual smile on his face. It didn't seem to bother him a bit. He would laugh and joke and carry on, and I just thought that was a true, you know, that was a true statement without saying a word as to what this gentleman really was. He was a respected statesman, a devoted family man. He was highly dedicated, and to me he was the epitome of integrity and honesty. I commend the resolution to you.”

Senator Rand:

“Thank you, Mr. President, ladies and gentlemen of the Senate. It was my pleasure to know Gordon Greenwood, and to serve with him in the seventies and the eighties. He was a wonderful man. He loved western North Carolina. He was a great advocate for education, and he loved everything about North Carolina. He was always cheerful, as the Senator said. He always made you feel good to be with him and to see him and to talk to him, and he stood for those things which are the very best of North Carolina. We were most fortunate to have served with a gentleman of his character and integrity, and we will certainly miss his presence. Thank you.”

Senator Kerr:

“I believe Senator Cooper and Senator Perdue and Albertson we went over to the House in the late eighties, and all these things they’ve said about Gordon are true, but he has a great sense of humor. And I don’t think he honored fools too much either. And, but if we got in to the end of a Session and everybody got a little feisty, and the House talks on and on and on about the budget, and I’d look over there, and I didn’t sit over on that side. I think you all, Charlie did, but every time right at the end when they got talking about the budget, Senator Carrington, he’d make a little something like this, like a ship’s sail, and have this motto: sail on, sail on. He wanted to get out of here, get the job done and go home. And he was a great fellow, a great friend of my father’s, and I enjoyed serving with him. And I’m just sorry we lost him. But if you ever saw this come up, you know the thing was almost over ‘cause he could always sail on, sail on.”

Senator Soles:

“Mr. President, ladies and gentlemen of the Senate, of course I didn’t know Gordon Greenwood when he served the first seven years from 1959 through ’66 in the House of Representatives, but when he came back in 1972 I was over there, and for the next twenty years he was my friend. I left and came over to the Senate in ’77, but we continued to be friends. I remember riding up and down the elevator with him, and talking with him in the parking area. And he was always interested in things that I was interested in. When you read all these accomplishments he’s had here, it’s really amazing to me that he never tried to brag, or never wanted to talk about things that would glorify or make him stand out. He often asked me about the coast. My District runs along the coast. I live almost in the ocean, but he was a mountain man that no one doubted that his interest was in the mountains and that he wanted to support his people, but he had interests of the coastal regions and other areas of the State. I remember talking with him about journalism, and we talked about that in Tabor City, The Tabor City Tribune, where my little home town is, a weekly paper was the first newspaper in the nation, the first weekly newspaper in the nation to win the Pulitzer Prize, and we talked about that. There were many things we had conversations about. I remember talking with him about my first time seeing the
mountains is when my parents shipped me off to Camp Ridgecrest in the summer when I was about yeah tall and I was screaming and hollering, not wanting to go, but I went and after about a week they had to drag me back home, and I went back again. His love of North Carolina will be remembered. We will remember him for the good things he did, and I urge your support of this resolution.”

Senator Ballance:
“I met Gordon Greenwood in 1983 when I came to the House, and as has been said he had a great sense of humor, and he was a gentleman. And you know, sometimes we do name and word associations to remember names, and I remember the guy named Greenwood who played for the Greenbay Packers named L. C. Greenwood. And I would call him, gave him a little nickname, L. C., and he had such a good sense of humor that when we would meet when crossing the walkway down here, before I could say it, he would say, ‘L. C.’ He was a great gentleman.”

Senator Basnight:
“It was on a cold winter night in Asheville that I had dinner at a National Historic Site building, Senator Horton. The building is an inn and a restaurant today. And it is a grand structure, those kinds that we all want to see preserved. And it is today because of Gordon Greenwood, I was told that night. That’s a small example of his contributions. They are many in number, and we realize that he cared a great deal about children, their education, their future, and what they would become. He was a great, gentle, good man.”

The joint resolution passes its second reading (47-0) and third reading, unanimously with Members standing, and is ordered enrolled.

_The President Pro Tempore extends courtesies of the Gallery to the family of Gordon Hicks Greenwood: son, Gordon “Buddy” Greenwood; grandson, Grant Greenwood; daughter-in-law, Sylvia Greenwood; son, Rick Greenwood; daughter-in-law, Gayle Greenwood; nephew and his wife, Robert and Marilyn Miller._

**CALENDAR (Continued)**

_S.B. 153 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE FOR FIVE MORE YEARS, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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 46, noes 0, as follows:


Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

June 9, 1997
The President Pro Tempore extends courtesies of the Floor to Robert Morgan, former Senator from Harnett County, former North Carolina Attorney General, and former United States Senator.

CONFERENCE REPORT

H.B. 15

Senator Kerr for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT, 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 15, A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT, First Edition with an unengrossed Senate Amendment Number 1, submit the following report:

The Senate recedes from Senate Amendment Number 1. The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 5, 1997.

S/John Kerr                  S/Lanier M. Cansler
S/John Carrington           S/Charles Neely
S/David Hoyle               S/Constance K. Wilson
Conferees for the Senate    Conferees for the
                            House of Representatives

On motion of Senator Kerr, the Conference Report is adopted (45-0), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 81

House of Representatives
June 9, 1997

Mr. President:

Pursuant to your message that you have adopted the report of the Conferees on Senate Comm. Sub. for HB 81, A BILL TO BE ENTITLED AN ACT TO ESTABLISH A
NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE, 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)


With unanimous consent, on motion of Senator Rand, the joint resolution is withdrawn from today's Calendar and is recommitted to the Rules and Operations of the Senate Committee.

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

Elizabeth Stacey Burney, Greensboro; Kate G. Camnitz, Greenville; Aaron L. Cohen, Raleigh; Justin Bradley Critcher, Boone; Brian Dibbert, Chapel Hill; Anne Bright Highsmith Dickson, Fayetteville; John Wyatt Dickson, Jr., Fayetteville; Ernest Terry Gore II, Fayetteville; Edward Whitaker Grannis III, Fayetteville; Mark R. Grigg, Chapel Hill; Bobby Guthrie II, Gastonia; Zachary Clay Hayes, Stedman; Rachel Hockfield, Charlotte; Jennifer Ipock, Gastonia; Ann Mariah Lee, Murfreesboro; Robert E. Lee III, Murfreesboro; Judson Travis Macgregor, Fayetteville; Katherine May, Greenville; Campbell McMillan, Raleigh; Emily Lee Moore, Thomasville; Abby Morris, Greenville; Carter McVey Patterson, Charlotte; Laurel Anne Rose, Durham; Samuel Joseph Rose, Durham; Jordan Elliott Simpson, Waxhaw; Marjorie McDonald Tyler, Roxobel; Kevin Neal Wester, Louisburg; Rebecca Dial Wolf, Raleigh; and Kimberly Nicole Worth, Manson.

On motion of Senator Ballance, seconded by Senator Kinnaird, the Senate adjourns at 8:44 P.M. in memory of Charles Dunn and Gordon Hicks Greenwood, to meet tomorrow, Tuesday, June 10, at 2:00 P.M.

SEVENTY-SIXTH DAY

Senate Chamber
Tuesday, June 10, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

June 10, 1997
Prayer is offered by Dr. Chris White, President of Gardner-Webb University in Boiling Springs, as follows:

"Dear God, creator of life, giver of all gifts, including the ability to reason, to represent, to govern, we gather together to conduct the affairs of the fine State of North Carolina.

"We pray that our concern for all the people might overcome the special interests of a few; our concern for long term health and prosperity might override short cuts and bandaid fixes; our personal welfare might be placed far beneath that of the people we represent; our vision will be broad enough to include all peoples within our State, yet deep enough to care for individuals.

"Bless now our coming together. May the wisdom of the group be illuminated by Your insight.

"Our citizens call You by many names, but in that diversity is strength. Our prayer this day, and every day, is to You. Amen."

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

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Monday, June 9, has been examined and is found to be correct. On 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. Jasvender Pal Singh from Elizabeth City, 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. 153, AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE FOR FIVE MORE YEARS, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 81, AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE.

H.B. 277, AN ACT PROHIBITING CERTAIN RELATIVES OF A CANDIDATE FOR NOMINATION OR ELECTION FROM SERVING ON THE COUNTY BOARD OF ELECTIONS.

H.B. 406, AN ACT TO ALLOW CITIES AND COUNTIES TO ADOPT ORDINANCES THAT IMPOSE A CURFEW ON PERSONS UNDER THE AGE OF EIGHTEEN.

June 10, 1997
H.B. 499, AN ACT RELATING TO THE USE OF GEOGRAPHICAL INFORMATION SYSTEM DATABASE INFORMATION BY REAL ESTATE TRADE ASSOCIATIONS.

H.B. 1051, AN ACT PERTAINING TO THE DUTY OF HOSPITALS AND OTHER AGENCIES WITH RESPECT TO ORGAN PROCUREMENT AND DONATION.

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

S.B. 513, AN ACT TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF OAKBORO IN STANLY COUNTY.

H.B. 804, AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN LINCOLN COUNTY THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM.

H.J.R. 1227, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF GORDON HICKS GREENWOOD, FORMER MEMBER OF THE GENERAL ASSEMBLY. (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:

S.B. 524, AN ACT TO ALLOW THE CITIES OF CONOVER AND SANFORD TO SERVE COMPLAINTS AND ORDERS BY PUBLICATION UPON OWNERS WHOSE IDENTITIES OR WHEREABOUTS ARE KNOWN AND THEY REFUSE TO ACCEPT SERVICE. (Became law upon ratification, June 9, 1997 - S.L. 1997-160.)

H.B. 97, AN ACT TO EXEMPT THE ADMINISTRATION OF THE GASTONIA POLICEMEN'S SUPPLEMENTAL RETIREMENT FUND AND THE GASTONIA FIREMEN'S SUPPLEMENTAL RETIREMENT FUND FROM THE LOCAL GOVERNMENT BUDGET AND FISCAL CONTROL ACT. (Became law upon ratification, June 9, 1997 - S.L. 1997-161.)

H.B. 283, AN ACT TO ALLOW PERQUIMANS COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION. (Became law upon ratification, June 9, 1997 - S.L. 1997-162.)

H.B. 411, AN ACT TO REVISE THE LAW RELATING TO THE GAME COMMISSION OF CURRITUCK COUNTY. (Became law upon ratification, June 9, 1997 - S.L. 1997-163.)

H.B. 831, AN ACT REQUIRING THE CONSENT OF YANCEY COUNTY BEFORE LAND MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY. (Became law upon ratification, June 9, 1997 - S.L. 1997-164.)

June 10, 1997
H.B. 879, AN ACT TO ALLOW CERTAIN DECISIONS OF THE DURHAM COUNTY BOARD OF ADJUSTMENT TO BE MADE BY THREE-FIFTHS VOTE RATHER THAN FOUR-FIFTHS. (Became law upon ratification, June 9, 1997 - S.L. 1997-165.)

H.B. 881, AN ACT TO AMEND THE DURHAM CITY CHARTER TO PERMIT THE APPOINTMENT OF A BOARD OF ADJUSTMENT WITH MORE THAN FIVE MEMBERS. (Became law upon ratification, June 9, 1997 - S.L. 1997-166.)

The Senate recesses at 2:11 P.M. to reconvene at 2:25 P.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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. 1061 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH LIFETIME SPORTSMAN LICENSES FOR CERTAIN DISABLED RESIDENTS AND DISABLED VETERANS AND TO PROHIBIT THE UNLAWFUL USE OF FACILITIES PROVIDED FOR DISABLED SPORTSMEN.
Referred to Finance Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT, changing the title, upon concurrence, to read H.B. 515 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT.
With unanimous consent, on motion of Senator Rand, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, June 12, for consideration upon its passage.

S.B. 232 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER...
COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, as amended, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill No. 2, as amended, is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, June 12, for consideration upon second reading.

**S.B. 806 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO THE CONTROL OF LEAD EXPOSURE OF CHILDREN.**

Senator Conder offers Amendment No. 1 which is adopted (45-0).

The Committee Substitute bill, as amended, passes its second (29-18) and third readings and is ordered engrossed and sent to the House of Representatives.

**H.B. 597 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO BROADEN THE AUTHORITY OF MUNICIPALITIES AND HOSPITAL AUTHORITIES REGARDING LEASES AND JOINT VENTURES.**

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. 746, A BILL TO BE ENTITLED AN ACT TO PROVIDE UNIFORM HIGHER EDUCATION ADMISSION REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS, changing the title, upon concurrence, to read H.B. 746 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW AND ADOPT A POLICY REGARDING UNIFORM HIGHER EDUCATION ADMISSIONS REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS.**

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.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

S.B. 429

House of Representatives

June 10, 1997

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to SB 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, the Speaker has appointed as conferees on the part of the House,
Representatives C. Wilson, Chair, Representatives McMahan, and Representatives Alexander
to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

WITHDRAWAL FROM THE CALENDAR

H.B. 1099 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES, placed on the Calendar for Wednesday, June 11.

Senator Winner offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Wednesday, June 11, and be recommitted to the Education/Higher Education Committee, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Wednesday, June 11, and recommits the measure to the Education/Higher Education 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 Kerr for the Finance Committee:

H.B. 604 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF MOREHEAD CITY AND NEWPORT TO EXERCISE EXTRA-TERRITORIAL PLANNING JURISDICTION OVER AN AREA EXTENDING NOT MORE THAN TWO MILES FROM THEIR CORPORATE LIMITS, with a favorable report.

H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS, with a favorable report.

S.B. 730, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE ISSUANCE OF BONDS BY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING 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 1829 is adopted and engrossed.
By Senator Cooper for the Judiciary Committee:

H.B. 195, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MAKE CLARIFYING CHANGES TO POST-RELEASE SUPERVISION, with a favorable report.

H.B. 221, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING, with a favorable report.

H.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE NONVESTED PENSION, RETIREMENT, AND OTHER DEFERRED COMPENSATION RIGHTS AS MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION, with a favorable report.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS, with a favorable report.

H.B. 530 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN CORPORATIONS WHICH OFFER ENGINEERING, LANDSCAPE ARCHITECTURAL, AND GEOLOGICAL SERVICES FROM THE APPLICABILITY OF THE PROFESSIONAL CORPORATION 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 1395, which changes the title, upon concurrence, to read H.B. 530 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN CORPORATIONS WHICH OFFER ENGINEERING SERVICES FROM THE APPLICABILITY OF THE PROFESSIONAL CORPORATION ACT, is adopted and engrossed.

On motion of Senator Basnight, seconded by Senator Ballantine, the Senate adjourns at 2:50 P.M., in memory of Elizabeth Codington, wife of the late Senator John Codington of New Hanover County, to meet tomorrow, Wednesday, June 11, at 2:00 P.M.

SEVENTY-SEVENTH DAY

Senate Chamber
Wednesday, June 11, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

June 11, 1997
Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Almighty and loving God, on some days the events that go on outside of this place transcend the important work that must still go on inside the Senate Chamber. 
"Today, we remember in our prayers, Senator Beverly Perdue and her two sons in the death of the boys’ father.
"Because the Senate is family, their grief is ours, their healing is ours in which to participate, their ultimate hope in You is also ours.
"Life is fragile, O God. May that reality add perspective to the work that goes on here today. Comfort Your people, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Jordan due to illness and to Senator Perdue.

Senator Lee announces the Journal of yesterday, Tuesday, June 10, has been examined and is found to be correct. On 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. Barbara Bethea from Dunn, 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. 376**, AN ACT TO AUTHORIZE TEACHING HOSPITALS AFFILIATED WITH CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO ESTABLISH CAMPUS LAW ENFORCEMENT AGENCIES.

**S.B. 430**, AN ACT TO PROVIDE TITLE PROTECTION FOR THE PROFESSION OF INDUSTRIAL HYGIENISTS.

**S.B. 465**, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH FISCAL POLICIES FOR ENGINEERING AND DESIGN CONTRACTS WHICH WILL PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE MAXIMUM COMPETITION AMONG COMPETING PROFESSIONAL FIRMS.

**S.B. 785**, AN ACT TO REMOVE THE SUNSET ON CERTAIN DIRECT PAYMENTS UNDER HEALTH INSURANCE POLICIES AND PLANS.

**S.B. 816**, AN ACT TO ELIMINATE THE NEED TO OBTAIN PRIOR APPROVAL FROM THE WILDLIFE RESOURCES COMMISSION TO RAISE YELLOW PERCH COMMERCIALLY IN SOME AREAS OF THE STATE AND TO ALLOW ALLIGATORS TO BE RAISED COMMERCIALY.

**S.B. 855**, AN ACT TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONTRACT WITH THIRD
PARTIES TO PROVIDE REMOTE ELECTRONIC ACCESS TO COURT INFORMATION.

S.B. 953, AN ACT TO EXTEND THE TIME CORPORATIONS MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION.

H.B. 833, AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE MUNICIPALITIES WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN HOUSING CODE CASES.

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

S.B. 698, AN ACT ALLOWING WAYNE COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE NAHUNTA VOLUNTEER FIRE DEPARTMENT BY PRIVATE SALE.

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. 814, AN ACT TO PROVIDE FOR IN-STAND SALES OF ALCOHOLIC BEVERAGES IN CERTAIN STADIUMS, BALLPARKS, AND SIMILAR PUBLIC PLACES. (Became law without approval of the Governor, June 10, 1997 - S.L. 1997-167.)

S.B. 513, AN ACT TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF OAKBORO IN STANLY COUNTY. (Became law upon ratification, June 10, 1997 - S.L. 1997-168.)

H.B. 804, AN ACT TO GIVE LINCOLN COUNTY AUTHORITY TO BUILD AND IMPROVE ROADS WITHIN LINCOLN COUNTY THAT ARE NOT PART OF THE STATE HIGHWAY SYSTEM. (Became law upon ratification, June 10, 1997 - S.L. 1997-169.)

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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 102, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THERE BE AT LEAST ONE VOTING PLACE IN MITCHELL COUNTY WITHIN EVERY TOWNSHIP THAT EXISTED IN 1995, with a favorable report.

H.B. 549, A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND

June 11, 1997
THE TOWN OF BILTMORE FOREST, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

H.B. 687, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY, with a favorable report.

H.B. 789 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE TOWN OF OAKBORO, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

By Senator Soles for the Commerce Committee:

H.B. 407, A BILL TO BE ENTITLED AN ACT TO REPEAL THE CURRENT STATUTES REGARDING FRAUDULENT CONVEYANCES AND TO ADOPT THE UNIFORM FRAUDULENT TRANSFER ACT IN ORDER TO MODERNIZE NORTH CAROLINA LAW AND HARMONIZE OUR LAW ON THIS SUBJECT WITH THOSE STATES THAT HAVE ADOPTED THIS UNIFORM ACT, 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 1393 is adopted and engrossed.

REMOVAL FROM THE TABLE

H.B. 114, 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 GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, receiving an unfavorable report from the Commerce Committee on May 20.

Pursuant to Rule 46(a), Senator Soles offers a motion that the bill be taken from the table and recommitted to the Commerce Committee, which motion prevails with a two-thirds affirmative majority.

The President orders the bill taken from the table and recommits the measure to the Commerce Committee.

S.B. 1044, A BILL TO BE ENTITLED AN ACT TO ALLOW PRIVATE PERSONNEL SERVICES TO CHARGE APPLICANTS A REGISTRATION FEE AND TO REQUIRE THAT SUCH SERVICES POST A SECURITY BOND COVERING THE REFUND OF REGISTRATION FEES WITH THE DEPARTMENT OF LABOR, receiving an unfavorable report from the Commerce Committee on April 29.

Pursuant to Rule 46(a), Senator Soles offers a motion that the bill be taken from the
table and recommitted to the Commerce Committee, which motion prevails with a two-thirds affirmative majority.

The President orders the bill taken from the table and recommits the measure to the Commerce Committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 765, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 765 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS, which is placed on the Calendar for tomorrow, Thursday, June 12.

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO PROTECT THE RIGHTS OF SUBSCRIBERS AND CERTIFICATE HOLDERS IN THE RESERVES AND CAPITAL OF HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS UPON CONVERSION, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 993 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS.

Referred to Rules and Operations of the Senate Committee.

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. 1097 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ENACT THE FISHERIES REFORM ACT OF 1997 TO PROTECT, ENHANCE, AND BETTER MANAGE COASTAL FISHERIES IN NORTH CAROLINA.

Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Finance Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 352 (House Committee Substitute) House of Representatives June 11, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute for SB 352, A BILL TO BE ENTITLED AN ACT TO MAKE
APPROPRIATIONS FOR CURRENT OPERATIONS AND FOR CAPITAL IMPROVEMENTS FOR STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, the Speaker has appointed as conferees on the part of the House,

Representatives Holmes, Chair; Representatives Arnold, Baker, Berry, Bowie, Brawley, Cansler, Carpenter, Church, Clary, Crawford, Creech, Daughtry, Dickson, Dockham, Esposito, Fox, Gardner, Grady, Gray, Hill, Howard, Ives, Justus, Kiser, McCombs, McMahan, Mitchell, Moore, Morgan, Nye, Preston, Russell, Sherrill, Thompson, C. Wilson, and G. Wilson,

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION OR IMPENDING CONDEMNATION, on today’s Calendar upon second reading.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, June 12, for consideration upon second reading.

H.B. 195, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MAKE CLARIFYING CHANGES TO POST-RELEASE SUPERVISION, on today’s Calendar.

With unanimous consent, on motion of Senator Cooper, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, June 12, for consideration upon its passage.

H.B. 221, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING, on today’s Calendar.

With unanimous consent, on motion of Senator Cooper, the bill is taken up out of its regular order of business, and on his further motion, the bill is withdrawn from today’s Calendar and is recommitted to the Judiciary Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

June 11, 1997
Mr. President:

Pursuant to your message that you have adopted the report of the Conferees on HB 15 A BILL TO BE ENTITLED AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT, 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)

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 604 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF MOREHEAD CITY AND NEWPORT TO EXERCISE EXTRA-TERRITORIAL PLANNING JURISDICTION OVER AN AREA EXTENDING NOT MORE THAN TWO MILES FROM THEIR CORPORATE LIMITS, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 2, as follows:


Voting in the negative: Senators East and Garwood—2.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, June 12, for further consideration upon third reading.

H.B. 698 (Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS, changing the title, upon concurrence, to read H.B. 698 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS AND MODIFYING THE LAWS RELATING TO SATELLITE ANNEXATIONS WHICH APPLY TO MOORESVILLE, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Cochrane, Conder, Cooper, Dannelly, East, Forrester, Foxx, Gulley, Hartsell, Horton, Hoyle, Jenkins, Kincaid, Kinnaird, Ledbetter, Lee, Lucas,

Voting in the negative: Senators Clark and Garwood—2.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, June 12, for further consideration upon third reading.

H.B. 530 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN CORPORATIONS WHICH OFFER ENGINEERING, LANDSCAPE ARCHITECTURAL, AND GEOLOGICAL SERVICES FROM THE APPLICABILITY OF THE PROFESSIONAL CORPORATION ACT, changing the title, upon concurrence, to read H.B. 530 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN CORPORATIONS WHICH OFFER ENGINEERING SERVICES FROM THE APPLICABILITY OF THE PROFESSIONAL CORPORATION ACT.

With unanimous consent, the Senate Committee Substitute bill is taken up out of its regular order of business.

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.

S.B. 730 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE ISSUANCE OF BONDS BY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITIES, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:


Voting in the negative: Senator Webster—1.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, June 12, for further consideration upon third reading.

H.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE NONVESTED PENSION, RETIREMENT, AND OTHER DEFERRED COMPENSATION RIGHTS AS MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from
today’s Calendar and is placed on the Calendar for Thursday, June 12, for consideration upon its passage.

COURTESIES

With unanimous consent, on motion of Senator Basnight, privileges of the floor are extended to the 1997 North Carolina Principal of the Year, Judy Budacz of Pitt County. The President directs Senator Warren and the Sergeant-at-Arms to escort Mrs. Budacz to the Well of the Senate.

Senator Warren presents Judy Budacz to the Body. With unanimous consent, on motion of Senator Blust, the remarks of Mrs. Budacz, are spread upon the Journal, as follows:

"Lieutenant Governor Wicker, President Pro Tem, Senator Basnight, Members of the Senate, it is truly an honor and a privilege to represent the many fine principals that we have out in the State of North Carolina working diligently every day. It is very humbling to stand up here in these hallowed halls where I really feel like it’s the birthplace of education. You’re the people that can make it happen, and you do make it happen. And I appreciate this, your efforts and leadership toward public education. And today, I think we can be really proud of education in North Carolina. We had President Clinton, Clinton who recognized our esteemed Governor during the State of the Union Address. Governor Hunt’s Excellent Schools Act pushes education to the forefront, focusing on teachers’ salaries so that we can recruit and retain the Master Teachers our children deserve. I think the gains and improvements in North Carolina are being recognized nationally. The ABC Plan placed accountability, control at the school level because I truly believe if we’re gonna have school improvement it must be school by school, and I think you’ve supported that too.

“My educational journey has been a long one. I have been a student fifty-seven years, soon to be fifty-eight. I have just completed thirty-three years as an active educator. Eleven and one-half years I was a first grade teacher. Two and one-half years I was a learning disabilities teacher, and then principal for the last nineteen years. But still even as nineteen years experience as a principal, I consider myself first a teacher.

"Let me tell you what I think the role of the principal is. It’s really three dimensional. First of all, I must assure each parent whose child comes to my school that their child will get the very best education possible. Then secondly, to make sure that happens, I have to be able to recruit, develop, and retain the cadre of Master Teachers who are dedicated to successfully teach the boys and girls and develop life-long learners. And then thirdly, I have to be able to provide the teachers with the support they need. First, this includes the guidance and leadership to fulfill the vision of the school; second, the resources that the teachers need so they can successfully teach; and then thirdly, I need to be able to empower these teachers to make, have the flexibility to make the decisions that they know will be, excuse me, how to best accomplish, and we’re talking about accomplishing, individual school system and our State goals.

“Senator Basnight asked me if I would address the three things that principals need most today to run effective schools. And the very first thing I would have to say, we need your continued support here in the General Assembly, and I know you’re working hard to meet with school leaders to see what is going on in the schools and how you can best meet our needs. And that truly is the number one. Number two, I think the ABC Plan has really addressed what principals and teachers need most because it’s a team effort. We
need to sit down at the school and be able to make the decisions that are best for our school, site-based management. And everyone building in that team needs to be there, and what we decide at Wahl Coates isn’t necessarily gonna work, even work for another school in Pitt County, so site-based management. I think Dr. Robinson has worked very hard, but now I think it goes to the county, and sometimes we have County Boards that have kind of put a block on this, so we’re still working through site-based management. The third thing that I think we need is time. Teachers cannot teach ten months and dedicate themselves daily to children, and still have time to develop curriculum and work and do the plans. So I have often said that one of the things that I would like to see, and I think that’s been addressed now, in teachers being able to work extra days is eleven-month employees for teachers. I would like to see our schools start August 1 and end June 30, and we spread out to a more year-round calendar so we’re there to really actually do some of the things that we’d like to do in curriculum.

“The other thing that Senator Basnight asked me to address is discipline. That is always a concern, I think, at the K-5 schools. It’s a less of concern as we go into middle school and high schools. And I’ll tell you what we do at Wahl Coates that I think has really helped. It’s not unique. I’m sure that other schools do it. But, about two years ago, we were going through the steps, and we thought we’ve never written this down and named it. So we have Wahl Coates Zero Tolerance for Physical and Verbal Abuse, and this is a Pre-K-5 school, and Choice Room. We’re actually doing the same things that we had done before this, but now if a child, physical or verbal abuse, any hitting or verbal abuse are brought in, and we tell them the five steps. Parents are brought in, the child cannot come back to school without the parents bringing them back for a conference. On the second time, they come in and we go through the steps then. The third time, parents have to observe and visit the classroom for a half a day, and we get lots of excuses for why they can’t, and the child stays out several more days. We bring in social workers at that time. Then on the fourth step, we have a Greenville Police officer liaison family. She meets with us on the fourth step. Fifth step we start BEH identification. We rarely ever have to go to that fifth step because we start on day one, this is what’s going to happen if your child continues these behaviors. Choice room is more of a time out, we don’t call it in-school suspension, but we call it a time-out period where children are out of the classroom and the teacher does not have to give up instructional time to discipline and deal with a child that’s decided to be disruptive, or just refuse to do. So there’re the two policies that have worked at the K-5 school. Anything else? All right.

“I just want to say again, thank you for everything you do, thank you for having me here today, and I look forward to the coming year, and I will certainly try to bring to this title the dignity and respect it deserves. Thank you.” The Members respond to her remarks with a standing ovation.

The President of the Senate directs congratulatory remarks to Mrs. Budacz and presents her with a North Carolina Flag. Senator Warren and the Sergeant-at-Arms escort her from the Chamber.

REPORT OF COMMITTEE

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 Hoyle for the Finance Committee:

**H.B. 342** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE COUNTY OF MECKLENBURG, with a favorable report.

**H.B. 989** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM, with a favorable report.

**S.B. 938**, A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR CONSTRUCTION EMPLOYERS WHO PROVIDE CRAFTWORKER TRAINING TO EMPLOYEES AND WHO HIRE WELFARE RECIPIENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6689 is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is re-referred to the Appropriations Committee.

**H.B. 476** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES FOR VITAL RECORDS, 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 1401, which changes the title, upon concurrence, to read **H.B. 476** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES, AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES, FOR VITAL RECORDS, is adopted and engrossed.

With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Wellons.

**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:


On motion of Senator Rand, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator Horton, the joint resolution is read in its entirety. On motion of Senator Cochrane, the remarks of the Senators memorializing the life and memory of Edgar M. McKnight, former member of the General Assembly, are spread upon the Journal, as follows:

June 11, 1997
Senator Horton:

"Thank you, Mr. President. I'm honored to be able to speak in support of the resolution honoring the life of Ed McKnight. Ed was a sort of a symbol and precursor of the rise of our party in Forsyth County. Back when we could hold our county conventions in any convenient phone booth, Ed was there going door to door. He ran, and ran, and ran again under the Republican banner. I remember the first time that I realized what he was doing I was at the county fair. I guess I was in high school at the time and walking down the fairway, and there was Ed McKnight handing out these little cards. He was running for something or other. And I said to myself, 'Hey, he goes to my church.' And I was thunderstruck by the realization that Republicans could be Christians, (laughter) because we were sort of exotics back then, and Ed was one of the first. But in 1964 after a long series of races, Ed finally won and was the sole member of the delegation from the Republican party. He was, I believe, the first Republican elected county-wide in this century. And he was re-elected in 1966 when he was joined by a virtual phalanx of other Forsyth Countians. Stayed here until 1974 when he became a member of the Senate. I remember so vividly his loyalty and his willingness to bring us young whippersnappers, if you can believe that I was ever that young, along. I remember day after day campaigning back when you went from country store to country store. And you'd go down about a mile or so on the Lewisville-Clemmons Road and stop, and there'd be a country store and two or three people sitting around drinking Coca-Colas, and you'd leave a little stack of cards, and then you'd go to the next one. I'm sure the campaigns like that still exist. I hope they do because it's a very warm and personal thing, and Ed McKnight knew 'em all, and they knew and trusted him. In fact, he was beloved of all he met, a warm, gregarious person without a mean bone in his body. Politically he was sound, fiscally conservative with good business-like judgment. By in large bipartisan wanting to do the best he could for his beloved North Carolina. His last illness was protracted and was complicated by the fact he became almost totally blind, but bless his beloved wife, Dot, who's seated up there in the Gallery. She would drive him. He wouldn't give up, wouldn't stay home. She would drive him to meetings and to his beloved Friday lunch at Lexington Barbecue where Ed Powell who was a dear friend of his, and a bunch of us would always gather to get some of your good Lexington barbecue, Senator Phillips. He was a grand North Carolinian who loved this General Assembly and whose presence graced it. I urge your support of the resolution."

Senator McDaniel:

"Thank you, Mr. President. 'Lonesome Ed' McKnight is a legend in Forsyth County. When you talk about Republicans you talk about 'Lonesome Ed' McKnight. The best compliment I've ever had, and I think the worst insult 'Lonesome Ed' ever had was that in the Finance Committee my first two years in the Senate when J. K. Sherron continually referred to me as Senator McKnight, and Dot, I don't think he meant anything bad by it. He's an individual that when you talk to others who knew him very well, like Ham Horton and others, he was likable; he was friendly, and you could keep him at this word. Ed Powell is a long time, life long friend of Ed McKnight and he was one of these youngsters that Ed McKnight kind of took by the hand and made sure that he did all the right things in a political situation,, and Representative Ed Powell won election in 1972. And one of the things that I think best typifies what Ed McKnight was about was he had a great sense of humor. And Ed Powell told me this story just last year and again last week, so I'm gonna tell it on you. All of us remember the first time that we stood up in either the Senate, or some of you who've been in the House, in the House and that first speech
and how the microphone's doing this, and how nervous you are, and you just, you don't know how you're coming across. And Representative Fred Hutchins and Ed McKnight were sitting across the way, and they conspired against Representative Powell. And they got Fred Hutchins to lean carefully over while Ed Powell was up there speaking to the House, and he started tugging at Ed Powell's coat tails. They gave him a note. And this is what it said, 'Representative Powell, your fly is open.' (Laughter) I don't know how you got through the speech, but I understand that that was kind of typical of what 'Lonesome Ed' McKnight was about, and I think it typifies the kind of sense of humor that we all need to keep in the legislative process when we're doing some serious business. We're grateful that he was here on this earth, and we are grateful to you, Dot, and the members of your family for sharing him with North Carolina."

The joint resolution passes its second (45-0) and third readings, unanimously with Members standing, and is ordered enrolled.

The President extends courtesies of the Gallery to the family of Edgar M. McKnight: his widow, Mrs. Dorothy McKnight; his brother-in-law, Edward Foil; his sister-in-law, Ann Foil; and his niece, Allison Foil.

**REPORT OF COMMITTEE**

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 Lee for the Education/Higher Education Committee:

**H.B. 1099** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES, 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, 2348, is adopted and engrossed.

**COMMITTEE APPOINTMENTS**

Senator Basnight, President Pro Tempore, announces appointments to standing committees, as follows:

**Appropriations Committee**

Senator Kerr is appointed.

**Appropriations on Human Resources**

Senator Kerr and Senator Lucas are appointed.

On motion of Senator Basnight, seconded by Senator Horton and Senator McDaniel, the Senate adjourns at 3:04 P.M. to meet tomorrow, Thursday, June 12, at 12:00 Noon.

June 11, 1997
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable John Garwood, Senator from Wilkes County, quoting Psalm 150, as follows:

"Praise ye the Lord. Praise God in His sanctuary; praise Him in the firmament of His power.
"Praise Him for His mighty acts; praise Him according to His excellent greatness.
"Praise Him with the sound of the trumpet; praise Him with the psaltery and harp.
"Praise Him with the timbrel and dance; praise Him with stringed instruments and organs.
"Praise Him upon the loud cymbals; praise Him upon the high sounding cymbals.
"Let everything that hath breath praise the Lord. Praise ye the Lord.’ And Lord, bless the work of this Body. Amen."

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

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Wednesday, June 11, has been examined and is found to be correct. On 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. E. S. Douglas from Greenville, 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. 15, AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT.

H.B. 535, AN ACT TO INCLUDE NONVESTED PENSION, RETIREMENT, AND OTHER DEFERRED COMPENSATION RIGHTS AS MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.

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

H.J.R. 1235, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF EDGAR M. "LONESOME ED" MCKNIGHT, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 16)
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. 698, AN ACT ALLOWING WAYNE COUNTY TO CONVEY CERTAIN REAL PROPERTY TO THE NAHUNTA VOLUNTEER FIRE DEPARTMENT BY PRIVATE SALE. (Became law upon ratification, June 11, 1997 - S.L. 1997-170.)

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 Jenkins for the Pensions & Retirement And Insurance Committee:

H.B. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA HEALTH INSURANCE LAWS TO RECENTLY ENACTED FEDERAL LAWS CONCERNING HEALTH INSURANCE UNDERWRITING AND PORTABILITY, MATERNITY COVERAGE, AND COVERAGE FOR MENTAL ILLNESS, 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 1397 is adopted and engrossed.

By Senator Cooper for the Judiciary Committee:

S.B. 360, A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE RESOURCES COMMISSION TO ISSUE CERTIFICATES OF BOAT NUMBER AND TO AMEND THE DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 6690, which changes the title to read S.B. 360 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE RESOURCES COMMISSION TO AWARD CERTIFICATES OF BOAT NUMBER OR OTHER VESSEL TRANSACTION AND TO AMEND THE DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS, is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.
H.B. 221, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING, 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 1382, which changes the title, upon concurrence, to read H.B. 221 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING AND TO ALLOW SWORN LAW ENFORCEMENT OFFICERS TO APPEAR BEFORE JUDICIAL OFFICIALS BY A TWO-WAY AUDIO AND VIDEO TO OBTAIN ARREST WARRANTS, is adopted and engrossed.

H.B. 533 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD "DIVISIBLE PROPERTY" AS A CATEGORY OF PROPERTY SUBJECT TO EQUITABLE DISTRIBUTION, TO CREATE A REBUTTABLE PRESUMPTION THAT AN IN KIND DISTRIBUTION OF PROPERTY IS EQUITABLE, TO ENCOURAGE INTERIM DISTRIBUTION OF PROPERTY OR DEBT, AND TO ALLOW CERTAIN EVIDENCE OF THE VALUE OF MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION, 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 1400 is adopted and engrossed.

CALENDAR

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT, changing the title, upon concurrence, to read H.B. 515 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT, on today’s Calendar.

With unanimous consent, on motion of Senator Rand, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 18, for consideration upon its passage.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 71 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL
AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION, AND TO MAKE TECHNICAL CORRECTIONS REGARDING THE REVIEW BY THE LOCAL GOVERNMENT COMMISSION OF CERTAIN LEASES, LEASE PURCHASE CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 16.

S.B. 142 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE PORTS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 16.

S.B. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE THE REVOCATION OF A PERSON'S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY SERVICE AND TO ELIMINATE THE REQUIREMENT FOR JUDICIAL INVOLVEMENT IN THE APPOINTMENT OF COMMUNITY SERVICE COORDINATORS, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, June 16.

S.B. 764 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION, for concurrence in the House Amendment No. 1, which is placed on the Calendar for Monday, June 16.

S.B. 997 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO IGNORES A WARNING REGARDING PERSONAL SAFETY IN A DISASTER SITUATION AND PLACES HIMSELF OR HERSELF OR ANOTHER IN DANGER AND REQUIRES AN EMERGENCY RESCUE IS CIVILLY LIABLE FOR THE COSTS OF THE RESCUE EFFORT, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 16.

RESOLUTION FROM ANOTHER STATE

The following resolution received on June 12, 1997, from another Legislative Body is presented to the Senate and is ordered place on file in the Office of the Principal Clerk with the papers of the Senate. (See Appendix)

Delaware House of Representatives Concurrent Resolution No. 6, MEMORIALIZING THE U. S. CONGRESS TO PROPOSE AND SUBMIT TO THE SEVERAL STATES AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES PROVIDING THAT NO COURT SHALL HAVE THE POWER TO LEVY OR INCREASE TAXES.

June 12, 1997
The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

**CALENDAR (Continued)**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 604** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF MOREHEAD CITY AND NEWPORT TO EXERCISE EXTRA-TERRITORIAL PLANNING JURISDICTION OVER AN AREA EXTENDING NOT MORE THAN TWO MILES FROM THEIR CORPORATE LIMITS, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 2, as follows:


Voting in the negative: Senators East and Webster—2.

The Committee Substitute bill is ordered enrolled.

**S.B. 232** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, as amended, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill No. 2, as amended, is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill No. 2, as amended, is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 18, for consideration upon second reading.

**H.B. 698** (Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS, changing the title, upon concurrence, to read **H.B. 698** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS AND MODIFYING THE LAWS RELATING TO SATELLITE ANNEXATIONS WHICH APPLY TO MOORESVILLE, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Odom, Page, Phillips,

Voting in the negative: Senator Clark—1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**H.B. 102**, A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT THERE BE AT LEAST ONE VOTING PLACE IN MITCHELL COUNTY WITHIN EVERY TOWNSHIP THAT EXISTED IN 1995.

The bill passes its second (49-0) and third readings and is ordered enrolled.

**H.B. 342** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE COUNTY OF MECKLENBURG.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered enrolled.

**H.B. 687**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY.

The bill passes its second (49-0) and third readings and is ordered enrolled.

**S.B. 730** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW RELATING TO THE ISSUANCE OF BONDS BY INDUSTRIAL FACILITIES AND POLLUTION CONTROL FINANCING AUTHORITIES, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 2, as follows:


Voting in the negative: Senators Clark and Webster—2.

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 Wicker, who presides.*

**H.B. 476** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES FOR VITAL RECORDS, changing the title, upon concurrence, to read **H.B. 476** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES, AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES, FOR VITAL RECORDS, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote,
H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION OR IMPENDING CONDEMNATION, upon second reading.

Senator Dalton offers Amendment No. 1 which is adopted (47-2), changing the title, upon concurrence, to read H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON CERTAIN PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, June 16, for further consideration upon third reading.

H.B. 195, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MAKE CLARIFYING CHANGES TO POST-RELEASE SUPERVISION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 407 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE CURRENT STATUTES REGARDING FRAUDULENT CONVEYANCES AND TO ADOPT THE UNIFORM FRAUDULENT TRANSFER ACT IN ORDER TO MODERNIZE NORTH CAROLINA LAW AND HARMONIZE OUR LAW ON THIS SUBJECT WITH THOSE STATES THAT HAVE ADOPTED THIS UNIFORM ACT.

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. 646, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 18, for consideration, upon its passage.

H.B. 989 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill No. 2 is recommitted to the Finance Committee.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

H.B. 1099 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES.

The Senate Committee Substitute bill No. 2 passes its second (45-3) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 765, A BILL TO BE ENTITLED AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 765 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

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 Miller for the State Government, Local Government, and Personnel:

H.B. 103, A BILL TO BE ENTITLED AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY 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 6274 is adopted and engrossed.

June 12, 1997
H.B. 834, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, 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 1402, which changes the title, upon concurrence, to read H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF LENOIR AND WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, is adopted and engrossed.

PERSONAL PRIVILEGE

With unanimous consent, on motion of Senator Foxx, the remarks of Senator Horton who rises to a point of personal privilege are spread upon the Journal, as follows:

Senator Horton:

"Mr. President, we’ll be going home in an hour or so, and you may be met by people, your constituents, who ask questions about campaign finance and why everything has gotten so expensive. I noticed today, just looking over my desk, editorials from The Charlotte Observer, from The News and Observer, The Chapel Hill News, and probably your own newspapers are also inveighing against these supposedly horrible campaign expenses. And they criticize this Body, condemning political spending, and fund raising, and anything else we want to do. I think the truth ought to be known, and that is not a single one of us in this Senate enjoys raising campaign money, not a single one of us. We do it because we have to, and let me suggest that part of the reason we have to do it lies in the media itself. And so I’m irritated at the bald hypocrisy of these editorial writers regarding campaign finance. I’m almighty tired of their psalm-singing sanctimony. The truth of the matter is this. You’ll recall 20 years ago, if you were involved in this, that the local press gave a lot of local coverage to local campaigns. Today that’s almost absent. If you want to get coverage of your campaign, you have got to buy it, and they know that full well. And so I went to check, see the costs that have happened in the past 20 years to try to get a hand hold on why, in fact, campaigns are so damnably expensive. And I found out that if the cost has gone sky high it’s largely because of the rapaciousness of the press, and the media itself, not just the press. Let’s look at 20 years ago. The cost of paper has gone up 313%, but more important, radio spots on WPTF in 1977, a 60-second radio spot cost you $60. Today that spot would cost $250, a rise of 317%. If you want to go to TV, in 1977 we didn’t have figures available, but the latest figures that I have are 1988. A 30-second spot has gone from $1,200 to $4,200. That’s an increase of 250%. Newspaper ads have gone up worse than anything else. A full page, black and white ad in The News and Observer in 1977 on weekdays would have cost you $929.50. Today that same page will cost you $7,872.48. If you want to do it on Sunday, of course that’s different. It used to be $962 for a full page, black and white ad on Sunday. Today it’s $9,443.70. So folks, if your people want to know why campaigns are so expensive, if they want to know why the cost is so high, and why fund raising has become such an inordinate part of the process, ask them to just ask the local ad manager of their local newspaper. Thank you, Mr. President."

June 12, 1997
SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 1140                                      House of Representatives
                                                June 12, 1997

Mr. 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 for HB 1140, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMMUNITY SERVICE BE IMPOSED FOR A CONVICTION OF LITTERING, and requests conferees. The Speaker has appointed:

Representative Daughtry, Chair;
Representative R. Hunter,
Representative Hardy,
Representative Jeffus, and
Representative Clary

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

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

H.B. 484                                      House of Representatives
                                                June 12, 1997

Mr. 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 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS.

Respectfully,
S/Denise Weeks
Principal Clerk

On motion of Senator Basnight, seconded by Senator Shaw of Cumberland, the Senate adjourns at 1:23 P.M. to meet Monday, June 16, at 7:00 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, in a world influenced by power and position, the Holy Scripture reminds us that those who would be greatest must also be servants. “This week, move us from the head of the table to a footstool. Help us to resist telling people how something should be done. Instead, let us explain what needs to be done. The people with whom we communicate will often surprise us with their creative solutions. “That is servant leadership, O God. Help us to live accordingly and within Your will for our lives. Amen.”

With unanimous consent, the President grants leaves of absence for tonight to Senator Conder, to Senator Hartsell to attend a County Commissioners meeting, to Senator Hoyle, and to Senator Perdue.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, June 12, has been examined and is found to be correct. On 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. C. S. Powell from Greenville, who is serving the Senate as Doctor of the Day.

Senator Rand offers a motion that Rule 67 be suspended to the end and that Coach Dean Smith of the University of North Carolina at Chapel Hill be granted privileges of the floor, which motion prevails with unanimous consent.

**REPORT OF COMMITTEE**

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 Rand for the Rules and Operations of the Senate Committee:

**H.B. 67** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, with a favorable report.

**S.J.R. 414**, A JOINT RESOLUTION HONORING THE ACCOMPLISHMENTS OF COACH DEAN EDWARDS SMITH AND THE MEN'S BASKETBALL PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, 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 6692 is adopted and engrossed.

With unanimous consent, on motion of Senator Rand, the rules are suspended to the end and the Committee Substitute joint resolution remains before the Senate for immediate consideration upon its passage.

With unanimous consent, on motion of Senator Rand, the Committee Substitute joint resolution is read in its entirety.

With unanimous consent, on motion of Senator Cooper, the remarks of the Senators honoring Dean Edwards Smith, Coach of The University of North Carolina Basketball team, are spread upon the Journal, as follows:

Senator Rand:

"Mr. President, ladies and gentlemen of the Senate, I think those of us who are graduates of Chapel Hill and everybody in North Carolina, I think, regardless of where they went to school, or whether or not they went to school, or however they may be a Tarheel born and bred, have a great deal of pride in what Coach Smith has done. His accomplishments on the basketball floor, of course, are legendary, but his accomplishments as a human being and what he has done with the young men in his charge, I think, are really the mark of what he's meant to our State. It's an amazing thing to think that a man over this period of time has won this many games, but he has won 'em with two hundred and sixteen out of two hundred and twenty-two lettermen graduating from college. That to me is an amazing mark, and I think one that he will be remembered for long after the number of games that he has won will fade into insignificance. I do not want, in any way, to low play the games he has won, particularly those he has won at the expense of Duke, (laughter) but I think that the mark of a great program is one that does contribute to competition, his competition with the other teams in this area has been a wonderful thing for all of us who enjoy college basketball. It has meant so much to this State and has generated the kind of enthusiasm and the kind of enjoyment that I think is missing in a great part of our country. We are delighted that we have this opportunity to honor him. We salute him for his many accomplishments and congratulate him for the kind of person he has been, and the kind of feeling he has given people all across our country for North Carolina. Thank you, Mr. President."

Senator Lee:

"Mr. President, Members of the Senate, I want to first confess that Coach Smith has been able to do what I have not been able to do this year, and that's get my wife to come to Raleigh. (Laughter) She came over and surprised me that, but knowing Lillian and our friendship with Coach certainly we take great pride in the accomplishments he has brought to the University and to North Carolina at large. The thing that is so impressive to me and stands out in my mind about Coach Smith is his ability to transform young men into, into accomplishments and successes that even they did not realize they could reach. I've seen him take young men who come into the University who would appear to be very awkward athletically, and transform them into successful and outstanding athletes and basketball players. I've seen him take young men who've come to the University, some of whom did not believe they could even measure up to be honor students in a competitive environment like UNC-Chapel Hill, and they've come away graduating high in their classes and exhibiting and exemplifying high intellectual abilities. And I've seen
him take young men who've come out of environments where one could look and wonder in awe how they could survive the circumstances in which he was able to pluck them and transform them into outstanding successful citizens, and then create within them a desire to go back into the environment from which they came and reach in and help pull out another youngster. So when I think of this man I think of someone beyond basketball, someone beyond athletics, someone who recognizes and appreciates the important of the total, the entire, the complete human being who dedicated his life, not just developing basketball players, but developing outstanding citizens, great leaders, and people who are symbols of academic success. Coach Smith, I join with my colleagues this evening and express my appreciation to you on behalf of all of us, the people of North Carolina, and those of us who appreciate both your friendship, your leadership, and your contributions."

**Senator Basnight:**

"Thank you, Mr. President. Members of the Senate, this year has been an exciting one for us, and it's especially exciting for the pages that join us tonight. But through the course of this year, we've had Coach Smith, we've had the President of the United States who asked to come. Contrary to your wishes, we asked you to come. Also, we've had Senator Helms. We've also had the Reverend Billy Graham. So it's been a fantastic year and to have you means ever so much to all of us in this State. You do not seek publicity. You're a man that stands so very tall among all of us in this great State that the good Lord gave us, one of tremendous beauty, of great educational opportunity, and a place to raise children, and to make 'em grow strong as we can in the Old North State. But you have brought so much pride to us that cannot be described in words today by any of us, and we come to listen to you. And it's a rare opportunity for those of us in the Senate and to members of the Gallery who have joined us today, and the pages, and everyone else to listen to you speak briefly, and that's something you wish that occurs from what Senator Lee tells me. But, also, Mr. President, at this time, after the vote, and when it's appropriate, Coach Smith said he would allow a few questions or would be delighted to accept a few questions from the Members, so I do ask you to support the resolution of which we all will in totality. Thank you, Coach Smith, for being here."

The Committee Substitute joint resolution passes its second reading (46-0) and third reading, unanimously with Members standing, and is ordered sent to the House of Representatives by special messenger.

Senator Basnight, President Pro Tempore, Senator Rand of Cumberland County, Senator Lee of Orange County, and the Sergeant-at-Arms escort Dean Edwards Smith, Coach of The University of North Carolina at Chapel Hill basketball team, to the Well of the Senate. With unanimous consent, on motion of Senator Cooper, the remarks of Coach Smith are spread upon the Journal, as follows:

**Coach Dean Edwards Smith:**

"Thank you very much. (Applause) I did tell the President to sit down. Thank you very much. Thank you. Thank you very much, my goodness. Lieutenant Governor Wicker, Senator Lee, Senator Rand, thank you so much on behalf of the thirty-six teams I've had at The University of North Carolina. Certainly what a wonderful year it was for us against very good teams from Wake Forest, from Duke University, from NC State, a marvelous effort by State, and we were lucky enough to make the Final Four. And that group played real well. In fact, I thought I was a pretty good coach till Serge Zwikker.

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took a nineteen-foot shot from the top of the key. Of course, nobody was guarding him and I said, he’s seven three in case none of you follow basketball, and I brought Serge over to the bench and I said, ‘Serge, what are you doing?’ And Serge said, ‘Coach, I was wide open.’ (Laughter) And I said, ‘Serge, maybe there’s a reason you’re wide open.’ (Laughter) But, what a great group of young men, and I’ve been so fortunate to be at The University of North Carolina. You remember, also, I very, I came over here once trying to get a name change, but I didn’t say C-Chapel Hill, so I’m sorry. But, I’m just the luckiest guy in the world to be in Chapel Hill. I wanted Chancellor Hooker to come with me. I thought it when he suggested that I bow down on my knees and beg you for budget money, I told him, ‘Forget it.’ (Laughter) But, I think it is important that education, as we all know, and then to for the primary, for the, all the many public education that you folks have done over the years. In Matthew 25:40, ‘Helping those who are least advantage.’ In the Senate of North Carolina, the House of Representatives of North Carolina, we’re very just have been great. And I will close, although I do want to tell the Republicans, some people have said I’m a Democrat, and I am. But, you know, Senator Dole wrote me a very nice letter. He said I made him feel young. We played for the same coach at the University of Kansas. He’s been a friend over the years. My very close friend and classmate was Nancy Kasselbaum, Landon Kasselbaum. She was Nancy Landon then, and now she’s Baker. And she told me about it and I was surprised she was marrying Senator Baker, but those are both Republicans, so just like Duke, and State, and Wake, and Carolina get together, you Republicans and Democrats get together. So thank you so much. (Applause) I know you got, must move on. If you’d like a couple of questions, I, when we went up to the White House, quickly I just remembered something and I, President Clinton had started talking and I said, ‘Excuse me, President,’ and told him to sit down, and I thought that took nerve. George Lynch was gonna give him a jersey and I forgot. But I did want to talk about Howard Lee, and of course, Senator Kinnaird, but Howard in 1965 he and his wife were in our church. I was in their church, however you want to put it, and we’ve been close friends since. Same with Senator Rand, and thank you Senator Basnight for what you had to say, another friend. And I will accept one or two questions or, and I’ve got to get back to camp tonight. And a camper said one time, you know, kids say, ‘Any questions?’ I said, ‘sure, any question you don’t know the answer.’ And he said, ‘What time is it?’ (Laughter)

Senator Martin of Pitt:

“Coach, I’ll lead off. According to the media Duke has picked all the better talent for this year, next year. What do you say about it?”

Coach Smith:

“I sure know who they are. I was in their homes. (Laughter) I should have sent some other representatives so I at least good speakers up here, but we can’t send alumni or poor Michael Jordan would be tired. But they are just fantastic, and you never know, but you’ll be hearing a lot about them. And then they also have, they’re the regular season champions and they have those people back except for one who wasn’t playing, named Newton. But, gosh the seniors coupled with the freshmen, and they could win the national and be in this building next year from now. So, of course anybody could, I guess. That’s what’s fun about the game of basketball.”

Senator Gulley:

“Coach, over here Coach Smith. I have to say that I am a graduate of Duke, and Senator Lucas and I have the pleasure of representing Durham and some of the
surrounding community, and we want to add our word of welcome to you, and how great it is to have you here. And Duke's already been reference kindly in some of the remarks made tonight, but we're joined in welcoming you. If you think back about that series between Duke and Carolina, is there a particular ballgame that stands out in your mind as the greatest one that you felt like you were a part of coaching, or is there some other game that stands out in your mind?"

Coach Smith:
"There just so many. It's a great rivalry. I think with NC State we've had a great rivalry, and certainly with Wake Forest with Coach Odom coming up and having a great program. So it's hard to pick out one. I guess one I'd quick, since it's maybe one of the more recent ones, we had a nice lead over at Duke and we thought we'd won, and then Capel throws in one from mid-court to tie the game, and it's never been so loud in Duke Indoor Stadium. And I'd like, when he came over to the bench said, 'Well, we wanted to play five minutes over here more anyway, didn't we?' (Laughter) Nobody said anything, but we did win so that's why I remember it."

Senator Rand:
"Would you tell him about the game in Chapel Hill where we were behind with just, tell him about that one." (Laughter)

Coach Smith:
"I never thought I was talking to a sports club. I thought (laughter), but, yeah, we did win one before you were born, of course, (Laughter) in 1974, and we shouldn't have. We were down, bad coaching, and we were down eight with seventeen seconds. And without the three point shot we managed to come back to win with some luck and some good plays. And it's one we'll always remember, of course."

Coach Smith is escorted from the Chamber to a standing ovation.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 765, AN ACT TO REQUIRE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS.

H.B. 5, AN ACT TO REQUIRE CERTAIN COVERAGE FOR DIABETES IN HEALTH AND ACCIDENT INSURANCE POLICIES, IN HOSPITAL OR MEDICAL SERVICES PLANS, AND IN HMO PLANS.

H.B. 195, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MAKE CLARIFYING CHANGES TO POST-RELEASE SUPERVISION.

H.B. 260, AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE

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CONSIDERED IN DETERMINING THE APPRAISED VALUE OF LAND AND IMPROVEMENTS, AND TO ESTABLISH THE CONSERVATION GRANT FUND.

**H.B. 374**, AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS, TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION, AND TO PROVIDE THAT COLLATERAL SOURCES FOR THE PAYMENT OF FUNERAL EXPENSES SHALL NOT CONSTITUTE GROUNDS FOR DENIAL OR REDUCTION OF AN AWARD OF COMPENSATION.


**H.B. 907**, AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES.

**H.B. 933**, AN ACT TO INCREASE THE FEES COLLECTED UNDER THE PHARMACY PRACTICE ACT.

**H.B. 958**, AN ACT TO AMEND THE CONCEALED WEAPON AND CONCEALED HANDGUN PERMIT LAWS.

**H.B. 1008**, AN ACT REGARDING THE EDUCATIONAL REQUIREMENTS FOR CHIROPRACTIC LICENSURE AND TO AUTHORIZE THE BOARD TO LICENSE PERSONS WHO HAVE PASSED THE NATIONAL CHIROPRACTIC EXAMINATION.

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

**H.B. 102**, AN ACT TO REQUIRE THAT THERE BE AT LEAST ONE VOTING PLACE IN MITCHELL COUNTY WITHIN EVERY TOWNSHIP THAT EXISTED IN 1995.

**H.B. 342**, AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE COUNTY OF MECKLENBURG.

**H.B. 604**, AN ACT TO ALLOW THE TOWNS OF MOREHEAD CITY AND NEWPORT TO EXERCISE EXTRATERRITORIAL PLANNING JURISDICTION OVER AN AREA EXTENDING NOT MORE THAN TWO MILES FROM THEIR CORPORATE LIMITS.

**H.B. 687**, AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY.
H.B. 772, AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW, TO ANNEX PROPERTY TO THE TOWN OF SHALLOTTE, AND TO CORRECT AN ERROR IN THE DESCRIPTION OF DISTRICTS IN THE WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT.

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. 936, AN ACT TO PROVIDE PRIORITY IN EMPLOYMENT ASSISTANCE FOR UNITED STATES ARMED FORCES VETERANS. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-171.)

S.B. 626, AN ACT TO ESTABLISH IN THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES THE OFFICE OF WOMEN'S HEALTH. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-172.)

H.B. 999, AN ACT TO CLARIFY THE AUTHORITY OF THE SOIL AND WATER CONSERVATION COMMISSION TO CONDUCT INSPECTIONS. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-173.)

S.B. 891, AN ACT TO UPDATE AND REVISE THE LAWS AFFECTING LOCAL GOVERNMENT CONTRACTING. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-174.)

H.B. 615, AN ACT TO CHANGE THE METHOD OF APPOINTING THE PUBLIC DEFENDER IN DISTRICT 16B. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-175.)

H.B. 897, AN ACT TO AMEND THE REQUIREMENTS PERTAINING TO THE NUMBER OF MEMBERS OF ADVISORY COMMITTEES OF NURSING HOMES AND REST HOMES. (Became law upon approval of the Governor, June 12, 1997 - S.L. 1997-176.)

H.B. 948, AN ACT TO AUTHORIZE THE BOARD OF PHARMACY TO ESTABLISH A RECOVERY AND REHABILITATION PROGRAM FOR PHARMACISTS. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-177.)

H.B. 966, AN ACT TO PROVIDE FOR OPTIONS IN FLAG AND LIGHT COLORS FOR EXTENDED TRUCKLOADS. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-178.)

H.B. 1024, AN ACT TO ALLOW FOR THE LICENSING OF CERTAIN SUBSIDIARIES OF INSURERS OWNED OR CONTROLLED BY FOREIGN GOVERNMENTS. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-179.)

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H.B. 1050, AN ACT TO ALLOW LAW ENFORCEMENT AGENCIES TO DONATE UNCLAIMED BICYCLES TO CHARITY. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-180.)

H.B. 134, AN ACT TO ENACT THE REVISED ARTICLE 8 OF THE UNIFORM COMMERCIAL CODE AND CONFORMING AND MISCELLANEOUS AMENDMENTS TO THE UNIFORM COMMERCIAL CODE AND OTHER GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION. (Became law upon approval of the Governor, June 12, 1997 - S. L. 1997-181.)

REPORT OF COMMITTEE

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 Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 457 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECOVERY OF FUNDS PAID AS FOREST DEVELOPMENT COST-SHARING PAYMENTS WHEN TREES ARE NOT MAINTAINED AT LEAST TEN YEARS AND TO CONVERT THE FOREST DEVELOPMENT FUND TO ONE THAT ACCRUES INTEREST, with favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 227, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW 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 4125, which changes the title, upon concurrence, to read H.B. 227 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION AND TO EXPEDITE THE PERMANENT CLOSURE OF LOW-RISK SITES UNDER THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP ACT OF 1988, is adopted and engrossed.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

June 16, 1997
S.B. 69 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 17.

S.B. 329, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 329 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS AND TO AMEND THE NORTH CAROLINA RECIPROCAL INTERSTATE BANKING ACT RELATING TO BANKS ACTING AS AGENTS FOR DEPOSITORY INSTITUTION AFFILIATES, which is placed on the Calendar for tomorrow, Tuesday, June 17.

S.B. 366 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING SCHOOL BUDGET DISPUTES BETWEEN LOCAL BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 17.

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. 251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE WELL CONTRACTORS CERTIFICATION COMMISSION, TO REQUIRE THAT WELL CONTRACTORS BE CERTIFIED, AND TO MAKE VARIOUS AMENDMENTS TO THE WELL CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 1094 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REPEAL OBSOLETE OR PREEMPTED PROVISIONS OF THE GENERAL STATUTES AFFECTING RAILROADS, TO RECODIFY CERTAIN RAILROAD STATUTES, AND TO MAKE CONFORMING CHANGES AND CLARIFYING CHANGES.

Referred to Judiciary Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

June 16, 1997
Mr. 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 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS, and requests conferees. The Speaker has appointed:

Representatives Weatherly, Chair;
Representative Culp,
Representative Hackney,
Representative McComas,
Representative Hightower, and
Representative Starnes

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 adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and ordered filed in the Office of the Principal Clerk with the papers of the Senate, as follows:

Executive Order Number 113, Merit-Based Hiring Process.

CONFERENCE REPORT

S.B. 272 (House Committee Substitute)

Senator Winner, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S.B. 272 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT, submits 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 272, A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT, Fifth Edition Engrossed 4/30/97, submit the following report:
The Senate and House agree to the following amendment to the Fifth Edition Engrossed 4/30/97 and the Senate concurs in the Fifth Edition as amended:

Delete the entire Fifth Edition and substitute the attached Proposed Conference Committee Substitute PCCS 4616.

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

Date conferees approved report: June 12, 1997.

S/Leslie Winner 
S/Howard N. Lee 
S/John A. Garwood 
S/Fletcher L. Hartsell, Jr. 
S/Walter H. Dalton

Conferees for the Senate

S/Gene G. Arnold 
S/Jean R. Preston 
S/W. Robert Grady 
S/Richard Eugene Rogers 
S/Warren C. Oldham

Conferees for the House of Representatives

The text of the attached proposed Conference Committee Substitute bill 4616, is as follows:

A BILL TO BE ENTITLED
AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT.
The General Assembly of North Carolina enacts:

Section 1. This act shall be known as "The Excellent Schools Act".

*****

An outline of the provisions of the act follows this section. The outline shows the heading "CONTENTS/INDEX", and it lists by general category the descriptive captions for the various sections and groups of sections that make up the act. This outline is designed for reference only, and it in no way limits, defines, or prescribes the scope or application of the text of the act.

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I. PURPOSE OF THE EXCELLENT SCHOOLS ACT

Section 2. The purpose of The Excellent Schools Act is to improve student academic achievement and to reduce teacher attrition. To accomplish this purpose, it is the goal of the General Assembly to: (i) concentrate student learning in the core academic areas; (ii) improve teacher skills and teacher knowledge as those skills and knowledge relate to improved student academic achievement; and (iii) reward teachers for their improved skills and knowledge and for improved student academic achievement. It is also the goal of the General Assembly to annually review the implementation of the revised and more rigorous teacher preparation, professional development, and certification standards developed by the State Board of Education in compliance with this act. Clear and specific evidence demonstrating identifiable progress toward implementing more rigorous teacher professional standards must exist on an annual basis before the General Assembly may consider continued implementation of this act.

II. EFFORTS TO RAISE STUDENT PERFORMANCE STANDARDS

Section 3. (a) Part 3 of Article 8B of Chapter 115C of the General Statutes is amended by adding the following new section to read:  
§ 115C-105.38A. Teacher competency assurance.  
(a) General Knowledge Test. -- The State Board of Education shall require all certified staff members working in schools at the time the schools are identified as low-
performing under this Article and to which the State Board has assigned an assistance team to demonstrate their general knowledge by acquiring a passing score on a test designated by the State Board. The first general knowledge test shall be administered at the end of the 1997-98 school year. In subsequent years, the State Board shall determine when to administer the test for certified staff members in schools that are identified that year as low-performing and assigned an assistance team.

(b) Exemptions. -- The following certified staff members shall be exempt from taking the general knowledge test required under subsection (a) of this section.

(1) Certified staff members who have:
   a. Taken and passed the PRAXIS I exam as a condition of entry into a school of education; and
   b. Taken and passed the PRAXIS II exam after July 1, 1996.

(2) Certified staff members who have previously taken and passed the general knowledge test.

The exemptions under this subsection shall expire July 1, 2000, unless the State Board adopts a policy to continue them.

(c) Remediation. -- Certified staff members who do not acquire a passing score on the general knowledge test shall engage in a remediation plan based upon the deficiencies identified by the test. The remediation plan for deficiencies of individual certified staff members shall consist of up to a semester of university or community college training or coursework or both. The remediation shall be developed by the State Board of Education in consultation with the Board of Governors of The University of North Carolina. The State Board shall reimburse the institution providing the remediation any tuition and fees incurred under this section. If the remediation plan requires that the staff member engage in a full-time course of study or training, the staff member shall be considered on leave with pay.

(d) Retesting. -- Upon completion of the first remediation plan, the certified staff member shall take the general knowledge test a second time. If the certified staff member fails to acquire a passing score on the second test, the State Board shall provide a program of further remediation under subsection (c) of this section.

(e) Dismissal. -- Upon completion of the second remediation plan, the certified staff member shall take the general knowledge test a third time. If the certified staff member fails to acquire a passing score on the third test, the State Board shall begin dismissal proceedings under G.S. 115C-325(q)(2a).

(f) Other Actions Not Precluded. -- Nothing in this section shall be construed to restrict or postpone the following actions:

   (1) The dismissal of a principal under G.S. 115C-325(q)(1);
   (2) The dismissal of a teacher, assistant principal, director, or supervisor under G.S. 115C-325(q)(2);
   (3) The dismissal or demotion of a career employee for any of the grounds listed under G.S. 115C-325(e);
   (4) The nonrenewal of a school administrator's or probationary teacher's contract of employment; or
   (5) The decision to grant career status.

(g) Future Testing. -- The State Board shall develop a plan for testing and shall test all certified staff members in low-performing schools identified at the end of the 1999-2000 school year. When developing the plan, the State Board shall consider administering tests in the area of an individual's certification as well as the general knowledge test. The State
Board shall report this plan to the Joint Legislative Education Oversight Committee prior to November 15, 1998."

(b) The State Board of Education shall develop a plan to provide competent certified substitute teachers to teach in the classrooms of teachers who are required to be absent because they are participating in a remediation plan. The plan shall include a provision to use State funds to pay the substitute teachers according to the teacher salary schedule.

(c) The State Board of Education shall develop and implement a plan to provide for the remediation of teachers who have been identified as lacking competence in their areas of certification or lacking adequate classroom management skills. The remediation may include coursework, assignment to the classroom of another teacher, or other appropriate measures. The State Board shall report to the Joint Legislative Education Oversight Committee prior to February 15, 1999, on its progress in implementing this section.

(d) The State Board of Education shall develop a comprehensive plan to address any deficiencies identified in certified staff in low-performing schools. The plan shall include a study of the demographics and characteristics of students and teachers in low-performing schools assigned assistance teams, including teacher experience and whether teachers are teaching within their area of certification. The State Board shall report this plan to the Joint Legislative Education Oversight Committee by November 15, 1998.

(e) The State Board of Education shall develop a plan to create rigorous student academic performance standards for kindergarten through eighth grade and student academic performance standards for courses in grades 9-12. The performance standards shall align, whenever possible, with the student academic performance standards developed for the National Assessment of Educational Progress (NAEP). The plan also shall include clear and understandable methods of reporting individual student academic performance to parents.

(f) The State Board of Education shall report on the implementation of subsections (a) and (b) of this section to the Joint Legislative Education Oversight Committee as part of its required reports on the implementation of the School-Based Management and Accountability Program. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the student performance standards and reports developed under subsection (e) of this section.

III. RIGOROUS STANDARDS FOR ENTERING THE TEACHING PROFESSION

A. ENHANCED STANDARDS FOR TEACHER PREPARATION PROGRAMS

Section 4. (a) G.S. 115C-296(b) reads as rewritten:

"(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the State Board of Education shall submit to the General Assembly not later than November 1, 1994, a plan to promote this policy. The State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and

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experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs.

The State Board of Education, as lead agency in coordination with the Board of Governors of The University of North Carolina and any other public and private agencies as necessary, shall continue to raise standards for entry into teacher education programs.

The standards for approval of institutions of teacher education shall require that teacher education programs for students who do not major in special education include courses demonstrated competencies in the identification and education of children with learning disabilities. The State Board of Education shall incorporate the criteria developed in accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program into its school administrator program approval standards.

All North Carolina institutions of higher education that offer teacher education programs, masters degree programs in education, or masters degree programs in school administration shall provide performance reports to the State Board of Education. The performance reports shall follow a common format, shall be submitted according to a plan developed by the State Board and shall include the information required under the plan developed by the State Board."

(b) The State Board of Education shall develop a plan to provide a focused review of teacher education programs and the current process of accrediting these programs in order to ensure that the programs produce graduates that are well prepared to teach. The plan shall include the development and implementation of a school of education performance report for each teacher education program in North Carolina. The performance report shall include at least the following elements: (i) quality of students entering the schools of education, including the average grade point average and average score on preprofessional skills tests that assess reading, writing, math, and other competencies; (ii) graduation rates; (iii) time-to-graduation rates; (iv) average scores of graduates on professional and content area examinations for the purpose of certification; (v) percentage of graduates receiving initial certification; (vi) percentage of graduates hired as teachers; (vii) percentage of graduates remaining in teaching for four years; (viii) graduate satisfaction based on a common survey; and (ix) employer satisfaction based on a common survey. The performance reports shall follow a common format. The performance reports shall be submitted annually for the 1998-99, 1999-2000, and 2000-2001 school years. The performance reports shall be submitted biannually thereafter to coincide with the Board of Governors' biannual report on institutional effectiveness. The State Board of Education shall develop a plan to be implemented beginning in the 1998-99 school year to reward and sanction approved teacher education programs and masters of education programs and to revoke approval of those programs based on the performance reports and other criteria established by the State Board of Education.

The State Board also shall develop and implement a plan for annual performance reports for all masters degree programs in education and school administration in North Carolina. To the extent it is appropriate, the performance report shall include similar indicators to those developed for the performance report for teacher education programs. The performance reports shall follow a common format.

Both plans for performance reports also shall include a method to provide the annual performance reports to the Board of Governors of The University of North Carolina, the State Board of Education, and the boards of trustees of the independent colleges. The State Board of Education shall review the schools of education
performance reports and the performance reports for masters degree programs in education and school administration each year the performance reports are submitted.

The State Board of Education shall report to the Joint Legislative Education Oversight Committee by February 15, 1998, on the plans for schools of education performance reports and performance reports for masters degree programs in education and school administration developed under this subsection.

(c) The State Board of Education, in coordination with the Board of Governors of The University of North Carolina and independent colleges and universities that offer teacher education programs, shall conduct a comprehensive teacher supply and demand study. The study shall examine predicted trends over the course of the next decade and include information regarding the effect of teacher attrition rates on supply and demand. The study shall include information on characteristics of new teachers hired with teaching experience in other states and information regarding graduates of North Carolina schools of education who have not received certification. The survey also shall include school unit analysis and Southern Regional Education Board comparative analysis where appropriate. The State Board of Education shall report the results of the supply and demand study to the Joint Legislative Education Oversight Committee by November 15, 1998.

(d) The State Board of Education, in coordination with the Board of Governors of The University of North Carolina, and independent colleges and universities that offer masters degree programs in school administration shall conduct a comprehensive school administrator supply and demand study. The study shall examine retirement and attrition rates and the sources of the supply of new school administrators. The study also shall include school unit analysis and the characteristics, including quality, of individuals currently certified but not employed as school administrators. The study also shall include recommendations regarding continued data collection and periodic reporting of teacher and school administrator supply and demand trends. The State Board of Education shall report the results of the supply and demand study to the Joint Legislative Education Oversight Committee by November 15, 1998. The State Board of Education and the Board of Governors of The University of North Carolina may combine this supply and demand study with the study required under G.S. 116-74.21(c).

(e) By March 15, 1998, the Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Committee on the efforts to improve teacher preparation through implementation of a second major requirement. The report shall include recommendations to strengthen the requirement and provide greater consistency for second majors throughout the system.

B. ENHANCED INITIAL CERTIFICATION REQUIREMENTS

Section 5. G.S. 115C-296(a) reads as rewritten:

"(a) The State Board of Education shall have entire control of certifying all applicants for teaching positions in all public elementary and high schools of North Carolina; and it shall prescribe the rules and regulations for the renewal and extension of all certificates and shall determine and fix the salary for each grade and type of certificate which it authorizes: Provided, that the State Board of Education shall require each applicant for an initial certificate or bachelors degree certificate or graduate degree certificate to demonstrate his the applicant's academic and professional preparation by achieving a prescribed minimum score at least equivalent to that required by the Board on November 30, 1972, on a standard examination appropriate and adequate for that purpose:"

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Provided, further, that in the event the Board shall specify the National Teachers Examination for this purpose, the required minimum score shall not be lower than that which the Board required on November 30, 1972: Provided, further, that the State Board of Education shall not decrease the certification standards for physical education teachers or health education teachers below the standards in effect on June 1, 1988. Purpose. The State Board of Education shall make the standard initial certification exam sufficiently rigorous and raise the prescribed minimum score as necessary to ensure that each applicant has adequate academic and professional preparation to teach."

C. REPORT ON ENHANCEMENT OF INITIAL CERTIFICATION STANDARDS
Section 6. (a) The State Board of Education shall review the admission standards for teacher education programs and the initial certification requirements that were adopted by the Board on July 6, 1994. The State Board shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the results of the review. The State Board may consolidate the report required under this subsection with the report on continuing certification required under Section 8 of this act and the report on renewal of teacher certificates required under Section 14 of this act.

(b) By March 15, 1999, the State Board shall implement the July 6, 1994, admission standards for teacher education programs and initial certification requirements to the extent the State Board determines those standards and requirements are valid and consistent with the State goal of requiring rigorous professional requirements.

IV. RIGOROUS STANDARDS FOR CONTINUING CERTIFICATION

A. AWARD OF CONTINUING CERTIFICATION DELAYED ONE YEAR
Section 7. (a) G.S. 115C-296(b), as rewritten by Section 4(a) of this act, reads as rewritten:

"(b) It is the policy of the State of North Carolina to maintain the highest quality teacher education programs and school administrator programs in order to enhance the competence of professional personnel certified in North Carolina. To the end that teacher preparation programs are upgraded to reflect a more rigorous course of study, the State Board of Education, as lead agency in coordination and cooperation with the University Board of Governors, the Board of Community Colleges and such other public and private agencies as are necessary, shall continue to refine the several certification requirements, standards for approval of institutions of teacher education, standards for institution-based innovative and experimental programs, standards for implementing consortium-based teacher education, and standards for improved efficiencies in the administration of the approved programs. The certification program shall provide for initial certification after completion of preservice training, continuing certification after three years of teaching experience, and certificate renewal every five years thereafter.

The State Board of Education, as lead agency in coordination with the Board of Governors of The University of North Carolina and any other public and private agencies as necessary, shall continue to raise standards for entry into teacher education programs.

The standards for approval of institutions of teacher education shall require that teacher education programs for students who do not major in special education include demonstrated competencies in the identification and education of children with learning disabilities. The State Board of Education shall incorporate the criteria developed in

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accordance with G.S. 116-74.21 for assessing proposals under the School Administrator Training Program into its school administrator program approval standards.

All North Carolina institutions of higher education that offer teacher education programs, masters degree programs in education, or masters degree programs in school administration shall provide performance reports to the State Board of Education. The performance reports shall follow a common format, shall be submitted according to a plan developed by the State Board, and shall include the information required under the plan developed by the State Board.

(b) This section applies to teachers who have not received continuing certification prior to January 1, 1998.

B. ENHANCED STANDARDS FOR CONTINUING CERTIFICATION

Section 8. The State Board of Education, in consultation with the Board of Governors of The University of North Carolina, shall evaluate and develop enhanced requirements for continuing certification. The new requirements shall reflect more rigorous standards for continuing certification and to the extent possible shall be aligned with quality professional development programs that reflect State priorities for improving student achievement. The State Board shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the results of this evaluation. The State Board may consolidate the report required under this section with the report on initial certification required under Section 6 of this act and the report on renewal of teacher certificates required under Section 14 of this act. The State Board of Education shall adopt new standards for continuing certification by May 15, 1998.

V. RIGOROUS STANDARDS, EVALUATION, AND SUPPORT BEFORE CAREER STATUS IS CONSIDERED

A. SUPPORT AND MENTORS PROVIDED FOR ALL BEGINNING TEACHERS

Section 9. The State Board of Education shall develop a mentor program to provide ongoing support for teachers entering the profession. In developing the mentor program, the State Board shall conduct a comprehensive study of the needs of new teachers and how those needs can be met through an orientation and mentor support program. For the purpose of helping local boards to support new teachers, the State Board shall develop and distribute guidelines which address optimum teaching load, extracurricular duties, student assignment, and other working condition considerations. The State Board also shall develop and coordinate a mentor teacher training program. The State Board shall develop criteria for selecting excellent, experienced, and qualified teachers to be participants in the mentor teacher training program. The State Board shall report to the Joint Legislative Education Oversight Committee prior to February 15, 1998, on its progress in implementing this section.

B. RIGOROUS AND MORE FREQUENT EVALUATIONS BY WELL-TRAINED EVALUATORS BEFORE CAREER STATUS IS CONSIDERED

Section 10. (a) G.S. 115C-326(a) reads as rewritten:

"(a) The State Board of Education, in consultation with local boards of education, shall revise and develop uniform performance standards and criteria to be used in evaluating professional public school employees. It employees, including school administrators. These standards and criteria shall include improving student achievement

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and employee skills and employee knowledge. The standards and criteria for school administrators also shall include building-level gains in student learning and effectiveness in carrying out the responsibility of providing for school safety and enforcing student discipline. The Board shall develop rules to recommend the use of these standards and criteria in the employee evaluation process. The performance standards and criteria may be modified at the discretion of the Board.

The State Board of Education, in collaboration with the Board of Governors of The University of North Carolina, shall develop training programs for practicing school administrators to improve their evaluation of professional public school employees based on the employee's skills and knowledge and student achievement. These programs shall include evaluative methods to determine whether an employee's performance has improved student learning, as well as the appropriate process for professional improvement, contract nonrenewal, and dismissal of school personnel whose performance is inadequate. The Board of Governors of The University of North Carolina shall ensure that the subject matter of the training programs is incorporated into the masters in school administration programs offered by the constituent institutions.

Local boards of education shall adopt rules to provide for the evaluation of all professional employees defined as teachers in G.S. 115C-325(a)(6). All teachers who have not attained career status shall be observed at least three times annually by a qualified school administrator or a designee and at least once annually by a teacher, and shall be evaluated at least once annually by a qualified school administrator. All other teachers shall be evaluated annually unless a local board adopts rules that allow specified categories of teachers with career status to be evaluated more or less frequently. Local boards may also adopt rules requiring the annual evaluation of other school employees not specifically covered in this section. Local boards may develop and use alternative evaluation approaches for teachers provided the evaluations are properly validated. Local boards that do not develop alternative evaluations shall utilize the performance standards and criteria adopted by the State Board of Education, but are not limited to those standards and criteria."

(b) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the development of programs to train administrators to improve the evaluation of professional public school employees.

(c) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by March 15, 1998, on the revision and development of uniform performance standards and criteria to be used in evaluating professional public school employees including school administrators. The State Board of Education shall adopt new performance standards and criteria by May 15, 1998.

(d) The State Board of Education shall develop guidelines for evaluating superintendents. The guidelines shall include criteria for evaluating superintendent effectiveness in providing safe schools and enforcing student discipline. The State Board of Education shall report to the Joint Legislative Education Oversight Committee by April 15, 1998, on the development of the guidelines. The State Board of Education shall adopt guidelines for evaluating superintendents by July 15, 1998.

C. CAREER STATUS DECISION TO BE MADE ONE YEAR AFTER CONTINUING CERTIFICATION AWARDED

Section 11. (a) G.S. 115C-325(c) reads as rewritten:
"(c) (1) Election of a Teacher to Career Status. -- Except as otherwise provided in subdivision (3) of this subsection, when a teacher will have been employed by a North Carolina public school system for three four consecutive years, the board, near the end of the third fourth year, shall vote upon his employment for the next school year, whether to grant the teacher career status. The board shall give him the teacher written notice of that decision by June 1 of his third year of employment. 15. If a majority of the board votes to reemploy the teacher, granting career status, the teacher shall not teach beyond the current school term. If the board fails to vote on granting career status but reemploys him for the next year, he automatically becomes a career teacher on the first day of the fourth year of employment status:

a. It shall not reemploy the teacher for a fifth consecutive year;

b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and

c. The teacher shall be entitled to an additional month's pay for every 30 days after June 16 that the board fails to vote upon the issue of granting career status.

A year, for purposes of computing time as a probationary teacher, shall be not less than 120 workdays performed as a full-time, permanent teacher in a normal school year.

(2) Employment of a Career Teacher. -- A teacher who has obtained career status in any North Carolina public school system need not serve another probationary period of more than two years, years, and may, at the option of the board, be employed immediately as a career teacher. In any event, if the teacher is reemployed for a third consecutive school year, he shall automatically become a career teacher. A teacher with career status who resigns and within five years is reemployed by the same local school administrative unit need not serve another probationary period of more than one school year and may, at the option of the board, be reemployed as a career teacher. In any event, if he is reemployed for a second consecutive school year, he shall automatically become a career teacher. The board may grant career status immediately upon employing the teacher, or after the first or second year of employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current term. If after two consecutive years of employment, the board fails to vote on the issue of granting career status:

a. It shall not reemploy the teacher for a third consecutive year;

b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and

c. The teacher shall be entitled to one additional month's pay for every 30 days beyond June 16 that the board fails to vote upon the issue of granting career status.

(2a) Notice of Teachers Eligible to Achieve Career Status. -- At least 30 days prior to any board action granting career status, the superintendent shall submit to the board a list of the names of all teachers who are eligible to achieve career status. Notwithstanding any other provision of law, the list shall be a public record under Chapter 132 of the General Statutes.
Ineligible for Career Status. -- No employee of a local board of education except a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain career status or continue in a career status if he no longer performs the responsibilities of a teacher as defined in G.S. 115C-325(a)(6). No person who is working in a principal or supervisor position who did not acquire career status as a school administrator by June 30, 1997, shall have career status as an administrator. Further, no director or assistant principal is eligible to obtain career status as a school administrator unless he or she has already been conferred that status by the local board of education.

Leave of Absence. -- A career teacher who has been granted a leave of absence by a board shall maintain his career status if he returns to his teaching position at the end of the authorized leave."

This section applies to teachers, as defined in G.S. 115C-325(a)(6), who have not attained career status pursuant to G.S. 115C-325(c) prior to July 1, 1998.

VI. ADDITIONAL PROFESSIONAL DEVELOPMENT OPPORTUNITIES AND TOUGHER STANDARDS FOR TEACHERS WITH CAREER STATUS

A. MEANINGFUL AND CONTINUED PROFESSIONAL DEVELOPMENT FOR TEACHERS

Section 12. (a) G.S. 115C-12 is amended by adding a new subdivision to read:

"(26) Duty to Monitor and Make Recommendations Regarding Professional Development Programs. -- The State Board of Education, in collaboration with the Board of Governors of The University of North Carolina, shall identify and make recommendations regarding meaningful professional development programs for professional public school employees. The programs shall be aligned with State education goals and directed toward improving student academic achievement. The State Board shall annually evaluate and, after consultation with the Board of Governors, make recommendations regarding professional development programs based upon reports submitted by the Board of Governors under G.S. 116-11(12a)."

(b) G.S. 116-11 is amended by adding a new subdivision to read:

"(12a) The Board of Governors of The University of North Carolina shall implement, administer, and revise programs for meaningful professional development for professional public school employees based upon the evaluations and recommendations made by the State Board of Education under G.S. 115C-12(26). The programs shall be aligned with State education goals and directed toward improving student academic achievement. The Board of Governors shall submit to the State Board of Education an annual report evaluating the professional development programs administered by the Board of Governors."

(c) The State Board of Education shall report to the Board of Governors of The University of North Carolina by January 15, 1998, on its initial recommendations for implementation of subsection (a) of this section.

(d) The Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Committee by April 1, 1998, on a plan to coordinate the subject matter and consolidate components of the professional development programs for professional public school employees. This report may include recommendations for statutory or other organizational changes.

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B. TENURE STREAMLINED TO PROVIDE A FAIR AND EFFICIENT PROCESS FOR REMOVING POOR TEACHERS FROM THE CLASSROOM

Section 13. (a) G.S. 115C-325, as rewritten by Section 11(a) of this act, reads as rewritten:

"§ 115C-325. System of employment for public school teachers.

(a) Definition of Terms. -- As used in this section unless the context requires otherwise:

(1a) 'Career employee' as used in this section means:
   a. An employee who has obtained career status with that local board as a teacher as provided in G.S. 115C-325(c);
   b. An employee who has obtained career status with that local board in an administrative position as provided in G.S. 115C-325(d)(2);
   c. A probationary teacher during the term of the contract as provided in G.S. 115C-325(m); and
   d. A school administrator during the term of a school administrator contract as provided in G.S. 115C-287.1(c).

(1b) 'Career school administrator' means a school administrator who has obtained career status in an administrative position as provided in G.S. 115C-325(d)(2).

(1c) 'Career teacher' means a teacher who has obtained career status as provided in G.S. 115C-325(c).

(1d) 'Case manager' means a person selected under G.S. 115C-325(h)(7).

(2) 'Committee' means the Professional Review Committee created under G.S. 115C-325(g).

(3) 'Day' means calendar day. In computing any period of time, Rule 6 of the North Carolina Rules of Civil Procedure shall apply.

(4) 'Demote' means to reduce the compensation salary of a person who is classified or paid by the State Board of Education as a classroom teacher, teacher or as a school administrator, or to transfer him to a new position carrying a lower salary, or to suspend him without pay to a maximum of 60 days; provided, however, that a suspension without pay pursuant to the provisions of G.S. 115C-325(f) shall not be considered a demotion. The word 'demote' does not include a reduction in compensation that results from the elimination of a special duty, such as the duty of an athletic coach, assistant principal, or a choral director. Include: (i) a suspension without pay pursuant to G.S. 115C-325(f)(1); (ii) the elimination or reduction of bonus payments, including merit-based supplements, or a systemwide modification in the amount of any applicable local supplement; or (iii) any reduction in salary that results from the elimination of a special duty, such as the duty of an athletic coach or a choral director.

(4a) 'Disciplinary suspension' means a final decision to suspend a teacher or school administrator without pay for no more that 60 days under G.S. 115C-325(f)(2).

(5) 'Probationary teacher' means a certificated person, other than a superintendent, associate superintendent, or assistant superintendent, who has not obtained career-teacher status and whose major responsibility is to supervise teaching.
(6) 'Teacher' means a person who holds at least a current, not provisional or expired, Class A certificate or a regular, not provisional or expired, vocational certificate issued by the Department of Public Instruction; whose major responsibility is to teach or directly supervises teaching or who is classified by the State Board of Education or is paid as a classroom teacher; and who is employed to fill a full-time, permanent position.

(7) 'School administrator' means a principal, assistant principal, supervisor, or director whose major function includes the direct or indirect supervision of teaching or any other part of the instructional program as provided in G.S. 115C-287.1(a)(3).

(8) 'Year' for purposes of computing time as a probationary teacher shall be not less than 120 workdays performed as a probationary teacher in a full-time permanent position in a school year.

(b) Personnel Files. -- The superintendent shall maintain in his office a personnel file for each teacher that contains any complaint, commendation, or suggestion for correction or improvement about the teacher's professional conduct, except that the superintendent may elect not to place in a teacher's file (i) a letter of complaint that contains invalid, irrelevant, outdated, or false information or (ii) a letter of complaint when there is no documentation of an attempt to resolve the issue. The complaint, commendation, or suggestion shall be signed by the person who makes it and shall be placed in the teacher's file only after five days' notice to the teacher. Any denial or explanation relating to such complaint, commendation, or suggestion that the teacher desires to make shall be placed in the file. Any teacher may petition the local board of education to remove any information from his personnel file that he deems invalid, irrelevant, or outdated. The board may order the superintendent to remove said information if it finds the information is invalid, irrelevant, or outdated.

The personnel file shall be open for the teacher's inspection at all reasonable times but shall be open to other persons only in accordance with such rules and regulations as the board adopts. Any preemployment data or other information obtained about a teacher before his employment by the board may be kept in a file separate from his personnel file and need not be made available to him. No data placed in the preemployment file may be introduced as evidence at a hearing on the dismissal or demotion of a teacher, except the data may be used to substantiate G.S. 115C-325(e)(1)g. or G.S. 115C-325(e)(1)o. as grounds for dismissal or demotion.

(c) (1) Election of a Teacher to Career Status. -- Except as otherwise provided in subdivision (3) of this subsection, when a teacher has been employed by a North Carolina public school system for four consecutive years, the board, near the end of the fourth year, shall vote upon whether to grant the teacher career status. The board shall give the teacher written notice of that decision by June 15. If a majority of the board votes to grant career status to the teacher, and if it has notified the teacher of the decision, it may not rescind that action but must proceed under the provisions of this section for the demotion or dismissal of a teacher if it decides to terminate the teacher's employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current school term. If the board fails to vote on granting career status:
   a. It shall not reemploy the teacher for a fifth consecutive year;
   b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and
c. The teacher shall be entitled to an additional month's pay for every 30 days after June 16 that the board fails to vote upon the issue of granting career status.

A year, for purposes of computing time as a probationary teacher, shall be not less than 120 workdays performed as a full-time, permanent teacher in a normal school year.

(2) Employment of a Career Teacher. -- A teacher who has obtained career status in any North Carolina public school system need not serve another probationary period of more than two years. The board may grant career status immediately upon employing the teacher, or after the first or second year of employment. If a majority of the board votes against granting career status, the teacher shall not teach beyond the current term. If after two consecutive years of employment, the board fails to vote on the issue of granting career status:

a. It shall not reemploy the teacher for a third consecutive year;

b. As of June 16, the teacher shall be entitled to one month's pay as compensation for the board's failure to vote upon the issue of granting career status; and

c. The teacher shall be entitled to one additional month's pay for every 30 days beyond June 16 that the board fails to vote upon the issue of granting career status.

(2a) Notice of Teachers Eligible to Achieve Career Status. -- At least 30 days prior to any board action granting career status, the superintendent shall submit to the board a list of the names of all teachers who are eligible to achieve career status. Notwithstanding any other provision of law, the list shall be a public record under Chapter 132 of the General Statutes.

(3) Ineligible for Career Status. -- No employee of a local board of education except a teacher as defined by G.S. 115C-325(a)(6) is eligible to obtain career status or continue in a career status as a teacher if he no longer performs the responsibilities of a teacher as defined in G.S. 115C-325(a)(6). No person who is working in a principal or supervisor position employed as a school administrator who did not acquire career status as a school administrator by June 30, 1997, shall have career status as an administrator. Further, no director or assistant principal is eligible to obtain career status as a school administrator unless he or she has already been conferred that status by the local board of education.

(4) Leave of Absence. -- A career teacher who has been granted a leave of absence by a board shall maintain his career status if he returns to his teaching position at the end of the authorized leave.

(d) Career Teachers and Career School Administrators.

(1) A career teacher or career school administrator shall not be subjected to the requirement of annual appointment nor shall he be dismissed, demoted, or employed on a part-time basis without his consent except as provided in subsection (e).

(2) a. The provisions of this subdivision do not apply to a person who is ineligible for career status as provided by G.S. 115C-325(c)(3).

b. Whether or not he has previously attained career status as a teacher, a person who has performed the duties of a principal in the school
system for three consecutive years or has performed the duties of a supervisor in the school system for three consecutive years shall not be transferred from that position to a lower paying administrative position or to a lower paying nonadministrative position without his consent except for the reasons given in G.S. 115C-325(e)(1) and in accordance with the provisions for the dismissal of a career teacher set out in this section. Transfer of a principal or a supervisor is not a transfer to a lower paying position if the principal’s or supervisor’s salary is maintained at the previous salary amount.

Subject to G.S. 115C-287.1, when a teacher has performed the duties of supervisor or principal for three consecutive years, the board, near the end of the third year, shall vote upon his employment for the next school year. The board shall give him written notice of that decision by June 1 of his third year of employment as a supervisor or principal. If a majority of the board votes to reemploy the teacher as a principal or supervisor, and it has notified him of that decision, it may not rescind that action but must proceed under the provisions of this section. If a majority of the board votes not to reemploy the teacher as a principal or supervisor, he shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal. A supervisor or principal who has not held that position for three years and whose contract will not be renewed for the next school year shall be notified by June 1 and shall retain career status as a teacher if that status was attained prior to assuming the duties of supervisor or principal.

A year, for purposes of computing time as a probationary principal or supervisor, shall not be less than 145 workdays performed as a full-time, permanent principal or supervisor in a contract year.

A principal or supervisor who has obtained career status in that position in any North Carolina public school system may be required by the board of education in another school system to serve an additional three-year probationary period in that position before being eligible for career status. However, he may, at the option of the board of education, be granted career status immediately or after serving a probationary period of one or two additional years. A principal or supervisor with career status who resigns and within five years is reemployed by the same school system need not serve another probationary period in that position of more than two years and may, at the option of the board, be reemployed immediately as a career principal or supervisor or be given career status after only one year. In any event, if he is reemployed for a third consecutive year, he shall automatically become a career principal or supervisor.

(e) Grounds for Dismissal or Demotion of a Career Teacher Employee.

(1) Grounds. — No career teacher employee shall be dismissed or demoted or employed on a part-time basis except for one or more of the following:

a. Inadequate performance.
b. Immorality.
c. Insubordination.
d. Neglect of duty.

e. Physical or mental incapacity.

f. Habitual or excessive use of alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes.

g. Conviction of a felony or a crime involving moral turpitude.

h. Advocating the overthrow of the government of the United States or of the State of North Carolina by force, violence, or other unlawful means.

i. Failure to fulfill the duties and responsibilities imposed upon teachers or school administrators by the General Statutes of this State.

j. Failure to comply with such reasonable requirements as the board may prescribe.

k. Any cause which constitutes grounds for the revocation of such the career teacher’s teaching certificate, certificate or the career school administrator’s administrator certificate.

l. A justifiable decrease in the number of positions due to district reorganization, decreased enrollment, or decreased funding, provided that there is compliance with subdivision (2).

m. Failure to maintain his certificate in a current status.

n. Failure to repay money owed to the State in accordance with the provisions of Article 60, Chapter 143 of the General Statutes.

o. Providing false information or knowingly omitting a material fact on an application for employment or in response to a preemployment inquiry.

(2) Reduction in Force. — Before recommending to a board the dismissal or demotion of the career teacher employee pursuant to G.S. 115C-325(e)(1)L., the superintendent shall give written notice to the career teacher employee by certified mail or personal delivery of his intention to make such recommendation and shall set forth as part of his recommendation the grounds upon which he believes such dismissal or demotion is justified. The notice shall include a statement to the effect that if the teacher career employee within 15 days after receipt of the notice requests a review, he shall be entitled to have the proposed recommendations of the superintendent reviewed by the board. Within the 15-day period after receipt of the notice, the career teacher employee may file with the superintendent a written request for a hearing before the board within 10 days. If the teacher career employee requests a hearing before the board, the hearing procedures provided in G.S. 115C-325(j) G.S. 115C-325(j3) shall be followed. If no request is made within the 15-day period, the superintendent may file his recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if there is one, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal. Provisions of this section which permit appointment of, and investigation and review by, a panel of the Professional Review Committee a hearing by a case manager shall not apply to a dismissal or demotion recommended pursuant to G.S. 115C-325(e)(1)L.
When a career teacher employee is dismissed pursuant to G.S. 115C-325(e)(1). above, his name shall be placed on a list of available teachers career employees to be maintained by the board. Career teacher employees whose names are placed on such a list shall have a priority on all positions in which they acquired career status and for which they are qualified which become available in that system for the three consecutive years succeeding their dismissal. However, if the local school administrative unit offers the dismissed teacher career employee a position for which he is certified and he refuses it, his name shall be removed from the priority list.

(3) Inadequate Performance. — In determining whether the professional performance of a career teacher employee is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the published policy of the employing local school administrative unit and to any published standards of performance which shall have been adopted by the board. Failure to notify a career teacher employee of an inadequacy in his performance shall be conclusive evidence of satisfactory performance.

(4) Three-Year Limitation on Basis of Dismissal or Demotion. — Dismissal or demotion under subdivision (1) above, except paragraphs g, h, and o, thereof, shall not be based on conduct or actions which occurred more than three years before the written notice of the superintendent's intention to recommend dismissal or demotion is mailed to the teacher career employee. The three-year limitation shall not apply to dismissals or demotions pursuant to subdivision (1)b. above when the charge of immorality is based upon a teacher's career employee's sexual misconduct toward or sexual harassment of students or staff.

(f) Suspension without Pay. — If a superintendent believes that cause exists for dismissing a probationary or career teacher employee for any reason specified in G.S. 115C-325(e)(1)a. through 115C-325(e)(1)b. G.S. 115C-325(e)(1) and that immediate suspension of the teacher career employee is necessary, the superintendent may suspend him the career employee without pay. Before suspending a teacher career employee without pay, the superintendent shall meet with the teacher career employee and give him written notice of the charges against him, an explanation of the bases for the charges, and an opportunity to respond. Within five days after a suspension under this paragraph, the superintendent shall initiate a dismissal, dismissal, or disciplinary suspension without pay as provided in this section. If it is finally determined that no grounds for dismissal or disciplinary suspension without pay exist, the teacher career employee shall be reinstated immediately and immediately, shall be paid for the period of suspension, and all records of the suspension shall be removed from the career employee's personnel file.

(2) Disciplinary Suspension Without Pay. — A teacher career employee recommended for suspension without pay pursuant to G.S. 115C-325(a)(4) 115C-325(a)(4a) may request a hearing before the board. If the teacher career employee requests a hearing before the board, the procedures provided in G.S. 115C-325(j) shall be followed. If no request is made within 15 days, the
superintendent may file his recommendation with the board. If, after considering the recommendation of the superintendent and the evidence adduced at the hearing if one is held, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board, if it sees fit, may by resolution order such suspension. Provisions of this section which permit appointment of, and investigation and review by, a panel of the Professional Review Committee shall not apply to a suspension without pay pursuant to G.S. 115C-325(a)(4).

a. Board hearing for disciplinary suspensions for more than 10 days or for certain types of intentional misconduct. -- The procedures for a board hearing under G.S. 115C-325(3) shall apply if any of the following circumstances exist:
   1. The recommended disciplinary suspension without pay is for more than 10 days; or
   2. The disciplinary suspension is for intentional misconduct, such as inappropriate sexual or physical conduct, immorality, insubordination, habitual or excessive alcohol or nonmedical use of a controlled substance as defined in Article 5 of Chapter 90 of the General Statutes, any cause that constitutes grounds for the revocation of the teacher's or school administrator's certificate, or providing false information.

b. Board hearing for disciplinary suspensions of no more than 10 days. -- The procedures for a board hearing under G.S. 115C-325(2) shall apply to all disciplinary suspensions of no more than 10 days that are not for intentional misconduct as specified in G.S. 115C-325(f)(2)a.2.

(f1) Suspension with Pay. -- If a superintendent believes that cause may exist for dismissing or demoting a probationary or career teacher employee for any reasons specified in G.S. 115C-325(e)(1)b through 115C-325(e)(1)j, G.S. 115C-325(e)(1), but that additional investigation of the facts is necessary and circumstances are such that the teacher career employee should be removed immediately from his duties, the superintendent may suspend the teacher career employee with pay for a reasonable period of time, not to exceed 90 days. The superintendent shall immediately notify the board of education within two days of his action and shall notify the career employee within two days of the action and the reasons for it. If the superintendent has not initiated dismissal or demotion proceedings against the teacher career employee within the 90-day period, the teacher career employee shall be reinstated to his duties immediately and all records of the suspension with pay shall be removed from the teacher's career employee's personnel file at his request. However, if the superintendent and the employee agree to extend the 90-day period, the superintendent may initiate dismissal or demotion proceedings against the career employee at any time during the period of the extension.

(f2) Procedure for Demotion of Career School Administrator. -- If a superintendent intends to recommend the demotion of a career school administrator, the superintendent shall give written notice to the career school administrator by certified mail or personal delivery and shall include in the notice the grounds upon which the superintendent believes the demotion is justified. The notice shall include a statement that if the career school administrator requests a hearing within 15 days after receipt of the notice, the administrator shall be entitled to have the grounds for the proposed demotion reviewed by
the local board of education. If the career school administrator does not request a board hearing within 15 days, the superintendent may file the recommendation of demotion with the board. If, after considering the superintendent's recommendation and the evidence presented at the hearing if one is held, the board concludes that the grounds for the recommendation are true and substantiated by a preponderance of the evidence, the board may by resolution order the demotion. The procedures for a board hearing under G.S. 115C-325(f3) shall apply to all demotions of career school administrators.

(g) Professional Review Committee; Qualifications; Terms; Vacancy; Training.
(1) There is hereby created a Professional Review Committee which shall consist of 132 citizens, 11 from each of the State's congressional districts, five of whom shall be lay persons and six of whom shall have been actively and continuously engaged in teaching or in supervision or administration of schools in this State for the five years preceding their appointment and who are broadly representative of the profession, to be appointed by the Superintendent of Public Instruction with the advice and consent of the State Board of Education. Each member shall be appointed for a term of three years. The initial terms of office of the persons appointed from the 12th Congressional District shall commence on January 3, 1993, and expire on June 30, 1995. The Superintendent of Public Instruction, with the advice and consent of the State Board of Education, shall fill any vacancy which may occur in the Committee. The person appointed to fill the vacancy shall serve for the unexpired portion of the term of the member of the Committee whom he is appointed to replace.

(2) The Superintendent of Public Instruction shall provide for the Committee such training as he considers necessary or desirable for the purpose of enabling the members of the Committee to perform the functions required of them.

(3) The compensation of committee members while serving as a member of a hearing panel shall be as for State boards and commissions pursuant to G.S. 138-5. The compensation shall be paid by the State Board of Education.

(h) Procedure for Dismissal or Demotion of Career Teacher Employee.
(1) a. A career teacher employee may not be dismissed, demoted, or reduced to part-time employment except upon the superintendent's recommendation.
   b. G.S. 115C-325(f2) shall apply to the demotion of a career school administrator.

(2) Before recommending to a board the dismissal or demotion of the career teacher employee, the superintendent shall give written notice to the career teacher employee by certified mail or personal delivery of his intention to make such recommendation and shall set forth as part of his recommendation the grounds upon which he believes such dismissal or demotion is justified. The superintendent also shall meet with the career employee and give him written notice of the charges against him, an explanation of the basis for the charges, and an opportunity to respond if the career employee has not done so under G.S. 115C-325(f)(1). The notice shall include a statement to the effect that if the teacher career employee within 15 14 days after the date of receipt of the notice requests a review, he shall be entitled to have the grounds for the proposed recommendations

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of the superintendent reviewed by a panel of the Committee case manager. A copy of G.S. 115C-325 and a current list of the members of the Professional Review Committee case managers shall also be sent to the career teacher employee. If the teacher career employee does not request a panel hearing with a case manager within the 14 days provided, the superintendent may submit his recommendation to the board.

(3) Within the 14-day period after receipt of the notice, the career teacher employee may file with the superintendent a written request for either (i) a review of the hearing on the grounds for the superintendent's proposed recommendation by a panel of the Professional Review Committee case manager or (ii) a hearing within five days before the board on the superintendent's recommendation, within 10 days. If the teacher career employee requests an immediate hearing before the board, he forfeits his right to a hearing by a panel of the Professional Review Committee. A hearing conducted by the board pursuant to this subdivision shall be conducted pursuant to G.S. 115C-325 and (i) a case manager. If no request is made within that period, the superintendent may file his recommendation with the board. The board, if it sees fit, may by resolution dismiss such teacher, (i) reject the superintendent's recommendation or (ii) accept or modify the superintendent's recommendation and dismiss, demote, reinstate, or suspend the employee without pay. If a request for review is made, the superintendent shall not file his recommendation for dismissal with the board until a report of a panel of the Committee the case manager is filed with the superintendent.

(4) If a request for review is made, the superintendent, within five days of filing such request for review, shall notify the Superintendent of Public Instruction who, within seven days from the time of receipt of such notice, shall designate a panel of five members of the Committee, at least two of whom shall be lay persons, who shall not be employed in or be residents of the county in which the request for review is made, to review the proposed recommendations of the superintendent for the purpose of determining whether in its opinion the grounds for the recommendation are true and substantiated. The teacher or principal making the request for review shall have the right to require that at least two members of the panel shall be members of his professional peer group.

(5) If the career employee elects to request a hearing by a case manager, the career employee and superintendent shall each have the right to eliminate up to one-third of the names on the approved list of case managers. The career employee shall specify those case managers who are not acceptable in the career employee's request for a review of the superintendent's proposed recommendation under G.S. 115C-325(h)(3). The superintendent and career employee may jointly select a person to serve as case manager. The person need not be on the master list of case managers maintained by the Superintendent of Public Instruction.

(6) If a career employee requests a review by a case manager, the superintendent shall notify the Superintendent of Public Instruction within two days' receipt of the request. The notice shall contain a list of the case managers the career employee and the superintendent have eliminated from
the master list or the name of a person, if any, jointly selected. Failure to
exercise the right to eliminate names from the master list shall constitute a
waiver of that right.

(7) The Superintendent of Public Instruction shall select a case manager within
three days of receiving notice from the superintendent. The Superintendent
of Public Instruction shall designate the person jointly selected by the
parties to serve as case manager provided the person agrees to serve as case
manager and can meet the requirements for time frames for the hearing and
report as provided in G.S. 115C-325(i)(1). If a case manager was not
jointly selected or if the case manager is not available, the Superintendent
of Public Instruction shall select a case manager from the master list. No
person eliminated by the career employee or superintendent shall be
designated case manager.

(8) The superintendent and career employee shall provide each other with
copies of all documents submitted to the Superintendent of Public
Instruction or to the designated case manager.

(h1) Case Managers; Qualifications; Training; Compensation.

(1) Each year the State Board of Education shall select and maintain a master
list of no more than 42 qualified case managers.

(2) Persons selected by the State Board as case managers shall be: (i) certified
as a North Carolina Superior Court mediator; (ii) a member of the American
Arbitration Association's roster of arbitrators and mediators; or (iii) have
comparable certification in alternative dispute resolution. Case managers
must complete a special training course approved by the State Board of
Education.

(3) The State Board of Education shall determine the compensation for a case
manager. The State Board shall pay the case manager's compensation and
reimbursement for expenses.

(i) Hearing by Panel of Professional Review Committee; Report; Action of
Superintendent; Review by Board.

(1) The career teacher and superintendent will each have the right to designate
not more than 33 of the 122 members of the Professional Review
Committee as not acceptable to the teacher or superintendent respectively.
No person so designated shall be appointed to the panel. The career teacher
shall specify to the superintendent those Committee members who are not
acceptable in his request for a review of the superintendent's proposed
recommendations provided for in subdivision (h)(3) above. The
superintendent's notice to the Superintendent of Public Instruction provided
for in subdivision (h)(4) above shall contain a list of those members of the
Committee not acceptable to the superintendent and the teacher
respectively. Failure to designate unacceptable members in accordance
with this subsection shall constitute a waiver of that right.

(2) As soon as possible after the time of its designation, the panel shall elect a
chairman and shall conduct a hearing in accordance with G.S. 115C-325(j)
for the purpose of determining whether the grounds for the
recommendation are true and substantiated. The panel shall be furnished
assistance reasonably required to conduct its hearing and shall be
empowered to subpoena and swear witnesses and to require them to give testimony and to produce books and papers relevant to its investigation.

(2) The career teacher and superintendent involved shall each have the right to meet with the panel accompanied by counsel or other person of his choice and to present any evidence and arguments which he considers pertinent to the considerations of the panel and to cross examine witnesses.

(4) When the panel has completed its hearing, it shall prepare a written report and send it to the superintendent and teacher. The report shall contain its findings as to whether or not the grounds for the recommendation are true and substantiated by a preponderance of the evidence, and a statement of the reasons for its findings. The panel shall complete its hearing and prepare the report within 20 days from the time of its designation, except in cases in which the panel finds that justice requires that a greater time be spent in connection with the investigation and the preparation of such report, and reports that finding to the superintendent and the teacher. Provided, that such extension does not exceed 10 days.

(5) Within five days after the superintendent receives the report of the panel, the superintendent shall decide whether or not to submit a written recommendation for dismissal to the board or to drop the charges against the teacher and shall notify the teacher, in writing, of the decision. Within five days after receiving the superintendent's notice of his intent to recommend the teacher's dismissal to the board, the teacher shall decide whether to request a hearing before the board and shall notify the superintendent, in writing, of the decision. If the teacher requests a hearing before the board, the superintendent shall submit his written recommendation to the board with a copy to the teacher within five days after receiving the teacher's request. The superintendent's recommendation shall state the grounds for the recommendation and shall be accompanied by a copy of the report of the panel of the Committee.

(6) Within seven days after receiving the superintendent's recommendation and before taking any formal action, the board shall set a time and place for the hearing and notify the teacher by certified mail of the date, time and place of the hearing. The time specified shall not be less than seven nor more than 20 days after the board has notified the teacher. If the teacher did not request a hearing, the board may, by resolution, dismiss the teacher. If the teacher can show that his request for a hearing was postmarked within the time provided, his right to a hearing is not forfeited.


(1) The case manager shall complete the hearing held in accordance with G.S. 115C-325(i) and prepare the report within 10 days from the time of the designation. The case manager may extend the period of time by up to five additional days if the case manager informs the superintendent and the career employee that justice requires that a greater time be spent in connection with the investigation and the preparation of the report. Furthermore, the superintendent and the career employee may agree to an extension of more than five days.

(2) The case manager shall make all necessary findings of fact, based upon the preponderance of the evidence, on all issues related to each and every
ground for dismissal and on all relevant matters related to the question of whether the superintendent's recommendation is justified. The case manager also shall make a recommendation as to whether the findings of fact substantiate the superintendent's grounds for dismissal. The case manager shall deliver copies of the report to the superintendent and the career employee.

(3) Within two days after receiving the case manager's report, the superintendent shall decide whether to submit a written recommendation to the local board for dismissal, demotion, or disciplinary suspension without pay to the board or to drop the charges against the career employee. The superintendent shall notify the career employee, in writing, of the decision.

(4) If the superintendent contends that the case manager's report fails to address a critical factual issue, the superintendent shall within three days receipt of the case manager's report, request in writing with a copy to the career employee that the case manager prepare a supplement to the report. The superintendent shall specify what critical factual issue the superintendent contends the case manager failed to address. If the case manager determines that the report failed to address a critical factual issue, the case manager may prepare a supplement to the report to address the issue and deliver the supplement to the board address the issue and deliver the supplement to both parties before the board hearing. The failure of the case manager to prepare a supplemental report or to address a critical factual issue shall not constitute a basis for appeal.

(j) Hearing Procedure by a Case Manager. -- The following provisions shall be applicable to any hearing conducted pursuant to G.S. 115C-325(b) or (l) or to any hearing conducted by a board pursuant to G.S. 115C-325(b)(3) by the case manager.

(1) The hearing shall be private.

(2) The hearing shall be conducted in accordance with such reasonable rules and regulations as the board may adopt consistent with G.S. 115C-325, or if no rules have been adopted, in accordance with reasonable rules and regulations adopted by the State Board of Education to govern such case manager hearings.

(3) At the hearing the teacher career employee and the superintendent shall have the right to be present and to be heard, to be represented by counsel and to present through witnesses any competent testimony relevant to the issue of whether grounds for dismissal or demotion exist or whether the procedures set forth in G.S. 115C-325 have been followed.

(4) Rules of evidence shall not apply to a hearing conducted pursuant to this act and boards and panels of the Professional Review Committee by a case manager and the case manager may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.

(5) At least five days before the hearing, the superintendent shall provide to the teacher career employee a list of witnesses the superintendent intends to present, a brief statement of the nature of the testimony of each witness and a copy of any documentary evidence the superintendent intends to present. At least three days before the hearing, the teacher career employee shall provide to the superintendent a list of witnesses the teacher career employee intends to present, a brief statement of the nature of the testimony

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of each witness and a copy of any documentary evidence he the career employee intends to present. Additional witnesses or documentary evidence may not be presented except upon consent of both parties or upon a majority vote of the board or panel, upon a finding by the case manager that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the schedule provided in this subdivision.

(6) The case manager may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for dismissal.

(7) The case manager shall decide all procedural issues, including limiting cumulative evidence, necessary for a fair and efficient hearing.

(8) The superintendent shall provide for making a transcript of the hearing. If the career employee contemplates a hearing before the board or to appeal the board's decision to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings before the case manager.

(i1) Board Determination.

(1) Within two days after receiving the superintendent's notice of intent to recommend the career employee's dismissal to the board, the career employee shall decide whether to request a hearing before the board and shall notify the superintendent, in writing, of the decision. If the career employee can show that the request for a hearing was postmarked within the time provided, the career employee shall not forfeit the right to a board hearing. Within two days after receiving the career employee's request for a board hearing, the superintendent shall submit to the board the written recommendation and shall provide a copy to the career employee. The superintendent's recommendation shall state the grounds for the recommendation and shall be accompanied by a copy of the case manager's report.

(2) If the career employee contends that the case manager's report fails to address a critical factual issue the career employee shall, at the same time he notifies the superintendent of a request for a board hearing pursuant to G.S. 115C-325(j1)(l), request in writing with a copy to the superintendent that the case manager prepare a supplement to the case manager's report. The career employee shall specify the critical factual issue he contends the case manager failed to address. If the case manager determines that the report failed to address a critical factual issue, the case manager may prepare a supplement to the report to address the issue and shall deliver the supplement to both parties before the board hearing. The failure of the case manager to prepare a supplemental report or to address a critical factual issue shall not constitute a basis for appeal.

(3) Within two days after receiving the superintendent's recommendation and before taking any formal action, the board shall set a time and place for the hearing and shall notify the career employee by certified mail or personal delivery of the date, time, and place of the hearing. The time specified shall not be less than seven nor more than 10 days after the board has notified the career employee, unless both parties agree to an extension. If the career
employee did not request a hearing, the board may, by resolution, reject the superintendent's decision, or accept or modify the decision and dismiss, demote, reinstate, or suspend the career employee without pay.

(4) If the career employee requests a board hearing, it shall be conducted in accordance with G.S. 115C-325(i2).

(5) The board shall make a determination and may (i) reject the superintendent's recommendation or (ii) accept or modify the recommendation and dismiss, demote, reinstate, or suspend the employee without pay.

(6) Within two days following the hearing, the board shall send a written copy of its findings and determination to the career employee and the superintendent.

(i2) Board Hearing.-- The following procedures shall apply to a hearing conducted by the board:

(1) The hearing shall be private.

(2) If the career employee requested a hearing by a case manager, the board shall receive the following:

a. The whole record from the hearing held by the case manager, including a transcript of the hearing, as well as any other records, exhibits, and documentary evidence submitted to the case manager at the hearing.

b. The case manager's findings of fact, including any supplemental findings prepared by the case manager under G.S. 115C-325 (i1)(4) or G.S. 115C-325(i1)(2).

c. The case manager's recommendation as to whether the grounds in G.S. 115C-325(e) submitted by the superintendent are substantiated.

d. The superintendent's recommendation and the grounds for the recommendation.

(3) If the career employee did not request a hearing by a case manager, the board shall receive the following:

a. Any documentary evidence the superintendent intends to use to support the recommendation. The superintendent shall provide the documentary evidence to the career employee seven days before the hearing.

b. Any documentary evidence the career employee intends to use to rebut the superintendent's recommendation. The career employee shall provide the superintendent with the documentary evidence three days before the hearing.

c. The superintendent's recommendation and the grounds for the recommendation.

(4) The superintendent and career employee may submit a written statement not less than three days before the hearing.

(5) The superintendent and career employee shall be permitted to make oral arguments to the board based on the record before the board.

(6) No new evidence may be presented at the hearing except upon a finding by the board that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence at the hearing before the case manager.
The board shall accept the case manager's findings of fact unless a majority of the board determines that the findings of fact are not supported by substantial evidence when reviewing the record as a whole. In such an event, the board shall make alternative findings of fact. If a majority of the board determines that the case manager did not address a critical factual issue, the board may remand the findings of fact to the case manager to complete the report to the board. If the case manager does not submit the report within seven days receipt of the board's request, the board may determine its own findings of fact regarding the critical factual issues not addressed by the case manager. The board's determination shall be based upon a preponderance of the evidence.

The board is not required to provide a transcript of the hearing to the career employee. If the board elects to make a transcript and if the career employee contemplates an appeal to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings. A career employee may have the hearing transcribed by a court reporter at the career employee's expense.

Board Hearing for Certain Disciplinary Suspensions, Demotions of Career School Administrators, and for Reductions in Force. -- The following procedures shall apply for a board hearing under G.S. 115C-325(e)(2), G.S. 115C-325(f2), and G.S. 115C-325(f)(2)a:

1. The hearing shall be private.
2. The hearing shall be conducted in accordance with reasonable rules adopted by the State Board of Education to govern such hearings.
3. At the hearing, the career employee and the superintendent shall have the right to be present and to be heard, to be represented by counsel, and to present through witnesses any competent testimony relevant to the issue of whether grounds exist for a disciplinary suspension without pay under G.S. 115C-325(f)(2)a., a demotion of a career school administrator under G.S. 115C-325(f2), or whether the grounds for a dismissal or demotion due to a reduction in force is justified.
4. Rules of evidence shall not apply to a hearing under this subsection and the board may give probative effect to evidence that is of a kind commonly relied on by reasonably prudent persons in the conduct of serious affairs.
5. At least 10 days before the hearing, the superintendent shall provide to the career employee a list of witnesses the superintendent intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the superintendent intends to present.
6. At least six days before the hearing, the career employee shall provide the superintendent a list of witnesses the career employee intends to present, a brief statement of the nature of the testimony of each witness, and a copy of any documentary evidence the career employee intends to present.
7. No new evidence may be presented at the hearing except upon a finding by the board that the new evidence is critical to the matter at issue and the party making the request could not, with reasonable diligence, have discovered and produced the evidence according to the schedule provided in this subsection.
8. The board may subpoena and swear witnesses and may require them to give testimony and to produce records and documents relevant to the grounds for suspension without pay.
(9) The board shall decide all procedural issues, including limiting cumulative evidence, necessary for a fair and efficient hearing.

(10) The superintendent shall provide for making a transcript of the hearing. If the career employee contemplates an appeal of the board's decision to a court of law, the career employee may request and shall receive at no charge a transcript of the proceedings.

(k) Panel Finds Grounds for Superintendent's Recommendation True and Substantiated.

(1) If the panel found that the grounds for the recommendation of the superintendent are true and substantiated, at the hearing the board shall consider the recommendation of the superintendent, the report of the panel, including any minority report, and any evidence which the teacher or the superintendent may wish to present with respect to the question of whether the grounds for the recommendation are true and substantiated. The hearing may be conducted in an informal manner.

(2) If, after considering the recommendation of the superintendent, the report of the panel and the evidence adduced at the hearing, the board concludes that the grounds for the recommendation are true and substantiated, by a preponderance of the evidence, the board, if it sees fit, may by resolution order such dismissal.

(l) Panel Does Not Find That the Grounds for Superintendent's Recommendation Are True and Substantiated.

(1) If the panel does not find that the grounds for the recommendation of the superintendent are true and substantiated, at the hearing the board shall determine whether the grounds for the recommendation of the superintendent are true and substantiated upon the basis of competent evidence adduced at the hearing by witnesses who shall testify under oath or affirmation to be administered by any board member or the secretary of the board.

(2) The procedure at the hearing shall be such as to permit and secure a full, fair and orderly hearing and to permit all relevant competent evidence to be received therein. The report of the panel of the committee shall be deemed to be competent evidence. A full record shall be kept of all evidence taken or offered at such hearing. Both counsel for the local school administrative unit and the career teacher or his counsel shall have the right to cross-examine witnesses.

(3) At the request of either the superintendent or the teacher, the board shall issue subpoenas requiring the production of papers or records or the attendance of persons residing within the State before the board. Subpoenas for witnesses to testify at the hearing in support of the recommendation of the superintendent or on behalf of the career teacher shall, as requested, be issued in blank by the board over the signature of its chairman or secretary. The board shall pay witness fees for up to five witnesses subpoenaed on behalf of the teacher, except that it shall not pay for any witness who resides within the county in which the dismissal originates or who is an employee of the board. However, no employee of the board shall suffer any loss of compensation because he has been subpoenaed to testify at the hearing. These payments shall be as provided for witnesses in G.S. 7A-314.
At the conclusion of the hearing provided in this section, the board shall render its decision on the evidence submitted at such hearing and not otherwise. The board's decision shall be based on a preponderance of the evidence.

Within five days following the hearing, the board shall send a written copy of its findings and order to the teacher and superintendent. The board shall provide for making a transcript of its hearing. If the teacher contemplates an appeal to a court of law, he may request and shall receive at no charge a transcript of the proceedings.

(m) Probationary Teacher.

(1) The board of any local school administrative unit may not discharge a probationary teacher during the school year except for the reasons for and by the procedures by which a career teacher employee may be dismissed as set forth in subsections (e) (f), (f1), and (h) to (j3) above.

(2) The board, upon recommendation of the superintendent, may refuse to renew the contract of any probationary teacher or to reemploy any teacher who is not under contract for any cause it deems sufficient: Provided, however, that the cause may not be arbitrary, capricious, discriminatory or for personal or political reasons.

(n) [See note] Appeal. -- Any teacher career employee who has been dismissed or demoted pursuant to G.S. 115C-325(e)(2), or pursuant to subsections (h), (k) or (l) of this section under G.S. 115C-325(12), or who has been suspended without pay pursuant to G.S. 115C-325(a)(4), under G.S. 115C-325(a)(4a), or any school administrator whose contract is not renewed in accordance with G.S. 115C-287.1, or any probationary teacher whose contract is not renewed under G.S. 115C-325 G.S. 115C-325(m)(2) shall have the right to appeal from the decision of the board to the superior court for the superior court district or set of districts as defined in G.S. 7A-41.1 in which the teacher or school administrator career employee is employed. This appeal shall be filed within a period of 30 days after notification of the decision of the board. The cost of preparing the transcript shall be borne by the board, determined under G.S. 115C-325(12)(8) or G.S. 115C-325(13)(10). A teacher career employee who has been demoted or dismissed, or a school administrator whose contract is not renewed, who has not requested a hearing before the board of education pursuant to this section shall not be entitled to judicial review of the board's action.

(o) Resignation; Nonrenewal of Contract. -- A teacher, career or probationary, should not resign without the consent of the superintendent unless he has given at least 30 days' notice. If the teacher does resign without giving at least 30 days' notice, the board may request that the State Board of Education revoke the teacher's certificate for the remainder of that school year. A copy of the request shall be placed in the teacher's personnel file.

A probationary teacher whose contract will not be renewed for the next school year shall be notified of this fact by June 1.

(p) Section Applicable to Certain Institutions. -- Notwithstanding any law or regulation to the contrary, this section shall apply to all persons employed in teaching and related educational classes in the schools and institutions of the Departments of Human Resources and Correction regardless of the age of the students.

(q) Procedure for Dismissal of School Administrators and Teachers Employed in Low-Performing Schools.

(1) Notwithstanding any other provision of this section or any other law, the State Board:

June 16, 1997
a. Shall suspend with pay a principal who has been assigned to a school for more than two years before the State Board identifies that school as low-performing and assigns an assistance team to that school under Article 8B of this Chapter; and

b. May suspend with pay a principal who has been assigned to a school for no more than two years before the State Board identifies that school as low-performing and assigns an assistance team to that school under Article 8B of this Chapter.

These principals shall be suspended with pay pending a hearing before a panel of three members of the State Board. The purpose of this hearing, which shall be held within 60 days after the principal is suspended, is to determine whether the principal shall be dismissed. The panel shall order the dismissal of the principal, at which time the period of suspension with pay shall expire, unless the panel makes a public determination that the principal has established that the factors that led to the identification of the school as low-performing were not due to the inadequate performance of the principal. The State Board shall adopt procedures to ensure that due process rights are afforded to principals under this subsection. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

(2) Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of teachers, assistant principals, directors, and supervisors assigned to schools that the State Board has identified as low-performing and to which the State Board has assigned an assistance team under Article 8B of this Chapter. The State Board shall dismiss a teacher, assistant principal, director, or supervisor when the State Board receives two consecutive evaluations that include written findings and recommendations regarding that person's inadequate performance from the assistance team. These findings and recommendations shall be substantial evidence of the inadequate performance of the teacher or school administrator.

The State Board may dismiss a teacher, assistant principal, director, or supervisor when:

a. The State Board determines that the school has failed to make satisfactory improvement after the State Board assigned an assistance team to that school under G.S. 115C-105.38; and

b. That assistance team makes the recommendation to dismiss the teacher, assistant principal, director, or supervisor for one or more grounds established in G.S. 115C-325(e)(1) for dismissal or demotion of a career teacher.

A teacher, assistant principal, director, or supervisor may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to persons recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.
Notwithstanding any other provision of this section or any other law, this subdivision shall govern the State Board's dismissal of certified staff members who have engaged in a remediation plan under G.S. 115C-105.38A(a) but who, after two retests, fail to meet the general knowledge standard set by the State Board. The failure to meet the general knowledge standard after two retests shall be substantial evidence of the inadequate performance of the certified staff member. A certified staff member may request a hearing before a panel of three members of the State Board within 30 days of any dismissal under this subdivision. The State Board shall adopt procedures to ensure that due process rights are afforded to certified staff members recommended for dismissal under this subdivision. Decisions of the panel may be appealed on the record to the State Board, with further right of judicial review under Chapter 150B of the General Statutes.

The State Board of Education or a local board may terminate the contract of a school administrator dismissed under this subsection. Nothing in this subsection shall prevent a local board from refusing to renew the contract of any person employed in a school identified as low-performing under G.S. 115C-105.37.

Neither party to a school administrator contract is entitled to damages under this subsection.

The State Board shall have the right to subpoena witnesses and documents on behalf of any party to the proceedings under this subsection."

This section applies to proceedings initiated after September 1, 1997.

C. STUDIES ON MAKING RENEWAL OF TEACHER CERTIFICATES MORE RIGOROUS

Section 14. The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall reevaluate and enhance the requirements for renewal of teacher certificates. The State Board shall consider modifications in the certificate renewal process to align the process with State education goals and improved student achievement and to make it a mechanism for teachers to renew continually their knowledge and professional skills. The State Board of Education shall report to the Joint Legislative Oversight Committee by March 15, 1998, on the proposed new standards for the renewal of teacher certificates. The State Board may consolidate the report required under this section with the report on initial certification required under Section 6 of this act and the report on continuing certification required under Section 8 of this act.


Section 15. The State Board of Education, in consultation with local boards of education and the Board of Governors of The University of North Carolina, shall study and recommend ways to modify the administrator recertification process to ensure that all schools have well-qualified administrators. The State Board shall report the results of this study to the Joint Legislative Education Oversight Committee by February 15, 1998.
VII. A PLAN TO ATTRACT AND RETAIN HIGH QUALITY TEACHERS – HIGHER STARTING SALARY, ENHANCED LONGEVIY PAY, AND SIGNIFICANT BUMPS IN THE SALARY SCHEDULE UPON ACHIEVING CONTINUING CERTIFICATION AND CAREER STATUS

Section 16. (a) It is the goal of the General Assembly to increase teacher salaries over the next four years so as to attract and retain excellent teachers in the public schools; therefore, it is the goal of the General Assembly to implement, over the upcoming four fiscal years, a plan for increasing the starting salary for teachers by nearly twenty percent (20%). This would bring the starting salary to at least twenty-five thousand dollars ($25,000) by the year 2000. Under this plan, the salary schedule would also contain significant "bumps" at the third step, which is the point at which teachers have attained continuing certification; and at the fourth step, which is the point at which teachers may achieve career status.

It is further the intent of the General Assembly that local school administrative units will not use these State-funded salary increments to supplant local salary supplements.

As a first step in implementing this plan, it is the goal of the General Assembly to fund a salary schedule plan for the 1997-98 school year for teachers with "A" certificates similar to the following:

1997-98 Salary Schedule Plan
"A" Teachers

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<th>10-Month Salary</th>
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1998-99 Salary Schedule Plan
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### 1999-2000 Salary Schedule Plan

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### 2000-2001 School Year Plan

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To further implement this plan, it is the goal of the General Assembly to increase longevity pay for teachers with 25 or more years of State service to four and one-half percent (4.5%) of base salary, the same level as for State employees.

VIII. PAY FOR EXEMPLARY PERFORMANCE/SPECIAL ASSIGNMENTS

A. DEFINITION OF "MASTERS/ADVANCED COMPETENCIES" BY THE STATE BOARD OF EDUCATION

Section 17. (a) The State Board of Education, after consultation with the Board of Governors of The University of North Carolina, shall develop a new category of teacher certificate known as the "Masters/Advanced Competencies" certificate. To receive this certificate, an applicant shall successfully complete a masters degree program that includes rigorous academic preparation in the subject area in which the applicant will teach and in the skills and knowledge expected of a master teacher or the applicant shall demonstrate to the satisfaction of the State Board that the candidate has acquired the skills and knowledge expected of a master teacher.

(b) The Board of Governors of The University of North Carolina shall develop a plan to revise the current masters of education degree programs at the constituent institutions. The plan shall provide for degree programs that require participants take a more rigorous course of study than is currently required and that includes concentrations in the academic content areas in which the participants will teach. The plan shall also consider methods for: (i) providing the more rigorous course of study using the same number of hours as are currently required for masters of education degrees; and (ii)
providing participants the opportunity to complete the masters of education degree program as part-time students, by summer school attendance, and at sites not located at a constituent institution's campus provided there is sufficient demand for the off-campus programs.

(c) Persons who qualify for a "G" certificate prior to September 1, 2000, shall be awarded a "Masters/Advanced Competencies" certificate without meeting additional requirements. On and after September 1, 2000, no additional "G" certificates shall be awarded.

(d) The State Board of Education shall report to the Joint Legislative Education Oversight Committee by January 15, 1998, on its progress in implementing subsection (a) of this section. The Board of Governors of The University of North Carolina shall report to the Joint Legislative Education Oversight Committee by January 15, 1998, on its plan to implement subsection (b) of this section.

B. SALARY DIFFERENTIAL PLAN FOR "MASTERS/ADVANCED COMPETENCIES" AND FOR NBPTS CERTIFICATION

Section 18. It is the goal of the General Assembly to increase significantly the salaries of teachers who attain a "Masters/Advanced Competencies" certificate and teachers who are certified by the National Board for Professional Teaching Standards (NBPTS) so as to provide an incentive for good teachers to become excellent teachers. In order to do so, it is further the goal of the General Assembly to enact, for the 1997-98 school year, a salary schedule plan that will provide a twelve percent (12%) salary differential for teachers who attain NBPTS certification. It is further the goal of the General Assembly to enact by the year 2000 a salary schedule plan that will provide a ten percent (10%) salary differential to teachers who attain a "Masters/Advanced Competencies" certification. With these salary differentials, the top salary under the plan for teachers with both the "Masters/Advanced Competencies" certification and the NBPTS certification would be a minimum of fifty-three thousand dollars ($53,000) a year by the year 2000.

C. PARTICIPATION FEE AND PAID LEAVE FOR NBPTS PROGRAM

Section 19. It is the goal of the General Assembly to continue to pay for the National Board for Professional Teaching Standards participation fee and for up to three days of approved paid leave for teachers participating in the NBPTS program during the 1997-98 school year and the 1998-99 school year and thereafter for teachers in the public schools.

D. SCHOOL-BASED INCENTIVE AWARDS UNDER THE ABC'S PROGRAM

Section 20. (a) It is the goal of the General Assembly to provide school-based incentive awards under G.S. 115C-105.36 (a) to schools at which students achieve higher than expected improvements in the basics and the skills they need to get a good job, and to schools at which students meet the expected improvements in the basics and the skills they need to get a good job. In accordance with State Board of Education policy, incentive awards in schools that achieve higher than expected improvements may be up to: (i) one thousand five hundred dollars ($1,500) for each teacher and for certified personnel; and (ii) five hundred dollars ($500.00) for each teacher assistant. In accordance with State Board of Education policy, incentive awards in schools that meet the expected improvements may be up to: (i) seven hundred fifty dollars ($750.00) for

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each teacher and for certified personnel; and (ii) three hundred seventy-five dollars ($375.00) for each teacher assistant.

It is further the goal of the General Assembly to provide funds to provide assistance teams to low-performing schools. It is also the goal of the General Assembly to provide funds to provide remediation to teachers who work in schools that are identified as low-performing and who do not acquire a passing score on a test designated by the State Board of Education.

(b) G.S. 115C-105.37(b) reads as rewritten:

"(b) Each identified low-performing school shall notify provide written notification to the parents of students attending that school. The written notification shall include a statement that the State Board of Education has found that the school has failed to meet the minimum growth standards, as defined by the State Board, and a majority of students in that the school are performing below grade level. This notification also shall include a description of the steps the school is taking to improve student performance."

E. EXTRA PAY FOR MENTOR TEACHERS

Section 21. It is the goal of the General Assembly to fund a mentor teacher program that will recognize the achievements of excellent, experienced teachers and will provide each newly certified teacher with a qualified and well-trained mentor. The funds shall be used to compensate each mentor for serving as a mentor prior to and during the school year.

F. EXTRA PAY FOR NEW TEACHER DEVELOPMENT

Section 22. It is the goal of the General Assembly to compensate every newly certified teacher for three additional days of employment for orientation and classroom preparation.

G. EXTRA PAY FOR PROFESSIONAL DEVELOPMENT

Section 23. It is the goal of the General Assembly to provide funds for teachers' participation in professional development programs that are aligned with State educational goals and improved student achievement. The funds should be used for teacher development programs that enable teachers to renew continually their knowledge and professional skills, programs that train principals to observe and evaluate teachers, programs that train master teachers to observe teachers that have not achieved career status, programs that train mentors for beginning teachers, and other programs as directed by the State Board of Education.

H. EXTRA PAY FOR EXTRA DAYS

Section 24. It is the goal of the General Assembly to provide funds to enable school systems to utilize better the teacher workdays within the calendar for planning, staff development, remediation, and other purposes. These funds shall be used to pay teachers for working on, and thereby forfeiting, vacation days.

I. ADDITIONAL PAY FOR TEACHERS WITH ADDITIONAL RESPONSIBILITIES

Section 25. It is the goal of the General Assembly to provide funds to compensate teachers for additional assignments and responsibilities designed to improve
student achievement for additional workdays outside of the school calendar. These funds should be allocated to local school administrative units on the basis of average daily membership. The local board should use one-half of the funds on the recommendation of the local superintendent and one-half on the recommendation of school improvement teams. These funds could be used to compensate teachers for purposes such as teaching after-school or Saturday academies for students at risk of academic failure, developing curriculum, participating in teacher training and development outside of the school calendar, and teaching classes on Saturday to students needing additional instructional opportunities.

IX. FUNDS FOR COMPUTER SYSTEMS

Section 26. G.S. 115C-546.1(a) reads as rewritten:

"(a) There is created the Public School Building Capital Fund. The Fund shall be used to assist county governments in meeting their public school building capital needs and their equipment needs under their local school technology plans."

Section 27. G.S. 115C-546.2 reads as rewritten:

"§ 115C-546.2. Allocations from the Fund; uses; expenditures; reversion to General Fund; matching requirements.

(a) Monies in the Fund shall be allocated to the counties on a per average daily membership basis according to the average daily membership for the budget year as determined and certified by the State Board of Education. Interest earned on funds allocated to each county shall be allocated to that county.

(b) Monies Counties shall use monies in the Fund shall be used for capital outlay projects including the planning, construction, reconstruction, enlargement, improvement, repair, or renovation of public school buildings and for the purchase of land for public school buildings, for equipment to implement a local school technology plan that is approved pursuant to G.S. 115C-102.6C; or for both. Monies used to implement a local school technology plan shall be transferred to the State School Technology Fund and allocated by that Fund to the local school administrative unit for equipment.

As used in this section, 'public school buildings' only includes facilities for individual schools that are used for instructional and related purposes and does not include centralized administration, maintenance, or other facilities.

In the event a county finds that it does not need all or part of the funds allocated to it for capital outlay projects including the planning, construction, reconstruction, enlargement, improvement, repair, or renovation of public school buildings, or for the purchase of land for public school buildings, or for equipment to implement a local school technology plan, the unneeded funds allocated to that county may be used to retire any indebtedness incurred by the county for public school facilities.

In the event a county finds that its public school building needs and its school technology needs can be met in a more timely fashion through the allocation of financial resources previously allocated for purposes other than school building needs or school technology needs and not restricted for use in meeting public school building needs, needs or school technology needs, the county commissioners may, with the concurrence of the affected local Board of Education, use those financial resources to meet school building needs and school technology needs and may allocate the funds it receives under this Article for purposes other than school building needs or school technology needs to the extent that financial resources were redirected from such purposes. The concurrence

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described herein shall be secured in advance of the allocation of the previously unrestricted financial resources and shall be on a form prescribed by the Local Government Commission.

(c) Monies in the Fund allocated for capital projects shall be matched on the basis of one dollar of local funds for every three dollars of State funds. Monies in the Fund transferred to the State Technology Fund do not require a local match.

Revenue received from local sales and use taxes that is restricted for public school capital outlay purposes pursuant to G.S. 105-502 or G.S. 105-487 may be used to meet the local matching requirement. Funds expended by a county after July 1, 1986, for land acquisition, engineering fees, architectural fees, or other directly related costs for a public school building capital project that was not completed prior to July 1, 1987, may be used to meet the local match requirement."

X. FUNDS FOR TEACHER SUPPLY AND DEMAND STUDY

Section 28. It is the goal of the General Assembly to provide funds for the State Board of Education to conduct a comprehensive teacher supply and demand study.

XI. FUNDS FOR TRAINING AND COMPENSATING CASE MANAGERS

Section 29. It is the goal of the General Assembly to provide funds for training individuals who will serve as case managers. It is also the goal of the General Assembly to provide funds for compensating and reimbursing the expenses of case managers.

XII. FUNDS FOR DEVELOPING NEW EVALUATIONS

Section 30. It is the goal of the General Assembly to provide funds for developing and revising uniform performance standards and criteria to be used in evaluating professional public school employees including school administrators and for reviewing performance pay systems for teachers.

XIII. MISCELLANEOUS PROVISIONS

A. CAPTIONS ARE FOR REFERENCE ONLY AND DO NOT LIMIT TEXT

Section 31. The series of captions used in this act (the descriptive phrases in boldface and capital letters) are inserted for convenience and reference only, and they in no way define, limit, or prescribe the scope or application of the text of this act.

B. NO APPROPRIATIONS REQUIRED BY ACT

Section 32. This act shall not be construed to obligate the General Assembly to appropriate any funds to implement the provisions of this act. Nothing in Sections 16 through 25 or Sections 28 through 30 of this act shall be construed to create any rights or causes of action.

C. EFFECTIVE DATES

Section 33. This act is effective when it becomes law.

With unanimous consent, on motion of Senator Winner, the Conference Report is placed on the Calendar for Wednesday, June 18, for adoption.
CALENDAR

Bills on today’s Calendar are taken up and disposed of, as follows:

H.B. 103 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY 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. 834, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES, changing the title, upon concurrence, to read H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITIES OF LENOIR AND WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

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. 476 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES FOR VITAL RECORDS, changing the title, upon concurrence, to read H.B. 476 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES, AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES, FOR VITAL RECORDS, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:


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. 434 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA HEALTH INSURANCE LAWS TO RECENTLY ENACTED FEDERAL LAWS CONCERNING HEALTH INSURANCE UNDERWRITING AND PORTABILITY, MATERNITY COVERAGE, AND COVERAGE FOR MENTAL ILLNESS, changing the title, upon concurrence, to read H.B. 434 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA HEALTH INSURANCE LAWS TO RECENTLY ENACTED FEDERAL LAWS CONCERNING HEALTH INSURANCE UNDERWRITING AND PORTABILITY, MATERNITY COVERAGE, AND COVERAGE FOR MENTAL ILLNESS.

With unanimous consent, on motion of Senator Jenkins, the Senate Committee
Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, June 18, for consideration upon its passage.

H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION OR IMPENDING CONDEMNATION, as amended, changing the title, upon concurrence, to read H.B. 529 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON CERTAIN PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 221, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING, changing the title, upon concurrence, to read H.B. 221 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING AND TO ALLOW SWORN LAW ENFORCEMENT OFFICERS TO APPEAR BEFORE JUDICIAL OFFICIALS BY A TWO-WAY AUDIO AND VIDEO TO OBTAIN ARREST WARRANTS.

The Senate Committee Substitute bill passes its second (44-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 533 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD "DIVISIBLE PROPERTY" AS A CATEGORY OF PROPERTY SUBJECT TO EQUITABLE DISTRIBUTION, TO CREATE A REBUTTABLE PRESUMPTION THAT AN IN-KIND DISTRIBUTION OF PROPERTY IS EQUITABLE, TO ENCOURAGE INTERIM DISTRIBUTION OF PROPERTY OR DEBT, AND TO ALLOW CERTAIN EVIDENCE OF THE VALUE OF MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

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The Senate Committee Substitute bill passes its second reading (46-0).
Senator Ballantine objects to third reading. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, June 17, for further consideration upon third reading.

S.B. 71 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION, AND TO MAKE TECHNICAL CORRECTIONS REGARDING THE REVIEW BY THE LOCAL GOVERNMENT COMMISSION OF CERTAIN LEASES, LEASE PURCHASE CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (45-1) and the measure is ordered enrolled and sent to the Governor.

S.B. 142 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE PORTS, 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. 393 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MANDATE THE REVOCACTION OF A PERSON'S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY SERVICE AND TO ELIMINATE THE REQUIREMENT FOR JUDICIAL INVOLVEMENT IN THE APPOINTMENT OF COMMUNITY SERVICE COORDINATORS, 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. 764 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION, for concurrence in House Amendment No. 1.

The Senate fails to concur in House Amendment No. 1 (0-46).

Without objection, the President Pro Tempore appoints Senator Kerr, Chairman, and Senators Hoyle and Ballantine as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

S.B. 997 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A PERSON WHO IGNORES A WARNING REGARDING PERSONAL SAFETY IN A DISASTER SITUATION AND PLACES HIMSELF OR HERSELF OR ANOTHER IN DANGER AND REQUIRES AN EMERGENCY

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RESCUE IS CIVILLY LIABLE FOR THE COSTS OF THE RESCUE EFFORT.

The Senate concurs in the House Committee Substitute bill (45-0) and the measure is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 1140, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT COMMUNITY SERVICE BE IMPOSED FOR A CONVICTION OF LITTERING.

Pursuant to the message from the House of Representatives received June 12, requesting conferees, without objection, the President Pro Tempore appoints Senator Horton, Chairman, and Senators Ballance and Wellons, as conferees on the part of the Senate to act with a like committee from the House of Representatives 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.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

H.B. 433, A BILL TO BE ENTITLED AN ACT TO EXEMPT A SWORN LAW ENFORCEMENT OFFICER OR A RETIRED SWORN LAW ENFORCEMENT OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN ONE YEAR OF RETIREMENT, 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 2349, which changes the title, upon concurrence, to read H.B. 433 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT A SWORN LAW ENFORCEMENT OFFICER OR A RETIRED SWORN LAW ENFORCEMENT OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN TWO YEARS OF RETIREMENT, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is placed on the Calendar for Wednesday, June 18, for further consideration.

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

Rebecca Virginia Broughton, Winterville; Michael Carpenter, Bessemer City; Elizabeth Ashley Carrier, Raleigh; Suzanne Barrett Coddington, Charlotte; William Inslee Coddington, Charlotte; Emily Elizabeth Collins, Rocky Mount; Lauren Danelly, Raleigh; Casey Dimeo, Burlington; Derek Allen Friday, Dallas; Charles L. McBryde Grannis, Fayetteville; Lauren Graves, Eden; Ryan Hillman, Knightdale; Floyd William Hollis II, Columbia; Crysten Taylor Johnson, Chadbourn; Eric Hartman Jones, Charlotte; Molly

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On motion of Senator Basnight, seconded by Senator Jenkins, the Senate adjourns at 8:20 P.M. to meet tomorrow, Tuesday, June 17, at 11:00 A.M.

EIGHTEENTH DAY

Senate Chamber
Tuesday, June 17, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O God, You have given us freedom to direct our minds and order our behavior. Let each of us now think of how we are using that freedom.

"We confess that sometimes, by second rate thinking, we have made excuses and rationalized what is wrong. We have yielded to the easier way, confusing what we want with what is best.

"Today, examine our motives. Then inspire us to set our sights high and use our God-given freedom by a standard we can respect. For Your sake we pray, Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Basnight, to Senator Conder, and to Senator Garwood.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Monday, June 16, has been examined and is found to be correct. On 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. 71, AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION, AND TO MAKE TECHNICAL CORRECTIONS REGARDING THE REVIEW BY THE LOCAL GOVERNMENT COMMISSION OF

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CERTAIN LEASES, LEASE PURCHASE CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS.

S.B. 142, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE PORTS.

S.B. 393, AN ACT TO MANDATE THE REVOCATION OF A PERSON'S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY SERVICE AND TO ELIMINATE THE REQUIREMENT FOR JUDICIAL INVOLVEMENT IN THE APPOINTMENT OF COMMUNITY SERVICE COORDINATORS.

S.B. 997, AN ACT TO PROVIDE THAT A PERSON WHO IGNORES A WARNING REGARDING PERSONAL SAFETY IN A DISASTER SITUATION AND PLACES HIMSELF OR HERSELF OR ANOTHER IN DANGER AND REQUIRES AN EMERGENCY RESCUE IS CIVILLY LIABLE FOR THE COSTS OF THE RESCUE EFFORT.

H.B. 597, AN ACT TO BROADEN THE AUTHORITY OF MUNICIPALITIES AND HOSPITAL AUTHORITIES REGARDING LEASES AND JOINT VENTURES.

H.B. 746, AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW AND ADOPT A POLICY REGARDING UNIFORM HIGHER EDUCATION ADMISSIONS REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS.

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. 198, AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES.

S.J.R. 1080, A JOINT RESOLUTION HONORING THE LIFE, SERVICE, AND MEMORY OF CHARLES DUNN. (Res. 17)

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. 447, AN ACT TO ESTABLISH THE LUMBERTON ECONOMIC DEVELOPMENT AND TOURIST DISTRICT AND TO AUTHORIZE THE ISSUANCE OF CERTAIN ABC PERMITS IN THIS TYPE OF DISTRICT. (Became law upon approval of the Governor, June 13, 1997 - S.L.1997-182.)
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 764

House of Representatives
June 17, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Amendment #1 to SB 764, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION, the Speaker has appointed as conferees on the part of the House,

Representative Mitchell, Chair;
Representative Daughtry, and
Representative Hill

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, upon second reading.

With unanimous consent, on motion of Senator Soles, the President orders the Committee Substitute bill temporarily displaced.

S.B. 69 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, 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 37, noes 1, as follows:


Voting in the negative: Senator Winner—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 18, for further consideration upon third reading.

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H.B. 227, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, changing the title, upon concurrence, to read H.B. 227 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION AND TO EXPEDITE THE PERMANENT CLOSURE OF LOW-RISK SITES UNDER THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP ACT OF 1988.

With unanimous consent, on motion of Senator Odom, the Senate Committee Substitute bill is placed at the end of the Calendar for today.

H.B. 533 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD "DIVISIBLE PROPERTY" AS A CATEGORY OF PROPERTY SUBJECT TO EQUITABLE DISTRIBUTION, TO CREATE A REBUTTABLE PRESUMPTION THAT AN IN-KIND DISTRIBUTION OF PROPERTY IS EQUITABLE, TO ENCOURAGE INTERIM DISTRIBUTION OF PROPERTY OR DEBT, AND TO ALLOW CERTAIN EVIDENCE OF THE VALUE OF MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION, upon third reading.

With unanimous consent, on motion of Senator Ballantine, the President orders the Senate Committee Substitute bill temporarily displaced.

S.B. 329, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 329 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS AND TO AMEND THE NORTH CAROLINA RECIPROCAL INTERSTATE BANKING ACT RELATING TO BANKS ACTING AS AGENTS FOR DEPOSITORY INSTITUTION AFFILIATES.

The Senate concurs in the House Committee Substitute bill (44-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 366 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING SCHOOL BUDGET DISPUTES BETWEEN LOCAL BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES, 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.

H.B. 227, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE
DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, changing the title, upon concurrence, to read H.B. 227 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION AND TO EXPEDITE THE PERMANENT CLOSURE OF LOW-RISK SITES UNDER THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP ACT OF 1988, placed at the end of the Calendar earlier today.

Senator Odom offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 533 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD "DIVISIBLE PROPERTY" AS A CATEGORY OF PROPERTY SUBJECT TO EQUITABLE DISTRIBUTION, TO CREATE A REBUTTABLE PRESUMPTION THAT AN IN-KIND DISTRIBUTION OF PROPERTY IS EQUITABLE, TO ENCOURAGE INTERIM DISTRIBUTION OF PROPERTY OR DEBT, AND TO ALLOW CERTAIN EVIDENCE OF THE VALUE OF MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION, temporarily displaced earlier, upon third reading.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, June 19, for consideration upon third reading.

H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, temporarily displaced earlier, upon second reading.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, June 18, for consideration upon second reading.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:


Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee.

June 17, 1997
On motion of Senator Ballance, seconded by Senator Weinstein, the Senate adjourns at 11:21 A.M. to meet tomorrow, Wednesday, June 18, at 10:00 A.M.

EIGHTY-FIRST DAY

Senate Chamber
Wednesday, June 18, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Neil Carter, Pastor of Beulaville Presbyterian Church in Beulaville, as follows:

“Eternal God of all mercy and creation, today we pray the prayer of hope of the Chippewa Indians that someday an arrow will be broken, not in something or someone, but by each of humankind, to indicate peace, not violence. Someday oneness with creation, rather than domination over creation, will be the goal to be respected. Someday fearlessness to love and make a difference will be experienced by all people. Then the eagle will carry our prayer for peace and love, and the people of the red, white, yellow, brown, and black communities can sit in the same circle together to communicate in love and experience the presence of the Great Mystery in their midst.

“Gracious God, may the someday start here today with the leadership and decisions of this State’s political leaders. Amen.”

The Senate recesses at 10:10 A.M. to reconvene at 10:20 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, June 17, has been examined and is found to be correct. On 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. Ann Fremeau from Durham, 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. 329, AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS AND TO AMEND THE NORTH CAROLINA RECIPROCAL INTERSTATE BANKING ACT RELATING TO BANKS ACTING AS AGENTS FOR DEPOSITORY INSTITUTION AFFILIATES.
S.B. 366, AN ACT TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING SCHOOL BUDGET DISPUTES BETWEEN LOCAL BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES.

H.B. 530, AN ACT TO EXEMPT CERTAIN CORPORATIONS WHICH OFFER ENGINEERING SERVICES FROM THE APPLICABILITY OF THE PROFESSIONAL CORPORATION 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:

H.B. 102, AN ACT TO REQUIRE THAT THERE BE AT LEAST ONE VOTING PLACE IN MITCHELL COUNTY WITHIN EVERY TOWNSHIP THAT EXISTED IN 1995. (Became law upon ratification, June 16, 1997 - S.L.1997-183.)

H.B. 342, AN ACT TO RAISE THE THRESHOLD FOR THE INFORMAL BIDDING PROCEDURE FOR LETTING PUBLIC CONTRACTS BY THE COUNTY OF MECKLENBURG. (Became law upon ratification, June 16, 1997 - S.L.1997-184.)

H.B. 604, AN ACT TO ALLOW THE TOWNS OF MOREHEAD CITY AND NEWPORT TO EXERCISE EXTRATERRITORIAL PLANNING JURISDICTION OVER AN AREA EXTENDING NOT MORE THAN TWO MILES FROM THEIR CORPORATE LIMITS. (Became law upon ratification, June 16, 1997 - S.L.1997-185.)

H.B. 687, AN ACT TO AUTHORIZE THE APPOINTMENT OF A SPECIAL BOARD OF EQUALIZATION AND REVIEW FOR HENDERSON COUNTY. (Became law upon ratification, June 16, 1997 - S.L.1997-186.)

H.B. 772, AN ACT TO AMEND THE CHARTER OF THE TOWN OF SHALLOTTE TO AUTHORIZE THE TOWN TO ENFORCE ORDINANCES AS PROVIDED IN THE GENERAL LAW, TO ANNEX PROPERTY TO THE TOWN OF SHALLOTTE, AND TO CORRECT AN ERROR IN THE DESCRIPTION OF DISTRICTS IN THE WHITEVILLE CITY SCHOOL ADMINISTRATIVE UNIT. (Became law upon ratification, June 16, 1997 - S.L.1997-187.)

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. 932, A BILL TO BE ENTITLED AN ACT TO MAKE IMPROVEMENTS IN THE OPERATIONS OF HEALTH MAINTENANCE ORGANIZATIONS IN NORTH CAROLINA, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

June 18, 1997
Pursuant to Rule 45.1, the proposed Committee Substitute bill 8721, which changes the title to read S.B. 932 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HEALTH BENEFIT PLAN REPORTING AND DISCLOSURE REQUIREMENTS AND MAKE IMPROVEMENTS IN THE OPERATIONS OF HEALTH MAINTENANCE ORGANIZATIONS IN NORTH CAROLINA, is adopted and engrossed.

S.B. 933, A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR COVERAGE AND PROVIDER NETWORKS UNDER HEALTH INSURANCE POLICIES AND MANAGED CARE PLANS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8722 is adopted and engrossed.

S.B. 934, A BILL TO BE ENTITLED AN ACT TO REWRITE AND MODERNIZE THE LAWS ON PREFERRED HEALTH CARE PROVIDERS, PREFERRED PROVIDER ORGANIZATIONS, AND PREFERRED PROVIDER BENEFIT PLANS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8719, which changes the title to read S.B. 934 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE AND MODERNIZE THE LAWS ON INSURERS OFFERING PREFERRED PROVIDER BENEFIT PLANS, PREFERRED PROVIDER ORGANIZATIONS, AND PREFERRED PROVIDER BENEFIT PLANS, is adopted and engrossed.

S.B. 935, A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES AND RIGHTS FOR MANAGED CARE PLAN MEMBERS IN UTILIZATION REVIEW DECISIONS AND GRIEVANCES AGAINST MANAGED CARE ORGANIZATIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 7813 is adopted and engrossed.

By Senator Plyler for the Appropriations Committee:

H.B. 210, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, with a favorable report.

S.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR CONSTRUCTION EMPLOYERS WHO PROVIDE CRAFTWORKER TRAINING TO EMPLOYEES AND WHO HIRE WELFARE RECIPIENTS, with a favorable report.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 587 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO
provide its own law enforcement personnel and to contract for additional law enforcement 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 6275 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, and disposed of, as follows:

S.B. 741 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, June 19.

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. 993 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL TRANSPORTATION AUTHORITIES.

Referred to Finance Committee.

H.B. 998, A BILL TO BE ENTITLED AN ACT TO ENACT INTO LAW THE SOUTHERN DAIRY COMPACT, TO DIRECT THE APPOINTMENT OF MEMBERS FROM NORTH CAROLINA TO THE SOUTHERN DAIRY COMPACT COMMISSION, AND TO APPROPRIATE FUNDS.

Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Appropriations Committee.

H.B. 1108 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES.

Referred to Finance Committee.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, upon second reading.

Senator Soles offers Amendment No. 1, held to be material, which is adopted (50-0), constituting the first reading of the measure.

June 18, 1997
The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, June 19, for further consideration upon second reading.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

**H.B. 810** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL 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 8254, which changes the title, upon concurrence, to read **H.B. 810** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO ANNEX THE GOLD ROCK I-95 INTERCHANGE AREA INTO THE CITY OF ROCKY MOUNT, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is re-referred to the Finance Committee.

**CALENDAR (Continued)**

**S.B. 69** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, 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 48, noes 2, as follows:


Voting in the negative: Senators Webster and Winner—2.

The House Committee Substitute bill is ordered enrolled.

**H.B. 515** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT, changing the title, upon concurrence, to read **H.B. 515** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT.

With unanimous consent, on motion of Senator Perdue, the Senate Committee
Substitute bill is taken up out of its regular order of business and on her further motion, is placed before the Senate for immediate consideration.

Senator Perdue offers a motion to suspend the rules to allow George Givens of the General Research Division privileges of the floor to assist with the explanation of the Senate Committee Substitute bill, which motion prevails.

Senator Perdue offers Amendment No. 1 which is adopted (49-0).

Senator Cochrane offers Amendment No. 2, which she subsequently withdraws with unanimous consent.

Senator Horton offers Amendment No. 3.

Senator Perdue offers a motion that Amendment No. 3 do lie upon the table, seconded by Senator Conder. The motion prevails (31-18) and Amendment No. 3 lies upon the table.

Senator Ballantine offers Amendment No. 4.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Amendment No. 4, offered by Senator Ballantine, is adopted (50-0).

Senator Allran offers Amendment No. 5.

Senator Perdue offers a motion that Amendment No. 5 do lie upon the table, seconded by Senator Albertson. The motion prevails (28-20) and Amendment No. 5 lies upon the table.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Perdue calls the previous question on the second reading, seconded by Senator Conder. The call is sustained.

The Senate Committee Substitute bill, as amended, passes its second reading (40-10).

Senator Hartsell objects to the third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, June 19, for further consideration upon third reading.

S.B. 232 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, as amended, upon second reading.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 48, noes 2, as follows:


Voting in the negative: Senators East and Webster—2.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Thursday, June 19, for further consideration upon third reading.

June 18, 1997
S.B. 272 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT, Conference Report, for adoption, submitted June 16.

On motion of Senator Winner, the Senate adopts the Conference Report (46-4).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 272

House of Representatives
June 18, 1997

Mr. 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 House Committee Substitute for SB 272, A BILL TO BE ENTITLED AN ACT TO ENACT THE EXCELLENT
SCHOOLS ACT, to the end that 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

The President orders the measure enrolled and sent to the Governor.

REPORT OF COMMITTEE

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. 363 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HUMAN RESOURCES NOT TO ELECT ANY CHILD SUPPORT DISTRIBUTION OPTION FOR WHICH FEDERAL FUNDS ARE NOT PROVIDED AND TO INCREASE THE APPLICATION FEE FOR NONPUBLIC ASSISTANCE CHILD SUPPORT ENFORCEMENT SERVICES, with a favorable report.

H.B. 748, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE, with a favorable report.

H.B. 337, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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 6277 is adopted and engrossed.

H.B. 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, 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 6276, which changes the title, upon concurrence, to read H.B. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, is adopted and engrossed.

On motion of Senators Conder and Plyler, the President extends courtesies of the Gallery to Polina Ryazantseva of Moscow, Russia who has spent this year as an exchange student and recently graduated with the Senior Class of Sun Valley High School in Monroe.
On motion of Senator Basnight, seconded by Senator Lee, the Senate adjourns at 1:21 P.M. to meet tomorrow, Thursday, June 19, at 10:00 A.M.

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EIGHTY-SECOND DAY

Senate Chamber
Thursday, June 19, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend William H. Gattis, Pastor of University Methodist Church in Chapel Hill, as follows:

"We pledge our allegiance to You, almighty God.
"To You belong all realms, all glory. Yet You delegate the power of temporal leadership to Your creatures. In this nation, You have given us the freedom to establish our own government, to oversee the welfare of our land and the many people it supports. Today, we pray for those whom we the people have chosen to lead our State.
"It is not easy for them to lead such a diverse people, whose many wants cannot all be satisfied. It is not easy to discern which actions will produce the greatest good for the greatest number.
"Therefore, we pray, that You will assist your elected officials. Bless them with the stamina, the toughness, and the integrity to fight for what is right and honorable in Your sight.
"Grant that they may learn how to do justice, love mercy, and walk humbly before You. Protect them from losing their wits, their nerve, or their souls in the heady atmosphere of State affairs. Give them will and character to work for the good of our whole people, not simply the benefit of those in a position to wrangle favors and force concessions.
"And help us all, as citizens, to bear our share of the responsibility of democratic government. In Your holy name we pray, Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, June 18, has been examined and is found to be correct. On 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 R. Hoerr from Winston-Salem, 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. 272, AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT.

June 19, 1997
S.B. 1066, AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHICH GROUPS OF STUDENTS ARE LIKELY TO SCORE BELOW BENCHMARKS ON STATEWIDE TESTS AND TO RECOMMEND WAYS TO FOCUS RESOURCES ON ADDRESSING THE NEEDS OF THOSE STUDENTS.

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

S.B. 69, AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.

S.B. 645, AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GUILFORD COUNTY BOARD OF EDUCATION MEMBERS.

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. 198, AN ACT TO AUTHORIZE THE CITY OF HENDERSONVILLE AND THE TOWN OF LAUREL PARK TO ENTER INTO ANNEXATION AND PAYMENT IN LIEU OF TAX AGREEMENTS WITH THE OWNERS OF CERTAIN CLASSES OF MANUFACTURING PROPERTIES. (Became law upon ratification, June 17, 1997 - S.L. 1997-188.)

H.B. 406, AN ACT TO ALLOW CITIES AND COUNTIES TO ADOPT ORDINANCES THAT IMPOSE A CURFEW ON PERSONS UNDER THE AGE OF EIGHTEEN. (Became law upon approval of the Governor, June 18, 1997 - S.L. 1997-189.)

REPORT 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 Kerr for the Finance Committee:

S.B. 475, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2775 is adopted and engrossed.

H.B. 989 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS' EXAM, with an

June 19, 1997
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 1405 is adopted and engrossed.

COMMITTEE REFERRAL RECALL

S.B. 1017, A BILL TO BE ENTITLED AN ACT RELATING TO THE ENVIRONMENT OR AGRICULTURE, referred to the Rules and Operations of the Senate Committee on April 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 Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

INTRODUCTION OF A RESOLUTION

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

By Senators Horton, Cochrane, and McDaniel:
S.J.R. 1083, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MAZIE SPENCER WOODRUFF, A DEVOTED PUBLIC SERVANT AND COMMUNITY ACTIVIST.

Referred to Rules and Operations of the Senate Committee.

MESSAGES 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, and disposed of, as follows:

S.B. 958 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 23.

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. 301 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE GENERAL STATUTES PERTAINING TO CHILD SUPPORT ENFORCEMENT IN ORDER TO ENHANCE CHILD SUPPORT ENFORCEMENT AND PATERNITY ESTABLISHMENT IN CONFORMANCE WITH FEDERAL WELFARE REFORM REQUIREMENTS.

Referred to Judiciary Committee.
H.B. 1121 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE SAFE REUSE OF PROPERTIES WHERE ACTUAL CONTAMINATION, OR THE POSSIBILITY OF CONTAMINATION, HAS IMPEDED REDEVELOPMENT.

Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Finance Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, as amended, changing the title, upon concurrence, to read H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, AND CONCERNING THE TOWN OF LELAND, upon second reading. The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, June 23, for further consideration upon third reading.

H.B. 748, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE, upon second reading.

Without objection, the bill is taken up out of its regular order of business.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 23, for further consideration upon third reading.

H.B. 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, changing the title, upon concurrence, to read H.B. 773 (Senate Committee Substitute), A BILL TO BE
ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LEeland, upon second reading.

Without objection, the Senate Committee Substitute bill is taken up out of its regular order of business.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, June 23, for further consideration upon third reading.

H.B. 337 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 10, as follows:


Voting in the negative: Senators Allran, Carpenter, Clark, Cochrane, East, Forrester, Foxx, McDaniel, Page, and Webster—10.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, June 23, for further consideration upon third reading.

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT, changing the title, upon concurrence, to read H.B. 515 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT, as amended, upon third reading.

Senator Perdue offers a motion that Rule 7(b)(iv) be suspended to the end and that the Senate Committee Substitute bill be moved up as the first order of business under Public Bills, which motion prevails without objection.

S.B. 934 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE AND MODERNIZE THE LAWS ON INSURERS OFFERING PREFERRED PROVIDER BENEFIT PLANS, PREFERRED PROVIDER ORGANIZATIONS, AND PREFERRED PROVIDER BENEFIT PLANS.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill
is taken up out of its regular order of business, and on her further motion, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, June 24, for consideration upon its passage.

**H.B. 587** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Senate Committee Substitute bill passes its second (34-15) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**S.B. 741** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION, 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.

**H.B. 515** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT, changing the title, upon concurrence, to read **H.B. 515** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT, as amended, upon third reading.

Senator Perdue offers a motion to suspend the rules to allow George Givens of the General Research Division privileges of the floor to assist with the explanation of the Senate Committee Substitute bill, which motion prevails.

Senator Hartwell offers Amendment No. 6 which is adopted (50-0), changing the title, upon concurrence, to read **H.B. 515** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT AND TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS.

Senator Ledbetter offers Amendment No. 7.

Senator Perdue offers a motion that Amendment No. 7 do lie upon the table, seconded by Senator Dannelly. The motion prevails (30-20) and Amendment No. 7 lies upon the table.

Senator Cochrane offers Amendment No. 8 which is adopted (50-0).
Senator Blust offers Amendment No. 9.

Senator Perdue offers a motion that Amendment No. 9 do lie upon the table, seconded by Senator Dannelly. The motion prevails (30-20) and Amendment No. 9 lies upon the table.

The Senate Committee Substitute bill, as amended, passes its third reading (46-4) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 232 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, SUBJECT TO A VOTE OF THE QUALIFIED VOTERS OF THE STATE, TO PROVIDE FUNDS FOR GRANTS, LOANS, AND REVOLVING LOANS TO LOCAL GOVERNMENT UNITS FOR WATER SUPPLY SYSTEMS, WASTEWATER COLLECTION SYSTEMS, WASTEWATER TREATMENT WORKS, AND WATER CONSERVATION PROJECTS, as amended, upon third reading.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 49, noes 1, as follows:


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.

H.B. 363 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HUMAN RESOURCES NOT TO ELECT ANY CHILD SUPPORT DISTRIBUTION OPTION FOR WHICH FEDERAL FUNDS ARE NOT PROVIDED AND TO INCREASE THE APPLICATION FEE FOR NONPUBLIC ASSISTANCE CHILD SUPPORT ENFORCEMENT SERVICES, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 3, as follows:


Voting in the negative: Senators Clark, Reeves, and Rucho—3.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 23, for further consideration upon third reading.

S.B. 932 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HEALTH BENEFIT PLAN REPORTING AND DISCLOSURE REQUIREMENTS AND MAKE IMPROVEMENTS IN THE OPERATIONS OF HEALTH MAINTENANCE ORGANIZATIONS IN NORTH CAROLINA.

The Committee Substitute bill passes its second reading (48-1).
Senator McDaniel objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 23, for further consideration upon third reading.

REPORT OF COMMITTEE

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. 810 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO ANNEX THE GOLD ROCK I-95 INTERCHANGE AREA INTO THE CITY OF ROCKY MOUNT, with a favorable report.

H.B. 400, A BILL TO BE ENTITLED AN ACT TO REWRITE THE AUTHORITY OF THE STATE BANKING COMMISSION TO ASSESS BANKS AND CONSUMER FINANCE LICENSEES FOR THE MAINTENANCE AND OPERATION OF THE OFFICE OF THE COMMISSIONER OF BANKS, 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 1407 is adopted and engrossed.

H.B. 136 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN LATE CHARGES FOR THE LATE RETURN OF RENTED PROPERTY ARE SUBJECT TO SALES TAX AND TO PROVIDE FOR TREBLE DAMAGES IN A CIVIL ACTION TO ENFORCE PAYMENT OF CERTAIN LATE CHARGES FOR THE LATE RETURN OF A RENTED VIDEOCASSETTE TAPE, 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 7332 is adopted and engrossed.

H.B. 460 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ADOPT ENTRANCE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS, with an unfavorable report as to Senate Committee Substitute bill as written by the Agriculture/Environment/Natural Resources Committee, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, A395, is adopted and engrossed.

June 19, 1997
WITHDRAWAL FROM CALENDAR

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, changing the title, upon concurrence, to read H.B. 810 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO ANNEX THE GOLD ROCK I-95 INTERCHANGE AREA INTO THE CITY OF ROCKY MOUNT, placed earlier today on the Calendar for Monday, June 23, upon third reading.

Senator Hoyle offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for June 23 and placed at the end of today’s Calendar, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for June 23 and places it at the end of today’s Calendar for consideration upon its passage, upon third reading.

CALENDAR (Continued)

S.B. 933 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR COVERAGE AND PROVIDER NETWORKS UNDER HEALTH INSURANCE POLICIES AND MANAGED CARE PLANS.

With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Kerr.

The Committee Substitute bill passes its second reading (49-0).

Senator McDaniel objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 23, for further consideration upon third reading.

S.B. 935 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES AND RIGHTS FOR MANAGED CARE PLAN MEMBERS IN UTILIZATION REVIEW DECISIONS AND GRIEVANCES AGAINST MANAGED CARE ORGANIZATIONS.

The Committee Substitute bill passes its second reading (49-0).

Senator McDaniel objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 23, for further consideration upon third reading.

S.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR CONSTRUCTION EMPLOYERS WHO PROVIDE CRAFTWORKER TRAINING TO EMPLOYEES AND WHO HIRE WELFARE RECIPIENTS.

Senator Jordan offers Amendment No. 1 which is adopted (47-0).

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Committee Substitute bill, as amended, passes its second reading (48-0).

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 Monday, June 23, for further consideration upon third reading.

June 19, 1997
H.B. 210, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

Senator Albertson offers Amendment No. 1 which is adopted (47-0).

*With unanimous consent, the President Pro Tempore grants a leave of absence for the remainder of today’s Session to Senator Kincaid.*

Senator Rand offers Amendment No. 2 which is adopted (47-0).

*Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.*

*With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Hoyle.*

The bill, as amended, passes its second reading (34-12).

Senator Ballantine objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for Monday, June 23, for further consideration upon third reading.

H.B. 434 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONFORM NORTH CAROLINA HEALTH INSURANCE LAWS TO RECENTLY ENACTED FEDERAL LAWS CONCERNING HEALTH INSURANCE UNDERWRITING AND PORTABILITY, MATERNITY COVERAGE, AND COVERAGE FOR MENTAL ILLNESS.

Senator Jenkins offers Amendment No. 1 which is adopted (45-0).

Senator Winner offers Amendment No. 2 which is adopted (45-0).

The Senate Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 533 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADD "DIVISIBLE PROPERTY" AS A CATEGORY OF PROPERTY SUBJECT TO EQUITABLE DISTRIBUTION, TO CREATE A REBUTTABLE PRESUMPTION THAT AN IN-KIND DISTRIBUTION OF PROPERTY IS EQUITABLE, TO ENCOURAGE INTERIM DISTRIBUTION OF PROPERTY OR DEBT, AND TO ALLOW CERTAIN EVIDENCE OF THE VALUE OF MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION, upon third reading.

The Senate Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**NOTICE OF PETITION**

Senator Webster is recognized and pursuant to Rule 47(b), gives notice of his intention to circulate a petition for signatures asking that the Judiciary Committee be discharged from further consideration of S.B. 810, A BILL TO BE ENTITLED AN ACT TO RESTORE THE RIGHT AND ABILITY OF LAWFUL CITIZENS OF NORTH CAROLINA TO PROTECT THEMSELVES.
COMMITTEE REFERRAL RECALL

S.J.R. 1081, A JOINT RESOLUTION HONORING THE MEMORY OF JACKIE ROBINSON AND RECOGNIZING WALTER FENNER "BUCK" LEONARD ON THE FIFTIETH ANNIVERSARY OF JACKIE ROBINSON'S BREAKING THE COLOR BARRIER IN MAJOR LEAGUE BASEBALL, referred to the Rules and Operations of the Senate Committee on June 5.

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 end of today's Calendar, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it at the end of today's Calendar for consideration upon its passage.

CALENDAR (Continued)

H.B. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, changing the title, upon concurrence, to read:

H.B. 810 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO ANNEX THE GOLD ROCK I-95 INTERCHANGE AREA INTO THE CITY OF ROCKY MOUNT, placed earlier today on the Calendar for today, upon third reading.

The President rules the Senate Committee Substitute bill a material amendment and adoption on Wednesday, June 18, constituted the first reading of the measure.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 8, as follows:


Voting in the negative: Senators Carpenter, Cochrane, East, Forrester, Foxx, McDaniel, Page, and Webster—8.

The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, June 23, for further consideration upon third reading.

S.J.R. 1081, A JOINT RESOLUTION HONORING THE MEMORY OF JACKIE ROBINSON AND RECOGNIZING WALTER FENNER "BUCK" LEONARD ON THE FIFTIETH ANNIVERSARY OF JACKIE ROBINSON'S BREAKING THE COLOR BARRIER IN MAJOR LEAGUE BASEBALL, placed earlier today on the Calendar for today.

With unanimous consent, on motion of Senator Shaw of Cumberland, the joint resolution is read in its entirety, and on his further motion the remarks of the Senators honoring Walter Fenner "Buck" Leonard are spread upon the Journal, as follows:

Senator Shaw of Cumberland:

"Thank you, Mr. President. To the Honorable President, Dennis Wicker; to President Pro Tem, Marc Basnight; Honorable ladies and gentlemen of the Senate, I’d like to thank
our Rules Chairman for allowing us, Senator Cooper and myself, to bring forth this resolution honoring a North Carolinian native who has earned quite a name for himself in his chosen career of professional baseball. This young hero has served his Lord for ninety-one years, and he would have loved to have been with us today, and made every effort to get here. But, he’s quite ill, and he’s closer to the Lord than most of us are. So, some of his friends are here this evening, and I’d like to just share a few things with you. In a book written by James Raleigh, Buck Leonard’s described as being compared to the great Lou Gehrig who was one of the most powerful baseball batters in history. And our honoree today came along at a time when opportunities were not afforded to him to play at the highest organizational level of baseball. And in spite of the many difficulties, he found a way to express himself and to achieve his goals. From 1933 to 1950 he gained legend status with the barnstorming baseball teams of the Homestead, Pittsburgh Homestead Braves. He was very, he had a very illustrious and brilliant career at which included eleven championships and played against the likes of the Kansas City Monarchs, the Baltimore Black Socks, and the New York Black Yankees, and the Birmingham Barons. He was a stellar performer and much talked about in the All-star Game against some of the best players of our time in the old Negro Professional Baseball League. By way of illustration I have included on your desks a copy of an article that was in yesterday’s paper that shows you the timeliness of it, and gives you, gives you a bit of flavor of the era which we, which we are now speaking of. When opportunity became right for Mr. Leonard to enter into the major leagues, time had passed him by. And although on many occasions the professional league owners talked with Mr. Leonard, Josh Gibson and many others, it just didn’t happen until many years later, until about a young, until a man by the name of Jackie Robinson at the age of twenty-eight broke into the majors. Many a man would become bitter from drinking from the cup of racial injustice, but not Buck Leonard. He’s just that kind of man, being a champion on and off the field, a team leader and inspirer of men, and just a down-right classy individual. His strong Christian background is evident in his daily life as in his devotion to his lovely wife Eugenia and his family, many of them who are here today. Buck Leonard came along at a time when men like Roy Campenella, Mont Irving, Leroy Satchell Page, Willie Mays, Ernie Banks, Josh Gibson, Cool Poppa Bell, Jackie Robinson, and Larry Dorry which by way is my name sake. Just some of the household names were on the lips of many young boys that were starting to play baseball during this time. These individuals whom I have just named overcame the odds and went on to play in organized baseball, and I’m sure you know, have heard of their names. Mr. President and colleagues of the Senate, I have no greater pleasure today that the opportunity that you’ve given me here to bring Mr. Walter “Buck” Leonard and members of his family to be honored today. Mr. President, I ask that these remarks be spread across the Journal.”

Senator Cooper:

“Thank you, Mr. President. Members of the Senate, I think it is quite fitting that we honor in the same resolution the life and memory of the great Jackie Robinson and his brave attempt and successful attempt, to break the color barrier in Major League Baseball, and at the same time honor Buck Leonard. Some of the people in this Chamber who go out and play golf complain about that little golf ball and it not going where you want it to go, and hitting it. How would you like if it were coming at you over ninety miles an hour and dipping and curving? I think baseball is probably the most difficult sport that we have for that very reason. Buck Leonard had a career average of .340 and thirty-four home runs a season. And I think that baseball historians and people who watch the game
realize that the level of play in the Negro Leagues at that, at that time was outstanding. And there is no doubt that if the color barrier had been broken just a little bit earlier that Buck Leonard would be recognized not as only one of the greatest Negro League players to ever play, but one of the greatest Major League Baseball players to ever play. And had Buck been living today, we’d be asking to borrow some money because Buck would be in the multi-million dollar range. Because of his outstanding ability, there’s no doubt that he’s one of the greatest players who ever lived. I also just want to talk about the fact of, of the gentleman and civic and community leader that Buck Leonard has been off the field as well. He’s a great player. We in Rocky Mount are very proud to have had some outstanding athletes, Buck Williams, Phil Ford, but Buck Leonard is certainly one of the greatest ever. My first contact with him was as a young lawyer at a judicial sale, and I saw an elderly gentleman back there who was doing some shrewd bidding on some property and bought it. And he ran a very successful real estate agency in Rocky Mount, as a truant officer had a real impact on the lives of young people in Rocky Mount and was just an outstanding gentleman and civic leader. I think it is quite fitting that we honor him along with the memory of Jackie Robinson with this resolution. Thank you."

The joint resolution passes its second reading (46-0) and third reading, unanimously with Members standing.

Senator Basnight requests to be recorded voting “aye” on the third reading of the measure.

The joint resolution is ordered sent to the House of Representatives.

The President extends courtesies of the Gallery to the friends and family of Walter Fenner “Buck” Leonard.

COMMITTEE REFERRAL RECALL

H.B. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ALLOW CERTAIN TYPES OF REDEVELOPMENT WITHIN URBAN WATERFRONTS THAT HISTORICALLY HAVE A PATTERN OF URBAN-LEVEL DEVELOPMENT, referred to the Agriculture/Environment/Natural Resources Committee on May 6.

Pursuant to Rule 47(a), Senator Albertson offers a motion that the Committee Substitute bill be withdrawn from the Agriculture/Environment/Natural Resources Committee and re-referred to the Commerce Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Agriculture/Environment/Natural Resources Committee and refers the measure to the Commerce Committee.

On motion of Senator Basnight, seconded by Senators Cooper and Shaw of Cumberland, the Senate adjourns at 1:16 P.M. to meet Monday, June 23, at 7:00 P.M.

June 19, 1997
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Great and loving God, in a moment of wishful thinking we’ve all said to ourselves, 'If I could only be...,' and then we've named the name of a famous and influential person. "Forgive us, oh God. That is the prayer of an underachiever. For in the world to come, we shall not be asked, 'Why were you not Moses?' We shall be asked, 'Why were you not yourself?'

"This week let us hear You call our names! We don’t need a burning bush; we need burning hearts to seek Your face, to do Your will, to be our best selves. For Your sake, Amen."

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, June 19, has been examined and is found to be correct. On 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. Benton Satterfield from Raleigh, who is serving the Senate as Doctor of the Day.

COURTESIES

With unanimous consent, on motion of Senator Odom, privileges of the Floor are extended to Sir Purr, mascot of the Carolina Panthers. The President directs the Mecklenburg delegation, Senators Odom, Dannelly, Rucho, and Winner, to escort the guest to the Well of the Senate. On behalf of Sir Purr and the Mecklenburg delegation, Senator Odom extends an invitation to the Members to attend the 1997 Charlotte Chamber Legislative Visit. The President thanks Sir Purr for the invitation and extends courtesies of the Gallery to Charlotte Chamber members present: Mac Everett, Chairman; Sharon Decker, Vice Chairman; McKay Belk, Chairman of the Community Development Group; Peter Pappas, Chairman of the Governmental Affairs Division; Carla DuPuy, Chairman of the Legislative Visit Committee; John McAlister; Carroll Gray, President; Lawrence Toliver, Group Vice President of Community Development; Natalie Haskins, Vice President of Governmental Affairs; Betty Taylor; and Joe Piaccino. The President further directs the Mecklenburg delegation to escort Sir Purr from the Chamber. He departs to a standing ovation.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:
H.B. 221, AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING AND TO ALLOW SWORN LAW ENFORCEMENT OFFICERS TO APPEAR BEFORE JUDICIAL OFFICIALS BY A TWO-WAY AUDIO AND VIDEO TO OBTAIN ARREST WARRANTS.

H.B. 1099, AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES.

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

S.B. 741, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION.

H.B. 103, AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY COUNTY.

H.B. 834, AN ACT TO ALLOW THE CITIES OF LENOIR AND WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES.

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. 69, AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION. (Became law upon ratification, June 19, 1997 - S.L. 1997-190.)

S.B. 645, AN ACT TO REQUIRE THE DISCLOSURE OF PROPERTY INTERESTS AND ASSETS BY GUILFORD COUNTY BOARD OF EDUCATION MEMBERS. (Became law upon ratification, June 19, 1997 - S.L. 1997-191.)

H.B. 1051, AN ACT PERTAINING TO THE DUTY OF HOSPITALS AND OTHER AGENCIES WITH RESPECT TO ORGAN PROCUREMENT AND DONATION. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-192.)

H.B. 499, A BILL TO BE ENTITLED AN ACT RELATING TO THE USE OF GEOGRAPHICAL INFORMATION SYSTEM DATABASE INFORMATION BY REAL ESTATE TRADE ASSOCIATIONS. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-193.)

S.B. 376, AN ACT TO AUTHORIZE Teaching hospitals affiliated with constituent institutions of the University of North
CAROLINA TO ESTABLISH CAMPUS LAW ENFORCEMENT AGENCIES. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-194.)

S.B. 430, AN ACT TO PROVIDE TITLE PROTECTION FOR THE PROFESSION OF INDUSTRIAL HYGIENISTS. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-195.)

S.B. 465, AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH FISCAL POLICIES FOR ENGINEERING AND DESIGN CONTRACTS WHICH WILL PROMOTE ENGINEERING AND DESIGN QUALITY AND ENSURE MAXIMUM COMPETITION AMONG COMPETING PROFESSIONAL FIRMS. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-196.)

S.B. 785, AN ACT TO REMOVE THE SUNSET ON CERTAIN DIRECT PAYMENTS UNDER HEALTH INSURANCE POLICIES AND PLANS. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-197.)

S.B. 816, AN ACT TO ELIMINATE THE NEED TO OBTAIN PRIOR APPROVAL FROM THE WILDLIFE RESOURCES COMMISSION TO RAISE YELLOW PERCH COMMERCIALLY IN SOME AREAS OF THE STATE AND TO ALLOW ALLIGATORS TO BE RAISED COMMERCIALLY. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-198.)

S.B. 855, AN ACT TO AUTHORIZE THE DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE COURTS TO CONTRACT WITH THIRD PARTIES TO PROVIDE REMOTE ELECTRONIC ACCESS TO COURT INFORMATION. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-199.)

S.B. 953, AN ACT TO EXTEND THE TIME CORPORATIONS MAY APPLY FOR REINSTATEMENT FROM ADMINISTRATIVE DISSOLUTION. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-200.)

H.B. 833, AN ACT TO AMEND THE GENERAL STATUTES TO PROVIDE MUNICIPALITIES WITH ADDITIONAL OPTIONS FOR SERVICE OF PROCESS IN HOUSING CODE CASES. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-201.)

S.B. 892, AN ACT TO LIMIT THE RIGHT OF CERTAIN SHAREHOLDERS TO DISSENT FROM CORPORATE ACTIONS AND TO AMEND THE LAW GOVERNING OFFERS OF PAYMENT TO DISSENTERS. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-202.)

S.B. 896, AN ACT TO AMEND THE LAW GOVERNING THE PRACTICE OF LAW BY ATTORNEYS REPRESENTING CORPORATIONS. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-203.)
S.B. 1011, AN ACT TO REQUIRE LOCAL BOARDS TO ADMIT OTHERWISE ELIGIBLE CHILDREN TO KINDERGARTEN AFTER THE FIRST MONTH OF SCHOOL. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-204.)

S.B. 1064, AN ACT TO ALLOW A TAXPAYER WHO PREVAILS IN A PROPERTY TAX APPEAL TO RECEIVE INTEREST ON ANY OVERPAYMENT OF TAX AND TO AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY VARIOUS PROPERTY TAX ISSUES. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-205.)

H.B. 194, AN ACT TO ESTABLISH AN ACCOUNT WITHIN THE CLEAN WATER REVOLVING LOAN AND GRANT FUND SO THAT FUNDS MADE AVAILABLE UNDER THE FEDERAL SAFE DRINKING WATER ACT AMENDMENTS OF 1996 MAY BE USED BY THE STATE, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-206.)

H.B. 994, AN ACT TO ALLOW PAY TELEPHONE PROVIDERS TO OBTAIN LINE ACCESS FROM COMPETITIVE LOCAL PROVIDERS OF TELEPHONE SERVICE AND TO ELIMINATE THE STATUTORY REQUIREMENT THAT LINE ACCESS RATES BE SET ON A MEASURED RATE BASIS. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-207.)

H.B. 482, AN ACT TO ALLOW ALL HANDICAPPED PERSONS TO USE A REGISTERED SIGNATURE FACSIMILE AS A MARK OF THEIR LEGAL SIGNATURE. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-208.)

S.B. 153, AN ACT TO EXTEND THE SCRAP TIRE DISPOSAL TAX AT ITS CURRENT RATE FOR FIVE MORE YEARS, TO AMEND THE SCRAP TIRE DISPOSAL ACT TO DISCOURAGE THE DISPOSAL OF SCRAP TIRES FROM OUTSIDE THE STATE, AND TO COMPLETE THE CLEANUP OF NUISANCE TIRE COLLECTION SITES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-209.)

H.B. 81, AN ACT TO ESTABLISH A NINETY-DAY WAITING PERIOD FOR NEW RESIDENTS OF NORTH CAROLINA WHO NEED RESIDENCE IN ADULT CARE HOMES AND WHO NEED STATE-COUNTY SPECIAL ASSISTANCE FUNDS TO PAY FOR THEIR CARE. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-210.)

H.B. 277, AN ACT PROHIBITING CERTAIN RELATIVES OF A CANDIDATE FOR NOMINATION OR ELECTION FROM SERVING ON THE COUNTY BOARD OF ELECTION. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-211.)

H.B. 535, AN ACT TO INCLUDE NONVESTED PENSION, RETIREMENT, AND OTHER DEFERRED COMPENSATION RIGHTS AS MARITAL PROPERTY, AS
RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-212.)

H.B. 15, AN ACT TO CONFORM TO FEDERAL TAX TREATMENT OF INCOME RESTORED UNDER A CLAIM OF RIGHT. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-213.)

H.B. 945, AN ACT TO PROVIDE THAT CERTAIN PART-TIME BACCALAUREATE DEGREE STUDENTS ARE ELIGIBLE FOR NURSING SCHOLARSHIP LOANS. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-214.)

S.B. 162, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SIMILAR MINOR CHANGES TO THE ADOPTION LAWS AS FOUND IN CHAPTER 48 OF THE GENERAL STATUTES INVOLVING CERTIFICATION OF DOCUMENTS, NOTICE, PROCEDURES FOR REPORTS TO THE COURT, ACCEPTANCE OF RELINQUISHMENTS BY AGENCIES, INDEXING, CAPTIONS ON ADOPTION PETITIONS, AND STANDBY GUARDIANS; TO STANDARDIZE PROCEDURES FOR REQUESTING NEW BIRTH CERTIFICATES IN ALL ADOPTIONS; AND TO AMEND PROVISIONS FOR OBTAINING CERTIFICATION OF IDENTIFICATION FOR INDIVIDUALS OF FOREIGN BIRTH AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO ALLOW FOR PREBIRTH RIGHT-TO-CONSENT DETERMINATION, CLARIFY WHEN COUNTY DEPARTMENTS OF SOCIAL SERVICES MUST DO PREPLACEMENT ASSESSMENTS, TO ADD CHILDREN TO THE LIST OF PERSONS WHO CAN GET COPIES OF BIRTH CERTIFICATES OF ADOPTEES, TO EXTEND THE EFFECTIVE PERIOD OF PREPLACEMENT ASSESSMENTS TO EIGHTEEN MONTHS, TO PROVIDE THAT EXECUTION OF A RELINQUISHMENT DOES NOT TERMINATE THE DUTY OF SUPPORT, AND TO PERMIT ALL RELINQUISHMENTS TO BE RESCINDED BY MUTUAL AGREEMENT. (Became law upon approval of the Governor, June 19, 1997 - S.L. 1997-215.)

REPORT OF COMMITTEE

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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 852 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INFORMATION IN THE STOKES COUNTY 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION, 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 6234, which changes the title, upon concurrence, to read H.B. 852 (Senate Committee Substitute), A
BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INFORMATION IN A 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION, is adopted and engrossed, changing the measure from a local bill to a public bill.

MESSAGES 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, and disposed of, as follows:

S.B. 924 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, June 24.

A special message received in the Office of the Principal Clerk from the House of Representatives transmitting a resolution is presented to the Senate, read the first time, and disposed of, as follows:

H.J.R. 1191, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LOYD EDWARD AUMAN.

On motion of Senator Rand, the rules are suspended, without objection, and the joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator Rand, the joint resolution is read in its entirety.

With unanimous consent, on motion of Senator Basnight, the remarks of the Senators memorializing the life and memory of Loyd Edward Auman are spread upon the Journal, as follows:

Senator Rand:

"Thank you very much, Mr. President, ladies and gentlemen of the Senate. It’s really impossible to tell you the impact that Loyd Auman had on the life of Cumberland County. It’s obvious by the fact that the athletic field at Seventy-first High School is named for him, that we’ve named an Elementary School there for him, that people in his community thought a great deal of him. But, it was the impact that he had on the students and the people who taught under him that will, I think, long be remembered by our community. It’s, you can go through the Cumberland County School System today and see so many people that served under him that have positions of leadership that speak of him often. It was my pleasure to know him in his, a time when really he was retired. He was just one of the leaders of the community. A man that when you were running for office you had to go by and see. And I always enjoyed my visits with him because he always gave wise counsel. He was always a wonderful gentleman, and you knew that he had the best interests of our community at heart. He was the kind of fellow that when one of his employees cut off a finger working there at the school that he did his work until the man got well and could go back to work because a man was afraid of losing his job. And that was at a time when jobs weren’t all that plentiful, and one would be concerned about that. But his concern for his employees, his concern for the students that he had was something that

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that was wonderful to see and that is really one of the things that people in Cumberland County will long remember him for. He was a splendid man, a great contributor to our, to the culture and the life of Cumberland County, and I would ask your support for the resolution. Thank you, Mr. President.”

Senator Shaw of Cumberland:
“Thank you Mr. President. Ladies and gentlemen of the Senate, we are honoring a man here this evening who is well respected in our community. Someone who has devoted his life, his career to the community, to his family, to his God. We, this is, we could think of no fitting honor whereas the State of North Carolina could choose to honor one of, one of its own. When we hear of Loyd Auman’s name spoken, it’s done in an almost tone of reverence, almost one of whispers. I never knew him. I hear people talk of him. And it’s just like an airplane, a super-sonic airplane. He goes through life, and then minutes later you hear a boom because his work is still having that ripple effect throughout the community, on and on and on. This is the kind of man that we are honoring here tonight. I could say a lot of, many other wonderful things about him, but I think I would be belaboring the point. But I, trust me, this is truly quite a man to honor, and we are happy that you’ve taken time to honor him this evening. Thank you Mr. President.”

The joint resolution passes its second reading (48-0) and third reading, unanimously with Members standing, and is ordered enrolled.

The President extends courtesies of the Gallery to the family of Loyd Edward Auman, including his wife, Louise Auman, his children, Ed Auman and Beth Auman Visser, along with grandchildren, other relatives, and friends.

The President extends courtesies of the Gallery to the Reverend David Page, brother of Senator Page, and to Belen Gaona of Arizona, guest of Senator Webster.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, changing the title, upon concurrence, to read H.B. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, upon third reading.

Without objection, the Senate Committee Substitute bill is taken up out of its regular order of business.

Senator Soles offers Amendment No. 1, ruled non-material, which is adopted (49-0).

The President orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced.

H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, as amended, changing the title, upon concurrence, to read H.B. 67 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDEFINE THE CORPORATE LIMITS OF
THE TOWN OF SUMMERFIELD, AND CONCERNING THE TOWN OF LELAND, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 337 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is withdrawn from today's Calendar and is recommitted to the Finance Committee.

H.B. 748, A BILL TO BE ENTITLED AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill is ordered enrolled.

H.B. 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, changing the title, upon concurrence, to read H.B. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, as amended, upon third reading, temporarily displaced earlier.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw

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. 810 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, changing the title, upon concurrence, to read H.B. 810 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO ANNEX THE GOLD ROCK I-95 INTERCHANGE AREA INTO THE CITY OF ROCKY MOUNT, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 11, as follows:


Voting in the negative: Senators Allran, Carpenter, Clark, Cochrane, East, Forrester, Foxx, Garwood, McDaniel, Page, and Webster—11.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 363 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE DEPARTMENT OF HUMAN RESOURCES NOT TO ELECT ANY CHILD SUPPORT DISTRIBUTION OPTION FOR WHICH FEDERAL FUNDS ARE NOT PROVIDED AND TO INCREASE THE APPLICATION FEE FOR NONPUBLIC ASSISTANCE CHILD SUPPORT ENFORCEMENT SERVICES, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 2, as follows:


Voting in the negative: Senators Clark and Reeves—2.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

The President extends courtesies of the Gallery to Wes Southern, Mayor of Cornelius.

S.B. 475 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS, upon second reading.

Senator Kincaid offers Amendment No. 1 which fails of adoption (19-31).
The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 2, as follows:
Voting in the negative: Senators Ballance and Horton—2.
The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, June 24, for further consideration upon third reading.

H.B. 136 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN LATE CHARGES FOR THE LATE RETURN OF RENTED PROPERTY ARE SUBJECT TO SALES TAX AND TO PROVIDE FOR TREBLE DAMAGES IN A CIVIL ACTION TO ENFORCE PAYMENT OF CERTAIN LATE CHARGES FOR THE LATE RETURN OF A RENTED VIDEOCASSETTE TAPE, upon second reading.

Senator Foxx offers a motion that the Senate Committee Substitute bill be withdrawn from today’s Calendar, and placed on the Calendar for Wednesday, June 25, for consideration upon second reading.

Senator Hoyle calls the previous question on second reading, seconded by Senator Kerr. The call is sustained.
The Senate Committee Substitute bill fails to pass its second reading by roll-call vote, ayes 21, noes 27, as follows:
Voting in the affirmative: Senators Albertson, Allran, Ballantine, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Forrester, Foxx, Hartsell, Hoyle, Kerr, Kincaid, Ledbetter, Martin of Pitt, Shaw of Guilford, and Webster—21.
The measure lies upon the table.

H.B. 400 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE AUTHORITY OF THE STATE BANKING COMMISSION TO ASSESS BANKS AND CONSUMER FINANCE LICENSEES FOR THE MAINTENANCE AND OPERATION OF THE OFFICE OF THE COMMISSIONER OF BANKS, upon second reading.
The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 49, noes 1, as follows:
Voting in the negative: Senator Webster—1.
The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, June 24, for further consideration upon third reading.

H.B. 460 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO DESIGNATE WHO HAS THE DUTY TO ESTABLISH AND REVISE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS, changing the title, upon concurrence, to read H.B. 460 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ADOPT ENTRANCE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 50, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Tuesday, June 24, for further consideration upon third reading.

H.B. 989 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REMOVE THE FEE FOR THE SCHOOL ADMINISTRATORS’ EXAM.

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.

S.B. 933 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR COVERAGE AND PROVIDER NETWORKS UNDER HEALTH INSURANCE POLICIES AND MANAGED CARE PLANS, upon third reading.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill is taken up out of its regular order of business, and on her further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, June 24, for consideration upon third reading.

S.B. 932 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH HEALTH BENEFIT PLAN REPORTING AND DISCLOSURE REQUIREMENTS AND MAKE IMPROVEMENTS IN THE OPERATIONS OF HEALTH MAINTENANCE ORGANIZATIONS IN NORTH CAROLINA, upon third reading.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

S.B. 935 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
ESTABLISH PROCEDURES AND RIGHTS FOR MANAGED CARE PLAN MEMBERS IN UTILIZATION REVIEW DECISIONS AND GRIEVANCES AGAINST MANAGED CARE ORGANIZATIONS, upon third reading.

The Committee Substitute bill passes its third reading (50-0) and is ordered sent to the House of Representatives.

S.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX CREDITS FOR CONSTRUCTION EMPLOYERS WHO PROVIDE CRAFTWORKER TRAINING TO EMPLOYEES AND WHO HIRE WELFARE RECIPIENTS, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered engrossed and sent to the House of Representatives.

H.B. 210, A BILL TO BE ENTITLED AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, as amended, upon third reading.

The bill, as amended, passes its third reading (37-13) and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

S.B. 958 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION, 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.

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:

H.B. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, 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 1408, which changes the title, upon concurrence, to read H.B. 430 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, AND TO PROVIDE FOR THE ADOPTION OF RULES AUTHORIZING SPECIAL-USE PERMITS FOR THE USE OF PYROTECHNICS IN STATE PARKS, is adopted and engrossed.

June 23, 1997
By Senator Cooper for the Judiciary Committee:

H.B. 997, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT NOTARIES PUBLIC OBTAIN THE RECOMMENDATION OF A PUBLICLY ELECTED OFFICIAL, 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 6281, which changes the title, upon concurrence, to read H.B. 997 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT NOTARIES PUBLIC OBTAIN THE RECOMMENDATION OF A PUBLICLY ELECTED OFFICIAL AND TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE JUNE 1, 1997, is adopted and engrossed.

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

Sonia Aneja, Raleigh; Dorothy Ariail, Rockingham; Lindsay Bost, Charlotte; Lee Bush, Charlotte; John J. Cavanagh III, Winston-Salem; Kateri DuBay, Cary; Helen Tolson Dunn, Raleigh; Laura Taylor Eaddy, Lincolnton; Eron Earley-Thiele, Greenville; Joshua Adam Farmer, Clayton; Regina Taree Hayes, Chadbourn; Adrienne Leigh Ivey, Chadbourn; Jena Leigh Ivey, Chadbourn; Alison C. Johnson, Garner; Benita Nicole Jones, Raleigh; Laura Taylor Eaddy, Lincolnton; Eron Earley-Thiele, Greenville; Joshua Adam Farmer, Clayton; Regina Taree Hayes, Chadbourn; Adrienne Leigh Ivey, Chadbourn; Jena Leigh Ivey, Chadbourn; Alison C. Johnson, Garner; Benita Nicole Jones, Raleigh; Sarah Elizabeth Kilby, Mount Airy; Casey Stevens McCotter, Mt. Holly; Katie Myers, Fairview; Michael Scott Nesheim, Gastonia; Catherine Clark Oliver, Marietta; John Harvey Price, Raleigh; Kristi Michelle Scroggs, Boone; Garrett Scott Sharp, Salisbury; Angela Kay Skinner, Gastonia; Caroline Brooke Stillwell, Grifton; Marinda Morgan Walters, Fairmont; Jack Shelton Warren, Greenville; Danielle Yeargin, South Mills; and Tiffany Allyson Yokeley, Mount Airy.

On motion of Senator Basnight, seconded by Senator Jenkins, the Senate adjourns at 8:48 P.M. to meet tomorrow, Tuesday June 24, at 10:00 A.M.

EIGHTY-FOURTH DAY

Senate Chamber
Tuesday, June 24, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting Phillips Brooks, as follows:

“Our Father, at this time in the legislative year, the days become longer and decision-making is more difficult.

“Recall to the Senators and staff, as assurance of Your presence, O God, a short prayer that might serve to help them through. It goes: ‘We do not pray for easy lives. We pray
to be stronger people. We do not pray for tasks equal to our powers. We pray for powers equal to our tasks.' God, help them. Amen."

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

Senator Lee announces the Journal of yesterday, Monday, June 23, has been examined and is found to be correct. On 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. J. W. A. Woody from Tryon, 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. 457, AN ACT TO REQUIRE THE COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM TO PROVIDE INSTRUCTION ON THE PERFORMANCE OF CARDIOPULMONARY RESUSCITATION AND THE HEIMLICH MANEUVER.**

**S.B. 508, AN ACT TO PROVIDE THAT A TURKEY GROWER SHALL NOT BE DISQUALIFIED FROM USE VALUE TAXATION FOR A TWO-YEAR PERIOD IF THE GROWER’S LAND IS TAKEN OUT OF PRODUCTION SOLELY BECAUSE OF THE PRESENCE OF TURKEY DISEASE IN THE AREA.**

**S.B. 958, AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION.**

**H.B. 363, AN ACT TO DIRECT THE DEPARTMENT OF HUMAN RESOURCES NOT TO ELECT ANY CHILD SUPPORT DISTRIBUTION OPTION FOR WHICH FEDERAL FUNDS ARE NOT PROVIDED AND TO INCREASE THE APPLICATION FEE FOR NONPUBLIC ASSISTANCE CHILD SUPPORT ENFORCEMENT SERVICES.**

**H.B. 529, AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON CERTAIN PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION.**

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

**H.B. 748, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE.**
H.B. 698, AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS AND MODIFYING THE LAWS RELATING TO SATELLITE ANNEXATIONS WHICH APPLY TO MOORESVILLE.

H.J.R. 1191, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF LOYD EDWARD AUMAN. (Res. 18)

Upon the appearance of Senator Webster in the Chamber, the President acknowledges his presence and the leave of absence granted previously is withdrawn.

A MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A special 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, and disposed of, as follows:

S.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF CHEROKEE, CLAY, GUILFORD, MACON, AND POLK COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read S.B. 535 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF CERTAIN COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

The House Committee Substitute bill changes the measure from a local bill to a public bill.

On motion of Senator Cooper, the rules are suspended and the House Committee Substitute bill is placed on the Calendar for today for concurrence in the House Committee Substitute bill in its regular order of business.

WITHDRAWAL FROM CALENDAR

H.B. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, changing the title, upon concurrence, to read H.B. 430 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, AND TO PROVIDE FOR THE ADOPTION OF RULES AUTHORIZING SPECIAL-USE PERMITS FOR THE USE OF PYROTECHNICS IN STATE PARKS, on the Calendar for today.

Pursuant to Rule 43, the Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for today and re-refers the measure to the Finance Committee.

June 24, 1997
COMMITEE REFERRAL RECALL

H.B. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, changing the title, upon concurrence, to read H.B. 430 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, AND TO PROVIDE FOR THE ADOPTION OF RULES AUTHORIZING SPECIAL-USE PERMITS FOR THE USE OF PYROTECHNICS IN STATE PARKS, referred to the Finance Committee earlier today.

Pursuant to Rule 47(a), Senator Kerr offers a motion that the Senate Committee Substitute bill be withdrawn from the Finance Committee and placed on the Calendar for today, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill recalled from the Finance Committee and places it on the Calendar for today, for consideration upon its passage.

RECONSIDERATION

H.B. 136 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN LATE CHARGES FOR THE LATE RETURN OF RENTED PROPERTY ARE SUBJECT TO SALES TAX AND TO PROVIDE FOR TREBLE DAMAGES IN A CIVIL ACTION TO ENFORCE PAYMENT OF CERTAIN LATE CHARGES FOR THE LATE RETURN OF A RENTED VIDEOCASSETTE TAPE, having failed its second reading June 23.

Senator Winner offers a motion that the rules be suspended and the bill be taken from the table and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails.

Senator Winner offers a motion that the vote by which the Senate Committee Substitute bill failed to pass its second reading be reconsidered, which motion prevails, and the question becomes the passage of the measure upon second reading.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is recommitted to the Finance Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 475 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA WOMENWORK FUND FOR DISPLACED HOMEMAKERS TO BE ADMINISTERED BY THE NORTH CAROLINA COUNCIL FOR WOMEN, AND TO ESTABLISH AN ADDITIONAL CIVIL ACTION FEE TO BE COLLECTED BY THE COURT IN DIVORCE ACTIONS, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 46, noes 2, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballantine, Basnight, Blust,


The Committee Substitute bill is ordered sent to the House of Representatives.

**H.B. 400** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE AUTHORITY OF THE STATE BANKING COMMISSION TO ASSESS BANKS AND CONSUMER FINANCE LICENSEES FOR THE MAINTENANCE AND OPERATION OF THE OFFICE OF THE COMMISSIONER OF BANKS, 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 negative: Senator Webster—1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**H.B. 460** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO DESIGNATE WHO HAS THE DUTY TO ESTABLISH AND REVISE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS, changing the title, upon concurrence, to read **H.B. 460** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ADOPT ENTRANCE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill No. 2.
COMMITTEE REFERRAL RECALL

H.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM, referred to the Rules and Operations of the Senate Committee on May 6.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute 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 Committee Substitute bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

CALENDAR (Continued)

S.B. 934 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE AND MODERNIZE THE LAWS ON INSURERS OFFERING PREFERRED PROVIDER BENEFIT PLANS, PREFERRED PROVIDER ORGANIZATIONS, AND PREFERRED PROVIDER BENEFIT PLANS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

H.B. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, changing the title, upon concurrence, to read H.B. 430 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, AND TO PROVIDE FOR THE ADOPTION OF RULES AUTHORIZING SPECIAL-USE PERMITS FOR THE USE OF PYROTECHNICS IN STATE PARKS, placed on the Calendar earlier today.

The Senate recesses at 10:40 A.M. to reconvene at 11:45 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Marc Basnight, President Pro Tempore.

CALENDAR (Continued)

H.B. 430, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, changing the title, upon concurrence, to read H.B. 430 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, AND TO PROVIDE FOR THE ADOPTION OF RULES AUTHORIZING
SPECIAL-USE PERMITS FOR THE USE OF PYROTECHNICS IN STATE PARKS, placed before the Senate prior to recess.

With unanimous consent, the President Pro Tempore grants a leave of absence to Senator Horton for the remainder of today’s Session.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Senate Committee Substitute bill passes its second (45-4) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, July 1, for consideration upon its passage.

H.B. 852 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INFORMATION IN THE STOKES COUNTY 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION, changing the title, upon concurrence, to read H.B. 852 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT INFORMATION IN A 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION.

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. 997, A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT NOTARIES PUBLIC OBTAIN THE RECOMMENDATION OF A PUBLICLY ELECTED OFFICIAL, changing the title, upon concurrence, to read H.B. 997 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT NOTARIES PUBLIC OBTAIN THE RECOMMENDATION OF A PUBLICLY ELECTED OFFICIAL AND TO VALIDATE NOTARIAL ACTS PERFORMED BY CERTAIN NOTARIES BEFORE JUNE 1, 1997.

With unanimous consent, on motion of Senator Soles, the Senate Committee Substitute bill is re-referred to the Commerce Committee.

S.B. 933 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS FOR COVERAGE AND PROVIDER NETWORKS UNDER HEALTH INSURANCE POLICIES AND MANAGED CARE PLANS, upon third reading.

The Committee Substitute bill passes its third reading (49-0) and is ordered sent to the House of Representatives.

S.B. 924 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES, for concurrence in the House Committee Substitute bill, upon second reading.

June 24, 1997
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 negative: Senator Clark—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, June 25, for further consideration upon third reading.

S.B. 535 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF CHEROKEE, CLAY, GUILFORD, MACON, AND POLK COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence to read S.B. 535 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THE CONSENT OF CERTAIN COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY, placed on the Calendar earlier today.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

PERSONAL PRIVILEGE

With unanimous consent, on motion of Senator Ballance, the remarks of Senator Shaw of Cumberland who rises to a point of personal privilege are spread upon the Journal, as follows:

Senator Shaw of Cumberland:

"Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, this is the first opportunity I've taken to arise to a point of personal privilege. Members of the Senate, I won't belabor the points I'd like to make, but I, I just want to share with you some thoughts that I had about some of the work that we've done here in the Senate, and I'll be very brief. And I know we've passed a lot of good legislation, but every now and then there comes along some legislation that really hits the mark and sets the pace for many, many years to come. And, I didn't get a chance to speak to Senator Forrester's bill on the mastectomy where they allow for the ladies to have this surgery, to make that a part of their benefits package. This is some legislation that is long overdue. I was brought to the point of tears almost when I saw the Senate act upon it without hesitation. And I was just delighted to see it, and this is the kind of, this is really the kind of things that benefit all of North Carolinians. And there's no other motives there except that. The other one was the one that was done the other day, the environmental bill. And I think that you have reached down and found something within you that really speaks well, and bodes well for the, this great State. You know this great State has remained great because you are the guardians at the gate. You know anything that can happen, that could happen, bad or good; you get a look at it. And I think this legislation, it didn't have the blessings of
this group or that group; and they were mad at you, and he was mad at you, and that's what made it so great, I think. I learned a long time ago in contracting they said, 'Mr. Negotiator, do you have a good contract?', and he said, 'No.' And they said, 'Mr. Contractor, do you have a good contract?', and he said, 'No.' They said, 'Great, we've got a good contract.' And I think that's what we had last week. And it's not often we get a chance to hear the President get up and debate. It's a rarity, and Marc, your words have a lot of meaning to it; it's a lot of wisdom in your words. And we need to see more of that. And, Senator Perdue, I think in your most difficult hour, your lights shone the brightest. Now, you were stellar in your performance, in your presentation, and you commanded all of our attention to the matter at hand. So I'm very, very honored and deeply moved by this kind of legislation, Mr. President, and that is why today, you know I'm gonna be like Senator Owens and Senator Plyler. You know these guys got a lot of experience and a lot of wisdom. It reminds me of the story of the owl. The wise old owl sat on the oak; the more he learned the less he spoke. So I bid that my day will come soon. Thank you, sir."

APPOMINTMENT OF CONFERENCE COMMITTEES

S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, changing the title, upon concurrence, to read S.B. 356 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS AND TO EXEMPT HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967, with the Senate failing to concur on June 6.

Without objection, the President Pro Tempore appoints Senator Foxx, Chairman; and Senators Conder and Miller 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.

H.B. 484 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS.

Pursuant to the message from the House of Representatives received June 16 requesting conferees, without objection, the President Pro Tempore appoints Senator Albertson, Chairman; and Senators Odom, Horton, and Kincaid as conferees on the part of the Senate to act with a like committee of the House of Representatives 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.

On motion of Senator Basnight, seconded by Senator Garwood, the Senate adjourns at 12:47 P.M. to meet tomorrow, Wednesday, June 25, at 11:00 A.M.

June 24, 1997
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Eternal God, sometimes we are so busy talking in order to make our point, that we don’t hear people trying to agree with us!

"Today, give us all a few moments of quiet so that we may hear Your word to us. Without the single-minded attentiveness to listen to You, O God, we will rarely hear anything worth relating or catch a vision worth asking anyone else to gaze upon. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, June 24, has been examined and is found to be correct. On 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. Craig Corey from Davidson, who is serving the Senate as Doctor of the Day.

COURTESIES

With unanimous consent, on motion of Senator Ballance, the President extends privileges of the Floor to Bonita Jones, a sophomore at W. G. Enloe High School in Raleigh, serving as a Senate Page this week, who performs a violin medley of American music pieces, including Amazing Grace, The Battle Hymn of the Republic, American the Beautiful, and The Star Spangled Banner, for the Members of the Senate.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 535, AN ACT REQUIRING THE CONSENT OF CERTAIN COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY.

H.B. 433, AN ACT TO EXEMPT A SWORN LAW ENFORCEMENT OFFICER OR A RETIRED SWORN LAW ENFORCEMENT OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED Handgun PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN TWO YEARS OF RETIREMENT.

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. 741, AN ACT TO AUTHORIZE LOCAL GOVERNMENTS TO USE PHOTOGRAPHIC IMAGES AS PRIMA FACIE EVIDENCE OF A TRAFFIC VIOLATION. (Became law upon ratification, June 23, 1997 - S.L. 1997-216.)

H.B. 103, AN ACT TO DESIGNATE NINETEEN PRECINCTS IN AVERY COUNTY. (Became law upon ratification, June 23, 1997 - S.L. 1997-217.)

H.B. 834, AN ACT TO ALLOW THE CITIES OF LENOIR AND WILMINGTON TO USE WHEEL LOCKS ON ILLEGALLY PARKED VEHICLES. (Became law upon ratification, June 23, 1997 - S.L. 1997-218.)

H.B. 698, AN ACT LIMITING THE AUTHORITY OF THE TOWNS OF MOREHEAD CITY AND NEWPORT TO ANNEX NONCONTIGUOUS AREAS AND MODIFYING THE LAWS RELATING TO SATELLITE ANNEXATIONS WHICH APPLY TO MOORESVILLE. (Became law upon ratification, June 24, 1997 - S.L. 1997-219.)

H.B. 748, AN ACT TO REMOVE CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF MATTHEWS AND TO ADD THE PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE. (Became law upon ratification, June 24, 1997 - S.L. 1997-220.)

S.B. 272, AN ACT TO ENACT THE EXCELLENT SCHOOLS ACT. (Became law upon approval of the Governor, June 24, 1997 - S.L. 1997-221.)

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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE THE VOTERS OF BEAUFORT COUNTY THE SAME RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL, 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 7336, which changes the title, upon concurrence, to read H.B. 892 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT SUBJECT TO A REFERENDUM TO GIVE THE VOTERS OF BEAUFORT COUNTY A SIMILAR RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL, is adopted and engrossed.
H.B. 42, A BILL TO BE ENTITLED AN ACT TO EXTEND AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE CAROLINA TRACE COMMUNITY IN LEE COUNTY, with a favorable report.

H.B. 63 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS, with a favorable report.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill No. 2 is re-referred to the Finance Committee.

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGING THE METHOD FOR APPOINTMENT OF MEMBERS OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY, with a favorable report.

H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF SANFORD AND OTHER LAWS RELATING TO THE CITY BY DELETING THROUGHOUT THE WORDS "BOARD OF ALDERMEN", "BOARD", AND "ALDERMAN" AND SUBSTITUTING, AS APPROPRIATE, THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER", with a favorable report.

H.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THAT COUNTY, with a favorable report.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COST LIMIT ON CONSTRUCTION WORK UNDERTAKEN BY THE CITY OF LAURINBURG USING FORCE ACCOUNT QUALIFIED LABOR, with a favorable report.

H.B. 722 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS, SHERIFF, OR COUNTY COMMISSIONER IN BEAUFORT COUNTY, IF THE VACATING MEMBER WAS A MEMBER OF A POLITICAL PARTY, THE APPOINTING AUTHORITY SHALL APPOINT FROM A LIST RECOMMENDED BY THAT POLITICAL PARTY IF TWO OR MORE NAMES ARE SUBMITTED ON A TIMELY BASIS, with a favorable report.
H.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE, with a favorable report.

H.B. 265, A BILL TO BE ENTITLED AN ACT TO ADD VARIOUS COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY, 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 A397, which changes the title, upon concurrence, to read H.B. 265 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT ALLOWING COUNTIES TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY, is adopted and engrossed.

H.B. 651 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES, 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 7328 is adopted and engrossed.

By Senator Soles for the Commerce Committee:

H.B. 739 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING 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 7334 is adopted and engrossed.

By Senator Cooper for the Judiciary Committee:

H.B. 184, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FROM ARTICLE 2A OF THE ADMINISTRATIVE PROCEDURE ACT AND TO REQUIRE THE EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE TO MEET AT LEAST QUARTERLY, with a favorable report.

By Senator Jenkins for the Pensions & Retirement and Insurance Committee:

H.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BEACH PLAN PARTICIPATION FORMULA AND REVISE OTHER STATUTES RELATED TO THE BEACH PLAN, 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 1412, which changes the title, upon concurrence, to read H.B. 452 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BEACH PLAN PARTICIPATION FORMULA, PROVIDE FOR WINDSTORM AND HAIL INSURANCE IN
COASTAL COUNTIES, AUTHORIZE THE LEGISLATIVE RESEARCH COM-
MISSION TO STUDY THE AVAILABILITY OF PROPERTY INSURANCE IN THE
STATE, AND REVISE OTHER STATUTES RELATED TO THE INSURANCE
UNDERWRITING ASSOCIATION, is adopted and engrossed.

COMMITTEE REFEREAL RECALL

H.B. 27 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
INCREASE THE PENALTY FOR THE ESTABLISHMENT OF PYRAMID DISTRIBUTION PLANS, referred to the Judiciary Committee on May 6.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the Committee Substitute bill be withdrawn from the Judiciary Committee and re-referred to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Judiciary Committee and refers the measure to the Appropriations Committee.

H.B. 137, A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO ADD TO THE LIST OF AGGRAVATING FACTORS THAT CERTAIN PEOPLE WERE SERIOUSLY INJURED AS A RESULT OF THE OFFENSE, referred to the Judiciary Committee on February 26.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-refereed to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Appropriations Committee.

H.B. 141 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION'S RECOMMENDATION TO INCREASE THE CRIMINAL PENALTY FOR CERTAIN EMBEZZLEMENT OFFENSES, referred to the Judiciary Committee on March 13.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the Committee Substitute bill be withdrawn from the Judiciary Committee and re-referred to the Appropriations Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Judiciary Committee and refers the measure to the Appropriations Committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 500, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read S.B. 500 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH

June 25, 1997
THE MOUNTAIN ISLAND LAKE MARINE COMMISSION AND TO MODIFY THE PROVISIONS FOR NO-WAKE ZONES ON LAKE NORMAN, which is placed on the Calendar for tomorrow, Thursday, June 26.

S.B. 556, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 556 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, which is placed on the Calendar for tomorrow, Thursday, June 26.

A message received in the Office of the Principal Clerk from the House of Representatives transmitting a resolution is presented to the Senate, read the first time, and disposed of, as follows:

H.J.R. 1234, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BRADFORD VERDIZE LIGON, FORMER MEMBER OF THE GENERAL ASSEMBLY.

Referred to Rules and Operations of the Senate Committee.

CONFERENCE REPORT

S.B. 316 (House Committee Substitute)

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S.B. 316 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, 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 316, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, Fifth Edition Engrossed 5/13/97, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute, Fifth Edition Engrossed 5/13/97, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute, Fifth Edition Engrossed 5/13/97, and substitute the attached Proposed Conference Committee Substitute S316-PCCSX8733.

June 25, 1997
The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: June 24, 1997.

S/John Kerr S/Lyons Gray
S/David Hoyle S/Jim Carpenter
S/Donald R. Kincaid S/W. Dickson
S/R. L. Martin S/Bob Hunter
S/Donald R. Kincaid S/William Owens

Conferees for the Senate

Conferees for the House of Representatives

The text of the attached proposed Conference Committee Substitute bill X8773, is as follows:

A BILL TO BE ENTITLED
AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

The General Assembly of North Carolina enacts:

Section 1. Article 3A of Chapter 105 of the General Statutes reads as rewritten:

"ARTICLE 3A.

"§ 105-129.2. (Repealed effective January 1, 2002 -- see note) Definitions.

The following definitions apply in this Article:


(1a) Central administrative office. -- Defined in the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

(1b) Cost. -- Determined pursuant to regulations adopted under section 1012 of the Code.


(3) Enterprise tier. -- The classification assigned to an area pursuant to G.S. 105-129.3.

(4) Full-time job. -- A position that requires at least 1,600 hours of work per year and is intended to be held by one employee during the entire year. A full-time employee is an employee who holds a full-time job.

(5) Machinery and equipment. -- Engines, machinery, tools, and implements that are capitalized by the taxpayer for tax purposes under the Code and are used or designed to be used in manufacturing or processing, warehousing and distribution, or data processing the business for which the credit is claimed. The term does not include real property as defined in G.S. 105-273 or rolling stock as defined in G.S. 105-333.

§ 105-129.3. (Repealed effective January 1, 2002) Enterprise tier designation.

(a) Tiers Defined. -- An enterprise tier one area is a county whose enterprise factor is one of the 10 highest in the State. An enterprise tier two area is a county whose enterprise factor is one of the next 15 highest in the State. An enterprise tier three area is a county whose enterprise factor is one of the next 25 highest in the State. An enterprise tier four area is a county whose enterprise factor is one of the next 25 highest in the State. An enterprise tier five area is any area that is not in a lower-numbered enterprise tier.

(b) Annual Designation. -- Each year, on or before December 31, the Secretary of Commerce shall assign to each county in the State an enterprise factor that is the sum of the following:

1. The county's rank in a ranking of counties by average rate of unemployment from lowest to highest for the preceding three years.

2. The county's rank in a ranking of counties by average per capita income from highest to lowest for the preceding three years.

3. The county's rank in a ranking of counties by percentage growth in population from highest to lowest.

The Secretary of Commerce shall then rank all the counties within the State according to their enterprise factor from highest to lowest, identify all the areas of the State by enterprise tier, and provide this information to the Secretary of Revenue. An enterprise tier designation is effective only for the calendar year following the designation.

In measuring rates of unemployment and per capita income, the Secretary shall use the latest available data published by a State or federal agency generally recognized as having expertise concerning the data. In measuring population growth, the Secretary shall use the most recent estimates of population certified by the State Planning Officer.

(c) Exception for Enterprise Tier One Areas. -- Notwithstanding the provisions of this section, an enterprise tier one area may not be redesignated as a higher-numbered enterprise tier area until it has been an enterprise tier one area for at least two consecutive years.

§ 105-129.4. (Repealed effective January 1, 2002) Eligibility; forfeiture.

(a) Type of Business. -- A taxpayer is eligible for a credit allowed by G.S. 105-129.12 if the real property for which the credit is claimed is used for a central administrative office that creates at least 40 new jobs. A taxpayer is eligible for a credit if the other credits allowed by this Article if the taxpayer engages in manufacturing or processing, warehousing or distributing, or data processing, one of the following types of businesses and the jobs with respect to which a credit is claimed are created in that business, the machinery and equipment with respect to which a credit is claimed are used in that business, and the research and development for which a credit is claimed are carried out as part of that business:

1. Central administrative office that creates at least 40 new jobs.
2. Data processing.
3. Manufacturing or processing.
4. Warehousing or distribution.

A central administrative office creates at least 40 new jobs if, during the taxable year the taxpayer first uses the property as a central administrative office, the taxpayer hires at least 40 additional full-time employees to fill new positions at the office. Jobs transferred from one area in the State to another area in the State are not considered new jobs for purposes of this subsection.

(b) Wage Standard. -- A taxpayer is eligible for the credit for creating jobs or the credit for worker training if the jobs for which the credit is claimed meet the wage standard at the time the taxpayer applies for the credit. A taxpayer is eligible for the credit for investing in machinery and equipment, the credit for research and development, or the credit for investing in real property for a central administrative office if the jobs at the location with respect to which the credit is claimed meet the wage standard at the time the taxpayer applies for the credit. Jobs meet the wage standard if they pay an average weekly wage that is at least ten percent (10%) above the average weekly wage paid in the county in which the jobs will be located. In calculating the average weekly wage of jobs, positions that pay a wage or salary at a rate that exceeds one hundred thousand dollars ($100,000) a year shall be excluded. For the purpose of this subsection, the average wage in a county is the average wage for all insured industries in the county as computed by the Employment Security Commission for the most recent period for which data are available, equal to the applicable percentage times the applicable average weekly wage for the county in which the jobs will be located, as computed by the Secretary of Commerce from data compiled by the Employment Security Commission for the most recent period for which data are available. The applicable percentage for jobs located in an enterprise tier one area is one hundred percent (100%). The applicable percentage for all other jobs is one hundred ten percent (110%). The applicable average weekly wage is the lowest of the following: (i) the average wage for all insured private employers in the county, (ii) the average wage for all insured private employers in the State, and (iii) the average wage for all insured private employers in the county multiplied by the county income/wage adjustment factor. The county income/wage adjustment factor is the county income/wage ratio divided by the State income/wage ratio. The county income/wage ratio is average per capita income in the county divided by the annualized average wage for all insured private employers in the county. The State income/wage ratio is the average per capita income in the State divided by the annualized average wage for all insured private employers in the State.

(c) Worker Training. -- A taxpayer is eligible for the tax credit for worker training only for training workers who occupy jobs for which the taxpayer is eligible to claim an installment of the credit for creating jobs or which are full-time positions at a location with respect to which the taxpayer is eligible to claim an installment of the credit for investing in machinery and equipment for the taxable year.

The credit for worker training is allowed only with respect to employees in positions not classified as exempt under the Fair Labor Standards Act, 29 U.S.C. 213(a)(1) and for expenditures for training that would be eligible for expenditure or reimbursement under the Department of Community Colleges' New and Expanding Industry Program, as determined by guidelines adopted by the State Board of Community Colleges. The credit is not allowed for expenditures that are paid or reimbursed by the New and Expanding Industry Program. To establish eligibility, the taxpayer must obtain as part of the application process under G.S. 105-129.6 the certification of the Department of Community Colleges that the taxpayer's planned worker training would satisfy the requirements of this paragraph. A taxpayer shall apply to the Department of Community Colleges for the certification.
Colleges for this certification. The application must be on a form provided by the Department of Community Colleges, must provide a detailed plan of the worker training to be provided, and must contain any information required by the Department of Community Colleges to determine whether the requirements of this paragraph will be satisfied. If the Department of Community Colleges determines that the planned worker training meets the requirements of this paragraph, the Department of Community Colleges shall issue a certificate describing the location with respect to which the credit is claimed and stating that the planned worker training meets the requirements of this paragraph. The State Board of Community Colleges may adopt rules in accordance with Chapter 150B of the General Statutes that are needed to carry out its responsibilities under this paragraph.

(d) Forfeiture. -- A taxpayer forfeits a credit allowed under this Article if the taxpayer was not eligible for the credit at the time the taxpayer applied for the credit. A taxpayer that forfeits a credit under this Article is liable for all past taxes avoided as a result of the credit plus interest at the rate established under G.S. 105-241.1(i), computed from the date the taxes would have been due if the credit had not been allowed. The past taxes and interest are due 30 days after the date the credit is forfeited; a taxpayer that fails to pay the past taxes and interest by the due date is subject to the penalties provided in G.S. 105-236. If a taxpayer forfeits the credit for creating jobs or the credit for investing in machinery and equipment, the taxpayer also forfeits any credit for worker training claimed for the jobs for which the credit for creating jobs was claimed or the jobs at the location with respect to which the credit for investing in machinery and equipment was claimed.

(e) Change in Ownership of Business. -- The sale, merger, acquisition, or bankruptcy of a business, or any other transaction by which an existing business reformulates itself as another business, does not create new eligibility in a succeeding business with respect to credits for which the predecessor was not eligible under this Article. A successor business may, however, take any installment of or carried-over portion of a credit that its predecessor could have taken if it had a tax liability.

§ 105-129.5. (Repealed effective January 1, 2002) Tax election; cap.

(a) Tax Election. -- The credits provided in this Article are allowed against the franchise tax levied in Article 3 of this Chapter and the income taxes levied in Article 4 of this Chapter. The taxpayer shall elect the tax against which a credit will be claimed when filing the application for the credit. filing the return on which the first installment of the credit is claimed. This election is binding. Any carryforwards of the credit must be claimed against the same tax elected in the application. tax.

(b) Cap. -- The credits allowed under this Article may not exceed fifty percent (50%) of the tax against which they are claimed for the taxable year, reduced by the sum of all other credits allowed against that tax, except tax payments made by or on behalf of the taxpayer. This limitation applies to the cumulative amount of credit, including carryforwards, claimed by the taxpayer under this Article against each tax for the taxable year. Any unused portion of the credit may be carried forward for the succeeding five years.

§ 105-129.6. (Repealed effective January 1, 2002) Application; reports.

(a) Application. -- To claim the credits allowed by this Article, the taxpayer must provide with the tax return the certification of the Secretary of Commerce that the taxpayer meets all of the eligibility requirements of G.S. 105-129.4 with respect to each credit. A taxpayer shall apply to the Secretary of Commerce for certification of eligibility. The application must be on a form provided by the Secretary of Commerce and must contain any
information necessary for the Secretary of Commerce to determine whether the taxpayer meets the eligibility requirements. If the Secretary of Commerce determines that the taxpayer meets all of the eligibility requirements of G.S. 105-129.4 with respect to a credit, the Secretary shall issue a certificate describing the location with respect to which the credit is claimed, specifying the tax against which the credit will be claimed, outlining the eligibility requirements for the credit, and stating that the taxpayer meets the eligibility requirements. If the Secretary of Commerce determines that the taxpayer does not meet all of the eligibility requirements of G.S. 105-129.4 with respect to a credit, the Secretary must advise the taxpayer in writing of the eligibility requirements the taxpayer fails to meet. The Secretary of Commerce may adopt rules in accordance with Chapter 150B of the General Statutes that are needed to carry out the Secretary of Commerce's responsibilities under this section.

(b) Reports. -- The Department of Commerce shall report to the Department of Revenue and to the Fiscal Research Division of the General Assembly by May 1 of each year the following information for the 12-month period ending the preceding April 1:

1. The number of applications for each credit allowed in this Article.
2. The number and enterprise tier area of new jobs with respect to which credits were applied for.
3. The cost of machinery and equipment with respect to which credits were applied for.

"§ 105-129.7. (Repealed effective January 1, 2002) Substantiation.

To claim a credit allowed by this Article, the taxpayer must provide any information required by the Secretary of Revenue. Every taxpayer claiming a credit under this Article shall maintain and make available for inspection by the Secretary of Revenue any records the Secretary considers necessary to determine and verify the amount of the credit to which the taxpayer is entitled. The burden of proving eligibility for the credit and the amount of the credit shall rest upon the taxpayer, and no credit shall be allowed to a taxpayer that fails to maintain adequate records or to make them available for inspection.

"§ 105-129.8. (Repealed effective January 1, 2002) Credit for creating jobs.

(a) Credit. -- A taxpayer that meets the eligibility requirements set out in G.S. 105-129.4, has five or more employees for at least 40 weeks during the taxable year, and hires an additional full-time employee during that year to fill a position located in this State is allowed a credit for creating a new full-time job. The amount of the credit for each new full-time job created is set out in the table below and is based on the enterprise tier of the area in which the position is located:

<table>
<thead>
<tr>
<th>Area</th>
<th>Enterprise Tier</th>
<th>Amount of Credit</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Tier One</td>
<td>$12,500</td>
</tr>
<tr>
<td></td>
<td>Tier Two</td>
<td>4,000</td>
</tr>
<tr>
<td></td>
<td>Tier Three</td>
<td>3,000</td>
</tr>
<tr>
<td></td>
<td>Tier Four</td>
<td>1,000</td>
</tr>
<tr>
<td></td>
<td>Tier Five</td>
<td>500</td>
</tr>
</tbody>
</table>

A position is located in an area if more than fifty percent (50%) of the employee's duties are performed in the area. The credit may not be taken in the taxable year in which the additional employee is hired. Instead, the credit shall be taken in equal installments over the four years following the taxable year in which the additional employee was hired and shall be conditioned on the continued employment by the taxpayer of the number of full-time employees the taxpayer had upon hiring the employee that caused the taxpayer to qualify for the credit.

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If, in one of the four years in which the installment of a credit accrues, the number of
the taxpayer's full-time employees falls below the number of full-time employees the
taxpayer had in the year in which the taxpayer qualified for the credit, the credit expires
and the taxpayer may not take any remaining installment of the credit. The taxpayer may,
however, take the portion of an installment that accrued in a previous year and was carried
forward to the extent permitted under G.S. 105-129.5.

Jobs transferred from one area in the State to another area in the State shall not be
considered new jobs for purposes of this section. If, in one of the four years in which the
installment of a credit accrues, the position filled by the employee is moved to an area in a
higher- or lower-numbered enterprise tier, the remaining installments of the credit shall be
calculated as if the position had been created initially in the area to which it was moved.

(b) Repealed by Session Laws 1989, c. 111, s. 1.

(b1), (c) Repealed by Session Laws 1996, Second Extra Session, c. 13, s. 3.3.

(d) Planned Expansion. -- A taxpayer that signs a letter of commitment with the
Department of Commerce to create at least twenty new full-time jobs in a specific area
within two years of the date the letter is signed qualifies for the credit in the amount
allowed by this section based on the area's enterprise tier for that year even though the
employees are not hired that year. The credit shall be available in the taxable year after at
least twenty employees have been hired if the hirings are within the two-year commitment
period. The conditions outlined in subsection (a) apply to a credit taken under this
subsection except that if the area is redesignated to a higher-numbered enterprise tier after
the year the letter of commitment was signed, the credit is allowed based on the area's
enterprise tier for the year the letter was signed. If the taxpayer does not hire the
employees within the two-year period, the taxpayer does not qualify for the credit.
However, if the taxpayer qualifies for a credit under subsection (a) in the year any new
employees are hired, the taxpayer may take the credit under that subsection.

(e), (f) Repealed by Session Laws 1996, Second Extra Session, c. 13, s. 3.3 for
taxable years beginning on or after January 1, 1996.

§ 105-129.9. (Repealed effective January 1, 2002) Credit for investing in machinery
and equipment.

(a) Credit. -- If a taxpayer that has purchased or leased machinery and equipment
and places it in service in this State during the taxable year, the taxpayer is allowed a
credit equal to seven percent (7%) of the excess of the eligible investment amount over
the applicable threshold. The credit may not be taken for the taxable year in which the
equipment is placed in service but shall be taken in equal installments over the seven
years following the taxable year in which the equipment is placed in service.

(b) Eligible Investment Amount. -- The eligible investment amount is the lesser of (i)
the cost of the machinery and equipment and (ii) the amount by which the cost of all of
the taxpayer's machinery and equipment that is in service in this State on the last day of
the taxable year exceeds the cost of all of the taxpayer's machinery and equipment that
was in service in this State on the last day of the base year. The base year is that year, of
the three immediately preceding taxable years, in which the taxpayer had the most
machinery and equipment in service in this State.

(c) Threshold. -- The applicable threshold is the appropriate amount set out in the
following table based on the enterprise tier of the area where the machinery and
equipment are placed in service during the taxable year. If the taxpayer places machinery
and equipment in service in more than one area during the taxable year, the threshold
applies separately to the machinery and equipment placed in service in each area.


<table>
<thead>
<tr>
<th>Area Enterprise Tier</th>
<th>Threshold</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tier One</td>
<td>$ -0-</td>
</tr>
<tr>
<td>Tier Two</td>
<td>100,000</td>
</tr>
<tr>
<td>Tier Three</td>
<td>200,000</td>
</tr>
<tr>
<td>Tier Four</td>
<td>500,000</td>
</tr>
<tr>
<td>Tier Five</td>
<td>1,000,000</td>
</tr>
</tbody>
</table>

(d) Expiration. -- If, in one of the seven years in which the installment of a credit accrues, the machinery and equipment with respect to which the credit was claimed are sold disposed of, taken out of service, or moved out of State, the credit expires and the taxpayer may not take any remaining installment of the credit. The taxpayer may, however, take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under G.S. 105-129.5.

If, in one of the seven years in which the installment of a credit accrues, the machinery and equipment with respect to which the credit was claimed are moved to an area in a higher-numbered enterprise tier, the remaining installments of the credit are allowed only to the extent they would have been allowed if the machinery and equipment had been placed in service initially in the area to which they were moved.

(e) Planned Expansion. -- A taxpayer that signs a letter of commitment with the Department of Commerce to place specific machinery and equipment in service in an area within two years after the date the letter is signed may, in the year the machinery and equipment are placed in service in that area, calculate the credit for which the taxpayer qualifies based on the area's enterprise tier for the year the letter was signed. All other conditions apply to the credit, but if the area has been redesignated to a higher-numbered enterprise tier after the year the letter of commitment was signed, the credit is allowed based on the area's enterprise tier for the year the letter was signed. If the taxpayer does not place part or all of the specified machinery and equipment in service within the two-year period, the taxpayer does not qualify for the benefit of this subsection with respect to the machinery and equipment not placed in service within the two-year period. However, if the taxpayer qualifies for a credit in the year the machinery and equipment are placed in service, the taxpayer may take the credit for that year as if no letter of commitment had been signed pursuant to this subsection.

§ 105-129.10. (Repealed effective January 1, 2002) Credit for research and development.

A taxpayer that claims for the taxable year a federal income tax credit under section 41 of the Code for increasing research activities is allowed a credit equal to five percent (5%) of the State's apportioned share of the taxpayer's expenditures for increasing research activities. The State's apportioned share of a taxpayer's expenditures for increasing research activities is the excess of the taxpayer's qualified research expenses for the taxable year over the base amount, as determined under section 41 of the Code, multiplied by a percentage equal to the ratio of the taxpayer's qualified research expenses in this State for the taxable year to the taxpayer's total qualified research expenses for the taxable year. As used in this section, the terms 'qualified research expenses' and 'base amount' have the meaning provided in section 41 of the Code.

§ 105-129.11. (Repealed effective January 1, 2002) Credit for worker training.

(a) Credit. -- A taxpayer that provides worker training for five or more of its eligible employees during the taxable year is allowed a credit equal to fifty percent (50%) of its eligible expenditures for the training. For positions located in an enterprise tier one area, the credit may not exceed one thousand dollars ($1,000) per employee trained during the
taxable year. For other positions, the credit may not exceed five hundred dollars ($500.00) per employee trained during the taxable year. A position is located in an area if more than fifty percent (50%) of the employee's duties are performed in the area.

(b) Eligibility. -- The eligibility of a taxpayer's expenditures and employees is determined as provided in G.S. 105-129.4.

*S 105-129.12. Credit for investing in central administrative office property.

(a) Credit. -- If a taxpayer that has purchased or leased real property in this State begins to use the property as a central administrative office during the taxable year, the taxpayer is allowed a credit equal to seven percent (7%) of the eligible investment amount. The eligible investment amount is the lesser of (i) the cost of the property and (ii) the amount by which the cost of all of the property the taxpayer is using in this State as central administrative offices on the last day of the taxable year exceeds the cost of all of the property the taxpayer was using in this State as central administrative offices on the last day of the base year. The base year is that year, of the three immediately preceding taxable years, in which the taxpayer was using the most property in this State as central administrative offices. In the case of property that is leased, the cost of the property is considered to be the taxpayer's lease payments over a seven-year period, plus any expenditures made by the taxpayer to improve the property before it is used as the taxpayer's central administrative office if the expenditures are not reimbursed or credited by the lessor. The maximum credit allowed a taxpayer under this section for property used as a central administrative office is five hundred thousand dollars ($500,000). The entire credit may not be taken for the taxable year in which the property is first used as a central administrative office but shall be taken in equal installments over the seven years following the taxable year in which the property is first used as a central administrative office. The basis in any real property for which a credit is allowed under this section shall be reduced by the amount of credit allowable.

(b) Mixed Use Property. -- If the taxpayer uses only part of the property as the taxpayer's central administrative office, the amount of the credit allowed under this section is reduced by multiplying it by a fraction the numerator of which is the square footage of the property used as the taxpayer's central administrative office and the denominator of which is the total square footage of the property.

(c) Expiration. -- If, in one of the seven years in which the installment of a credit accrues, the property with respect to which the credit was claimed is no longer used as a central administrative office, the credit expires and the taxpayer may not take any remaining installment of the credit. If, in one of the seven years in which the installment of a credit accrues, part of the property with respect to which the credit was claimed is no longer used as a central administrative office, the remaining installments of the credit shall be reduced by multiplying it by the fraction described in subsection (b) of this section. If, in one of the seven years in which the installment of a credit accrues, the total number of employees the taxpayer employs at all of its central administrative offices in this State drops by 40 or more, the credit expires and the taxpayer may not take any remaining installment of the credit.

In each of these cases, the taxpayer may nonetheless take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under G.S. 105-129.5."

Section 2. G.S. 105-129.4(a), as amended by Section 1 of this act, reads as rewritten:

"(a) Type of Business. -- A taxpayer is eligible for a credit allowed by G.S. 105-129.12 if the real property for which the credit is claimed is used for a central

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administrative office that creates at least 40 new jobs. A taxpayer is eligible for the other credits allowed by this Article if the taxpayer engages in one of the following types of businesses and the jobs with respect to which a credit is claimed are created in that business, the machinery and equipment with respect to which a credit is claimed are used in that business, and the research and development for which a credit is claimed are carried out as part of that business:

1. Air courier services.
2. Central administrative office that creates at least 40 new jobs.
3. Data processing.
4. Manufacturing or processing.
5. Warehousing or distribution.

A central administrative office creates at least 40 new jobs if, during the taxable year the taxpayer first uses the property as a central administrative office, the taxpayer hires at least 40 additional full-time employees to fill new positions at the office. Jobs transferred from one area in the State to another area in the State are not considered new jobs for purposes of this subsection.

Section 3. Article 3B of Chapter 105 of the General Statutes reads as rewritten:

"ARTICLE 3B.
"Business Tax Credit.

§ 105-129.15. (Repealed effective January 1, 2002) Definitions.
The following definitions apply in this Article:

1. Business property. -- Tangible personal property that is used by the taxpayer in connection with a business or for the production of income and is capitalized by the taxpayer for tax purposes under the Code. The term does not include, however, a luxury passenger automobile taxable under section 4001 of the Code or a watercraft used principally for entertainment and pleasure outings for which no admission is charged.

2. Cost. -- Defined Determined pursuant to regulations adopted under section 1012 of the Code, subject to the limitation on cost provided in section 179 of the Code.


§ 105-129.16. (Repealed effective January 1, 2002) Credit for investing in business property.

(a) Credit. -- A taxpayer that has purchased or leased business property and places it in service in this State during the taxable year, the taxpayer is allowed a credit equal to four and one-half percent (4.5%) of the cost of the property. The maximum credit allowed for property placed in service during a taxable year is four thousand five hundred dollars ($4,500). The entire credit may not be taken for the taxable year in which the property is placed in service but must be taken in five equal installments beginning with the taxable year in which the property is placed in service.

(b) Expiration. -- If, in one of the five years in which the installment of a credit accrues, the business property with respect to which the credit was claimed is sold disposed of, taken out of service, or moved out of State, the credit expires and the taxpayer may not take any remaining installment of the credit. The taxpayer may, however, take the portion of an installment that accrued in a previous year and was carried forward to the extent permitted under G.S. 105-129.17.

(c) No Double Credit. -- A taxpayer that claims the credit allowed under Article 3A of this Chapter with respect to business property may not take the credit allowed in this section with respect to the same property. A taxpayer may not take the credit allowed in
this section for business property the taxpayer leases from another unless the taxpayer obtains the lessor's written certification that the lessor will not capitalize the property for tax purposes under the Code and the lessor will not claim the credit allowed in this section with respect to the property.

"§ 105-129.17. (Repealed effective January 1, 2002) Tax election; cap.

(a) Tax Election. -- The credit allowed in this Article is allowed against the franchise tax levied in Article 3 of this Chapter or the income taxes levied in Article 4 of this Chapter. The taxpayer must elect the tax against which the credit will be claimed when filing the return on which the first installment of the credit is claimed. This election is binding. Any carryforwards of the credit must be claimed against the same tax.

(b) Cap. -- The credit allowed in this Article may not exceed fifty percent (50%) of the tax against which it is claimed for the taxable year, reduced by the sum of all other credits allowed against that tax, except tax payments made by or on behalf of the taxpayer. This limitation applies to the cumulative amount of credit, including carryforwards, claimed by the taxpayer under this Article against each tax for the taxable year. Any unused portion of the credit may be carried forward for the succeeding five years.

"§ 105-129.18. (Repealed effective January 1, 2002) Substantiation.

To claim the credit allowed by this Article, the taxpayer must provide any information required by the Secretary of Revenue. Every taxpayer claiming a credit under this Article must maintain and make available for inspection by the Secretary of Revenue any records the Secretary considers necessary to determine and verify the amount of the credit to which the taxpayer is entitled. The burden of proving eligibility for the credit and the amount of the credit rests upon the taxpayer, and no credit may be allowed to a taxpayer that fails to maintain adequate records or to make them available for inspection.

"§ 105-129.19. (Repealed effective January 1, 2002) Reports.

The Department of Revenue shall report to the Legislative Research Commission and to the Fiscal Research Division of the General Assembly by May 1 of each year the following information for the 12-month period ending the preceding April 1:

(1) The number of taxpayers that claimed the credit allowed in this Article.

(2) The cost of business property with respect to which credits were claimed.

(3) The total cost to the General Fund of the credits claimed."

Section 4. (a) The Department of Commerce shall study the effect of the tax incentives provided in the William S. Lee Quality Jobs and Business Expansion Act, codified as Article 3A of Chapter 105 of the General Statutes, on tax equity. This study shall include the following:

(1) Reexamining the formula in G.S. 105-129.3(b) used to define enterprise tiers, to include consideration of alternative measures for more equitable treatment of counties in similar economic circumstances.

(2) Considering whether the assignment of tiers and the applicable thresholds are equitable for smaller counties, for example those under 50,000 in population.

(3) Compiling any available data on whether expanding North Carolina businesses receive fewer benefits than out-of-State businesses that locate to North Carolina.

(b) The Department of Commerce shall study the effectiveness of the tax incentives provided in the William S. Lee Quality Jobs and Business Expansion Act, codified as Article 3A of Chapter 105 of the General Statutes. This study shall include:
(1) Study of the distribution of tax incentives across new and expanding industries.

(2) Examination of data on economic recruitment for the period 1994 through 1998 by county, by industry type, by size of investment, and by number of jobs, and other relevant information to determine the pattern of business locations and expansions before and after the enactment of the William S. Lee Act incentives.

(3) Measuring the direct costs and benefits of the tax incentives.

(4) Compiling available information on the current use of incentives by other states and whether that use is increasing or declining.

c) The Department of Commerce shall report the results of these studies and its recommendations to the 1999 General Assembly by April 1, 1999.

Section 5. G.S. 105-129.3(e), as enacted by this act, is effective when this act becomes law and, notwithstanding G.S. 105-129.3(b), applies retroactively to designations for the 1997 and later calendar years; the other amendments to G.S. 105-129.3 made by this act are effective when this act becomes law and apply to designations for the 1998 and later calendar years. The amendments to G.S. 105-129.5 and G.S. 105-129.6 made by Section 1 of this act are effective for taxable years beginning on or after January 1, 1996. G.S. 105-129.9(e), as enacted by Section 1 of this act, and Section 2 of this act become effective for taxable years beginning on or after January 1, 1998. G.S. 105-129.12, as enacted by Section 1 of this act, and the amendments to G.S. 105-129.4(a) made by Section 1 of this act are effective for taxable years beginning on or after January 1, 1997, and apply to property the the taxpayer begins to use as a central administrative office on or after October 1, 1997. Section 4 of this act is effective when this act becomes law. The remainder of this act is effective for taxable years beginning on or after January 1, 1997.

Senator Kerr call the previous question, seconded by Senator Rand. The call is sustained.

On motion of Senator Kerr, the Conference Report is adopted (49-1) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 227 House of Representatives
June 25, 1997

Mr. 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 227, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION AND TO EXPEDITE THE PERMANENT CLOSURE OF LOW-RISK SITES UNDER THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK

June 25, 1997
CLEANUP ACT OF 1988, and requests conferees. The Speaker has appointed as conferees on the part of the House,

Representative Hackney,
Representative Weatherly, 
Representative Mitchell,
Representative Eddins, and
Representative Hightower

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

REPORT OF COMMITTEE

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. 993 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO CORPORATE CONVERSIONS OR RESTRUCTURING OF NONPROFIT HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS, with an unfavorable report as to concurrence.

With unanimous consent, on motion of Senator Rand, the House Committee Substitute bill is placed on the Calendar for tomorrow, Thursday, June 26, for concurrence.

CALENDAR

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

S.B. 924 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES, 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 48, noes 1, as follows:


 Voting in the negative: Senator Clark—1.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

June 25, 1997
APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 484 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS, with a Conference Committee being appointed on June 24.

Without objection, the President Pro Tempore appoints Senator Kinnaird as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Basnight, seconded by Senator Conder, the Senate adjourns at 12:02 P.M. to meet tomorrow, Thursday, June 26, at 10:00 A.M.

EIGHTY-SIXTH DAY

Senate Chamber
Thursday, June 26, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“All knowing God, we listen and look for it in a conversation with a homeless person who needs a dollar for lunch, or in dialogue with an advocate for a cause that needs one million dollars.

“We want to discover, to hear, and to speak the truth. We confess our cynicism, however, and feel at times like the writer who said, ‘As scarce as truth is, the supply has always been in excess of the demand.’

“Forgive us our cynicism or for the times we have felt imprisoned by the truth. Remind us of the promise that when we look to You, ‘we shall know the truth, and the truth shall set us free.’ Amen.”

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Wednesday, June 25, has been examined and is found to be correct. On 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 L. Weiss from Gastonia, 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. 924, AN ACT TO AUTHORIZE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES.

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

H.B. 587, AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES.

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. 366, AN ACT TO REVISE THE MEDIATION PROCEDURE FOR RESOLVING SCHOOL BUDGET DISPUTES BETWEEN LOCAL BOARDS OF EDUCATION AND BOARDS OF COUNTY COMMISSIONERS, AND TO CLARIFY THE SCOPE OF THE SCHOOL FACILITIES GUIDELINES. (Became law upon approval of the Governor, June 25, 1997 - S.L. 1997-222.)

H.B. 363, AN ACT TO DIRECT THE DEPARTMENT OF HUMAN RESOURCES NOT TO ELECT ANY CHILD SUPPORT DISTRIBUTION OPTION FOR WHICH FEDERAL FUNDS ARE NOT PROVIDED AND TO INCREASE THE APPLICATION FEE FOR NONPUBLIC ASSISTANCE CHILD SUPPORT ENFORCEMENT SERVICES. (Became law upon approval of the Governor, June 25, 1997 - S.L. 1997-223.)

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. 915, A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO ARE ENTITLED TO REFUNDS, with an unfavorable report a to bill, but favorable as to Committee Substitute bill.

Pursuant to the Rule 45.1, the proposed Committee Substitute bill 7808 is adopted and engrossed.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Appropriations Committee.

H.B. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE EXCLUSION OF FORFEITED RESERVATION DEPOSITS FROM THE ESCHEAT FUND, with a favorable report.

June 26, 1997
H.B. 549, A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE TOWN OF BILTMORE FOREST, with a favorable report.

H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON, with a favorable report.

H.B. 754, A BILL TO BE ENTITLED AN ACT TO LEVY AN EXCISE TAX ON ILLICIT SPIRITUOUS LIQUOR, AN EXCISE TAX ON MASH, AND AN EXCISE TAX ON ILLICIT MIXED BEVERAGES, with a favorable report.

H.B. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION, with a favorable report.

H.B. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND IN AVERY COUNTY AND THE TOWNS OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read H.B. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTIES OF MITCHELL AND STOKES BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES.

The bill, as amended, is placed on the Calendar for Monday, June 30, for consideration.

S.B. 483, A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT PAID TO PHYSICIANS TO READ X-RAY FILMS FOR THE DUSTY TRADES 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 7820 is adopted and engrossed.

WITHDRAWAL FROM CALENDAR

H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON, placed earlier today on the Calendar for Monday, June 30, upon second reading.

Senator Kerr offers a motion that he Committee Substitute bill be withdrawn from the Calendar for Monday, June 30, and placed on the Calendar for today, upon second reading, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the Committee
Substitute bill withdrawn from the Calendar for Monday, June 30, and places it on the Calendar for today for consideration upon second reading.

H.B. 549, A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE TOWN OF BILTMORE FOREST, placed earlier today on the Calendar for Monday, June 30, upon second reading.

Senator Kerr offers a motion that the bill be withdrawn from the Calendar for Monday, June 30, and placed on the Calendar for today, upon second reading, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the bill withdrawn from the Calendar for Monday, June 30, and places it on the Calendar for today for consideration upon second reading.

COMMITTEE REFERRAL RECALL

S.B. 915 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO ARE ENTITLED TO REFUNDS, referred to the Appropriations Committee earlier today.

Pursuant to Rule 47(a), Senator Perdue offers a motion that the Committee Substitute bill be withdrawn from the Appropriations Committee and placed on the Calendar for Tuesday, July 1, which motion prevails, with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Appropriations Committee and places it on the Calendar for Tuesday, July 1, for consideration upon its passage.

CALENDAR

H.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE, on today’s Calendar upon second reading.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is re-referred to the Finance Committee.

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE METHOD FOR APPOINTMENT OF MEMBERS OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY, on today’s Calendar.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is taken up out of its regular order of business and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Monday, June 30, for consideration upon its passage.

NOTICE OF PETITION

Senator Webster is recognized and pursuant to Rule 47(b), gives notice of his intention to circulate a petition for signatures asking that the Finance Committee be
discharged from further consideration of S.B. 82, A BILL TO BE ENTITLED AN ACT TO REFUND THE UNCONSTITUTIONAL INTANGIBLES TAX PAID ON STOCK WITH INTEREST FOR THE 1992 THROUGH 1994 TAX YEARS.

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, and disposed of, as follows:

S.B. 537 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, June 30.

REPORT TO GENERAL ASSEMBLY

Agencies directed to report to the General Assembly submit a report (see Addendum) which is placed on file in the Office of the Principal Clerk, as follows:


CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 42, A BILL TO BE ENTITLED AN ACT TO EXTEND AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE CAROLINA TRACE COMMUNITY IN LEE COUNTY

Senator Wellons offers Amendment No. 1 which is adopted (50-0), changing the title, upon concurrence, to read H.B. 42, A BILL TO BE ENTITLED AN ACT TO EXTEND AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE CAROLINA TRACE COMMUNITY IN LEE COUNTY AND TO EXTEND THE APPLICATION OF THAT ACT TO THE LAKE ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES.

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, without objection, by special messenger.

H.B. 671 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF SANFORD AND OTHER LAWS RELATING TO THE CITY BY DELETING THROUGHOUT THE WORDS "BOARD OF ALDERMEN", "BOARD", AND "ALDERMAN" AND SUBSTITUTING, AS APPROPRIATE, THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER".

The Committee Substitute bill passes its second and third readings and is ordered enrolled.
H.B. 685 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THAT COUNTY.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 710 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COST LIMIT ON CONSTRUCTION WORK UNDERTAKEN BY THE CITY OF LAURINBURG USING FORCE ACCOUNT QUALIFIED LABOR.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 733 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT IN FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS, SHERIFF, OR COUNTY COMMISSIONER IN BEAUFORT COUNTY, IF THE VACATING MEMBER WAS A MEMBER OF A POLITICAL PARTY, THE APPOINTING AUTHORITY SHALL APPOINT FROM A LIST RECOMMENDED BY THAT POLITICAL PARTY IF TWO OR MORE NAMES ARE SUBMITTED ON A TIMELY BASIS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 892 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GIVE THE VOTERS OF BEAUFORT COUNTY THE SAME RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL, changing the title, upon concurrence, to read H.B. 892 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT SUBJECT TO A REFERENDUM TO GIVE THE VOTERS OF BEAUFORT COUNTY A SIMILAR RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL.

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.

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. 789 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE TOWN OF OAKBORO, with a favorable report.

With unanimous consent, upon motion of Senator Kerr, the rules are suspended to the end and the Committee Substitute bill is placed on the Calendar for today, for consideration upon second reading.
By Senator Soles for the Commerce Committee:

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FUEL PIPING LICENSE FOR PLUMBING AND HEATING CONTRACTORS, TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO CREATE OTHER RESTRICTED LICENSE CLASSIFICATIONS, AND TO ALLOW THE REVOCATION OR SUSPENSION OF A LICENSE FOR FAILURE TO COMPLY WITH RULES PROMULGATED BY THE BOARD, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

RECONSIDERATION

S.B. 316 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, with the Conference Report having been adopted on June 25.

Without objection, the President orders that the vote by which the Conference Report was adopted on June 25 be reconsidered. With the Conference Report being material which requires a call of the roll, submission on June 25 constituted the first reading of the measure. The President orders the Conference Report placed on today’s Calendar for adoption upon second reading.

CALENDAR (Continued)

S.B. 500, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read S.B. 500 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION AND TO MODIFY THE PROVISIONS FOR NO-WAKE ZONES ON LAKE NORMAN, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 50, noes 0, as follows:


Voting in the negative: None.

The House Committee Substitute bill No. 2 remains on the Calendar for Monday, June 30, for further consideration of concurrence upon third reading.

S.B. 556 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 556 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT
REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION.

The Senate fails to concur in the House Committee Substitute bill (0-50).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The Senate recesses at 10:51 A.M. for the purpose of an Appropriations Committee meeting to reconvene at 11:00 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

WITHDRAWAL FROM CALENDAR

H.B. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, reported as amended by the Finance Committee earlier today, changing the title, upon concurrence, to read H.B. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTIES OF MITCHELL AND STOKES BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, and placed on the Calendar for Monday, June 30.

Senator Kerr offers a motion that the bill, as amended, be withdrawn from the Calendar for Monday, June 30, and recommitted to the Finance Committee, which motion prevails with unanimous consent.

The Chairs orders the bill, as amended, withdrawn from the Calendar for Monday, June 30, and recommits the measure to the Finance Committee.

COMMITTEE REFERRAL RECALL

H.B. 695, A BILL TO BE ENTITLED AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN, referred to the State Government, Local Government, and Personnel Committee on April 29.

Pursuant to Rule 47(a), Senator Miller offers a motion that the bill be withdrawn from the State Government, Local Government, and Personnel Committee, and placed before the Senate for immediate consideration upon second reading, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the State Government, Local Government, and Personnel Committee and places its before the Senate for immediate consideration upon second reading.

The President orders, without objection, the bill temporarily displaced.

June 26, 1997

Pursuant to Rule 47(a), Senator Miller offers a motion that the bill be withdrawn from the State Government, Local Government, and Personnel Committee, and placed before the Senate for immediate consideration upon second reading, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the State Government, Local Government, and Personnel Committee and places its before the Senate for immediate consideration upon second reading.

CALENDAR (Continued)

H.B. 184, A BILL TO BE ENTITLED AN ACT TO EXEMPT THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FROM ARTICLE 2A OF THE ADMINISTRATIVE PROCEDURE ACT AND TO REQUIRE THE EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE TO MEET AT LEAST QUARTERLY.

The bill passes its second (46-0) and third readings and is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

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 Committee:

S.B. 473, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 1997-98 FISCAL YEAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 4624, which changes the title to read S.B. 473 (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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW, is adopted and engrossed.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill remains before the Senate for immediate consideration upon its passage.

The Committee Substitute bill passes its second (47-2) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

CALENDAR (Continued)

H.B. 695, A BILL TO BE ENTITLED AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN, temporarily displaced earlier upon second reading.

The bill passes its second reading by roll-call vote, ayes 50, noes 0, as follows:

June 26, 1997

Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 30, for further consideration upon third reading.

H.B. 753, A BILL TO BE ENTITLED AN ACT TO MOVE A PARCEL OF PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF ABERDEEN AND TO THE TOWN OF SOUTHERN PINES, AND TO ANNEX A PARCEL OF PROPERTY TO THE TOWN OF ABERDEEN, placed on the Calendar earlier today upon second reading.

The bill passes its second reading by roll-call vote, ayes 50, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 30, for further consideration, upon third reading.

H.B. 265 A BILL TO BE ENTITLED AN ACT TO ADD VARIOUS COUNTIES TO THOSE COUNTIES AUTHORIZED TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY, changing the title, upon concurrence, to read H.B. 265 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE STATEWIDE A LOCAL ACT ALLOWING COUNTIES TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.

The Senate Committee Substitute bill 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.

H.B. 452 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BEACH PLAN PARTICIPATION FORMULA AND REVISE OTHER STATUTES RELATED TO THE BEACH PLAN, changing the title, upon concurrence, to read H.B. 452 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE BEACH PLAN PARTICIPATION FORMULA, PROVIDE FOR WINDSTORM AND HAIL INSURANCE IN COASTAL COUNTIES, AUTHORIZE THE LEGISLATIVE RESEARCH COMMISSION TO STUDY THE AVAILABILITY OF PROPERTY INSURANCE IN THE STATE, AND REVISE OTHER STATUTES RELATED TO THE INSURANCE UNDERWRITING ASSOCIATION.

The Senate Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.
H.B. 651 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES.

The Senate Committee Substitute bill passes its second (29-18) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

H.B. 739 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW.

Senator Hoyle offers Amendment No. 1 which is adopted (50-0).

The Senate Committee Substitute bill, as amended, passes its second (50-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO PROTECT THE RIGHTS OF SUBSCRIBERS AND CERTIFICATE HOLDERS IN THE RESERVES AND CAPITAL OF HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS UPON CONVERSION, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 993 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

The Senate fails to concur in the House Committee Substitute bill (0-50).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 316 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, Conference Report for adoption, placed earlier today on the Calendar upon second reading.

On motion of Senator Kerr, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Conference Report remains on the Calendar for Monday, June 30, for adoption upon third reading.

H.B. 549, A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND
THE TOWN OF BILTMORE FOREST, placed earlier today on the Calendar upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for Monday, June 30, for further consideration upon third reading.

**H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON, placed earlier today on the Calendar upon second reading.**

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 30, for further consideration upon third reading.

**H.B. 789 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE TOWN OF OAKBORO, placed earlier today on the Calendar upon second reading.**

The Committee Substitute bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for Monday, June 30, for further consideration 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 Winner for the Education/Higher Education Committee:

H.B. 769 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN STUDENTS WHO DROP OUT OF SCHOOL OR DO NOT MAKE PROGRESS TOWARD GRADUATION SHALL NOT BE ELIGIBLE FOR DRIVERS PERMITS OR LICENSES, 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 4128 is adopted and engrossed.

With unanimous consent, on motion of Senator Winner, the Senate Committee Substitute bill is re-referred to the Finance Committee and upon a favorable report, re-referred to the Appropriations Committee.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

H.B. 251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE WELL CONTRACTORS CERTIFICATION COMMISSION, TO REQUIRE THAT WELL CONTRACTORS BE CERTIFIED, AND TO MAKE VARIOUS AMENDMENTS TO THE WELL CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 998, A BILL TO BE ENTITLED AN ACT TO ENACT INTO LAW THE SOUTHERN DAIRY COMPACT, TO DIRECT THE APPOINTMENT OF MEMBERS FROM NORTH CAROLINA TO THE SOUTHERN DAIRY COMPACT COMMISSION, AND TO APPROPRIATE FUNDS, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Appropriations Committee.

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT A RULE TO AUTHORIZE THE USE OF DESIGN CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMPLIES WITH FEDERAL LAW AND THAT PROVIDES FOR AN ALTERNATE LANDFILL LINER THAT IS AT LEAST AS PROTECTIVE AS THE CURRENTLY AUTHORIZED LANDFILL LINER, 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, upon concurrence, to read H.B. 1032 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT A RULE TO AUTHORIZE THE USE OF DESIGN CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMPLIES WITH FEDERAL LAW AND THAT PROVIDES FOR ALTERNATE LANDFILL LINERS THAT ARE AT LEAST AS PROTECTIVE AS THE CURRENTLY AUTHORIZED LANDFILL LINER, is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 1135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE STATE PERSONNEL ACT TO PROVIDE FOR AN INCENTIVE
BONUS PROGRAM TO RECOGNIZE AND REWARD THE COST-SAVING INITIATIVE AND INNOVATIONS OF STATE EMPLOYEES, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to the Rule 45.1, the proposed Senate Committee Substitute bill 6289, which changes the title, upon concurrence, to read H.B. 1135 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING CHAPTER 143 OF THE GENERAL STATUTES TO PROVIDE FOR AN INCENTIVE BONUS PROGRAM TO RECOGNIZE AND REWARD THE COST-SAVING AND REVENUE-INCREASING INITIATIVES AND INNOVATIONS OF STATE EMPLOYEES, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

COMMITTEE REFERRAL RECALL

S.B. 534, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF PLEASANT GARDEN, 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 Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

PERSONAL PRIVILEGE

With unanimous consent, on motion of Senator Shaw of Guilford, the remarks of Senator Webster, who rises to a point of personal privilege, are spread upon the Journal, as follows:

Senator Webster:

"Mr. President, Members of the Senate, members of the public, we have an issue that needs our attention. There's a memo which says many people will... Let's back up a second. This morass with intangibles taxes needs to be fixed right. There's a class action lawsuit out there that people are unknowingly party to. Apparently under the law, those persons who are affected by it have to take the action of opting out of the class action lawsuit. It's called Smith. There's a, Department of Revenue, Department of Justice, somebody has published, had notices published in some papers. They were very obscure, very few people saw 'em. I found out about it first quite by accident. Ladies and gentlemen, we, elected to represent the people, need to uphold our responsibility to 'em, and do what is right in this issue. The people need to be notified what is happening to 'em. We need to take action that stops this. I asked the Secretary of Revenue if we could not arrange to send notices to those that are affected by Smith, Superior Court, Wake County Superior Court case, class action suit. I was told that there was no plan to send notices. Secretary of State, I'm sorry, Revenue, Secretary of Revenue, the Revenue, Department of Revenue is the only place in the world where the database exists to notify these people that are affected. I was told that if somebody important asked for it, like Norma, then it could be done. I hope this might be done. Senators, ladies, and gentlemen,
there's a perception out there about us, about the Legislature, about the Judicial, about the Executive, about all of government. That perception is that there's a form of conspiracy among us to take more of the resources, to deprive 'em of more of the freedoms, to erode the freedoms. The people have paid taxes to pay Appellate Judges, to pay Supreme Court Justices, here in North Carolina and in Washington, to hear these cases, to hear Fulton. The people have paid taxes to pay the Attorney General's Office, Department of Revenue to fight against 'em. We, the taxpayers, have paid all branches of government. Now those people who were honest enough to pay the intangibles taxes, and smart enough to protest 'em, who are not in the know, insiders who don't read legal notices in other towns, may lose sixteen percent of the refund they have coming to 'em to a law firm that they've never heard of. The Executive Branch dropped the ball on this. The Judicial dropped the ball. The Legislative Branch, these of us here, that the people elected to represent them, need to pick up the ball and do something with it. Thank you very much."

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**H.B. 210**, AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.

**H.B. 476**, AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES, AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES, FOR VITAL RECORDS.

On motion of Senator Ballance, seconded by Senator Lee, the Senate adjourns at 12:18 P.M. to meet Monday, June 30, at 7:00 P.M.

EIGHTY-SEVENTH DAY

Senate Chamber
Monday, June 30, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

“Our Father, this week give us the faith to live victoriously even in the midst of obstacles that we face. Teach us the honesty that acknowledges that life is sometimes more than patient endurance and keeping a stiff upper lip, and that whistling in the dark is not really bravery.

“Bless us with humility so that we may feel no shame in expressing our need of You, O Living God.

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"Forgive us any pride that might cause us to be pretentious or haughty when we know full well that sometimes we ourselves are no more than beggars.

"Knowing who we are and Whose we are will help us live faithfully with the assurance that all things work together for good to them that love You. Amen."

With unanimous consent, the President grants a leave of absence for tonight to Senator McDaniel.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, June 26, has been examined and is found to be correct. On 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:

**H.B. 184**, AN ACT TO EXEMPT THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FROM ARTICLE 2A OF THE ADMINISTRATIVE PROCEDURE ACT AND TO REQUIRE THE EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE TO MEET AT LEAST QUARTERLY.

**H.B. 430**, AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, AND TO PROVIDE FOR THE ADOPTION OF RULES AUTHORIZING SPECIAL-USE PERMITS FOR THE USE OF PYROTECHNICS IN STATE PARKS.

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

**H.B. 671**, AN ACT TO AMEND THE CHARTER OF THE CITY OF SANFORD AND OTHER LAWS RELATING TO THE CITY BY Deleting THROUGHOUT THE WORDS "BOARD OF ALDERMEN", "BOARD", AND "ALDERMAN" AND SUBSTITUTING, AS APPROPRIATE, THE WORDS "CITY COUNCIL" AND "COUNCIL MEMBER".

**H.B. 685**, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THAT COUNTY.

**H.B. 710**, AN ACT TO INCREASE THE COST LIMIT ON CONSTRUCTION WORK UNDERTAKEN BY THE CITY OF LAURINBURG USING FORCE ACCOUNT QUALIFIED LABOR.

**H.B. 733**, AN ACT TO PROVIDE THAT IN FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS, SHERIFF, OR COUNTY COMMISSIONER IN BEAUFORT COUNTY, IF THE VACATING MEMBER WAS A MEMBER OF A POLITICAL PARTY, THE APPOINTING AUTHORITY SHALL APPOINT FROM A

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LIST RECOMMENDED BY THAT POLITICAL PARTY IF TWO OR MORE NAMES ARE SUBMITTED ON A TIMELY BASIS.

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. 587, AN ACT TO ALLOW THE MECKLENBURG COUNTY ALCOHOLIC BEVERAGE CONTROL BOARD TO PROVIDE ITS OWN LAW ENFORCEMENT PERSONNEL AND TO CONTRACT FOR ADDITIONAL LAW ENFORCEMENT SERVICES. (Became law upon ratification, June 26, 1997 - S.L. 1997-224.)

H.B. 5, AN ACT TO REQUIRE CERTAIN COVERAGE FOR DIABETES IN HEALTH AND ACCIDENT INSURANCE POLICIES, IN HOSPITAL OR MEDICAL SERVICES PLANS, AND IN HMO PLANS. (Became law upon approval of the Governor, June 26, 1997 - S.L. 1997-225.)

H.B. 260, AN ACT TO INCREASE THE CAP ON THE INCOME TAX CREDIT FOR REAL PROPERTY DONATED FOR CONSERVATION PURPOSES, TO ENSURE THAT CONSERVATION AND PRESERVATION AGREEMENTS ARE CONSIDERED IN DETERMINING THE APPRAised VALUE OF LAND AND IMPROVEMENTS, AND TO ESTABLISH THE CONSERVATION GRANT FUND. (Became law upon approval of the Governor, June 26, 1997 - S.L. 1997-226.)

H.B. 374, AN ACT TO AMEND THE CRIME VICTIMS COMPENSATION ACT TO INCREASE THE ALLOWABLE EXPENSE FOR FUNERALS, TO MAKE VICTIMS OF HIT AND RUN ACCIDENTS AND VICTIMS OF TERRORISM ELIGIBLE FOR COMPENSATION, AND TO PROVIDE THAT COLLATERAL SOURCES FOR THE PAYMENT OF FUNERAL EXPENSES SHALL NOT CONSTITUTE GROUNDS FOR DENIAL OR REDUCTION OF AN AWARD OF COMPENSATION. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-227.)


H.B. 907, AN ACT TO ESTABLISH A PILOT PROGRAM OF MEDIATED SETTLEMENT CONFERENCES IN DISTRICT COURT ACTIONS INVOLVING CERTAIN FAMILY ISSUES. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-229.)

H.B. 1008, AN ACT REGARDING THE EDUCATIONAL REQUIREMENTS FOR CHIROPRACTIC LICENSURE AND TO AUTHORIZE THE BOARD TO LICENSE PERSONS WHO HAVE PASSED THE NATIONAL CHIROPRACTIC
EXAMINATION. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-230.)

**H.B. 933, AN ACT TO INCREASE THE FEES COLLECTED UNDER THE PHARMACY PRACTICE ACT.** (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-231.)

**S.B. 997, AN ACT TO PROVIDE THAT A PERSON WHO IGNORES A WARNING REGARDING PERSONAL SAFETY IN A DISASTER SITUATION AND PLACES HIMSELF OR HERSELF OR ANOTHER IN DANGER AND REQUIRES AN EMERGENCY RESCUE IS CIVILLY LIABLE FOR THE COSTS OF THE RESCUE EFFORT.** (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-232.)

**H.B. 597, AN ACT TO BROADEN THE AUTHORITY OF MUNICIPALITIES AND HOSPITAL AUTHORITIES REGARDING LEASES AND JOINT VENTURES.** (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-233.)

**S.B. 393, AN ACT TO MANDATE THE REVOCATION OF A PERSON'S DRIVERS LICENSE OR LIMITED DRIVING PRIVILEGE FOR WILLFUL FAILURE TO COMPLETE COURT-ORDERED COMMUNITY SERVICE AND TO ELIMINATE THE REQUIREMENT FOR JUDICIAL INVOLVEMENT IN THE APPOINTMENT OF COMMUNITY SERVICE COORDINATORS.** (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-234.)

**S.B. 142, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE STATE PORTS STUDY COMMISSION TO PROVIDE THAT AT LEAST ONE MEMBER OF THE BOARD OF THE NORTH CAROLINA STATE PORTS AUTHORITY BE AFFILIATED WITH A MAJOR EXPORTER OR IMPORTER USING THE STATE PORTS.** (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-235.)

**S.B. 71, AN ACT TO ALLOW SCHOOL BOARDS TO ENTER INTO OPERATIONAL LEASES OF REAL AND PERSONAL PROPERTY FOR USE AS SCHOOL BUILDINGS, FOR THE REVIEW AND APPROVAL OF CERTAIN LEASES BY BOARDS OF COUNTY COMMISSIONERS AND THE LOCAL GOVERNMENT COMMISSION, AND TO MAKE TECHNICAL CORRECTIONS REGARDING THE REVIEW BY THE LOCAL GOVERNMENT COMMISSION OF CERTAIN LEASES, LEASE PURCHASE CONTRACTS, AND INSTALLMENT PURCHASE CONTRACTS.** (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-236.)

**H.B. 195, AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE NORTH CAROLINA SENTENCING AND POLICY ADVISORY COMMISSION TO MAKE CLARIFYING CHANGES TO POST-RELEASE SUPERVISION.** (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-237.)

**H.B. 958, AN ACT TO AMEND THE CONCEALED WEAPON AND CONCEALED HANDGUN PERMIT LAWS.** (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-238.)

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S.B. 765, AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO DEDICATE ADEQUATE FUNDING TO STUDENTS IN ALTERNATIVE SCHOOLS. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-239.)

H.B. 746, AN ACT TO DIRECT THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO REVIEW AND ADOPT A POLICY REGARDING UNIFORM HIGHER EDUCATION ADMISSIONS REQUIREMENTS FOR NONPUBLIC SCHOOL STUDENTS. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-240.)

S.B. 329, AN ACT TO REPEAL THE REQUIREMENT THAT STATE SAVINGS BANKS USE THE LETTERS "SSB" OR THE WORDS "SAVINGS BANK" IN THEIR LEGAL NAME IN ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS AND TO AMEND THE NORTH CAROLINA RECIPROCAL INTERSTATE BANKING ACT RELATING TO BANKS ACTING AS AGENTS FOR DEPOSITORY INSTITUTION AFFILIATES. ORDER TO CONFORM WITH THE REQUIREMENTS APPLICABLE TO FEDERAL SAVINGS BANKS. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-241.)

H.B. 476, AN ACT TO AMEND THE VITAL RECORDS LAWS PERTAINING TO ACCESS TO, COPIES, AND PUBLIC NATURE OF, AND APPLICATION OF AUTHORIZED FEES, FOR VITAL RECORDS. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-242.)

S.B. 1066, AN ACT TO DIRECT THE STATE BOARD OF EDUCATION TO DETERMINE WHICH GROUPS OF STUDENTS ARE LIKELY TO SCORE BELOW BENCHMARKS ON STATEWIDE TESTS AND TO RECOMMEND WAYS TO FOCUS RESOURCES ON ADDRESSING THE NEEDS OF THOSE STUDENTS. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-243.)

H.B. 530, AN ACT TO EXEMPT CERTAIN CORPORATIONS WHICH OFFER ENGINEERING SERVICES FROM THE APPLICABILITY OF THE PROFESSIONAL CORPORATION ACT. (Became law upon approval of the Governor, June 27, 1997 - S.L. 1997-244.)

**REPORT OF COMMITTEE**

Bills are reported from a standing committee, read by their title, together with the report accompanying them, and take their place on the Calendar, as follows:

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 545, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, with a favorable report.

H.B. 708, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN

June 30, 1997
THE CITY OF CHARLOTTE AND WITHIN THE CITY’S EXTRATERRITORIAL PLANNING JURISDICTION, 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 2356, which changes the title, upon concurrence, to read H.B. 708 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THE CITIES’ EXTRATERRITORIAL PLANNING JURISDICTION, is adopted and engrossed.

INTRODUCTION OF A RESOLUTION

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

By Senators Reeves, Carrington, Horton, Kerr, and Miller:

S.J.R. 1084, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF J. MELVILLE BROUGHTON, JR.
Referred to Rules and Operations of the Senate Committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages and a special message received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 1.

S.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 844 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO CLARIFY WHAT ACTIONS ON ECONOMIC DEVELOPMENT INCENTIVES MAY BE TAKEN IN CLOSED SESSIONS, which is placed on the Calendar for tomorrow, Tuesday, July 1.

S.B. 521 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PILOT PROGRAMS ON SEXUAL ASSAULT FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Tuesday, July 1.

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 316 (House Committee Substitute)  House of Representatives  June 30, 1997

Mr. 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 House Committee Substitute for SB 316, A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, to the end that 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

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 549, A BILL TO BE ENTITLED AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE TOWN OF BILTMORE FOREST, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The bill is ordered enrolled.

H.B. 655 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill is ordered enrolled.
**H.B. 695**, A BILL TO BE ENTITLED AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered enrolled.

**H.B. 753**, A BILL TO BE ENTITLED AN ACT TO MOVE A PARCEL OF PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF ABERDEEN AND TO THE TOWN OF SOUTHERN PINES, AND TO ANNEX A PARCEL OF PROPERTY TO THE TOWN OF ABERDEEN, upon third reading.

The bill passes its third reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill is ordered enrolled.

**H.B. 789** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE BOUNDARIES OF THE TOWN OF OAKBORO, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Committee Substitute bill is ordered enrolled.

**H.B. 867**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION, upon second reading.

Senator Rucho offers Amendment No. 1, proposing to change the title, upon concurrence, to read **H.B. 867**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS, TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION AND TO MAKE A
TECHNICAL CORRECTION IN A BILL MOVING CERTAIN PARCELS FROM MATTHEWS TO CHARLOTTE.

The President orders, without objection, the bill temporarily displaced, with Amendment No. 1 pending.

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE METHOD FOR APPOINTMENT OF MEMBERS OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY.

With unanimous consent, on motion of Senator Miller, the Committee Substitute bill is withdrawn from today’s Calendar and is recommitted to the State Government, Local Government, and Personnel Committee.

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT A RULE TO AUTHORIZE THE USE OF DESIGN CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMPLIES WITH FEDERAL LAW AND THAT PROVIDES FOR AN ALTERNATE LANDFILL LINER THAT IS AT LEAST AS PROTECTIVE AS THE CURRENTLY AUTHORIZED LANDFILL LINER, changing the title, upon concurrence, to read H.B. 1032 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT A RULE TO AUTHORIZE THE USE OF DESIGN CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMPLIES WITH FEDERAL LAW AND THAT PROVIDES FOR ALTERNATE LANDFILL LINERS THAT ARE AT LEAST AS PROTECTIVE AS THE CURRENTLY AUTHORIZED LANDFILL LINER.

With unanimous consent, on motion of Senator Albertson, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, July 1, for consideration upon its passage.

S.B. 500, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read S.B. 500 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION AND TO MODIFY THE PROVISIONS FOR NO-WAKE ZONES ON LAKE NORMAN, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its third reading by roll-call vote, ayes 49, noes 0, s follows:


Voting in the negative: None.

The House Committee Substitute bill No. 2 is ordered enrolled.

H.B. 754, A BILL TO BE ENTITLED AN ACT TO Levy AN EXCISE TAX ON ILLICIT SPIRITUOUS LIQUOR, AN EXCISE TAX ON MASH, AND AN EXCISE
TAX ON ILLICIT MIXED BEVERAGES, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 3, as follows:


Voting in the negative: Senators Ballance, Garwood, and Webster—3.

The bill is ordered placed on the Calendar for tomorrow, Tuesday, July 1, for further consideration upon third reading.

H.B. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION, upon second reading, temporarily displaced earlier, with Amendment No. 1 pending.

Amendment No. 1, offered by Senator Rucho is adopted (48-0), changing the title, upon concurrence, to read H.B. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS, TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION AND TO MAKE A TECHNICAL CORRECTION IN A BILL MOVING CERTAIN PARCELS FROM MATTHEWS TO CHARLOTTE.

The amendment is held to be material, constituting the first reading of the measure and the bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, July 1, for further consideration upon second reading.

S.B. 483 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE AMOUNT PAID TO PHYSICIANS TO READ X-RAY FILMS FOR THE DUSTY TRADES PROGRAM.

The Committee Substitute bill passes its second (48-0) and third readings and is ordered sent to the House of Representatives.

H.B. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE EXCLUSION OF FORFEITED RESERVATION DEPOSITS FROM THE ESCHATE FUND.

The Committee Substitute bill passes its second reading (46-1).

Senator Kerr objects to the third reading of the measure. Pursuant to the Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, July 1, for further consideration upon third reading.

S.B. 537 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE, for concurrence in the House Committee Substitute bill, upon second reading.

Receiving a three-fifths affirmative majority vote, the Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 46, noes 1, as follows:

June 30, 1997

Voting in the negative: Senator Clark—1.

The House Committee Substitute bill remains on the Calendar for tomorrow, Tuesday, July 1, for further consideration of concurrence upon third reading.

S.B. 316 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT, Conference Report, for adoption, upon third reading.

On motion of Senator Kerr, the Senate adopts the Conference Report on its third reading by roll-call vote, ayes 46, noes 1, as follows:


Voting in the negative: Senator Webster—1.

The Chair orders the House Committee Substitute bill enrolled and sent to the Governor. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 84        House of Representatives
                 June 30, 1997

Mr. President:

It is ordered that a message be sent to your Honorable Body requesting the return of HB 84, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT THREE OF THE MEMBERS ELECTED TO THE PINEHURST VILLAGE COUNCIL OF 1995 SHALL SERVE FOUR-YEAR TERMS, for further consideration by the House.

Respectfully,
S/Denise Weeks
Principal Clerk

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 473, 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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

H.B. 434, AN ACT TO CONFORM NORTH CAROLINA HEALTH INSURANCE LAWS TO RECENTLY ENACTED FEDERAL LAWS CONCERNING HEALTH INSURANCE UNDERWRITING AND PORTABILITY, MATERNITY COVERAGE, AND COVERAGE FOR MENTAL ILLNESS.

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

H.B. 67, AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, AND CONCERNING THE TOWN OF LELAND.

H.B. 549, AN ACT TO EXCHANGE TRACTS OF LAND BETWEEN THE CORPORATE LIMITS OF THE CITY OF ASHEVILLE AND THE TOWN OF BILTMORE FOREST.

H.B. 655, AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON.

H.B. 695, AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN.

H.B. 753, AN ACT TO MOVE A PARCEL OF PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF ABERDEEN AND TO THE TOWN OF SOUTHERN PINES, AND TO ANNEX A PARCEL OF PROPERTY TO THE TOWN OF ABERDEEN.

H.B. 789, AN ACT TO REVISE THE BOUNDARIES OF THE TOWN OF OAKBORO.

H.B. 810, AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO ANNEX THE GOLD ROCK I-95 INTERCHANGE AREA INTO THE CITY OF ROCKY MOUNT.

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

Brenner Alexandria Allen, Raleigh; Elizabeth Allran, Hickory; Jason Wade Andrew, Burlington; Edrina Caryn Bailey, Durham; Kenna C. Barbieri, Chadbourn; Emily Berns, Youngsville; Cassandra Lynn Clough, Raleigh; Bethany Dannelly, Raleigh; John Marshall Davis, Raleigh; Jason Deitch, Raleigh; Elizabeth Holz, Cape Carteret; George Daniel Jacobs, Gastonia; Molly Marie Jacobs, Gastonia; Zachary P. Kiker, Marshville; Caroline Davis Knox, Charlotte; Shannon Lancaster, Kinston; Ashly Leigh Lassiter, Ayden; Susannah Jane Lawrence, Raleigh; Amanda L. Newman, Wanchese; Jason Peoples, Raleigh; Satterfiled Phaup, New Bern; Mark M. Shepherd, Hendersonville; Melynda J. Shirley, Newland; Amy Rose Swanger, Clyde; Ryan Keane Wagner, Wilmington; and Andrew White Wicker, Greensboro.

June 30, 1997
The President also recognizes an honorary page serving tonight, John Patterson, son of Dennis and Betty Patterson.

On motion of Senator Basnight, seconded by Senator Kinnaird, the Senate adjourns at 7:53 P.M. to meet tomorrow, Tuesday, July 1, at 11:00 A.M.

EIGHTY-EIGHTH DAY

Senate Chamber
Tuesday, July 1, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Lane Sapp, Pastor of Calvary Moravian Church in Winston-Salem, as follows:

"Almighty and merciful God, as we approach once again the anniversary of this nation’s independence, we give You thanks for the gift of freedom, a gift symbolized by halls of democracy such as this.

"For this Senate and its Members, and for the constituents they represent in this great State, we also pray, asking as this Session convenes, that You will grant Your wisdom and guidance to those charged by the people’s mandate, to govern.

"As these servants work together in this Session, grant unto them vision and focus for the tasks at hand. Provide the gift of compromise when perspectives collide. Grant the gift of tolerance, that in their deliberations they may hear one another. Provide patience and strength when debate is long, and may Your will be done in all their strivings, so that justice, peace, and liberty may continue to ring throughout the land.

"Your holy word reminds us that ‘blessed is the nation whose God is the Lord.’ In this Session, may this Body bear witness to this eternal truth, acknowledging by action its faith in You as its supreme guide and counselor.

"Grant now Your presence for those assembled, and as they govern, work in them all that is pleasing in Your sight. For it is in Your name that we pray, and in Your name that we live, and move and have our being. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, June 30, has been examined and is found to be correct. On 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. Gordon Still from Raleigh, who is serving the Senate as Doctor of the Day.

The President extends courtesies of the Gallery to Frank Bonner, a Beaufort County Commissioner for twenty-three years, and his wife, Grace Bonner, Mayor of Aurora for twenty-four years.
The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 316**, AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT.

**S.B. 668**, AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS.

**S.B. 1074**, AN ACT TO OFFICIALLY RECOGNIZE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE HALIWA TRIBE AS THE HALIWA SAPONI TRIBE.

**H.B. 400**, AN ACT TO REWRITE THE AUTHORITY OF THE STATE BANKING COMMISSION TO ASSESS BANKS AND CONSUMER FINANCE LICENSEES FOR THE MAINTENANCE AND OPERATION OF THE OFFICE OF THE COMMISSIONER OF BANKS.

**H.B. 460**, AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ADOPT ENTRANCE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS.

**H.B. 852**, AN ACT TO PROVIDE THAT INFORMATION IN A 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION.

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

**S.B. 500**, AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION AND TO MODIFY THE PROVISIONS FOR NO-WAKE ZONES ON LAKE NORMAN.

**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. 685**, AN ACT RELATING TO THE DEFINITION OF SUBDIVISION IN

July 1, 1997
HARNETT COUNTY AND THE MUNICIPALITIES WITHIN THAT COUNTY.  (Became law upon ratification, June 30, 1997 - S.L. 1997-246.)

H.B. 710, AN ACT TO INCREASE THE COST LIMIT ON CONSTRUCTION WORK UNDERTAKEN BY THE CITY OF LAURINBURG USING FORCE ACCOUNT QUALIFIED LABOR.  (Became law upon ratification, June 30, 1997 - S.L. 1997-247.)

H.B. 733, AN ACT TO PROVIDE THAT IN FILLING VACANCIES IN THE OFFICE OF REGISTER OF DEEDS, SHERIFF, OR COUNTY COMMISSIONER IN BEAUFORT COUNTY, IF THE VACATING MEMBER WAS A MEMBER OF A POLITICAL PARTY, THE APPOINTING AUTHORITY SHALL APPOINT FROM A LIST RECOMMENDED BY THAT POLITICAL PARTY IF TWO OR MORE NAMES ARE SUBMITTED ON A TIMELY BASIS.  (Became law upon ratification, June 30, 1997 - S.L. 1997-248.)

H.B. 67, AN ACT TO REDEFINE THE CORPORATE LIMITS OF THE TOWN OF SUMMERFIELD, AND CONCERNING THE TOWN OF LELAND.  (Became law upon ratification, June 30, 1997 - S.L. 1997-249.)


H.B. 655, AN ACT CONCERNING THE ANNEXATION OF NONCONTIGUOUS AREAS BY THE TOWN OF MADISON.  (Became law upon ratification, June 30, 1997 - S.L. 1997-251.)

H.B. 695, AN ACT TO ANNEX A DESCRIBED AREA TO THE TOWN OF ABERDEEN.  (Became law upon ratification, June 30, 1997 - S.L. 1997-252.)

H.B. 753, AN ACT TO MOVE A PARCEL OF PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF ABERDEEN AND TO THE TOWN OF SOUTHERN PINES, AND TO ANNEX A PARCEL OF PROPERTY TO THE TOWN OF ABERDEEN.  (Became law upon ratification, June 30, 1997 - S.L. 1997-253.)

H.B. 789, AN ACT TO REVISE THE BOUNDARIES OF THE TOWN OF OAKBORO.  (Became law upon ratification, June 30, 1997 - S.L. 1997-254.)

H.B. 810, AN ACT TO AUTHORIZE NASH COUNTY TO LEVY AN ADDITIONAL ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX AND TO ANNEX THE GOLD ROCK I-95 INTERCHANGE AREA INTO THE CITY OF ROCKY MOUNT.  (Became law upon ratification, June 30, 1997 - S.L. 1997-255.)

S.B. 473, 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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW.  (Became law upon approval by the Governor, June 30, 1997 - S.L. 1997-256.)
REPORT OF COMMITTEE

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 Jenkins for the Pensions & Retirement And Insurance Committee:

S.B. 778, A BILL TO BE ENTITLED AN ACT TO INCLUDE COUNTY FIRE MARSHALS IN 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 6673 is adopted and engrossed.

With unanimous consent, on motion of Senator Jenkins, the Committee Substitute bill is re-referred to the Appropriations Committee.

COMMITTEE REFERRAL RECALL


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 today, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it on the Calendar for today, for consideration upon its passage.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages and special messages received in Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 262 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 2.

S.B. 390 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 2.

S.B. 637, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET CERTAIN SPEED

July 1, 1997
LIMITS, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, July 2.

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 2.

S.B. 996, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS CERTAIN PERSONS PERFORMING ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS UNDERNEATH MANUFACTURED HOMES, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, July 2.

A special message received from the House of Representatives transmitting a bill is presented to the Senate, read the first time, and disposed of, as follows:

H.B. 1027 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STIMULATE SUBSTANTIAL GROWTH OF VENTURE CAPITAL INVESTMENTS IN NORTH CAROLINA THROUGH INVESTMENTS BY THE STATE TREASURER. Referred to Finance Committee.

EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and placed in the Office of the Principal Clerk with the papers of the Senate, as follows:

Executive Order Number 114, Extending Executive Orders.

LETTER OF RESIGNATION

The President directs the Reading Clerk to read as follows:

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

June 30, 1997

The Honorable James B. Hunt, Jr.
Governor - State of North Carolina
State Capitol
Raleigh, NC 27603

Dear Governor Hunt:

I respectfully resign from the North Carolina Senate effective July 26, 1997. The greatest honor ever bestowed upon me has been representing northwestern North Carolina in the legislature the last 31 years.
However, due to the constant length of sessions and other reasons, I must spend more time in my business. For all practical purposes, the 1997 Session of the General Assembly is over. I am resigning now in order to give my successor some experience before the next election, with the Primary being less than a year away.

Good luck to you and all involved in government. If I can ever be of assistance in making this a better state, please feel free to call.

Very truly yours,
S/Donald R. Kincaid

PERSONAL PRIVILEGE

With unanimous consent, on motion of Senator Basnight, the remarks of Senator Kincaid who rises to a point of personal privilege are spread upon the Journal, as follows:

Senator Kincaid:

"I would say that that standing ovation should tell you something. I do appreciate the opportunity to explain the reason for this action. Members of the Senate, I’ve enjoyed this job many, many years. It’s a tough job, but it is an important job. I’ve often, back many years ago, there were a few people that ask that I run for Congress when Jim Broyhill stepped down, and I have been to Washington, D.C. Number one, I don’t like Washington, D.C. and plus, I’m serious, we do more things in this Body that can daily affect the lives of the people of North Carolina than any elected job that I can think of. And, Senator Soles, I did have the pleasure, as you did, of serving in the House, and I don’t believe I would ever want to go back to the House because you have organized chaos over there, and sometimes I’m not sure that it’s organized. But it is, it is, it is a pleasure, has been a pleasure to serve in the Senate. I will miss the place very much. I’ve been here a long time. There comes a time when you’ve got to go on and do other things, and as I explained to the Governor I need to spend some time in my business. I do hope that in the future that this General Assembly will pursue the idea of two things, limiting the days we’re down here, and that would make it possible for more business people to serve in the General Assembly. That’s very serious. And I’d also believe we need to limit the terms. I think, and I’m not a good example of that because of the terms that I’ve served, but I do believe that we could make our government closer to the people if we would make it possible for the average person to come down here. And those two ingredients are very essential, and it bothers me by the fact that I see us losing control with of more rapport with the public, the average people, by the fact that the longer we stay here, the closer we get to the bureaucracy. Each Session as we stay into August, it makes it impossible for people to serve in the General Assembly, and I hope that this Body and the House will work to correct this in the problem in the future. Again, I appreciate the ovation whatever it means, and I’ll be seeing you for another month, and after that if I can help you any way, let me know. Thank you"

Without objection, the President orders the remarks of Senator Basnight and Senator Garwood, honoring Senator Kincaid, spread upon the Journal, as follows:

Senator Basnight:

"Thank you, Mr. President. It is not the time to offer thanks and condolences to the loss. We’ll do that at a later point in the Session for Senator Conder and Senator Kincaid,

July 1, 1997
but I will say that you will be deeply missed by all of us, Republicans and Democrats. And I don’t believe there’s one of us in here who wants to see you leave Donald. You have meant a lot to the institution, to our family, and to our State, as well as your District. You’re a person who has always spoken the belief of what you believe in your mind is the right thing to do. And the differences that maybe have been expressed from time to time have been extremely minor among us. You wanting to do the right things for North Carolina has meant a great deal to each and every one of us. I don’t believe we’ll totally say that we miss the fact that you’re not standing there beckoning your call to elaborate on term limits or other issues, but we’ll certainly miss your personality, your person, and the kind of human being you are. You’re a great man, you’re a good man, and thank you for giving us all the time that we’ve had to associate ourselves with you.”

Senator Garwood:

“Mr. President and Members of the Senate, I have the pleasure, the extreme pleasure I might say, to serve with Senator Kincaid representing the Twenty-seventh Senatorial District. And I think the people of the District have already said it in returning him here sixteen times. But I want to say on behalf of the people of our District how much we appreciate the service that you’ve rendered our District, northwestern North Carolina, and the entire State. Thank you very much, Senator Kincaid.”

The President extends courtesies of the Gallery to Mrs. Annie Roscoe, Mrs. Rena Gilliam, and Mrs. Alice Ballance, mother of Senator Ballance.

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 545, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, upon second reading.**

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Wednesday, July 2, for further consideration upon third reading.

**H.B. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION, as amended, changing the title, upon concurrence, to read H.B. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS, TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING**
JURISDICTION AND TO MAKE A TECHNICAL CORRECTION IN A BILL MOVING CERTAIN PARCELS FROM MATTHEWS TO CHARLOTTE, upon second reading.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, July 2, for further consideration upon third reading.

H.B. 708, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION, changing the title, upon concurrence, to read H.B. 708 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THE CITIES' EXTRATERRITORIAL PLANNING JURISDICTION.

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.

The President extends the privileges of the floor to C. R. Edwards, former Senator from Cumberland County.

H.B. 754, A BILL TO BE ENTITLED AN ACT TO LEVY AN EXCISE TAX ON ILICIT SPIRITUOUS LIQUOR, AN EXCISE TAX ON MASH, AND AN EXCISE TAX ON ILICIT MIXED BEVERAGES, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 3, as follows:


Voting in the negative: Senators Ballance, Kinnaird, and Webster—3.

The bill is ordered enrolled and sent to the Governor.

S.B. 915 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO ARE ENTITLED TO REFUNDS.

The Committee Substitute bill passes its second (49-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

July 1, 1997
H.B. 646, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, July 3, for consideration upon its passage.

H.B. 1032 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT A RULE TO AUTHORIZE THE USE OF DESIGN CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMPLIES WITH FEDERAL LAW AND THAT PROVIDES FOR AN ALTERNATE LANDFILL LINER THAT IS AT LEAST AS PROTECTIVE AS THE CURRENTLY AUTHORIZED LANDFILL LINER, changing the title, upon concurrence, to read H.B. 1032 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT A RULE TO AUTHORIZE THE USE OF DESIGN CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMPLIES WITH FEDERAL LAW AND THAT PROVIDES FOR ALTERNATE LANDFILL LINERS THAT ARE AT LEAST AS PROTECTIVE AS THE CURRENTLY AUTHORIZED LANDFILL LINER.

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. 311 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE PERMANENT THE EXCLUSION OF FORFEITED RESERVATION DEPOSITS FROM THE ESHEAT FUND, upon third reading.

The Committee Substitute bill passes its third reading (47-0) and is ordered enrolled and sent to the Governor.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 556 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION, changing the title, upon concurrence, to read S.B. 556 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, with the Senate failing to concur in the House Committee Substitute bill on June 26.

Without objection, the President Pro Tempore appoints Senator Rucho, Chairman, and Senators Miller and Reeves 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. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO PROTECT THE RIGHTS OF SUBSCRIBERS AND CERTIFICATE HOLDERS IN

July 1, 1997
THE RESERVES AND CAPITAL OF HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS UPON CONVERSION, changing the title, upon concurrence, to read S.B. 993 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS, with the Senate failing to concur in the House Committee Substitute bill on June 26.

Without objection, the President Pro Tempore appoints Senator Rand, Chairman; and Senators Cooper; Lee; Hoyle; Winner; Forrester; Horton and Cochrane 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)

S.B. 537 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE, for concurrence in the House Committee Substitute bill, upon third reading.

Receiving a three-fifths majority affirmative vote, the Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 45, noes 3, as follows:


Voting in the negative: Senators Clark, Kincaid, and Webster—3.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE INSTRUCTION ON OUR AMERICAN HERITAGE, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-49).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 521 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PILOT PROGRAMS ON SEXUAL ASSAULT FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (50-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO PROHIBIT VOTING ON ECONOMIC DEVELOPMENT INCENTIVES IN CLOSED SESSIONS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 844 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE
OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO CLARIFY WHAT ACTIONS ON ECONOMIC DEVELOPMENT INCENTIVES MAY BE TAKEN IN CLOSED SESSIONS.

The Senate concurs in the House Committee Substitute bill (47-2) and the measure is ordered enrolled and sent to the Governor.

H.J.R. 1153, A JOINT RESOLUTION COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF FRANKLINVILLE AND HONORING THE MEMORY OF JESSE FRANKLIN, placed earlier today on the Calendar for today.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

With unanimous consent, on motion of Senator Kinnaird, the joint resolution is withdrawn from today’s Calendar and is placed on the Calendar for Monday, July 7, for consideration upon its passage.

CONFERENCE REPORT

S.B. 764 (Committee Substitute)

Senator Kerr, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S.B. 764 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS’ COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION, 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 764, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS’ COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION, Judiciary Committee Substitute Adopted 4/29/97, submit the following report:

The House recedes from House Amendment #1.

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

Date conferees approved report: July 1, 1997.

S/John H. Kerr          S/W. Frank Mitchell  
S/David W. Hoyle        S/N. Leo Daughtry       
S/Patrick J. Ballantine S/Dewey L. Hill

Conferees for the Senate Conferees for the House of Representatives

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, July 2, for adoption of the Conference Report.

July 1, 1997
REPORT OF COMMITTEE

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. 63 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS, with a favorable report.

H.B. 71, A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF HALIFAX AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY, with a favorable report.

H.B. 681 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO, as written by the State Government, Local Government, and Personnel Committee, with a favorable report.

S.B. 360 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE RESOURCES COMMISSION TO AWARD CERTIFICATES OF BOAT NUMBER OR OTHER VESSEL TRANSACTION AND TO AMEND THE DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS, with a favorable report.

S.B. 534, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF PLEASANT GARDEN, with a favorable report.

H.B. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, with an unfavorable report as to bill, as amended by the Finance Committee, changing the title, upon concurrence, to read H.B. 832 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTIES OF MITCHELL AND STOKES BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, but favorable as to Senate Committee Substitute bill.

July 1, 1997
Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill X7340, which changes the title, upon concurrence, to read H.B. 832 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTIES OF ALLEGHANY AND STOKES BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY, is adopted and engrossed.

H.B. 1057, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES TAX AUDIOVISUAL MASTER TAPES USED IN THE MOTION PICTURE, TELEVISION, AND AUDIO PRODUCTION INDUSTRIES, 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 XA400 is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE INSTRUCTION ON OUR AMERICAN HERITAGE, with the Senate failing to concur in the House Committee Substitute bill earlier today.

Without objection, Senator Ballance, Deputy President Pro Tempore, announces the appointment by the President Pro Tempore of Senator Allran, Chairman, and Senators Ballance and Winner 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.

On motion of Senator Ballance, seconded by Senator Wellons, the Senate adjourns at 12:29 P.M. to meet tomorrow, Wednesday, July 2, at 11:00 A.M.

EIGHTY-NINTH DAY

Senate Chamber
Wednesday, July 2, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, paraphrasing Mother Teresa, as follows:

"Eternal God, never let us lose the perspective that the work we do this day is only our love for You in action. Let that action be our wholehearted and free service, a gift to You from the poorest of the poor."
"If we pray our work done, if we do it to You, for You, with You, at the end of this day then we shall be content. In Your holy name we pray, Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, July 1, has been examined and is found to be correct. On 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 Callaway from Charlotte, 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. 537, AN ACT TO AUTHORIZE THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE.

S.B. 521, AN ACT TO ESTABLISH PILOT PROGRAMS ON SEXUAL ASSAULT FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION.

S.B. 844, AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO CLARIFY WHAT ACTIONS ON ECONOMIC DEVELOPMENT INCENTIVES MAY BE TAKEN IN CLOSED SESSIONS.

S.B. 885, AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAW REGARDING THE TIME FOR EXECUTION.

H.B. 311, AN ACT TO MAKE PERMANENT THE EXCLUSION OF FORFEITED RESERVATION DEPOSITS FROM THE ESCHEAT FUND.

H.B. 407, AN ACT TO REPEAL THE CURRENT STATUTES REGARDING FRAUDULENT CONVEYANCES AND TO ADOPT THE UNIFORM FRAUDULENT TRANSFER ACT IN ORDER TO MODERNIZE NORTH CAROLINA LAW AND HARMONIZE OUR LAW ON THIS SUBJECT WITH THOSE STATES THAT HAVE ADOPTED THIS UNIFORM ACT.

H.B. 754, AN ACT TO LEVY AN EXCISE TAX ON ILLICIT SPIRITUOUS LIQUOR, AN EXCISE TAX ON MASH, AND AN EXCISE TAX ON ILLICIT MIXED BEVERAGES.

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

S.B. 579, AN ACT TO AMEND THE CHARTER OF THE CITY OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS.

July 2, 1997
REPORT OF COMMITTEE

Bills are reported from a standing committee, read by their titles, together with the report accompanying them, and take their places on the Calendar, as follows:

By Senator Hoyle for the Finance Committee:

H.B. 299 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS, AND TO PROVIDE THAT THE TEN-DOLLAR ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO SUPPORT THE NORTH CAROLINA VETERANS HOME, 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 X1420, which changes the title, upon concurrence, to read H.B. 299 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS AND TO PROVIDE ADDITIONAL REVENUE FOR THE SUPPORT OF THE NORTH CAROLINA VETERANS HOME, is adopted and engrossed.

H.B. 1061 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH LIFETIME SPORTSMAN LICENSES FOR CERTAIN DISABLED RESIDENTS AND DISABLED VETERANS AND TO PROHIBIT THE UNLAWFUL USE OF FACILITIES PROVIDED FOR DISABLED SPORTSMEN, 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 1421 is adopted and engrossed.

COMMITTEE REFERRAL RECALL

S.B. 1065, 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 April 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 Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages and a special message received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 249 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY SPECIAL OBLIGATION
BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 3.

S.B. 411 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRA TERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 3.

S.B. 784 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE TAX RELIEF AND SIMPLIFICATION BY CONFORMING STATE TAX LAW TO THE FEDERAL RULE THAT GRANTS A FILING EXTENSION EVEN IF THE REQUEST IS NOT ACCOMPANIED BY PAYMENT, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 3.

S.B. 875 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 3.

S.J.R. 1078, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF RICHARD CONDER AND ROBERT V. OWENS, JR. MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, for concurrence in the House Committee Substitute joint resolution, which changes the title, upon concurrence, to read S.J.R. 1078 (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF RICHARD CONDER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION.

On motion of Senator Soles, the rules are suspended, without objection, and the House Committee Substitute joint resolution is placed before the Senate for immediate consideration.

APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 993 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO PROTECT THE RIGHTS OF SUBSCRIBERS AND CERTIFICATE HOLDERS IN THE RESERVES AND CAPITAL OF HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS UPON CONVERSION, changing the title, upon concurrence, to read S.B. 993 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS, with a Conference Committee being appointed on July 1.

July 2, 1997
Without objection, the President Pro Tempore appoints Senator McDaniel as an additional conferee on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 442 (House Committee Substitute) House of Representatives
July 2, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute for SB 442, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY, the Speaker has appointed as conferees on the part of the House,

Representative Justus, Chair;
Representative Russell,
Representative Kiser, and
Representative Hill

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

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

S.B. 556 (House Committee Substitute) House of Representatives
July 2, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute for SB 556, (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY’S EXTRATERRITORIAL PLANNING JURISDICTION, which proposes to change the title, upon concurrence, to read SB 556 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING THE REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR
EXTRATERRITORIAL PLANNING JURISDICTION, the Speaker has appointed as conferees on the part of the House,

Representative Alexander, Chair;
Representative McMahan, and
Representative Gulley

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

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

S.B. 993 (House Committee Substitute) House of Representatives July 2, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute for SB 993, (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE COMMISSIONER OF INSURANCE TO ADOPT RULES TO PROTECT THE RIGHTS OF SUBSCRIBERS AND CERTIFICATE HOLDERS IN THE RESERVES AND CAPITAL OF HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS UPON CONVERSION, which changes the title, upon concurrence, to read SB 993, (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH PROCEDURES FOR CONVERSIONS BY HOSPITAL, MEDICAL, AND DENTAL SERVICE CORPORATIONS, the Speaker has appointed as conferees on the part of the House,

Representative Daughtry, Chair;
Representative Hurley,
Representative Dockham,
Representative Baddour,
Representative McMahan,
Representative Gray, and
Representative H. Hunter

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

July 2, 1997
APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

June 30, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 126-2, I hereby appoint Becky Keith to serve as a member of the North Carolina State Personnel Commission and submit her name for confirmation by the North Carolina General Assembly. Ms. Keith will serve a term to begin July 1, 1997 and expire on June 30, 2003.

Enclosed is biographical information on Ms. Keith. Please feel free to call on her or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt Jr.

Referred to State Government, Local Government, and Personnel Committee.

The President directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

June 30, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 126-2, I hereby appoint Garey Ballance to serve as a member of the North Carolina State Personnel Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Ballance will serve a term to begin immediately and expire on June 30, 2001.

July 2, 1997
Enclosed is biographical information on Mr. Ballance. Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt Jr.

Referred to State Government, Local Government, and Personnel Committee.

The President directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

June 30, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

Dear Mr. President:

Pursuant to General Statute 126-2, I hereby appoint Stephen Davis to serve as a member of the North Carolina State Personnel Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Davis will serve a term to begin July 1, 1997 and expire on June 30, 2003.

Enclosed is biographical information on Mr. Davis. Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt Jr.

Referred to State Government, Local Government, and Personnel Committee.

The President directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
RALEIGH 27603-8001

June 30, 1997

The Honorable Dennis Wicker
President of the Senate
State Capitol
Raleigh, NC 27601

July 2, 1997
Dear Mr. President:

Pursuant to General Statute 126-2, I hereby appoint Tom Miriello to serve as a member of the North Carolina State Personnel Commission and submit his name for confirmation by the North Carolina General Assembly. Mr. Miriello will serve a term to begin immediately and expire on June 30, 1999.

Enclosed is biographical information on Mr. Miriello. Please feel free to call on him or members of my staff if you need additional information.

My warmest personal regards.

Sincerely,
S/James B. Hunt Jr.

Referred to State Government, Local Government, and Personnel Committee.

The President extends privileges of the floor to William D. Mills, former Senator from Onslow County.

CALENDAR

S.J.R. 1078, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENTS OF RICHARD CONDER AND ROBERT V. OWENS, JR. MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, for concurrence in the House Committee Substitute joint resolution, which changes the title, upon concurrence to read S.J.R. 1078 (House Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF RICHARD CONDER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, placed earlier on the Calendar for immediate consideration.

The Senate concurs in the House Committee Substitute joint resolution (49-0) and the measure is ordered enrolled.

ENROLLED RESOLUTION

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

S.J.R. 1078, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF THE APPOINTMENT OF RICHARD CONDER MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION. (Res. 19)

The Senate recesses at 11:34 A.M. for the purpose of a Finance Committee meeting to reconvene at 11:40 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
REPORT OF COMMITTEE

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. 101, A BILL TO BE ENTITLED AN ACT TO ALLOW STOKES COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION, 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 1422, which changes the title, upon concurrence, to read H.B. 101 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR THE DEPARTMENT OF HUMAN RESOURCES TO ADMINISTER THE SERVICES OF THE TRI-COUNTY AREA AUTHORITY, is adopted and engrossed.

With unanimous consent, on motion of Senator Kerr, the rules are suspended to the end and the Senate Committee Substitute bill remains before the Senate for immediate consideration upon its passage.

The President rules the Senate Committee Substitute bill does not require a call of the roll.

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, without objection, by special messenger.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 545, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, upon third reading.

Senator Soles offers Amendment No. 1 which is adopted (45-0), changing the title, upon concurrence, to read H.B. 545, A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWNS OF TABOR CITY AND WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 0, as follows:


Voting in the negative: None.

The bill, as amended, is ordered sent to the House of representatives, for concurrence in Senate Amendment No. 1.
H.B. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS AND TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION, as amended, changing the title, upon concurrence, to read H.B. 867, A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS, TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION AND TO MAKE A TECHNICAL CORRECTION IN A BILL MOVING CERTAIN PARCELS FROM MATTHEWS TO CHARLOTTE, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 63 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS, upon second reading.

Without objection, the Committee Substitute bill No. 2 is taken up out of its regular order of business.

Senator Perdue offers Amendment No. 1 which is adopted (48-0), changing the title, upon concurrence, to read H.B. 63 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS AND CONCERNING ANNEXATION OF AREAS BY THE TOWNS OF MOREHEAD CITY AND NEWPORT WHERE PLANNING JURISDICTION WAS RECENTLY GRANTED TO THOSE TOWNS BY LOCAL ACT.

The President orders, without objection, the Committee Substitute bill No. 2, as amended, temporarily displaced.

S.B. 534, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF PLEASANT GARDEN, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.
The bill is ordered placed on the Calendar for tomorrow, Thursday, July 3, for further consideration upon third reading.

**H.B. 63** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS, as amended, changing the title, upon concurrence, to read **H.B. 63** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS AND CONCERNING ANNEXATION OF AREAS BY THE TOWNS OF MOREHEAD CITY AND NEWPORT WHERE PLANNING JURISDICTION WAS RECENTLY GRANTED TO THOSE TOWNS BY LOCAL ACT, upon second reading, temporarily displaced earlier.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 3, for further consideration upon third reading.

**H.B. 71**, A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF HALIFAX AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY, upon second reading.

The bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill is ordered placed on the Calendar for tomorrow, Thursday, July 3, for further consideration upon third reading.

**H.B. 681** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO, upon second reading.

The Senate 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, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kincaid,
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Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 3, for further consideration upon third reading.

H.B. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, changing the title, upon concurrence, to read H.B. 832 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTIES OF ALLEGHANY AND STOKES BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 3, for further consideration upon third reading.

S.B. 262 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION, 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 50, noes 0, as follows:


Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 3, for further consideration of concurrence upon third reading.

S.B. 390 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE,
MECKLENBURG COUNTY, 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 50, noes 0, as follows:


Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for tomorrow, Thursday, July 3, for further consideration of concurrence upon third reading.

S.B. 637, A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET CERTAIN SPEED LIMITS, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (50-0) and the measure is ordered enrolled.

S.B. 360 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE FEE PAID TO AGENTS OF THE WILDLIFE RESOURCES COMMISSION TO AWARD CERTIFICATES OF BOAT NUMBER OR OTHER VESSEL TRANSACTION AND TO AMEND THE DUTIES OF THE WILDLIFE RESOURCES COMMISSION WITH REGARD TO THE APPOINTMENT OF AGENTS FOR THE ISSUANCE OF BOAT NUMBERS, TO RAISE THE REPORTING REQUIREMENT FOR BOATING ACCIDENTS TO DAMAGES IN EXCESS OF FIVE HUNDRED DOLLARS, AND TO REPEAL THE LAW REQUIRING PERMITS FROM THE WILDLIFE RESOURCES COMMISSION TO HOLD REGATTAS AND OTHER EVENTS.

The Committee Substitute bill passes its second (50-0) and third readings and is ordered sent to the House of Representatives.

S.B. 910 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 996, A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS CERTAIN PERSONS PERFORMING ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS UNDERNEATH MANUFACTURED HOMES, for concurrence in House Amendment No. 1.

The Senate concurs in House Amendment No. 1 (50-0) and the measure is ordered enrolled and sent to the Governor.

July 2, 1997
S.B. 764 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION, Conference Report, for adoption.

On motion of Senator Kerr, the Senate adopts the Conference Report (50-0).

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action.

COMMITTEE REFERRAL RECALL

H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE METHOD FOR APPOINTMENT OF MEMBERS OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY, recommitted to the State Government, Local Government, and Personnel Committee on June 30.

Pursuant to Rule 47(a), Senator Miller offers a motion that the Committee Substitute bill be withdrawn from the State Government, Local Government, and Personnel Committee and placed on the Calendar for Thursday, July 3, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the State Government, Local Government, and Personnel Committee and places it on the Calendar for Thursday, July 3, for consideration upon its passage.


Having received a special message from the House of Representatives on June 30 requesting that the bill be returned to the House, Senator Miller, Chairman of the Committee, offers a motion that the bill be withdrawn from the State Government, Local Government, and Personnel Committee, and returned to the House of Representatives, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the State Government, Local Government, and Personnel Committee, and returns it to the House of Representatives.

On motion of Senator Basnight, seconded by Senator Perdue, the Senate adjourns at 12:25 P.M. to meet tomorrow, Thursday, July 3, at 10:00 A.M.

NINETIETH DAY

Senate Chamber
Thursday, July 3, 1997

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:

July 3, 1997
"Eternal and liberating God, what goes on in the Senate today may seem a bit far removed from tomorrow’s celebrations in North Carolina of our country’s independence; parades, picnics, and fireworks displays.

“But, what goes on here today, o God, is very much a part of the living mural that will be painted tomorrow by the people of our State.

“What the Senators do here with the brush of their pens, sets the framework and parameters of that mural, guaranteeing continued rights, justice, and freedom for the people of our State.

“Scripture reminds us, ‘for freedom You have set us free.’ May we use that privilege wisely. For Your sake, Amen.”

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

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Wednesday, July 2, has been examined and is found to be correct. On 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. Jack Page from Durham, 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. 910**, **AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS.**

**S.B. 996**, **AN ACT TO EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS CERTAIN PERSONS PERFORMING ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS UNDERNEATH MANUFACTURED HOMES.**

**H.B. 101**, **AN ACT TO EXTEND THE TIME FOR THE DEPARTMENT OF HUMAN RESOURCES TO ADMINISTER THE SERVICES OF THE TRI-COUNTY AREA AUTHORITY.**

**H.B. 265**, **AN ACT TO MAKE STATEWIDE A LOCAL ACT ALLOWING COUNTIES TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY.**

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

**S.B. 637**, **AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET CERTAIN SPEED LIMITS.**

July 3, 1997
H.B. 892, AN ACT SUBJECT TO A REFERENDUM TO GIVE THE VOTERS OF BEAUFORT COUNTY A SIMILAR RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL.

CHAPTERED BILLS

The Enrolling Clerk report the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 500, AN ACT TO ESTABLISH THE MOUNTAIN ISLAND LAKE MARINE COMMISSION AND TO MODIFY THE PROVISIONS FOR NO-WAKE ZONES ON LAKE NORMAN. (Became law upon ratification, July 1, 1997 - S.L. 1997-257.)

H.B. 430, AN ACT TO EXEMPT THE NORTH CAROLINA ZOOLOGICAL PARK FROM THE UMSSTEAD ACT, WHICH PROHIBITS STATE GOVERNMENT FROM ENGAGING IN THE SALE OF GOODS IN COMPETITION WITH CITIZENS OF THE STATE, AND TO PROVIDE FOR THE ADOPTION OF RULES AUTHORIZING SPECIAL-USE PERMITS FOR THE USE OF PYROTECHNICS IN STATE PARKS. (Became law upon approval of the Governor, July 1, 1997 - S.L. 1997-258.)

H.B. 434, AN ACT TO CONFORM NORTH CAROLINA HEALTH INSURANCE LAWS TO RECENTLY ENACTED FEDERAL LAWS CONCERNING HEALTH INSURANCE UNDERWRITING AND PORTABILITY, MATERNITY COVERAGE, AND COVERAGE FOR MENTAL ILLNESS. (Became law upon approval of the Governor, July 1, 1997 - S.L. 1997-259.)

S.B. 924, AN ACT TO AUTHORIZE CRIMINAL RECORD CHECKS OF EMPLOYEES OF AND APPLICANTS FOR EMPLOYMENT WITH THE DEPARTMENT OF HUMAN RESOURCES. (Became law upon approval of the Governor, July 1, 1997 - S.L. 1997-260.)

H.B. 210, AN ACT TO CHANGE THE NAME OF THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE TO THE NORTH CAROLINA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. (Became law upon approval of the Governor, July 1, 1997 - S.L. 1997-261.)

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. 1121 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE SAFE REUSE OF PROPERTIES WHERE ACTUAL CONTAMINATION, OR THE POSSIBILITY OF CONTAMINATION, HAS IMPEDED

July 3, 1997
REDEVELOPMENT, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the Finance Committee.

By Senator Jenkins for the Pensions & Retirement And Insurance Committee:

H.B. 1052, A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW, 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 4127, which changes the title, upon concurrence to read H.B. 1052 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW AND TO ALLOW INJURED PARTIES TO EXECUTE COVENANTS NOT TO ENFORCE JUDGMENT AS CONSIDERATION FOR PAYMENT OF THE APPLICABLE LIMITS OF LIABILITY BY THE INSURER, 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, and disposed of, as follows:

S.B. 132, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE'S AND CHILDREN'S YEAR'S ALLOWANCE FROM A DECEDEDENT'S ESTATE, for concurrence in the House Amendment No. 1, which is placed on the Calendar for Monday, July 7.

COMMITTEE REFERRAL RECALL

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM, referred to the Rules and Operations of the Senate Committee on May 15.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute bill be withdrawn from the Rules and Operations of the Senate Committee and referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 262 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT
FOR PAYMENTS IN LIEU OF ANNEXATION, for concurrence in the House Committee Substitute bill, upon third reading.

With unanimous consent, on motion of Senator Odom, the House Committee Substitute bill is taken up out of its regular order of business.

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 negative: None.

The House Committee Substitute bill is ordered enrolled.

S.B. 390 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY, for concurrence in the House Committee Substitute bill, upon third reading.

With unanimous consent, on motion of Senator Odom, the House Committee Substitute bill is taken up out of its regular order of business.

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 negative: None.

The House Committee Substitute bill is ordered enrolled.

H.B. 63 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS, as amended, changing the title, upon concurrence, to read H.B. 63 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS AND CONCERNING ANNEXATION OF AREAS BY THE TOWNS OF MOREHEAD CITY AND NEWPORT WHERE PLANNING JURISDICTION WAS RECENTLY GRANTED TO THOSE TOWNS BY LOCAL ACT, upon third reading.

Without objection, the Committee Substitute bill No. 2, as amended, is taken up out of its regular order of business.

The President Pro Tempore rules Amendment No. 1 which was adopted on Wednesday, July 2, a material amendment which constituted the first reading of the measure.
Senator Rand offers a motion that the vote by which the Committee Substitute bill No. 2, as amended, passed its second reading be reconsidered, which motion prevails, and the question becomes the passage of the Committee Substitute bill No. 2, as amended, upon second reading.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for Monday, July 7, for further consideration upon third reading.

S.B. 534, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF PLEASANT GARDEN, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

H.B. 71, A BILL TO BE ENTITLED AN ACT TO ENABLE THE COUNTY OF HALIFAX AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY, upon third reading.

The bill passes its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill is ordered enrolled.

H.B. 681 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO, 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: Senators Albertson, Allran, Ballance, Ballantine, Basnight,

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. 832, A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWN OF NEWLAND IN AVERY COUNTY AND THE TOWN OF SPRUCE PINE IN MITCHELL COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, changing the title, upon concurrence, to read, H.B. 832 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTIES OF ALLEGHANY AND STOKES BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY, 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 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. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE METHOD FOR APPOINTMENT OF MEMBERS OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY.

Senator Odom offers Amendment No. 1, proposing to change the title, upon concurrence, to read H.B. 437 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CHANGING THE METHOD FOR APPOINTMENT OF MEMBERS OF THE PILOT MOUNTAIN CIVIC AND RECREATION CENTER AUTHORITY AND AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, AND NAGS HEAD TO ADOPT ORDINANCES REGULATING REMOVAL, REPLACEMENT, AND PRESERVATION OF TREES WITHIN THE TOWNS.

Senator Webster rises to a point of order under Rule 57.1 as to Amendment No. 1 being germane to the subject matter of the bill.

The President Pro Tempore rules Amendment No. 1 germane.

Amendment No. 1, offered by Senator Odom is adopted (45-3).

The Committee Substitute bill, as amended, passes its second (47-2) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.
S.B. 411 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS, for concurrence in the House Committee Substitute bill, upon second reading.

With unanimous consent, on motion of Senator Martin of Pitt, the House Committee Substitute bill is withdrawn from today’s Calendar and is recommitted to the State Government, Local Government, and Personnel Committee.

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. 262, AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION.

S.B. 390, AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY.

CALENDAR (Continued)

H.B. 299 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS AND TO PROVIDE THAT THE TEN-DOLLAR ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO SUPPORT THE NORTH CAROLINA VETERANS HOME, changing the title, upon concurrence, to read H.B. 299 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS AND TO PROVIDE ADDITIONAL REVENUE FOR THE SUPPORT OF THE NORTH CAROLINA VETERANS HOME, upon second reading.

With unanimous consent, on motion of Senator East, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, July 8, for consideration upon second reading.

H.B. 1061 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH LIFETIME SPORTSMAN LICENSES FOR CERTAIN DISABLED RESIDENTS AND DISABLED VETERANS AND TO PROHIBIT THE UNLAWFUL USE OF FACILITIES PROVIDED FOR DISABLED SPORTSMEN, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 49, notes 0, as follows:

Voting in the negative: None.
The Senate Committee Substitute bill is ordered placed on the Calendar for Monday, July 7, for further consideration upon third reading.

**H.B. 646**, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.

With unanimous consent, on motion of Senator Cooper, the bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, July 9, for consideration upon its passage.

**REPORT OF COMMITTEE**

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 Perdue for the Appropriations Committee:

**S.B. 853**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF REVENUE TO APPOINT EMPLOYEES OF THE DEPARTMENT AS REVENUE LAW ENFORCEMENT AGENTS TO ENFORCE THE EXCISE TAX ON CONTROLLED SUBSTANCES AND COUNTERFEIT DRUGS AND THE CRIMINAL PROVISIONS OF THE REVENUE 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 1851, which changes the title to read **S.B. 853** (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF REVENUE TO APPOINT EMPLOYEES OF THE DEPARTMENT AS REVENUE LAW ENFORCEMENT AGENTS TO ENFORCE THE EXCISE TAX ON CONTROLLED SUBSTANCES AND THE CRIMINAL PROVISIONS OF THE REVENUE LAWS AND DIRECTING THE SECRETARY OF REVENUE TO NOTIFY AFFECTED INTANGIBLES TAXPAYERS BY MAIL AS SOON AS POSSIBLE OF THE COURT NOTICE IN THE CLASS ACTION LAWSUIT REGARDING REFUNDS, is adopted and engrossed.

**CALENDAR (Continued)**

**S.B. 249** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY SPECIAL OBLIGATION BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS, 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 47, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, Miller, Odom, Page, Perdue,
The following special message is received from the House of Representatives:

S.B. 764 (Committee Substitute)  

House of Representatives  
July 3, 1997

Mr. President:

Pursuant to your message that your Honorable Body has adopted the report of the Conferrees on Committee Substitute for SB 764, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION, you may order the bill enrolled.

Respectfully,
S/Denise Weeks  
Principal Clerk

July 3, 1997
APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 227, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, changing the title, upon concurrence, to read H.B. 227 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT RECORDATION OF AN INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITE IS NOT REQUIRED IN CERTAIN CASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION AND TO EXPEDITE THE PERMANENT CLOSURE OF LOW-RISK SITES UNDER THE LEAKING PETROLEUM UNDERGROUND STORAGE TANK CLEANUP ACT OF 1988.

Pursuant to the message from the House of Representatives received June 25 requesting conferees, without objection, Senator Ballance announces the appointments by the President Pro Tempore of Senator Horton, Chairman; and Senators Odom and Cooper as conferees on the part of the Senate to act with a like committee from the House of Representatives 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.

On motion of Senator Ballance, seconded by Senator Lee, the Senate adjourns at 10:59 A.M. to meet Monday, July 7, at 7:00 P.M.

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NINETY-FIRST DAY

Senate Chamber
Monday, July 7, 1997

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:

“Our Lord, You have brought us to this new week and further opportunity. Help us to work with You that it may be a good week with good things done. We know that a different world cannot be built by indifferent people. May there be no apathy in this place, no lukewarmness. Let there be high energy and wise thinking.

“Abide with us, O God, that our hearts may burn within us, and our imaginations be fired with the passion to do God’s will. Amen.”

With unanimous consent, the President Pro Tempore grants a leave of absence for tonight to Senator Kerr to attend an appreciation ceremony.

July 7, 1997
Senator Ballance, Deputy President Pro Tempore, announces the Journal of Thursday, July 3, has been examined and is found to be correct. On 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. 784, AN ACT TO PROVIDE TAX RELIEF AND SIMPLIFICATION BY CONFORMING STATE TAX LAW TO THE FEDERAL RULE THAT GRANTS A FILING EXTENSION EVEN IF THE REQUEST IS NOT ACCOMPANIED BY PAYMENT.

H.B. 533, A BILL TO BE ENTITLED AN ACT TO ADD "DIVISIBLE PROPERTY" AS A CATEGORY OF PROPERTY SUBJECT TO EQUITABLE DISTRIBUTION, TO CREATE A REBUTTABLE PRESUMPTION THAT AN IN-KIND DISTRIBUTION OF PROPERTY IS EQUITABLE, TO ENCOURAGE INTERIM DISTRIBUTION OF PROPERTY OR DEBT, AND TO ALLOW CERTAIN EVIDENCE OF THE VALUE OF MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION.

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

H.B. 71, AN ACT TO ENABLE THE COUNTY OF HALIFAX AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE 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:

S.B. 579, AN ACT TO AMEND THE CHARTER OF THE TOWN OF LENOIR TO ALLOW SALARY INCREASES FOR THE CITY COUNCIL AND THE MAYOR AND TO ALLOW THE MAYOR TO BE ELECTED FOR A TERM OF FOUR YEARS. (Became law upon ratification, July 2, 1997 - S.L. 1997-262.)

S.B. 535, AN ACT REQUIRING THE CONSENT OF CERTAIN COUNTIES BEFORE LAND IN THOSE COUNTIES MAY BE CONDEMDNED OR ACQUIRED BY A UNIT OF LOCAL GOVERNMENT OUTSIDE THE COUNTY. (Became law upon approval of the Governor, July 2, 1997 - S.L. 1997-263.)

S.B. 637, AN ACT TO ALLOW THE DIRECTOR OF TRANSPORTATION OF THE CITY OF CHARLOTTE TO SET CERTAIN SPEED LIMITS. (Became law upon ratification, July 3, 1997 - S.L. 1997-264.)

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H.B. 892, AN ACT SUBJECT TO A REFERENDUM TO GIVE THE VOTERS OF BEAUFORT COUNTY A SIMILAR RIGHT TO PETITION FOR CHANGES TO THE STRUCTURE OF THE BOARD OF COUNTY COMMISSIONERS AND BOARD OF EDUCATION THAT THE GENERAL LAW PROVIDES FOR CITY RESIDENTS AS TO THEIR CITY COUNCIL. (Became law upon ratification, July 3, 1997 - S.L. 1997-265.)

S.B. 262, AN ACT TO AUTHORIZE THE TOWN OF HUNTERSVILLE TO ENTER INTO AN AGREEMENT FOR PAYMENTS IN LIEU OF ANNEXATION. (Became law upon ratification, July 3, 1997 - S.L. 1997-266.)

S.B. 390, AN ACT TO ANNEX CERTAIN TERRITORIES TO THE TOWN OF HUNTERSVILLE, MECKLENBURG COUNTY. (Became law upon ratification, July 3, 1997 - S.L. 1997-267.)

H.B. 221, AN ACT TO AUTHORIZE A MAGISTRATE OR OTHER AUTHORIZED JUDICIAL OFFICIAL IN A NONCAPITAL CASE TO CONDUCT AN INITIAL APPEARANCE BY A TWO-WAY AUDIO AND VIDEO PROCEEDING AND TO ALLOW SWORN LAW ENFORCEMENT OFFICERS TO APPEAR BEFORE JUDICIAL OFFICIALS BY A TWO-WAY AUDIO AND VIDEO TO OBTAIN ARREST WARRANTS. (Became law upon approval of the Governor, July 3, 1997 - S.L. 1997-268.)

H.B. 1099, AN ACT TO AUTHORIZE SCHOOL PRINCIPALS TO ADMIT CERTAIN GIFTED STUDENTS TO KINDERGARTEN REGARDLESS OF THEIR BIRTH DATES. (Became law upon approval of the Governor, July 3, 1997 - S.L. 1997-269.)

H.B. 529, AN ACT TO PROVIDE THAT DEFERRED TAXES DUE ON CERTAIN PROPERTY THAT IS TAXED AT ITS PRESENT-USE VALUE WILL BE PAID BY THE PERSON TO WHOM THE LAND IS TRANSFERRED IF THE PROPERTY IS TRANSFERRED BECAUSE OF CONDEMNATION. (Became law upon approval of the Governor, July 3, 1997 - S.L. 1997-270.)

S.B. 958, AN ACT TO ALLOW STUDENTS WHO RESIDE WITH DOMICILIARIES OF A LOCAL SCHOOL ADMINISTRATIVE UNIT TO ATTEND THE PUBLIC SCHOOLS OF THAT UNIT WITHOUT THE PAYMENT OF TUITION. (Became law upon approval of the Governor, July 3, 1997 - S.L. 1997-271.)

S.B. 508, AN ACT TO PROVIDE THAT A TURKEY GROWER SHALL NOT BE DISQUALIFIED FROM USE VALUE TAXATION FOR A TWO-YEAR PERIOD IF THE GROWER'S LAND IS TAKEN OUT OF PRODUCTION SOLELY BECAUSE OF THE PRESENCE OF TURKEY DISEASE IN THE AREA. (Became law upon approval of the Governor, July 3, 1997 - S.L. 1997-272.)

S.B. 457, AN ACT TO REQUIRE THE COMPREHENSIVE SCHOOL HEALTH EDUCATION PROGRAM TO PROVIDE INSTRUCTION ON THE PERFORMANCE OF CARDIOPULMONARY RESUSCITATION AND THE HEIMLICH MANEUVER. (Became law upon approval of the Governor, July 3, 1997 - S.L. 1997-273.)
H.B. 433, AN ACT TO EXEMPT A SWORN LAW ENFORCEMENT OFFICER OR A RETIRED SWORN LAW ENFORCEMENT OFFICER FROM THE TRAINING REQUIRED TO QUALIFY FOR A CONCEALED HANDGUN PERMIT IF THE OFFICER APPLIES FOR A PERMIT WITHIN TWO YEARS OF RETIREMENT. (Became law upon approval of the Governor, July 3, 1997 - S.L. 1997-274.)

CALENDAR

H.B. 1052, A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW, changing the title, upon concurrence, to read H.B. 1052 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW AND TO ALLOW INJURED PARTIES TO EXECUTE COVENANTS NOT TO ENFORCE JUDGMENT AS CONSIDERATION FOR PAYMENT OF THE APPLICABLE LIMITS OF LIABILITY BY THE INSURER.

With unanimous consent, on motion of Senator Jenkins, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 8, for consideration upon its passage.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROHIBITING THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 143 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS, which is placed on the Calendar for tomorrow, Tuesday, July 8.

S.B. 297 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, for concurrence in the House Committee Substitute bill No. 2.

Referred to Education/Higher Education Committee.

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. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY
THE SALES TAX DEFINITION OF CUSTOM COMPUTER SOFTWARE.
Referred to Finance Committee.

H.B. 524 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.
Referred to Finance Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

CORRECTED

S.B. 764 (Committee Substitute) House of Representatives July 3, 1997

Mr. 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 Committee Substitute for SB 764, A BILL TO BE ENTITLED AN ACT TO AMEND THE WORKER’S COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The President Pro Tempore orders the measure enrolled and sent to the Governor.

COURTESIES

With unanimous consent, on motion of Senator Hartsell, privileges of the floor are extended to the North Carolina Teacher of the Year, Mr. Julian L. Coggins, Jr. The President Pro Tempore recognizes Senator Ballance, Deputy President Pro Tempore, who announces the appointment of Senator Hartsell of Cabarrus, Chairman; Senator Lee of Orange; Senator Lucas of Durham; Senator Winner of Mecklenburg and Senator Cochrane of Davie to escort the North Carolina Teacher of the Year to the Well of the Senate. Senator Hartsell introduces Julian L. Coggins, Jr. of Mount Pleasant High School, 1997-1998 North Carolina Teacher of the Year, who is received with a standing ovation. With unanimous consent, on motion of Senator Hartsell, Mr. Coggins’ remarks to the Senate are spread upon the Journal, as follows:

Julian L. Coggins, Jr.:

“Thank you very much. Thank you. President Pro Tem, Senator Basnight, and Members of the Senate, it is an honor to be asked to speak with you this evening, as it is an honor to represent the seventy-four thousand teachers in North Carolina. This is an especially exciting time for education. Teaching is always exciting, just as it is

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demanding. With knowledge, passion, instincts, vision, energy, the teacher lights the spark that creates the excitement and the love of learning in children. We have many diverse challenges as teachers. These challenges increase in number and change in nature every day. The answers to these challenges lie in teachers themselves. We have historically been so strong as individual teachers, now we are gaining strength as a group of interconnected, supportive professionals. Thanks to your leadership and the leadership of Governor Hunt we have The Excellent Schools Act in place. I personally believe that this Act is an important and significant step toward training and treating teachers as professionals. As I have traveled around the State the past months, I have encountered in teachers a sense of excitement and hope that I've not witnessed in my eighteen years in this profession. Teachers do remarkable things. Many of us are miracle workers. We appreciate the recognition that The Excellent Schools Act gives to our efforts. We also appreciate the tools that the Act provide us to allow us to instill greater professionalism in our ranks. The students, the citizens, and the future of this State are the beneficiaries of these improvements in education. Being selected as North Carolina Teacher of the Year is a profound honor. It is also a profound responsibility. I see my role this year as that of communicator and bridge builder. When I won North Carolina Teacher of the Year in April, I had my six year-old son, Carson, and one of my senior students, Tara Smithson, present at the luncheon. That day I pledged to carry the image of Carson, a kindergarten student, and Tara, a graduating senior, forward with me during this coming year. I pledged to do all that I can to make their education and their future the best it can possibly be. Tonight I bring you their image, their promise. If I can make one person see Carson and Tara along with all North Carolina’s children with the hope and potential of their lives written on their faces, shining in their eyes, and convince that person that we are all responsible for every child’s education then this year will be a success. I salute your efforts to improve education in North Carolina. I thank you for the children, on behalf of the children, and I thank you on behalf of the teachers. I appreciate this opportunity to speak with you.”

The Members respond with a standing ovation.

Senator Ballance, Deputy President Pro Tempore, congratulates Mr. Coggins and, on behalf of the Senate, presents him with a North Carolina State Flag. The Committee escorts Mr. Coggins from the Chamber.

CALENDAR (Continued)

S.B. 853 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF REVENUE TO APPOINT EMPLOYEES OF THE DEPARTMENT AS REVENUE LAW ENFORCEMENT AGENTS TO ENFORCE THE EXCISE TAX ON CONTROLLED SUBSTANCES AND THE CRIMINAL PROVISIONS OF THE REVENUE LAWS AND DIRECTING THE SECRETARY OF REVENUE TO NOTIFY AFFECTED INTANGIBLES TAXPAYERS BY MAIL AS SOON AS POSSIBLE OF THE COURT NOTICE IN THE CLASS ACTION LAWSUIT REGARDING REFUNDS.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, July 8, for consideration upon its passage.

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Bills and a resolution on today's Calendar are taken up and disposed of, as follows:

**H.B. 63 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS**, as amended, changing the title, upon concurrence, to read **H.B. 63 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS AND CONCERNING ANNEXATION OF AREAS BY THE TOWNS OF MOREHEAD CITY AND NEWPORT WHERE PLANNING JURISDICTION WAS RECENTLY GRANTED TO THOSE TOWNS BY LOCAL ACT, upon third reading.**

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute No. 2, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

**H.B. 1061 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH LIFETIME SPORTSMAN LICENSES FOR CERTAIN DISABLED RESIDENTS AND DISABLED VETERANS AND TO PROHIBIT THE UNLAWFUL USE OF FACILITIES PROVIDED FOR DISABLED SPORTSMEN**, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:


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.J.R. 1153, A JOINT RESOLUTION COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF FRANKLINVILLE AND HONORING THE MEMORY OF JESSE FRANKLIN.**

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

**S.B. 249 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY SPECIAL OBLIGATION**
BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS, 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 48, noes 0, as follows:


Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 875 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES, 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 48, noes 0, as follows:


Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 132, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE'S AND CHILDREN'S YEAR'S ALLOWANCE FROM A DECEDET'S ESTATE, 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 48, noes 0, as follows:


Voting in the negative: None.

The bill remains on the Calendar for tomorrow, Tuesday, July 8, for further consideration of concurrence upon third reading.
REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDENT’S SPOUSE, 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 4129, which changes the title, upon concurrence, to read H.B. 908 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDENT’S SPOUSE AND TO PERMIT NOTICE TO CREDITORS IN SUMMARY ADMINISTRATION OF ESTATES, is adopted and engrossed.

PERSONAL PRIVILEGE

With unanimous consent, on motion of Senator Ballance, the remarks of Senator Lee who rises to a point of personal privilege memorializing Charles Kuralt, are spread upon the Journal, as follows:

Senator Lee:

“Mr. President and Members of the Senate, on Friday morning North Carolina lost a great favorite son in the person of Charles Kuralt. I had just arrived at my golf club and was getting ready to play a round of golf and was looking forward with excitement to that round when I got the news of Charles’ death. I found a great void developed inside of me that has stayed with me since that time because I believe Charles’ passing has left a void in the hearts and among all of us in this State. I got to know Charles in the early seventies while serving as Mayor of Chapel Hill as he made one of his many journeys back to Chapel Hill to his favorite place, The University of North Carolina at Chapel Hill. And he was the kind of person who when you met, just looking at him, being the giant of a man he was, you became very intimidated, but once making contact with this human being you found a person who was warm, who was caring, and who was compassionate. Our friendship developed and grew through the years and I learned how much Charles cared about America. And it’s so ironic that having done so many stories about the Fourth of July, and the fact that one of his favorite heroes was Thomas Jefferson who also died on the Fourth of July, that he would choose that date as the time of his parting. But in spite of the fact of how much he loved America, he worshipped North Carolina, and is one of the many famous people who’ve come out of Wilmington. Charles Kuralt also had a sense of humor. And he made jokes about himself and about people associated with him. I shall never forget when President Clinton made one of his visits to the University of North Carolina, Charles was asked to give remarks. And he came to the podium that evening and really loosened up the crowd when he said, ‘I rise to speak for all us who could not afford to go to Duke.’ And he followed up quickly by saying, ‘And all of us who would not have went, if we could have afforded it, would not have gone if we could have afforded it,’ but that was Charles Kuralt. An invitation went out over a week ago, as
a fund raiser on behalf of the School of Social Work at The University of North Carolina at Chapel Hill where the building housing that School bears his name, and he and my wife were named Honorary Chairs. And that invitation is now out across this State. I mention that because for the last few years and for many years before, he spent a great deal of time raising money for that School of Social Work to which he was absolutely committed. And he was committed because he cared about people, and because he wanted to always do something to make people's lives better. I wish time would permit me standing here this evening and pouring out all that I feel within my heart about Charles Kuralt, but that time is not permitted. And while I stand here and, as many of you, feel inclined to be sad, I am really, in a sense, in a celebratory mood and I'm glad that I had the chance to get to know him, that I had the chance that to understand the impact he had upon people in North Carolina and in America, and I'm glad that he lived his life in such a way that he represented this State well, and like many of you, appreciative for his having encouraged all of us to call North Carolina home. And in conclusion, Sunday Morning yesterday was dedicated entirely to much of the life and work of Charles Kuralt. Tomorrow he will be laid to rest in a rare area. The old Chapel Hill cemetery has been closed for years. And I remember when I was Mayor how many requests we had for people to be buried in the old Chapel Hill cemetery that were turned down, but for this special man an exception has been made. He left the words that bid farewell in his last poem on Sunday Morning, 'Farewell my friends, farewell and hail. I'm off to seek the Holy Grail. I cannot tell you why. Remember please when I'm gone, 'twas aspiration that led me on. Tiddely, widdlely, toodlely loo, all I want is to stay with you, but here I go. I bid you goodbye.' I think that sums up the man, and I wanted to share my feelings of loss with you, and to say that I think all of us can learn a great deal from his life, and be proud of the fact that we lived at a time he lived. Thank you, Mr. President."

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

Jonathan David Akers, Bethel; Tyler Allen, Cary; Joy Busbice, Apex; Sara Ann Caudill, Wilkesboro; Phillip H. Cowan, Fayetteville; Holly Denae Farmer, Hampstead; Kevin Farmer, Hampstead; Nick Featherstone, Gastonia; Margaret Erin Fulghum, Concord; Christopher Michael Garvin, Chapel Hill; Darren Lee Grammer, Gastonia; Karen Marie Gupton, Raleigh; Laura Dale Gupton, Raleigh; Brandon Tyler Hall, Franklinton; Courtney Blair Harrell, Nashville; Matthew David Hasty, Huntersville; Chris Hawkes, Cary; Kendra Lynn Hendrix, Wilkesboro; Clinton Carnell Hicks II, Cherryville; Charlotte Isenhower, Newton; Kelly Ann Lineberger, Mount Holly; Courtney Lomonte, Raleigh; Brian P. Mosher, Durham; Sarita Clarissa Rawls, Manteo; Patrick Lee Ritchie, Stanley; Lauren Salisbury, Morganton; Howard Marshall Wallace II, Cerro Gordo; and Charles Matthew Zadnik Jr., Greenville.

On motion of Senator Ballance, seconded by Senator Lee, the Senate adjourns at 7:51 P.M. in memory of Charles Kuralt to meet tomorrow, Tuesday, July 8, at 11:00 A.M.
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:

"Gracious God, Charles Kuralt will be laid to rest today in a small cemetery on the campus of his alma mater in Chapel Hill. Kuralt's writings transcend politics, geography, economics, race, class. We hear his words today not only as eulogy for this favorite son, but also as encouragement, a breath of renewal for the work yet to be finished here in the Senate:

North Carolina is my home.
Here where the Smokies rise,
Here where the wind blows ocean foam,
Here where the wild swan flies,
Blossoms adorn the dogwood tree down on the old home place.
Tar on my heels feels good to me,
Here is my State of grace.
Carolina raised me, straight as a mountain pine.
Rocked me in her cradle, southern mother mine.
North Carolina is my home, home far beyond all praise,
Goodliest home under heaven's dome. Here I shall spend my days.

"Amen."

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

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

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SAFE-DEPOSIT BOXES, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, Wednesday, July 9.
S.B. 667 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSE OF STALKING, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 9.

S.B. 714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN, TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 714 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY, which is placed on the Calendar for tomorrow, Wednesday, July 9.

S.B. 930 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE MUTUAL BURIAL ASSOCIATION COMMISSION AND TO TRANSFER ITS DUTIES TO THE BOARD OF MORTUARY SCIENCE, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 9.

A special message received in the Office of the Principal Clerk from the House of Representatives transmitting a resolution is presented to the Senate, read the first time, and disposed of, as follows:

H.J.R. 1237, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MAZIE SPENCER WOODRUFF, A DEVOTED PUBLIC SERVANT AND COMMUNITY ACTIVIST.

On motion of Senator Horton, the rules are suspended without objection, and the joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator Horton, the joint resolution is read in its entirety.

The joint resolution passes its second reading (49-0) and third reading, with Members standing, and is ordered enrolled.

The President Pro Tempore recognizes family members and friends of Mazie Spencer Woodruff who are present in the Gallery.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

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S.B. 249, AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY SPECIAL OBLIGATION BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS.

S.B. 764, AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION.

S.B. 875, AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES.

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

H.J.R. 1153, A JOINT RESOLUTION COMMEMORATING THE ONE HUNDRED FIFTIETH ANNIVERSARY OF THE TOWN OF FRANKLINVILLE AND HONORING THE MEMORY OF JESSE FRANKLIN. (Res. 20)

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 Cooper for the Judiciary Committee:

H.B. 1122, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY, WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY, 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 6295, which changes the title, upon concurrence, to read H.B. 1122 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY, TO AMEND THE EVIDENCE LAWS DEALING WITH THE OPTOMETRIST/PATIENT PRIVILEGE, AND TO AUTHORIZE SUPERIOR COURT SESSIONS IN THOMASVILLE AND MOORESVILLE, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the rules are suspended to the end and the Senate Committee Substitute bill is placed on the Calendar for today, for further consideration.
RECALL FROM THE HOUSE OF REPRESENTATIVES

S.B. 548, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN STOKES COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, ordered sent to the House of Representatives on April 30.

Senator Foxx offers a motion to the end that the bill be recalled from the House of Representatives by special messenger for further consideration by the Senate, which motion prevails.

The President Pro Tempore orders a special message sent to the House of Representatives informing that Honorable Body of such action.

REPORTS OF COMMITTEES (Continued)

By Senator Soles for the Commerce Committee:

H.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT SCHOOL BUSES AND SCHOOL ACTIVITY BUSES MAY NOT COMPETE WITH THE PRIVATE SECTOR, with a favorable report.

H.B. 1006, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXEMPTION FOR ANNOUNCING REQUIREMENTS OF CAPITAL IMPROVEMENT PROJECT DESIGNS, with a favorable report.

H.B. 1059 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ALLOW CERTAIN TYPES OF REDEVELOPMENT WITHIN URBAN WATERFRONTS THAT HISTORICALLY HAVE A PATTERN OF URBAN-LEVEL DEVELOPMENT, 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 6287 is adopted and engrossed.

With unanimous consent, on motion of Senator Soles, the rules are suspended to the end and the Senate Committee Substitute bill is placed at the end of the Calendar for today, for further consideration.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 299 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS, AND TO PROVIDE THAT THE TEN-DOLLAR ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO SUPPORT THE NORTH CAROLINA VETERANS HOME, changing the title, upon concurrence, to read H.B. 299 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION
PLATES FOR VIETNAM VETERANS AND TO PROVIDE ADDITIONAL REVENUE FOR THE SUPPORT OF THE NORTH CAROLINA VETERANS HOME, upon second reading.

With unanimous consent, on motion of Senator East, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, July 9, for consideration upon second reading.

S.B. 853 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF REVENUE TO APPOINT EMPLOYEES OF THE DEPARTMENT AS REVENUE LAW ENFORCEMENT AGENTS TO ENFORCE THE EXCISE TAX ON CONTROLLED SUBSTANCES AND THE CRIMINAL PROVISIONS OF THE REVENUE LAWS AND DIRECTING THE SECRETARY OF REVENUE TO NOTIFY AFFECTED INTANGIBLES TAXPAYERS BY MAIL AS SOON AS POSSIBLE OF THE COURT NOTICE IN THE CLASS ACTION LAWSUIT REGARDING REFUNDS.

Senator Horton offers a motion to divide the question pursuant to Rule 28, by separating Sections 7(a) and (b) from Sections 1 through 6, which motion fails to prevail (22-26).

Senator Shaw of Guilford rises to a point of order as to a fiscal note being attached to the measure. The President Pro Tempore announces that a fiscal note is not attached.

Upon the appearance of Senator Lee in the Chamber, the President Pro Tempore acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Hoyle calls the previous question, seconded by Senator Conder. The call is sustained (37-13).

The Committee Substitute bill passes its second reading (35-15).

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, July 9, for further consideration upon third reading.

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDEDENT’S SPOUSE, changing the title, upon concurrence, to read H.B. 908 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDEDENT’S SPOUSE AND TO PERMIT NOTICE TO CREDITORS IN SUMMARY ADMINISTRATION OF ESTATES.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, July 10, for consideration upon its passage.

H.B. 1052, A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW, changing the title, upon concurrence, to read H.B. 1052 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW AND TO ALLOW INJURED PARTIES TO EXECUTE COVENANTS NOT TO ENFORCE JUDGMENT AS CONSIDERATION FOR PAYMENT OF THE APPLICABLE LIMITS OF LIABILITY BY THE INSURER.

With unanimous consent, on motion of Senator Jenkins, the Senate Committee
Substitute bill is withdrawn from today’s Calendar, and is placed on the Calendar for Thursday, July 10, for consideration upon its passage.

**H.B. 1122, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY, WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY, changing the title, upon concurrence, to read H.B. 1122 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY, TO AMEND THE EVIDENCE LAWS DEALING WITH THE OPTOMETRIST/PATIENT PRIVILEGE, AND TO AUTHORIZE SUPERIOR COURT SESSIONS IN THOMASVILLE AND MOORESVILLE, placed earlier today on the Calendar for today.

The Senate Committee Substitute bill passes its second reading (49-0).

Senator Shaw of Guilford objects to the third reading of the measure. Pursuant to Rule 50, the President Pro Tempore orders the measure placed on the Calendar for tomorrow, Wednesday, July 9, for further consideration upon third reading.

**S.B. 132, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE’S AND CHILDREN’S YEAR’S ALLOWANCE FROM A DECEDEDENT’S ESTATE, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 on its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The bill, as amended, is ordered enrolled and sent to the Governor.

**S.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROHIBITING THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 143 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS.

The Senate fails to concur in the House Committee Substitute bill (4-46).
A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H.B. 1059** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ALLOW CERTAIN TYPES OF REDEVELOPMENT WITHIN URBAN WATERFRONTS THAT HISTORICALLY HAVE A PATTERN OF URBAN-LEVEL DEVELOPMENT, placed earlier today on the Calendar for today.

Senator Gulley offers Amendment No. 1.

Senator Soles calls the previous question, seconded by Senator Jordan.

With unanimous consent, Senator Gulley withdraws Amendment No. 1.

Subsequently, with unanimous consent, Senator Jordan withdraws his second of the call for the previous question, and Senator Soles withdraws his call for the previous question.

The Senate Committee Substitute bill passes its second (48-2) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

**H.B. 1122**, A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY, WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY, changing the title, upon concurrence, to read **H.B. 1122** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY, TO AMEND THE EVIDENCE LAWS DEALING WITH THE OPTOMETRIST/PATIENT PRIVILEGE, AND TO AUTHORIZE SUPERIOR COURT SESSIONS IN THOMASVILLE AND MOORESVILLE, placed earlier today on the Calendar for Wednesday, July 9, upon third reading.

With unanimous consent, Senator Shaw of Guilford withdraws his objection to third reading, the Senate reconsiders and the Senate Committee Substitute bill is withdrawn from the Calendar for Wednesday, July 9 and placed before the Senate for further consideration upon third reading.

The Senate Committee Substitute bill passes its third reading (47-0) and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

**REPORT OF COMMITTEE**

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:

July 8, 1997
By Senator Cooper for the Judiciary Committee:

H.B. 618, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION UNDER THE WORKERS' COMPENSATION ACT, 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 4132, which changes the title, upon concurrence, to read H.B. 618 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION AND FOR FAILURE TO SECURE COMPENSATION UNDER THE WORKERS' COMPENSATION ACT, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

H.B. 770, A BILL TO BE ENTITLED AN ACT TO AMEND THE OFFENSE OF TRAFFICKING IN MARIJUANA BY CHANGING THE AMOUNT OF MARIJUANA THAT WOULD BE CONSIDERED TRAFFICKING, 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 1429 is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

On motion of Senator Ballance, seconded by Senator McDaniel, the Senate adjourns at 12:54 P.M. to meet tomorrow, Wednesday, July 9, at 10:30 A.M.

NINETY-THIRD DAY

Senate Chamber
Wednesday, July 9, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O Lord, when up against a wall, we have all confessed our need for You by saying something like, 'our times are in Your hands.' We say the words, we pray the prayer, but we don't always hear the words.

"If we truly embraced them, O God, we would be forced to face the disparity between what we do and what we say. Sometimes we just jump into the action of good works in Your name irrespective of Your wishes, Your desires, and Your kingdom plans.

"Today help us to be still long enough to hear Your truth revealed so that when we go forth, we will do so not only aware, but also firmly planted in Your time. Amen."

July 9, 1997
With unanimous consent, the President grants leaves of absence for today to Senator Carrington and to Senator Page.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, July 8, has been examined and is found to be correct. On 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. Gilbert Alligood from Tarboro, 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. 132, AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE'S AND CHILDREN'S YEAR'S ALLOWANCE FROM A DECEDENT'S ESTATE.

S.B. 263, AN ACT TO AMEND THE WORKERS' COMPENSATION ACT SO THAT NONRESIDENT ALIENS RECEIVE COMPENSATION EQUAL TO THAT RECEIVED BY OTHER WORKERS UNDER THE ACT.

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

H.J.R. 1237, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MAZIE SPENCER WOODRUFF, A DEVOTED PUBLIC SERVANT AND COMMUNITY ACTIVIST. (Res. 21)

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. 71, AN ACT TO ENABLE THE COUNTY OF HALIFAX AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY. (Became law upon ratification, July 7, 1997 - S.L. 1997-275.)

S.B. 537, AN ACT TO AUTHORIZE THE ADDITION TO THE STATE PARKS SYSTEM OF CERTAIN LANDS LOCATED IN TRANSYLVANIA COUNTY ADJACENT TO JOCASSEE LAKE. (Became law upon approval of the Governor, July 8, 1997 - S.L. 1997-276.)

REPORT OF COMMITTEE

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 9, 1997
By Senator Soles for the Commerce Committee:

**H.B. 672**, A BILL TO BE ENTITLED AN ACT TO EXEMPT COUNTIES AND CITIES FROM THE STATUTORY REQUIREMENTS REGARDING PUBLIC CONTRACTS WHEN CONSTRUCTING CERTAIN METAL BUILDINGS, 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 7344, which changes the title, upon concurrence, to read **H.B. 672** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN FUNDS APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES NONREVERTING, is adopted and engrossed.

**CONFERENCE REPORT**

**H.B. 484** (Senate Committee Substitute)

Senator Albertson, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H.B. 484** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS, 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 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 5/29/97, Third Edition Engrossed 6/5/97, submit the following report:


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

Date conferees approved report: 9 July 1997.

S/Charles W. Albertson  
S/Hamilton C. Horton, Jr.  
S/Donald R. Kincaid  
S/Fountain Odom  

S/John Weatherly  
S/Arlie Culp  
S/Joe Hackney  
S/Foyle Hightower  
S/Daniel McComas  
Edgar Starnes

Conferees for the Senate  
Conferees for the House of Representatives
On motion of Senator Albertson, the Conference Report is adopted (38-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

The President directs the Reading Clerk to read, as follows:

NORTH CAROLINA GENERAL ASSEMBLY
STATE LEGISLATIVE BUILDING
RALEIGH 27611

July 9, 1997

The Honorable Dennis A. Wicker
Lieutenant Governor
State Capitol
116 West Jones Street
Raleigh, N.C. 27603

The Honorable Marc Basnight
Senate President Pro Tempore
2007 Legislative Building
Raleigh, N.C. 27601

Dear Sirs:

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 Dr. Jay M. Robinson, Mr. John R. Lauritzen and Ms. Evelyn B. Monroe 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/Howard Lee          S/Leslie Winner
Senate Education/Higher Education Committee Co-Chairs

MESSAGES 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, and disposed of, as follows:

S.B. 894 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND MOTOR VEHICLE FEES TO THE STATE, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 10.

July 9, 1997
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. 96 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO PRESERVED THEIR RIGHT TO A REFUND BY PROTESTING PAYMENT WITHIN THE TIME LIMITS SET BY G.S. 105-267.**  
Referred to Finance Committee.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S.B. 548**  
House of Representatives  
July 8, 1997  

*Mr. President:*  

Pursuant to your request, we are returning SB 548, A BILL TO BE ENTITLED AN ACT REQUIRING THE PAYMENT OF DELINQUENT TAXES IN STOKES COUNTY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO DELINQUENT TAXES, for further consideration by your Honorable Body.

Respectfully,  
S/Denise Weeks  
Principal Clerk  

The bill is re-referred to Finance Committee.

**EXECUTIVE ORDER**

An Executive Order received (see Appendix) is presented to the Senate, read, and placed on file in the Office of the Principal Clerk with the papers of the Senate, as follows:

**Executive Order Number 115, Single State Agency to Set Standards and Models of Care for Alcohol and Drug Prevention and Treatment Services.**

**CALENDAR**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 299 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS, AND TO PROVIDE THAT THE TEN-DOLLAR ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO SUPPORT THE NORTH CAROLINA VETERANS
HOME, changing the title, upon concurrence, to read H.B. 299 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS AND TO PROVIDE ADDITIONAL REVENUE FOR THE SUPPORT OF THE NORTH CAROLINA VETERANS HOME, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (45-0), changing the title, upon concurrence, to read H.B. 299 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS.

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 10, for further consideration upon third reading.

H.B. 617 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT SCHOOL BUSES AND SCHOOL ACTIVITY BUSES MAY NOT COMPETE WITH THE PRIVATE SECTOR.

The Committee Substitute bill passes its second (46-0) and third readings is ordered enrolled and sent to the Governor.

H.B. 646, A BILL TO BE ENTITLED AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.

Upon the appearance of Senator Page in the Chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Cooper offers Amendment No. 1 which is adopted (48-0).

Senator Wellons offers Amendment No. 2 which is adopted (48-0).

The bill, as amended, passes its second (47-0) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendments No. 1 and No. 2.

H.B. 1006, A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXEMPTION FOR ANNOUNCING REQUIREMENTS OF CAPITAL IMPROVEMENT PROJECT DESIGNS.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

S.B. 853 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE SECRETARY OF THE DEPARTMENT OF REVENUE TO

Following debate, Senator Hoyle calls the previous question, seconded by Senator Conder. The call is sustained.

Senator Kincaid announces a pair: Senator Winner “aye”, Senator Kincaid “no”.

The Committee Substitute bill passes its third reading (33-13) and is ordered without objection, sent to the House of Representatives by special messenger.

S.B. 330 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING SAFE-DEPOSIT BOXES, for concurrence in House Amendment No. 1.

With unanimous consent, the President grants a leave of absence for the remainder of today’s Session to Senator Winner to present a bill under her sponsorship to a committee of the House of Representatives.

The Senate concurs in House Amendment No. 1 (47-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 667 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CRIMINAL OFFENSE OF STALKING, 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. 714 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS’ AND STATE EMPLOYEES’ COMPREHENSIVE MAJOR MEDICAL PLAN, TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 714 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS’ AND STATE EMPLOYEES’ COMPREHENSIVE MAJOR MEDICAL PLAN TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 930 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ABOLISH THE MUTUAL BURIAL ASSOCIATION COMMISSION AND TO TRANSFER ITS DUTIES TO THE BOARD OF MORTUARY SCIENCE, 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.
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. 340** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS, with a favorable report.

**H.B. 993** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL TRANSPORTATION AUTHORITIES, with a favorable report.

**H.B. 1044**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO DESIGNATE AN OFFICIAL TO RECEIVE SALES TAX REFUND INFORMATION, 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 7341 is adopted and engrossed.

**H.B. 305** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS, 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 6298, which changes the title, upon concurrence, to read **H.B. 305** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS AND AMENDING THE STRAWBERRY ASSESSMENT ACT TO IMPROVE THE COLLECTION OF ASSESSMENTS, is adopted and engrossed.

By Senator Lee for the Education/Higher Education Committee:

**H.B. 88**, A BILL TO BE ENTITLED AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION OF CERTIFICATES, with a favorable report.

COMMITTEE REFERRAL RECALL

**S.B. 696**, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD DISTRICT OF THE SENATE, referred to the Rules and Operations of the Senate Committee on April 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 recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

S.B. 592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC PURPOSES, referred to the Rules and Operations of the Senate Committee on April 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 Commerce Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Commerce Committee.

H.B. 750, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT TO A REFERENDUM, referred to the Rules and Operations of the Senate Committee on May 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 recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

WITHDRAWAL FROM CALENDAR

H.B. 993 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL TRANSPORTATION AUTHORITIES, placed on the Calendar for Thursday, July 10, earlier today, upon second reading.

Senator Kerr offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Calendar for Thursday, July 10, and placed on the Calendar for Wednesday, July 16, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the Committee Substitute bill No. 2 taken from the Calendar for Thursday, July 10, and places it on the Calendar for Wednesday, July 16, upon second reading.

On motion of Senator Basnight, seconded by Senator Clark, the Senate adjourns at 11:51 A.M. to meet tomorrow, Thursday, July 10, at 10:00 A.M.

NINETY-FOURTH DAY

Senate Chamber
Thursday, July 10, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

"Dear God, the men and women of the Senate, as servants of the people, live under the most intense scrutiny.

"With difficult legislation like the budget and welfare reform still to be hammered out, the Senators must face what the Apostle Paul implied goes with the territory of following one’s convictions... insults, hardships, and persecutions.

"But the Apostle could face those adversities, even live contentedly with them, because he believed wholeheartedly in Your words, 'My grace is all you need for My power is strongest when you are vulnerable.'

"May the Senators find reassurance in Paul’s attitude and Your promise, O God. Amen."

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, July 9, has been examined and is found to be correct. On 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. 330, AN ACT TO AMEND THE LAW GOVERNING SAFE-DEPOSIT BOXES.

S.B. 667, AN ACT TO AMEND THE CRIMINAL OFFENSE OF STALKING.

S.B. 714, AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY.

S.B. 930, AN ACT TO ABOLISH THE MUTUAL BURIAL ASSOCIATION COMMISSION AND TO TRANSFER ITS DUTIES TO THE BOARD OF MORTUARY SCIENCE.

H.B. 617, AN ACT TO CLARIFY THAT SCHOOL BUSES AND SCHOOL ACTIVITY BUSES MAY NOT COMPETE WITH THE PRIVATE SECTOR.

H.B. 1006, AN ACT TO INCREASE THE EXEMPTION FOR ANNOUNCING REQUIREMENTS OF CAPITAL IMPROVEMENT PROJECT DESIGNS.

The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:
H.B. 545, AN ACT TO ALLOW THE TOWNS OF TABOR CITY AND WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS.

H.B. 681, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO.

H.B. 867, AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS, TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION AND TO MAKE A TECHNICAL CORRECTION IN A BILL MOVING CERTAIN PARCELS FROM MATTHEWS TO CHARLOTTE.

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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 275 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE DUPLICATION OF WORK BETWEEN THE OFFICE OF STATE PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN FUNCTIONS FROM THE OFFICE OF STATE PERSONNEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS, 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 2361 is adopted and engrossed.

H.B. 496, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE MUNICIPALITIES LOCATED IN LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, 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 1430 is adopted and engrossed.

H.B. 637, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED TERMS FOR THE TOWN OF BROADWAY, with a favorable report.

H.B. 675, A BILL TO BE ENTITLED AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT, with a favorable report.

H.B. 699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE TOWN OF NEWPORT TO ADDRESS ABANDONED
STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, 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 1436, which changes the title, upon concurrence, to read H.B. 699 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF BETHEL, FARMVILLE, AND NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, is adopted and engrossed.

H.B. 761, A BILL TO BE ENTITLED AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES, 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 6294, which changes the title, upon concurrence, to read H.B. 761 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO LOCAL LAWS IN ORANGE COUNTY, is adopted and engrossed.

By Senator Hoyle for the Finance Committee:

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SALES TAX DEFINITION OF CUSTOM COMPUTER SOFTWARE, with a favorable report.

H.B. 35, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED GOVERNMENT ENTITIES AND NONPROFIT ENTITIES FOR CLAIMING SALES TAX REFUNDS, 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 X8258, which changes the title, upon concurrence, to read H.B. 35 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED FOR CLAIMING SALES TAX REFUNDS, MOTOR FUEL TAX REFUNDS, AND ALTERNATIVE FUEL TAX REFUNDS, AND TO PROVIDE THAT A MOTOR FUEL TAX REFUND IS NET OF THE SALES TAX DUE ON THE FUEL, is adopted and engrossed.

The measure requires a call of the roll upon adoption of the Senate Committee Substitute bill.

H.B. 1157, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTES OF LIMITATIONS FOR TAX REFUNDS, TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES REFUNDS, 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 7342, which changes the title, upon concurrence, to read H.B. 1157 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE INCOME TAX

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ON CERTAIN TAX-EXEMPT OBLIGATIONS AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, is adopted and engrossed.

H.B. 457 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECOVERY OF FUNDS PAID AS FOREST DEVELOPMENT COST-SHARING PAYMENTS WHEN TREES ARE NOT MAINTAINED AT LEAST TEN YEARS AND TO CONVERT THE FOREST DEVELOPMENT FUND TO ONE THAT ACCRUES INTEREST, 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 A405 is adopted and engrossed.

H.B. 843 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM, 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 6297 is adopted and engrossed.

S.B. 1001, A BILL TO BE ENTITLED AN ACT TO EXPAND THE AMUSEMENTS TAX EXEMPTION FOR NONPROFIT PERFORMING ARTS 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 1852, which changes the title to read S.B. 1001 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN AMUSEMENTS TAX EXEMPTION FOR CERTAIN NONPROFIT ARTS ORGANIZATIONS, is adopted and engrossed.

S.B. 1073, A BILL TO BE ENTITLED AN ACT RELATING TO THE INFORMATION RESOURCE MANAGEMENT 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 1859, which changes the title to read S.B. 1073 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO AUCTIONEERS, is adopted and engrossed.

COMMITTEE REFERRAL RECALL

H.B. 618, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION UNDER THE WORKERS' COMPENSATION ACT, changing the title, upon concurrence, to read H.B. 618 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION AND FOR FAILURE TO SECURE COMPENSATION UNDER THE WORKERS' COMPENSATION ACT, referred to the Appropriations Committee on July 8.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Senate Committee Substitute bill be withdrawn from the Appropriations Committee and placed on the Calendar for Tuesday, July 15, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill recalled from the

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Appropriations Committee and places it on the Calendar for Tuesday, July 15 for consideration upon its passage.

**CALENDAR**

**H.B. 672**, A BILL TO BE ENTITLED AN ACT TO EXEMPT COUNTIES AND CITIES FROM THE STATUTORY REQUIREMENTS REGARDING PUBLIC CONTRACTS WHEN CONSTRUCTING CERTAIN METAL BUILDINGS, changing the title, upon concurrence, to read **H.B. 672** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CERTAIN FUNDS APPROPRIATED TO THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES NONREVERTING, on today’s Calendar.

With unanimous consent, on motion of Senator Soles, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is re-referred to the Appropriations Committee.

**INTRODUCTION OF A RESOLUTION**

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

By Senator Wellons:

**S.J.R. 1085**, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BARNEY PAUL WOODARD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

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 for concurrence are presented to the Senate, read, and disposed of, as follows:

**S.B. 625** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 625** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION AND TO INCREASE THE PENALTY FOR SPEEDING IN A SCHOOL ZONE, which is placed on the Calendar for Monday, July 14.

**S.B. 921**, A BILL TO BE ENTITLED AN ACT TO EXEMPT CONTINUING CARE FACILITIES THAT PROVIDE HUMANE AND PHILANTHROPIC CARE TO THE ELDERLY FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SOLICITATIONS ACT, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read **S.B. 921** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO
EXEMPT LICENSED NONPROFIT CONTINUING CARE FACILITIES FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SOLICITATIONS ACT, which is placed on the Calendar for Monday, July 14.

S.B. 943 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 14.

S.B. 1055 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 1055 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT AND AMENDING THE LAW GOVERNING DISPOSAL OF FETAL REMAINS, which is placed on the Calendar for Monday, July 14.

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. 225 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CLEANUP OF DRY-CLEANING SOLVENT CONTAMINATION IN NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

Referred to Finance Committee.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 340 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

H.B. 299 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS, AND TO PROVIDE THAT THE TEN-DOLLAR ADDITIONAL FEE CHARGED FOR THE PLATE WILL BE USED TO SUPPORT THE NORTH CAROLINA VETERANS HOME, changing the title, upon concurrence, to read H.B. 299 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

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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. 305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS, changing the title, upon concurrence, to read H.B. 305 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS AND AMENDING THE STRAWBERRY ASSESSMENT ACT TO IMPROVE THE COLLECTION OF ASSESSMENTS, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, July 16, for consideration upon second reading.

H.B. 88, A BILL TO BE ENTITLED AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION OF CERTIFICATES.

The bill passes its second (48-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 908 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDEDENT’S SPOUSE, changing the title, upon concurrence, to read H.B. 908 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDEDENT’S SPOUSE AND TO PERMIT NOTICE TO CREDITORS IN SUMMARY ADMINISTRATION OF ESTATES.

With a unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, July 15, for consideration upon its passage.

H.B. 1044 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE COUNTIES TO DESIGNATE AN OFFICIAL TO RECEIVE SALES TAX REFUND INFORMATION.

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. 1052, A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW, changing the title, upon
concurrency, to read H.B. 1052 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW AND TO ALLOW INJURED PARTIES TO EXECUTE COVENANTS NOT TO ENFORCE JUDGMENT AS CONSIDERATION FOR PAYMENT OF THE APPLICABLE LIMITS OF LIABILITY BY THE INSURER.

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. 894 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND MOTOR VEHICLE FEES TO THE STATE, 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.

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 Lee for the Education/Higher Education Committee:

S.B. 889, A BILL TO BE ENTITLED AN ACT TO RECOGNIZE AMERICAN SIGN LANGUAGE (ASL) AS THE MODERN LANGUAGE OF CHOICE FOR MANY DEAF, HARD-OF-HEARING AND HEARING NORTH CAROLINA CITIZENS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8744, which changes the title to read S.B. 889 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA AND THE STATE BOARD OF COMMUNITY COLLEGES TO STUDY THE QUALIFICATIONS NEEDED TO TEACH AMERICAN SIGN LANGUAGE AND MAKE RECOMMENDATIONS TO THE APPROPRIATIONS SUBCOMMITTEES ON EDUCATION AND HUMAN RESOURCES AND TO THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE, is adopted and engrossed.

With unanimous consent, on motion of Senator Lee, the Committee Substitute bill is re-referred to the Rules and Operations of the Senate Committee.

H.B. 1142 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO WAIVE TUITION FOR CHILDREN OR SPOUSES OF CERTAIN EMERGENCY WORKERS KILLED OR DISABLED IN THE LINE OF DUTY, 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 7346 is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

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By Senator Cooper for the **Judiciary Committee:**

**H.B. 523** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS, 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 1434 is adopted and engrossed.

On motion of Senator Basnight, seconded by Senator Lucas, the Senate adjourns at 10:37 A.M. to meet Monday, July 14, at 7:00 P.M.

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**NINETY-FIFTH DAY**

Senate Chamber
Monday, July 14, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Sometime, O God, we live by going through the motions. "We look busy. We haven’t had a moment to spare, but the reality is that we’re like a person with a bad head cold. We’ve mostly lost our sense of taste and smell. “This week, rather than just get through life or view it through glazed eyes, let us live it with clarity and purpose. For Your sake, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Cooper and to Senator Martin of Pitt.

Senator Basnight, President *Pro Tempore*, announces the Journal of Thursday, July 10, has been examined and is found to be correct. On 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. Dan Albright from Raleigh, 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. 466**, AN ACT TO EXEMPT FROM STATE INCOME TAX ALL OF THE ANNUAL INVESTMENT INCOME EARNED BY CONTRIBUTORS ON DEPOSITS
IN THE PARENTAL SAVINGS TRUST FUND AS WELL AS THE DISTRIBUTIONS TO BENEFICIARIES OF THAT FUND.

S.B. 894, AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND MOTOR VEHICLE FEES TO THE STATE.

H.B. 88, AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION OF CERTIFICATES.

H.B. 1061, AN ACT TO ESTABLISH LIFETIME SPORTSMAN LICENSES FOR CERTAIN DISABLED RESIDENTS AND DISABLED VETERANS AND TO PROHIBIT THE UNLAWFUL USE OF FACILITIES PROVIDED FOR DISABLED SPORTSMEN.

H.B. 1122, AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY, TO AMEND THE EVIDENCE LAWS DEALING WITH THE OPTOMETRIST/PATIENT PRIVILEGE, AND TO AUTHORIZE SUPERIOR COURT SESSIONS IN THOMASVILLE AND MOORESVILLE.

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

H.B. 42, AN ACT TO EXTEND AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE CAROLINA TRACE COMMUNITY IN LEE COUNTY AND TO EXTEND THE APPLICATION OF THAT ACT TO THE LAKE ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES.

H.B. 340, AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS.

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. 316, AN ACT TO AMEND THE WILLIAM S. LEE QUALITY JOBS AND BUSINESS EXPANSION ACT. (Became law upon approval of the Governor, July 9, 1997 - S.L. 1997-277.)

H.B. 184, AN ACT TO EXEMPT THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN FROM July 14, 1997
ARTICLE 2A OF THE ADMINISTRATIVE PROCEDURE ACT AND TO REQUIRE THE EMPLOYEE HOSPITAL AND MEDICAL BENEFITS COMMITTEE TO MEET AT LEAST QUARTERLY. (Became law upon approval of the Governor, July 9, 1997 - S.L. 1997-278.)

H.B. 311, AN ACT TO MAKE PERMANENT THE EXCLUSION OF FORFEITED RESERVATION DEPOSITS FROM THE ESCHEAT FUND. (Became law upon approval of the Governor, July 9, 1997 - S.L. 1997-279.)

H.B. 101, AN ACT TO EXTEND THE TIME FOR THE DEPARTMENT OF HUMAN RESOURCES TO ADMINISTER THE SERVICES OF THE TRI-COUNTY AREA AUTHORITY. (Became law upon approval of the Governor, July 9, 1997 - S.L. 1997-280.)

H.B. 545, AN ACT TO ALLOW THE TOWNS OF TABOR CITY AND WILLIAMSTON TO EXERCISE EXTRATERRITORIAL JURISDICTION OVER AN AREA EXTENDING TWO MILES FROM ITS LIMITS. (Became law upon ratification, July 10, 1997 - S.L. 1997-281.)

H.B. 681, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE CITY OF ROXBORO. (Became law upon ratification, July 10, 1997 - S.L. 1997-282.)

H.B. 867, AN ACT TO CLARIFY THAT THE GENERAL LAW APPLIES TO ANNEXATION OF CERTAIN PARCELS OF LAND BY THE TOWN OF MATTHEWS, TO EXEMPT THOSE PARCELS FROM PRIOR LOCAL ACTS CONCERNING ZONING JURISDICTION AND TO MAKE A TECHNICAL CORRECTION IN A BILL MOVING CERTAIN PARCELS FROM MATTHEWS TO CHARLOTTE. (Became law upon ratification, July 10, 1997 - S.L. 1997-283.)

S.B. 668, AN ACT TO AMEND THE EDUCATION REQUIREMENTS FOR CERTIFIED PUBLIC ACCOUNTANTS. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-284.)


H.B. 460, AN ACT TO ABOLISH THE NORTH CAROLINA AQUARIUMS COMMISSION, TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ADOPT ENTRANCE FEES FOR THE NORTH CAROLINA AQUARIUMS, AND TO MAKE TECHNICAL CORRECTIONS. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-286.)

H.B. 852, AN ACT TO PROVIDE THAT INFORMATION IN A 911 DATABASE OBTAINED FROM A TELEPHONE COMPANY IS CONFIDENTIAL IF REQUIRED BY THE AGREEMENT OBTAINING THE INFORMATION. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-287.)

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S.B. 521, AN ACT TO ESTABLISH PILOT PROGRAMS ON SEXUAL ASSAULT FOR INMATES AND EMPLOYEES OF THE DEPARTMENT OF CORRECTION. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-288.)

S.B. 885, AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE LAW REGARDING THE TIME FOR EXECUTION. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-289.)

S.B. 844, AN ACT TO STRENGTHEN THE OPEN MEETINGS LAW TO REQUIRE ACCOUNTS OF CLOSED MEETINGS AND TO CLARIFY WHAT ACTIONS ON ECONOMIC DEVELOPMENT INCENTIVES MAY BE TAKEN IN CLOSED SESSIONS. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-290.)

H.B. 407, AN ACT TO REPEAL THE CURRENT STATUTES REGARDING FRAUDULENT CONVEYANCES AND TO ADOPT THE UNIFORM FRAUDULENT TRANSFER ACT IN ORDER TO MODERNIZE NORTH CAROLINA LAW AND HARMONIZE OUR LAW ON THIS SUBJECT WITH THOSE STATES THAT HAVE ADOPTED THIS UNIFORM ACT. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-291.)

H.B. 754, AN ACT TO LEVY AN EXCISE TAX ON ILlicit SPIRITIOUS LIQUOR, AN EXCISE TAX ON MASH, AND AN EXCISE TAX ON ILlicit MIXED BEVERAGES. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-292.)

S.B. 1074, AN ACT TO OFFICIALLY RECOGNIZE THE INDIANS PREVIOUSLY RECOGNIZED IN THE GENERAL STATUTES AS THE HALIWA TRIBE AS THE HALIWA SAPONI TRIBE. (Became law upon approval of the Governor, July 10, 1997 - S.L. 1997-293.)

REPORT 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 Shaw of Cumberland for the Transportation Committee:

H.B. 1137 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A SPECIAL LICENSE PLATE TO PROMOTE SOIL AND WATER CONSERVATION AND TO PROVIDE THAT A PORTION OF THE SALES REVENUE GOES TO FUND WATER QUALITY AND ENVIRONMENTAL EDUCATION, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill No. 2 is re-referred to the Finance Committee.

H.B. 1156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES AND TO
PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATES WILL BE GIVEN TO THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION, with a favorable report.

Pursuant to Rule 43, the Committee Substitute bill is re-referred to the Finance Committee.

S.B. 886, A BILL TO BE ENTITLED AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE AND TO PROVIDE CONSUMER PROTECTION PROVISIONS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 2786, which changes the title to read S.B. 886 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE; TO PROVIDE CONSUMER PROTECTION PROVISIONS; AND TO PROVIDE FOR A STUDY OF CERTAIN TRUCKING RELATED PROVISIONS BY THE LEGISLATIVE RESEARCH COMMISSION, is adopted and engrossed.

With unanimous consent, on motion of Senator Shaw of Cumberland, the Committee Substitute bill is re-referred to the Finance Committee.

H.B. 967, A BILL TO BE ENTITLED AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST ROUTES TO A NON-LIGHT-TRAFFIC ROAD, 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 6300, which changes the title, upon concurrence, to read H.B. 967 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST ROUTES TO A NON-LIGHT-TRAFFIC ROAD, AND TO SPECIFY THAT THE DEPARTMENT OF TRANSPORTATION MAY ADOPT A RULE ALLOWING SPECIAL WEIGHT PERMITS TO BE ISSUED FOR VEHICLES TRANSPORTING WOOD RESIDUALS ON NON-INTERSTATE HIGHWAYS, AS AUTHORIZED BY EXISTING STATE LAW, is adopted and engrossed.

H.B. 344 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY, 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 1435 is adopted and engrossed.

H.B. 1082 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE A NATIVE AMERICAN REGISTRATION PLATE, 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 4134 is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the Finance Committee.

July 14, 1997
MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 141 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN GOVERNMENTAL ENTITIES FROM STATE PURCHASE AND CONTRACT REQUIREMENTS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 15.

S.B. 251 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMMON LAW TO PERMIT THE CREATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS BY A LANDOWNER, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 15.

S.B. 1059 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP AND TO LIMIT THE NUMBER OF TRANSPORTER PLATES THAT MAY BE ISSUED TO A DEALER, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, July 15.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 773 (Senate Committee Substitute) House of Representatives
July 14, 1997

Mr. 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 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, and requests conferees. The Speaker has appointed:

Representative Hill, Chair;
Representative Decker,
Representative Ellis, and
Representative Redwine

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 adjusted.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 14, 1997
The following special message is received from the House of Representatives:

H.B. 484 (Senate Committee Substitute)  House of Representatives  July 14, 1997

Mr. President:

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 on Senate Committee Substitute for HB 484, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, we have ordered the bill enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 843 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM, 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 negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 15, for further consideration upon third reading.

H.B. 496 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE MUNICIPALITIES LOCATED IN LEE COUNTY TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

With unanimous consent, on motion of Senator Miller, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is recommitted to the State Government, Local Government, and Personnel Committee.

H.B. 637, A BILL TO BE ENTITLED AN ACT TO PROVIDE STAGGERED TERMS FOR THE TOWN OF BROADWAY.

With unanimous consent, on motion of Senator Miller, the bill is withdrawn from tonight's Calendar and is recommitted to the State Government, Local Government, and Personnel Committee.
H.B. 675, A BILL TO BE ENTITLED AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT.

The bill passes its second and third readings and is ordered enrolled.

H.B. 699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE TOWN OF NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, changing the title, upon concurrence, to read H.B. 699 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF BETHEL, FARMVILLE, AND NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

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. 761, A BILL TO BE ENTITLED AN ACT TO ALLOW HILLSBOROUGH TO CONTRACT FOR INSPECTION SERVICES, changing the title, upon concurrence, to read H.B. 761 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PERTAINING TO LOCAL LAWS IN ORANGE 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. 35, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED GOVERNMENT ENTITIES AND NONPROFIT ENTITIES FOR CLAIMING SALES TAX REFUNDS, changing the title, upon concurrence, to read H.B. 35 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED FOR CLAIMING SALES TAX REFUNDS, MOTOR FUEL TAX REFUNDS, AND ALTERNATIVE FUEL TAX REFUNDS, AND TO PROVIDE THAT A MOTOR FUEL TAX REFUND IS NET OF THE SALES TAX DUE ON THE FUEL, upon second reading.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from tonight’s Calendar and is re-referred to the Appropriations Committee.

S.B. 1001 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE AN AMUSEMENTS TAX EXEMPTION FOR CERTAIN NONPROFIT ARTS ORGANIZATIONS.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from tonight’s Calendar and is re-referred to the Appropriations Committee.
H.B. 1157, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTES OF LIMITATIONS FOR TAX REFUNDS, TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, changing the title, upon concurrence, to read H.B. 1157 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from tonight’s Calendar and is referred to the Appropriations Committee.

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SALES TAX DEFINITION OF CUSTOM COMPUTER SOFTWARE, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Thursday, July 17, for consideration upon second reading.

S.B. 943 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Rand, the House Committee Substitute bill is taken up out of its regular order of business and on his further motion, the House Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Wednesday, July 16, for consideration upon concurrence.

CONFERENCE REPORT

S.B. 429 (House Committee Substitute)

Senator Odom for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 429 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, 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 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION
OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, House Committee Substitute Favorable 5/29/97, submit the following report:

The Senate concurs on the House Committee Substitute with the following amendments:

on page 3, line 29 by adding after the period the following language:

“Board members shall maintain as confidential all personnel information to which they gain access as a member of the Board. Each member of the Board shall execute and adhere to a Confidentiality Agreement that is satisfactory to the City.”;

and on page 3, lines 31 and 32 by rewriting those lines to read:

“sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the Charlotte-Mecklenburg Police Department. In the event that the citizens’ review board hears”.

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

Date conferees approved report: March 19, 1997.

S/Fountain Odom   S/Connie Wilson
S/Robert Rucho   S/Martha Alexander
S/Leslie Winner   S/Ed McMahan

Conferees for the Senate    Conferees for the
House of Representatives

On motion of Senator Odom, the Conference Report is adopted (47-1) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

CALENDAR (Continued)

S.B. 1073 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO AUCTIONEERS.

Senator Hoyle offers Amendment No. 1 which is adopted (47-1).

The Committee Substitute bill, as amended, passes its second reading (44-4).

With unanimous consent, on motion of Senator Hoyle, further consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, July 15.

H.B. 275 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE DUPLICATION OF WORK BETWEEN THE OFFICE OF STATE
PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN FUNCTIONS FROM THE OFFICE OF STATE PERSONNEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

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. 457 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECOVERY OF FUNDS PAID AS FOREST DEVELOPMENT COST-SHARING PAYMENTS WHEN TREES ARE NOT MAINTAINED AT LEAST TEN YEARS AND TO CONVERT THE FOREST DEVELOPMENT FUND TO ONE THAT ACCRUES INTEREST.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Tuesday, July 15, for further consideration upon third reading.

H.B. 523 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS.

With unanimous consent, on motion of Senator Rand, the Senate Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 15, for consideration upon its passage.

S.B. 625 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read S.B. 625 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION AND TO INCREASE THE PENALTY FOR SPEEDING IN A SCHOOL ZONE.

The Senate concurs in the House Committee Substitute No. 2 (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 921, A BILL TO BE ENTITLED AN ACT TO EXEMPT CONTINUING CARE FACILITIES THAT PROVIDE HUMANE AND PHILANTHROPIC CARE TO THE ELDERLY FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SOLICITATIONS ACT, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read S.B. 921 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXEMPT LICENSED NONPROFIT CONTINUING CARE FACILITIES FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SOLICITATIONS ACT.

The Senate concurs in the House Committee Substitute No. 2 (46-2) and the measure is ordered enrolled and sent to the Governor.
S.B. 1055 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read
S.B. 1055 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT AND AMENDING THE LAW GOVERNING DISPOSAL OF FETAL REMAINS.

With unanimous consent, on motion of Senator Rand, the House Committee Substitute bill is withdrawn from tonight's Calendar and is placed on the Calendar for Tuesday, July 15, for consideration upon concurrence.

COMMITTEE REFERRAL RECALL


Pursuant to Rule 47(a), Senator Rand offers a motion the joint resolution be withdrawn from the Rules and Operations of the Senate Committee and placed on the Calendar for Monday, July 21, which motion prevails with unanimous consent.

The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it on the Calendar for Monday, July 21, for consideration upon its passage.

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

Matthew Thomas Adams, Gastonia; Korie Baldwin, Elizabeth City; Holly Beam, Cherryville; Meredith Berry, Elizabeth City; Douglas E. Bryant, Washington; Leslie Ann Bryant, Franklin; Jacksoon Lowell Cozort, Jr., Raleigh; Laura Ashley Creech, Zebulon; Richard J. Crenshaw, Raleigh; Cullen Gage, Morehead; Steven R. Glunz, Jr., Charlotte; Alvis T. Harris, Jr., Kinston; Stevie-Marie Hoyle, Cherryville; Lewis Calvin Lane, Roanoke Rapids; Zakiya Alta Lee, Raleigh; Melanie Maria Lessard, Willow Springs; Glenna Greigh Lucas, Stanley; Wesley Andrew McCall, Charlotte; Sydney Layne McDaniel, Raleigh; Joseph Neil McDonald, Sanford; Angelena Marie Nance, Lumberton; Daniel Ray Tharrington, Louisburg; Victoria Van Essen, Chapel Hill; Dana Nicole Warren, Faison; Erin Camille Wilson, Mars Hill; Michael Joshua Wyzykowski, Clayton; and Joshua Keith Yeargin, South Mills.

On motion of Senator Basnight, seconded by Senators Carrington, Miller, and Reeves, the Senate adjourns at 7:52 P.M. to meet tomorrow, Tuesday, July 15, at 11:00 A.M.

NINETY-SIXTH DAY

Senate Chamber
Tuesday, July 15, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.
Prayer is offered by the Reverend Mike Morris, Senate Chaplain, as follows:

“Our loving God, forgive us when we are so anxious in what we say and do to have the approval of others that we forget it is Your approval that brings us peace of mind and clear conscience.

“There is no party in integrity, no politics in goodness. We pray for Your grace and Your help to do better and be better people today.

“Finally, o Lord, we remember Senator Lee and his family during this very difficult time in the death of his grandson. Hear our prayers in their behalf and comfort Your people. Amen.”

With unanimous consent, the President grants leaves of absences for today to Senator Reeves to attend the funeral of Raleigh Police Detective Paul Hale and to Senator Lee.

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, July 14, has been examined and is found to be correct. On 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. David Dowdy from Charlotte, 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. 625, AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION AND TO INCREASE THE PENALTY FOR SPEEDING IN A SCHOOL ZONE.

S.B. 921, AN ACT TO EXEMPT LICENSED NONPROFIT CONTINUING CARE FACILITIES FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SOLICITATIONS ACT.

H.B. 484, AN ACT TO PROVIDE FOR THE RECORDATION OF NOTICES OF OPEN DUMPS IN THE OFFICE OF THE REGISTER OF DEEDS.

H.B. 739, AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW.

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

H.B. 675, AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT.

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. 42, AN ACT TO EXTEND AN ACT TO PROVIDE THAT THE LAWS RELATING TO MOTOR VEHICLES APPLY WITHIN THE CAROLINA TRACE COMMUNITY IN LEE COUNTY AND TO EXTEND THE APPLICATION OF THAT ACT TO THE LAKE ROYALE COMMUNITY IN FRANKLIN AND NASH COUNTIES. (Became law upon ratification, July 14, 1997 - S.L. 1997-294.)

H.B. 340, AN ACT PROVIDING THAT THE CITY OF KANNAPOLIS MAY CONDEMN OR ACQUIRE PROPERTY IN ROWAN COUNTY WITHOUT THE CONSENT OF THE ROWAN COUNTY BOARD OF COMMISSIONERS. (Became law upon ratification, July 14, 1997 - S.L. 1997-295.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 248 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE AND TO AMEND THE LAW ESTABLISHING THE BLACK MOUNTAIN JOINT SECURITY FORCE, for concurrence in House Amendment No. 1.

On motion of Senator Dalton, the rules are suspended without objection, and the Committee Substitute bill, as amended, is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 1 (45-2) and the measure is ordered enrolled and sent to the Governor.

S.B. 378 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ROCKINGHAM COUNTY TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT, for concurrence in House Amendment No. 1, which changes the title, upon concurrence, to read S.B. 378 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE ALAMANCE, CASWELL AND ROCKINGHAM COUNTIES TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT.

On motion of Senator Foxx, the rules are suspended without objection, and the Committee Substitute bill, as amended, is placed before the Senate for immediate consideration.

The Senate concurs in House Amendment No. 1 (48-0) and the measure is ordered enrolled.

RECONSIDERATION

S.B. 429 (Conference Report), A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION
CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

Senator Odom offers a motion that the rules be suspended and the Conference Report be taken from the Office of the Principal Clerk and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails without objection.

Senator Odom offers a motion that the vote by which the Conference Report was adopted on July 14, be reconsidered, which motion prevails with unanimous consent, and the question becomes the Conference Report for adoption.

Without objection, Senator Odom withdraws the Conference Report.

CONFERENCE REPORTS

S.B. 429 (House Committee Substitute)

Senator Odom for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 429 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, submits for adoption the following corrected 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 429, a bill to be entitled an act CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS, House Committee Substitute Favorable 5/29/97, submit the following report:

The Senate concurs on the House Committee Substitute with the following amendments:

on page 3, line 29 by adding after the period the following language:

"Board members shall maintain as confidential all personnel information to which they gain access as a member of the Board. Each member of the Board shall execute and adhere to a Confidentiality Agreement that is satisfactory to the City."

and on page 3, lines 31 and 32 by rewriting those lines to read:

"sustained, not sustained, unfounded, exonerated, classified as an information file, or classified as any other disciplinary disposition category subsequently adopted by the Charlotte-Mecklenburg Police Department. In the event that the citizens' review board hears".

July 15, 1997
The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: March 19, 1997 July 10, 1997 S/TLO S/CKW

S/Fountain Odom S/Connie Wilson
S/Robert Rucho S/Martha Alexander
S/Leslie Winner S/Ed McMahan

Conferees for the Senate Conferees for the House of Representatives

On motion of Senator Odom, the corrected Conference Report is adopted (48-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

S.B. 556 (House Committee Substitute)

Senator Rucho for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 556 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION, which House Committee Substitute bill proposes to change the title, upon concurrence, to read S.B. 556 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, 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 556, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, Fifth Edition Engrossed 6/23/97, submit the following report:

The House and Senate agree to the following amendment to the Fifth Edition Engrossed 6/23/97 and the Senate concurs in the Fifth Edition Engrossed 6/23/97 as amended:

Delete the entire Fifth Edition Engrossed 6/23/97 and substitute the attached Proposed Conference Committee Substitute S556-CCSRA-001.
The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: July 14, 1997.

S/Robert A. Rucho                         S/Martha Alexander
S/Brad Miller                             S/Jim Gulley
S/Eric Reeves                             S/Ed McMahan

Conferees for the Senate

Conferees for the House of Representatives

The text of the attached proposed Conference Committee Substitute bill CCSRA-001, is as follows:

A BILL TO BE ENTITLED
AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 571 of the 1995 Session Laws reads as rewritten:

“Sec. 2. This act applies to the Cities of Charlotte, Greensboro, and Raleigh and the Towns of Chapel Hill and Carrboro only.”

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

On motion of Senator Rucho, the Conference Report is adopted (47-0) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, changing the title, upon concurrence, to read H.B. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND.

Pursuant to the message from the House of Representatives received July 14, requesting conferees, Senator Soles offers a motion that the Senate do appoint conferees, which motion prevails.

The President Pro Tempore takes the appointment of conferees under advisement.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 344 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENHANCE MOTOR VEHICLE OCCUPANT RESTRAINT SAFETY.

With unanimous consent, on motion of Senator Ballance, the Senate Committee
Substitute bill is taken up out of its regular order of business and on his further motion, the Senate Committee Substitute bill is withdrawn from today's Calendar and is referred to the Judiciary Committee.

**H.B. 843** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


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. 523** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 16, for consideration upon its passage.

**H.B. 618**, A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION UNDER THE WORKERS' COMPENSATION ACT, changing the title, upon concurrence, to read **H.B. 618** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION AND FOR FAILURE TO SECURE COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

Senator Kerr offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its second (46-0) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**H.B. 908** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDENT'S SPOUSE, changing the title, upon concurrence, to read **H.B. 908** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE RIGHTS OF A DECEDENT'S SPOUSE AND TO PERMIT NOTICE TO CREDITORS IN SUMMARY ADMINISTRATION OF ESTATES.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is withdrawn from today's Calendar and is recommitted to the Judiciary Committee.

**H.B. 967**, A BILL TO BE ENTITLED AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST ROUTES TO A NON-LIGHT-TRAFFIC ROAD,
changing the title, upon concurrence, to read H.B. 967 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST ROUTES TO A NON-LIGHT-TRAFFIC ROAD, AND TO SPECIFY THAT THE DEPARTMENT OF TRANSPORTATION MAY ADOPT A RULE ALLOWING SPECIAL WEIGHT PERMITS TO BE ISSUED FOR VEHICLES TRANSPORTING WOOD RESIDUALS ON NON-INTERSTATE HIGHWAYS, AS AUTHORIZED BY EXISTING STATE LAW.

The Senate Committee Substitute bill passes its second (44-3) and third readings and is ordered sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 1073 (Committee Substitute), A BILL TO BE ENTITLED AN ACT RELATING TO AUCTIONEERS, as amended, upon third reading.

Senator Hoyle offers Amendment No. 2 which is adopted (46-0).

The Committee Substitute bill, as amended, passes its third reading (42-4) and is ordered engrossed and sent to the House of Representatives.

H.B. 457 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW RECOVERY OF FUNDS PAID AS FOREST DEVELOPMENT COST-SHARING PAYMENTS WHEN TREES ARE NOT MAINTAINED AT LEAST TEN YEARS AND TO CONVERT THE FOREST DEVELOPMENT FUND TO ONE THAT ACCRUES INTEREST, upon third reading.

Senator Horton offers Amendment No. 1 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its third reading (46-0) and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

S.B. 141 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN GOVERNMENTAL ENTITIES FROM STATE PURCHASE AND CONTRACT REQUIREMENTS, 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.

S.B. 251 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE COMMON LAW TO PERMIT THE CREATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS BY A LANDOWNER, 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.

S.B. 1055 (Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 1055 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE PUBLIC HOSPITAL PERSONNEL ACT AND AMENDING THE LAW GOVERNING DISPOSAL OF FETAL REMAINS.

With unanimous consent, on motion of Senator Cooper, the House Committee Substitute bill is withdrawn from today’s Calendar and recommitted to the Judiciary Committee.

July 15, 1997
S.B. 1059 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP AND TO LIMIT THE NUMBER OF TRANSPORTER PLATES THAT MAY BE ISSUED TO A DEALER, 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.

COMMITTEE REFERRAL RECALL

S.B. 311, A BILL TO BE ENTITLED AN ACT TO IMPOSE A CIVIL PENALTY AND TO MAKE IT A CLASS 3 MISDEMEANOR IF A LANDLORD FAILS TO PROVIDE, INSTALL, REPLACE, OR REPAIR A SMOKE DETECTOR IN A RESIDENTIAL RENTAL DWELLING, referred to the Appropriations Committee on April 30.

Pursuant to Rule 47(a), Senator Perdue offers a motion that the bill be withdrawn from the Appropriations Committee and recommitted to the Judiciary Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Appropriations Committee and recommits the measure to the Judiciary Committee.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 143 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PROHIBITING THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS, changing the title, upon concurrence, to read S.B. 143 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS, with the Senate failing to concur in the House Committee Substitute bill on July 8.

Without objection, the President Pro Tempore appoints Senator Rand, Chairman; and Senators Dalton; Lucas; Forrester and Rucho as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

H.B. 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, changing the title, upon concurrence, to read H.B. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, with the motion of Senator Soles, prevailing earlier today, that the Senate do appoint conferees.

The President Pro Tempore appoints Senator Soles, Chairman; and Senators Rand; Jordan; Cooper and Carrington as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

July 15, 1997
CONFERENCE REPORT

H.B. 773 (Senate Committee Substitute)

Senator Soles for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, which Senate Committee Substitute proposes to change the title, upon concurrence, to read H.B. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, submits for adoption the following report, which proposes to further change the title, upon adoption, to read H.B. 773 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND:

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 773, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND, Senate Finance Committee Substitute, Third Edition Engrossed 6/23/97, submit the following report:

The House concurs in the Senate Finance Committee Substitute, Third Edition Engrossed 6/23/97, with the following amendments:

(1) on page 1, lines 3 and 4, delete the words "AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND";

(2) on page 7, line 34, through page 10, line 30, rewrite those lines to read:
"Section 10. The Brunswick County Board of Elections shall establish a special candidate filing period for the 1997 municipal election for the Village of Bald Head Island.

Section 11. This act is effective when it becomes law."

(3) on page 1, line 18, delete that line in its entirety.

The Senate agrees to the same.

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

Date conferees approved report: July 15, 1997.

S/Jordan                 S/Michael P. Decker
S/Roy Cooper             S/David Redwine
S/Anthony E. Rand        S/J. Samuel Ellis
S/John H. Carrington     Conferees for the
Conferees for the        House of Representatives
House of Representatives

July 15, 1997
The Chair rules the Conference Report to be material and submission constitutes the first reading of the measure.

The Conference Report is ordered placed on the Calendar for tomorrow, Wednesday, July 16, for adoption, upon second reading.

On motion of Senator Basnight, seconded by Senator Cochrane, the Senate adjourns at 12:05 P.M. to meet tomorrow, Wednesday, July 16, at 9:45 A.M.

NINETEENTH DAY

Senate Chamber
Wednesday, July 16, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O Lord, when the big issues confronting us consume our energies and test our patience and endurance, remind us that our worth is often revealed in our attitude toward the small tasks for which we have been given responsibility.

"Today, let the test of our spiritual life and character be measured not by what we do in exceptional moments, but by what we do in the ordinary ones. For Your sake we pray, Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, July 15, has been examined and is found to be correct. On 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 Doolittle from Greensboro, 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. 141, AN ACT TO EXEMPT CERTAIN GOVERNMENTAL ENTITIES FROM STATE PURCHASE AND CONTRACT REQUIREMENTS.

S.B. 234, AN ACT TO INCREASE THE STATUTORY AMOUNTS THAT DETERMINE THE ASSESSMENT OF SAFE DRIVER INCENTIVE PLAN POINTS AND TO PROVIDE FOR A GRADUATED INSURANCE POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN AUTOMOBILE ACCIDENTS.

July 16, 1997
S.B. 248, AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE AND TO AMEND THE LAW ESTABLISHING THE BLACK MOUNTAIN JOINT SECURITY FORCE.

S.B. 251, AN ACT TO MODIFY THE COMMON LAW TO PERMIT THE CREATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS BY A LANDOWNER.

S.B. 562, AN ACT TO INCREASE THE AMOUNT OF THE PROCESSING FEE CHARGED FOR RETURNED CHECKS.

S.B. 1059, AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP AND TO LIMIT THE NUMBER OF TRANSPORTER PLATES THAT MAY BE ISSUED TO A DEALER.

H.B. 646, AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.

H.B. 1059, AN ACT TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ALLOW CERTAIN TYPES OF REDEVELOPMENT WITHIN URBAN WATERFRONTS THAT HISTORICALLY HAVE A PATTERN OF URBAN-LEVEL DEVELOPMENT.

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

S.B. 378, AN ACT TO AUTHORIZE ALAMANCE, CASWELL AND ROCKINGHAM COUNTIES TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT.

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. 675, AN ACT AUTHORIZING A ONE-STEP SERVICE PROCESS IN SPECIFIED HOUSING CODE CASES IN THE CITY OF ROCKY MOUNT. (Became law upon ratification, July 15, 1997 - S.L. 1997-296.)

The President of the Senate announces the hour has arrived for the Senate to sit in Joint Session with the House of Representatives, pursuant to Resolution 11, H.J.R. 1054, 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 President orders a message sent to the House of Representatives that the Senate
stands ready to repair to the Hall of the House of Representatives for the purpose of sitting in Joint Session.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 1054

House of Representatives
July 16, 1997

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to HJR 1054, 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 of Representatives stands ready to receive the Senate in Joint Session.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Chair recognizes Senator Basnight, President Pro Tempore, who offers a motion that the Senate do now recess to reconvene in the Hall of the House of Representatives to sit in Joint Session to consider the confirmation of appointments by the Governor to the State Board of Education, and offers a further motion to the end that upon dissolution of the Joint Session, the Senate return to the Senate Chamber for consideration of further business.

The motions offered by Senator Basnight prevail and the President declares the Senate in recess at 10:05 A.M. The Senate, preceded by its officers, repairs to the Hall of the House of Representatives.

JOINT SESSION

The Senate is received by the members of the House of Representatives, standing. Speaker Brubaker calls the Joint Session to order.

The role of the House of Representatives is called electronically and the following members answer the call:

Speaker Brubaker, Representatives Adams, Aldridge, Alexander, Baddour, Baker, Barbee, Berry, Black, Blue, Bonner, Bowie, Boyd-McIntyre, Brawley, Brown, Buchanan, Cansler, Capps, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Culpepper, Cunningham, Daughtry, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Ellis, Esposito, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hall, Hardy, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Insko, Jeffus, Kiser, Luebke, McComas, McCombs, McMahan, Mercer, Michaux, Miller, Miner, Mitchell, Morgan, Morris, Mosley, Neely, Nesbitt, Nichols, Nye, Oldham, Owens, Rayfield, Redwine, Reynolds, Russell, Saunders, Sexton, Shubert, Smith, Starnes, Sutton,

The Speaker directs the Reading Clerk of the Senate to call the roll of the Senate and the following members answer the call:


The Speaker 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. 1004. The speaker places before the House of Representatives H.J.R. 1004 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF EVELYN B. MONROE, JOHN R. LAURITZEN, AND JAY M. ROBINSON TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION, and he further directs the House Reading Clerk to read the resolution.

Representative Russell, Co-Chairman of the Education Committee of the House of Representatives, is recognized to speak to the passage of the Committee Substitute joint resolution whereupon she speaks to the qualifications of the individual appointees.

The House of Representatives passes the Committee Substitute joint resolution on its second reading by roll-call vote, ayes 114, noes 0, as follows:


Voting in the negative: None.

Without objection, the Committee Substitute joint resolution remains before the House of Representatives for further consideration upon third reading. The Committee Substitute joint resolution passes its third reading and is ordered sent to the Senate.

The Speaker of the House of Representatives relinquishes the gavel to the President of the Senate, the Honorable Dennis A. Wicker, Lieutenant Governor, who presides.

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. 1004 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF EVELYN B. MONROE, JOHN R.
LAURITZEN, AND JAY M. ROBINSON TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION.

Senator Winner, Co-Chairman of the Education/Higher Education Committee of the Senate offers a motion that the rules be suspended to the end and that the Committee Substitute joint resolution be placed before the Senate for immediate consideration, which motion prevails. Senator Winner is recognized to speak to the passage of the joint resolution whereupon she offers the Committee’s endorsement of the appointees.

The Senate passes the Committee Substitute joint resolution on its second reading by a call of the roll, ayes 50, noes 0, as follows:


Voting in the negative: None.

(Senators Albertson, Kerr, Kinnaird, and Martin of Pitt arrived in the Chamber after the quorum call of the roll.)

With unanimous consent, 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 the President orders the measure enrolled.

The President of the Senate calls for the ratification of the Committee Substitute joint resolution.

H.J.R. 1004, A JOINT RESOLUTION PROVIDING FOR CONFIRMATION OF THE APPOINTMENTS OF EVELYN B. MONROE, JOHN R. LAURITZEN, AND JAY M. ROBINSON TO MEMBERSHIP ON THE STATE BOARD OF EDUCATION (Res. 22) is presented to the President of the Senate and the Speaker of the House of Representatives whereupon they affix their signatures.

The President announces the Senate and House of Representatives, sitting in Joint Session, confirm the appointments to the State Board of Education by Governor James B. Hunt, Jr. of Evelyn B. Monroe, John R. Lauritzen, and Jay M. Robinson and orders the Governor notified pursuant to G.S. 143-47.7 of the action of the General Assembly taken on this date.

The President extends congratulations to Evelyn B. Monroe and John R. Lauritzen, newly confirmed members of the State Board of Education who are seated in the gallery and are acknowledged with a standing ovation.

The President recognizes Senator Basnight who offers a motion that the Joint Session be dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber for the consideration of further business, seconded by Representative Ramsey. The motion prevails and the Members of the Senate return to the Senate Chamber.

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

July 16, 1997
RECONSIDERATION

S.B. 556 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, adopted on July 15.

Senator Rucho offers a motion that the rules be suspended and that the Conference Report be taken from the Office of the Principal Clerk and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails without objection.

Senator Rucho offers a motion that the vote by which the Conference Report was adopted on July 15, be reconsidered, which motion prevails, and the question becomes the adoption of the Conference Report.

Without objection, Senator Rucho withdraws the Conference Report.

CONFERENCE REPORT

S.B. 556 (House Committee Substitute)

Senator Rucho for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 556 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION, which House Committee Substitute bill proposed to change the title, upon concurrence, to read S.B. 556 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, submits for adoption the following Conference Report No. 2, which proposes to further change the title, upon adoption to read S.B. 556 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION:

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 556, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, Fifth Edition Engrossed 6/23/97, submit the following report:

The House and Senate agree to the following amendment to the Fifth Edition Engrossed 6/23/97 and the Senate concurs in the Fifth Edition Engrossed 6/23/97 as amended:
Delete the entire Fifth Edition Engrossed 6/23/97 and substitute the attached Proposed Conference Committee Substitute S556-PCCS6710.

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

Date conferees approved report: July 15, 1997.

S/Robert A. Rucho  S/Martha Alexander
S/Brad Miller  S/Jim Gulley
S/Eric Reeves  S/Ed McMahan

Conferees for the Senate  Conferees for the
House of Representatives

The text of the attached proposed Conference Committee Substitute bill 6710 is, as follows:

A BILL TO BE ENTITLED AN
ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN
FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF
CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THEIR
EXTRATERRITORIAL PLANNING JURISDICTION.
The General Assembly of North Carolina enacts:
Section 1. Section 2 of Chapter 571 of the 1995 Session Laws reads as rewritten:
"Sec. 2. This act applies to the Cities of Charlotte, Greensboro, and Raleigh and the
Towns of Chapel Hill and Carrboro only."
Section 2. This act is effective when it becomes law.

On motion of Senator Rucho, Conference Report No. 2 is adopted (49-0) and a
message is ordered sent to the House of Representatives informing that Honorable Body
of such action.

COMMITTEE REFERRAL RECALL

H.B. 611 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY
CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE,
TO EXEMPT THE COMPENSATION FROM STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF
THOSE PERSONS, referred to the Appropriations Committee on June 9.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Senate Committee
Substitute bill be withdrawn from the Appropriations Committee and recommitted to
the Judiciary Committee, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill recalled from the
Appropriations Committee and recommits the measure to the Judiciary Committee.

CALENDAR

H.B. 993 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO
ALLOW CREATION OF ADDITIONAL REGIONAL TRANSPORTATION
AUTHORITIES, on today’s Calendar upon second reading.

July 16, 1997
With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill No. 2 is taken up out of its regular order of business and on his further motion, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 22, for consideration upon second reading.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

H.B. 176 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE ACTIVITIES, 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 6301, which changes the title, upon concurrence, to read H.B. 176 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE ACTIVITIES AND TO CLARIFY THE DUTIES OF ROLLER SKATING RINK OPERATORS AND SKATERS AT ROLLER SKATING RINKS RELATING TO LIABILITY, is adopted and engrossed.

H.B. 1023 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE, 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 1440 is adopted and engrossed.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 773 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, for adoption, upon second reading.

On motion of Senator Soles, the Senate adopts the Conference Report on its second reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Conference Report remains on the Calendar for tomorrow, Thursday, July 17, for adoption upon third reading.
H.B. 305, A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS, changing the title, upon concurrence, to read H.B. 305 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS AND AMENDING THE STRAWBERRY ASSESSMENT ACT TO IMPROVE THE COLLECTION OF ASSESSMENTS, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 50, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 17, for further consideration upon third reading.

H.B. 523 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS.

The Senate Committee Substitute bill 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. 943 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

RESIGNATION

The President directs the Reading Clerk to read, as follows:

North Carolina General Assembly
Senate Chamber
Majority Leader
Raleigh 27601-2808

Senator J. Richard Conder
17th District
July 15, 1997

HOME ADDRESS: POST OFFICE BOX 1627
ROCKINGHAM, N.C. 28379
TELEPHONE: (910) 997-5551
FAX: (910) 895-7952

BUS ADDRESS: 2010 LEGISLATIVE BUILDING
RALEIGH, N.C. 27601-2808
TELEPHONE: (919) 715-0853
FAX: (919) 836-1910

July 16, 1997
The Honorable James B. Hunt, Jr.
Governor, State of North Carolina
State Capitol
Raleigh, North Carolina 27603

Dear Governor Hunt:

I respectfully submit my resignation from the North Carolina Senate effective at the end of business on Thursday, July 17, 1997. I plan to assume my position as a member of the North Carolina Utilities Commission on Friday, July 18, 1997.

Serving the people of the great State of North Carolina these past 13 years has been both a privilege and a pleasure. The Senate is a wonderful institution and I hope that those who are there now and those who follow me will work to uphold the tradition and integrity that this body has enjoyed these many years.

Our forefathers and great leaders such as yourself molded North Carolina into the greatest State in the Union. I have heard numerous legislators from other states ask “How do they do it in North Carolina?”

I have thoroughly enjoyed serving and working with you and I wish you the best of luck in your future endeavors.

Sincerely,
S/Richard

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 429 (House Committee Substitute)  
House of Representatives  
July 16, 1997

Mr. 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 House Committee Substitute for SB 429, A BILL TO BE ENTITLED AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS. Pursuant to your message that your Honorable Body has adopted the report of the Conferees, you may order the bill enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The President orders the measure enrolled.

July 16, 1997
INTRODUCTION OF A RESOLUTION

Senator Martin of Guilford 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 Senators Martin of Guilford, Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Conder, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, McDaniel, Miller, Odom, Page, Perdue, Phillips, Plyler, Rand, Reeves, Rucho, Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, Wellons, and Winner:

S.J.R. 1086, A JOINT RESOLUTION INVITING DR. JOHN HOPE FRANKLIN TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR.

Referred to Rules and Operations of the Senate Committee.

COURTESIES

With unanimous consent, on motion of Senator Basnight, the rules are suspended and privileges of the floor are extended to the world's fastest bricklayers from McGee Masonry in Union County. The President Pro Tempore appoints Senator Plyler of Union, Chairman; Senator Conder of Richmond; Senator Rand of Cumberland; Senator Odom of Mecklenburg; Senator Hartsell of Cabarrus; Senator Winner of Mecklenburg; Senator Rucho of Mecklenburg; and Senator Dannelly of Mecklenburg to escort the guests to the Well of the Senate. The guests are received with a standing ovation.

Senator Plyler introduces Sam McGee, President and CEO of McGee Masonry, who addresses the Senate and tells of the prowess of three of his employees, Travis McGee, Russell Huntley, and Ken Huntley, who are now recognized as the world's fastest bricklayers by The Guinness Book of Records.

Senator Plyler offers remarks congratulating the bricklayers and extolling the virtues of McGee Masonry.

The President of the Senate offers congratulatory remarks to Travis McGee, Russell Huntley and Ken Huntley and presents each of them with a North Carolina State Flag. The Committee escorts the guests from the Chamber.

On motion of Senator Basnight, seconded by Senator Plyler, the Senate adjourns at 11:24 A.M. to meet tomorrow, Thursday, July 17, at 10:30 A.M.

NINETY-EIGHTH DAY

Senate Chamber
Thursday, July 17, 1997

The Senate meets pursuant to adjournment and is called to order by theHonorable Dennis A. Wicker, Lieutenant Governor.
Prayer is offered by Dr. Archie D. Logan, Executive Secretary Treasurer of the General Baptist State Convention of North Carolina, as follows:

"Senate President Wicker, President Pro Tempore Basnight, Deputy President Pro Tempore Ballance, Members of the North Carolina Senate, let us pray.

"Dear Lord, we come today to say thank you for another day to serve. Forgive our foolish ways, reclothe us in our rightful minds, in purer lives Thy service find, in deeper reverence, praise.

"Most holy and all wise God, our Father, we thank You for North Carolina and its legislative governmental bodies. We hold up before You the Senate whose positions give them authority over matters that impact the lives of children, youth, seniors, of workers, of distressed unemployed, hungry, homeless, lonely, the handicapped, those who have no hope.

"May the spirit of God's compassion overshadow you, His spirit of discretion guide you, His wisdom increase your knowledge, and understanding and His peace be with you and keep you now and forever. Amen."

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Wednesday, July 16, has been examined and is found to be correct. On 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 Tomlin from Harrisburg, who is serving the Senate as Doctor of the Day, and courtesies of the Gallery to the Doctor's wife, Jennie Martin Tomlin, and their grandchildren: Amanda; Jamie; and Tommie Martin.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 943, AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT.

H.B. 299, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS.

H.B. 1044, AN ACT TO AUTHORIZE COUNTIES TO DESIGNATE AN OFFICIAL TO RECEIVE SALES TAX REFUND INFORMATION.

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

S.B. 429, AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE
BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS.

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. 910, AN ACT TO CHANGE THE STATUTE OF LIMITATIONS FOR ACTIONS ON OFFICIAL BONDS FROM SIX YEARS TO THREE YEARS. (Became law upon approval of the Governor, July 15, 1997 - S.L. 1997-297.)

S.B. 996, AN ACT TO EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS CERTAIN PERSONS PERFORMING ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS UNDERNEATH MANUFACTURED HOMES. (Became law upon approval of the Governor, July 15, 1997 - S.L. 1997-298.)

H.B. 265, AN ACT TO MAKE STATEWIDE A LOCAL ACT ALLOWING COUNTIES TO ESTABLISH THE BOUNDARIES BETWEEN AND AMONG THEM BY THE USE OF ORTHOPHOTOGRAPHY. (Became law upon approval of the Governor, July 15, 1997 - S.L. 1997-299.)

S.B. 784, AN ACT TO PROVIDE TAX RELIEF AND SIMPLIFICATION BY CONFORMING STATE TAX LAW TO THE FEDERAL RULE THAT GRANTS A FILING EXTENSION EVEN IF THE REQUEST IS NOT ACCOMPANIED BY PAYMENT. (Became law upon approval of the Governor, July 15, 1997 - S.L. 1997-300.)

S.B. 263, AN ACT TO AMEND THE WORKERS' COMPENSATION ACT SO THAT NONRESIDENT ALIENS RECEIVE COMPENSATION EQUAL TO THAT RECEIVED BY OTHER WORKERS UNDER THE ACT. (Became law upon approval of the Governor, July 16, 1997 - S.L. 1997-301.)

H.B. 533, AN ACT TO ADD "DIVISIBLE PROPERTY" AS A CATEGORY OF PROPERTY SUBJECT TO EQUITABLE DISTRIBUTION, TO CREATE A REBUTTABLE PRESUMPTION THAT AN IN-KIND DISTRIBUTION OF PROPERTY IS EQUITABLE, TO ENCOURAGE INTERIM DISTRIBUTION OF PROPERTY OR DEBT, AND TO ALLOW CERTAIN EVIDENCE OF THE VALUE OF MARITAL PROPERTY, AS RECOMMENDED BY THE FAMILY LAW SECTION OF THE NORTH CAROLINA BAR ASSOCIATION. (Became law upon approval of the Governor, July 16, 1997 - S.L. 1997-302.)

S.B. 378, AN ACT TO AUTHORIZE ALAMANCE, CASWELL AND ROCKINGHAM COUNTIES TO CONTRACT FOR THE SUPERVISION OF WORKING PRISONERS BY EMPLOYEES OF ANOTHER UNIT OF STATE OR LOCAL GOVERNMENT. (Became law upon approval of the Governor, July 16, 1997 - S.L. 1997-303.)

July 17, 1997
H.B. 1122, AN ACT TO FACILITATE THE TRIAL OF DRUG OFFENSES BY AUTHORIZING THE USE OF LABORATORY REPORTS IN SUPERIOR COURT AND JUVENILE COURT PROCEEDINGS AND BY ELIMINATING THE NEED FOR UNNECESSARY WITNESSES IN ESTABLISHING A CHAIN OF CUSTODY WHEN THE DEFENDANT DOES NOT TIMELY OBJECT TO THE ADMISSION OF A LABORATORY REPORT OR THE CHAIN OF CUSTODY, TO AMEND THE EVIDENCE LAWS DEALING WITH THE OPTOMETRIST/PATIENT PRIVILEGE, AND TO AUTHORIZE SUPERIOR COURT SESSIONS IN THOMASVILLE AND MOORESVILLE. (Became law upon approval of the Governor, July 16, 1997 - S.L. 1997-304.)

The President directs the Reading Clerk to read as follows:

North Carolina General Assembly
Senate Chamber
Majority Leader
Raleigh 27601-2808

Senator J. Richard Conder
17th District
July 16, 1997

The Honorable Dennis A. Wicker
President of the Senate
State Legislative Building
Raleigh, North Carolina 27601

Dear President Wicker:

This is to advise you that the Senate Democratic Caucus met on Wednesday, July 16, 1997, with 30 members present. A letter from Senator Richard Conder resigning as Majority Leader of the Senate was read and accepted. The members elected Senator Roy Cooper to the position of Majority Leader of the Senate for the remainder of the 1997 Session effective July 17, 1997.

Sincerely,
S/Lucille Thompson
Assistant Secretary
Democratic Caucus

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:

H.B. 96 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO MAKE REFUNDS OF THE INTANGIBLES
TAX TO TAXPAYERS WHO PRESERVED THEIR RIGHT TO A REFUND BY PROTESTING PAYMENT WITHIN THE TIME LIMITS SET BY G.S. 105-267, 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 8260, which changes the title, upon concurrence, to read H.B. 96 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO (1) MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO PRESERVED THEIR RIGHT TO A REFUND BY PROTESTING PAYMENT WITHIN THE TIME LIMITS SET BY G.S. 105-267 AND (2) NOTIFY AFFECTED INTANGIBLES TAXPAYERS BY MAIL AS SOON AS POSSIBLE OF THE COURT NOTICE IN THE CLASS ACTION LAWSUIT REGARDING REFUNDS, is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the rules are suspended to the end and the Senate Committee Substitute bill is placed on the Calendar for today, for further consideration.

H.B. 251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE WELL CONTRACTORS CERTIFICATION COMMISSION, TO REQUIRE THAT WELL CONTRACTORS BE CERTIFIED, AND TO MAKE VARIOUS AMENDMENTS TO THE WELL CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

H.B. 722 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS, with a favorable report.

H.B. 1121 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE SAFE REUSE OF PROPERTIES WHERE ACTUAL CONTAMINATION, OR THE POSSIBILITY OF CONTAMINATION, HAS IMPEDED REDEVELOPMENT, with a favorable report.

By Senator Soles for the Commerce Committee:

S.B. 592, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR PUBLIC 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 1845, which changes the title to read S.B. 592 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE RELOCATION AND CARE OF THOSE ABANDONED CEMETERIES SELECTED FOR RELOCATION BY THE ARCHAEOLOGY AND HISTORIC PRESERVATION SECTION OF THE DEPARTMENT OF CULTURAL RESOURCES, is adopted and engrossed.

With unanimous consent, on motion of Senator Soles, the Committee Substitute bill is re-referred to the Appropriations Committee.

July 17, 1997
By Senator Kerr for the Finance Committee:

H.B. 337 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, with an unfavorable report as to Senate Committee Substitute bill as written by the Finance Committee, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 2358, is adopted and engrossed.

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FUEL PIPING LICENSE FOR PLUMBING AND HEATING CONTRACTORS, TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO CREATE OTHER RESTRICTED LICENSE CLASSIFICATIONS, AND TO ALLOW THE REVOCATION OR SUSPENSION OF A LICENSE FOR FAILURE TO COMPLY WITH RULES PROMULGATED BY THE BOARD, with a favorable report.

H.B. 463 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERMISSIBLE WEIGHT OF AGRICULTURAL CROPS THAT MAY BE TRANSPORTED ON THE HIGHWAYS FROM THE FIELD TO LOCAL MARKETS, with a favorable report.

H.B. 524 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, with a favorable report.

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM, with a favorable report.

H.B. 1158 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANTIQUE AIRPLANES SHALL BE VALUED AT NO MORE THAN FIVE THOUSAND DOLLARS FOR PROPERTY TAX PURPOSES, with a favorable report.

S.B. 696, A BILL TO BE ENTITLED AN ACT RELATING TO THE 3RD DISTRICT OF THE SENATE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1865, which changes the title to read S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO, is adopted and engrossed.

H.B. 1108 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE...
PERMITS FOR "BREW ON PREMISES" BUSINESSES, 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 X2366 is adopted and engrossed.

H.B. 750, A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT TO A REFERENDUM, 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 4138 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 for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 254 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 21.

S.B. 531 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 21.

Messages and a special message 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. 565 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CHANGE SEVERAL LAWS AFFECTING WAKE COUNTY.
Referred to Rules and Operations of the Senate Committee.

H.B. 577 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE REGISTRATION REQUIREMENT FOR FORESTERS.
Referred to Agriculture/Environment/Natural Resources Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 1110 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE STATUTES RELATED TO LANDSCAPE ARCHITECTS.
Referred to Finance Committee.

H.B. 1126 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT LOCAL PAY PHONE SERVICES FROM SALES TAX.
Referred to Finance Committee.
H.J.R. 1241, A JOINT RESOLUTION INVITING DR. JOHN HOPE FRANKLIN TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR.

With unanimous consent, on motion of Senator Rand, the rules are suspended to the end and the joint resolution is placed on the Calendar for today for consideration in its regular order of business.

With unanimous consent, the President grants a leave of absence for the remainder of today's Session to Senator Kincaid.

WITHDRAWAL FROM CALENDAR

H.B. 1108 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES, placed on the Calendar for Monday, July 21, earlier today.

Senator Kerr offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Monday, July 21, and re-referred to the Commerce Committee, which motion prevails with unanimous consent.

The Senate reconvenes its previous action and the Chair orders the Senate Committee Substitute bill taken from the Calendar for Monday, July 21, and re-refers the measure to the Commerce Committee.

RECONSIDERATION

S.B. 556 (Conference Report No. 2), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, adopted July 16.

Senator Rucho offers a motion that the rules be suspended and that the measure be taken from the Office of the Principal Clerk and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails without objection.

Senator Rucho offers a motion that the vote by which Conference Report No. 2 was adopted be reconsidered, which motion prevails, and the question becomes the adoption of Conference Report No. 2.

Without objection, Senator Rucho withdraws Conference Report No. 2.

CONFERENCE REPORT

S.B. 556 (House Committee Substitute)

Senator Rucho for the Conferences appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 556 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITY OF CHARLOTTE AND WITHIN THE CITY'S EXTRATERRITORIAL PLANNING JURISDICTION, changing the title, upon concurrence, to read S.B. 556 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING
REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, submits for adoption the following Conference Report No. 3, which proposes to further change the title, upon adoption to read S.B. 556 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION:

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 556, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, Fifth Edition Engrossed 6/23/97, submit the following report:

The House and Senate agree to the following amendment to the Fifth Edition Engrossed 6/23/97 and the Senate concurs in the Fifth Edition Engrossed 6/23/97 as amended:

Delete the entire Fifth Edition Engrossed 6/23/97 and substitute the attached Proposed Conference Committee Substitute S556-PCCS6710.

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

Date conferees approved report: July 16, 1997.

S/Robert A. Rucho   S/Martha Alexander
S/Brad Miller       S/Jim Gulley
S/Eric Reeves       Ed McMahan

Conferees for the Senate

Conferees for the House of Representatives

The text of the attached proposed Conference Committee Substitute 6710 is, as follows:

A BILL TO BE ENTITLED
AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Chapter 571 of the 1995 Session Laws reads as rewritten:

"Sec. 2. This act applies to the Cities of Charlotte, Greensboro, and Raleigh and the
Towns of Chapel Hill and Carrboro only."

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

On motion of Senator Rucho, the measure is ordered placed on the Calendar for Monday, July 21, for adoption.

COMMITTEE REFERRAL RECALL

S.B. 1022, A BILL TO BE ENTITLED AN ACT TO MONITOR AND EVALUATE EMISSIONS OF AIR POLLUTANTS FROM ASPHALT PLANTS, referred to the Agriculture/Environment/Natural Resources Committee on April 21.

Pursuant to Rule 47(a), Senator Albertson offers a motion that the bill be withdrawn from the Agriculture/Environment/Natural Resources Committee and re-referred to the Rules and Operations of the Senate Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Agriculture/Environment/Natural Resources Committee and refers the measure to the Rules and Operations of the Senate Committee.

S.B. 793, A BILL TO BE ENTITLED AN ACT TO ENHANCE THE ROLE OF OPTOMETRISTS IN MEDICAL COST CONTAINMENT THROUGH REVISION OF THE HOSPITAL PRIVILEGES LAW, TO REPEAL THE REQUIREMENT FOR AN OPTOMETRIST TO COLLABORATE WITH A PHYSICIAN IN THE USE OR PRESCRIPTION OF CERTAIN PHARMACEUTICAL AGENTS, TO ESTABLISH PEER REVIEW FOR OPTOMETRISTS, AND TO ESTABLISH AN OPTOMETRIST PRIVILEGE, referred to the Judiciary Committee on April 10.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the bill be withdrawn from the Judiciary Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Judiciary Committee and refers the measure to the Finance Committee.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 773 (Conference Report), A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND, for adoption, upon third reading.

On motion of Senator Soles, the Senate adopts the Conference Report on its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

July 17, 1997
The President orders a message sent to the House of Representatives informing that Honorable Body of such action.

H.B. 305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS, changing the title, upon concurrence, to read H.B. 305 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS AND AMENDING THE STRAWBERRY ASSESSMENT ACT TO IMPROVE THE COLLECTION OF ASSESSMENTS, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SALES TAX DEFINITION OF CUSTOM COMPUTER SOFTWARE, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 22, for consideration upon second reading.

H.B. 176 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE ACTIVITIES, changing the title, upon concurrence, to read H.B. 176 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE ACTIVITIES AND TO CLARIFY THE DUTIES OF ROLLER SKATING RINK OPERATORS AND SKATERS AT ROLLER SKATING RINKS RELATING TO LIABILITY.

With unanimous consent, on motion of Senator Carpenter, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 23, for consideration upon its passage.

H.B. 96 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO PRESERVED THEIR RIGHT TO A REFUND BY PROTESTING PAYMENT WITHIN THE TIME LIMITS SET BY G.S. 105-267, changing the title, upon concurrence, to read H.B. 96 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DIRECT THE SECRETARY OF REVENUE TO (1) MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO

July 17, 1997
PRESERVED THEIR RIGHT TO A REFUND BY PROTESTING PAYMENT WITHIN THE TIME LIMITS SET BY G.S. 105-267 AND (2) NOTIFY AFFECTED INTANGIBLES TAXPAYERS BY MAIL AS SOON AS POSSIBLE OF THE COURT NOTICE IN THE CLASS ACTION LAWSUIT REGARDING REFUNDS, placed earlier today on the Calendar for today.

The Senate Committee Substitute bill passes its second (48-0) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, for concurrence in the Senate Committee Substitute bill.

H.B. 1023 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, July 23, for consideration upon its passage.

H.J.R. 1241, A JOINT RESOLUTION INVITING DR. JOHN HOPE FRANKLIN TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., placed earlier today on the Calendar for today.

The joint resolution passes its second (48-0) and third readings and is ordered enrolled.

COURTESIES

The president extends courtesies of the Gallery to Mr. C. D. Spangler, President of The University of North Carolina System. With unanimous consent, on motion of Senator Basnight, the remarks of the President of the Senate and the Senators honoring Mr. Spangler on his last day in office as University President are spread upon the Journal, as follows:

Lieutenant Governor Wicker:

"Upon motion of the Chair and all of the Members of the Senate, the Chair is happy to extend the courtesies of the Gallery to a great North Carolinian. He is on his last day serving as the President of the great University of North Carolina System, and has lead that system for the past eleven years with great distinction and with pride. I would like to welcome C. D. 'Dick' Spangler to the North Carolina Senate. North Carolina will be eternally grateful for your great leadership and vision with the University." (Applause)

Senator Perdue:

"The President of the Senate is quicker on his feet than I guess because he controls the gavel. I would like to take just a moment on behalf of all of us in the Senate and on behalf of all of North Carolina, Dick Spangler, to say thank you publicly. Today is a sad day for a lot of us who have benefited by your leadership. I can remember being invited to Chapel Hill, summoned is probably the right word, and talked to pretty strongly about your belief and your commitment to opportunity and access to our greater University System by all students, and your deep-seeded belief in maintaining tuition rates that were equitable and available for our poorer and less fortunate students, be they young or old. I can remember walking down the campus for a big lunch. I was excited to be going out to lunch with this wonderfully affluent banker and all of a sudden I end up in a cafeteria with
a bunch of kids eating a ninety-nine cent salad, and I thought this is how the man has been so successful. He never lost his ability to touch real people, and to enjoy real people and real things. For that and for everything you've given us today, we'd like to say thank you. We know your leaving leaves us a bit shorter, but as we watched your transition from the State Board to the University System, we anticipate another transition somewhere else. Again, thank you for your service and your leadership, but most of all for your great love and commitment to this State we call North Carolina."

**Senator Basnight:**

"Thank you, Mr. President, Members of the Senate and all together here, and thanks most especially to you, Dick Spangler, for your contributions that you made over the years to our State, not just as our President of the greater University System, but also as Chairman of our Board of Education, our State Board of Education, as you worked with children to develop their minds and their bodies to be successful in this wonderful State of ours. There'll be two different, there's two different occasions that over great importance and have an influence on this State, influence, and on myself as well. One was holding down the tuition rate. I was a grand supporter in my belief at times of thinking that we could easily raise those fees and tuitions and do it with not much struggle or cost to those who tried to enter the system. And I found myself, Members, wrong. And that has changed, changed dramatically and now as you see in the Senate budget that we passed there was no tuition increase this year. It was the influence of your cause and your just cause to make certain that the University's always open, the doors are, for those who are least fortunate among all of us in this State to be able to obtain an education, and do it as equally well as those who have the resources to do so. So that influence will be with me for ever more. Secondly, I want to thank you for your generosity of offering all of us the Chancellors for a quick call meeting to determine whether or not we should approach the issue of developing a bond package for North Carolina's Universities as well as her Community Colleges at the time, and our State Parks. You are an integral part in that success and seeing that it occurred and that it happened. I do not believe today had you not used your energies and the resources of the University System that we would have succeeded and had many of the buildings that we enjoy today. So I thank you for your contributions, for your knowledge, your leadership, and certainly a great commitment to North Carolina, her children, her people. God bless you and God speed in all endeavors."

**Senator Lee:**

"Mr. President, I'd like to join with my leader and our leader in this Senate expressing my personal appreciation to President Spangler. I've had the privilege of knowing him for many years and am delighted to have the privilege to work closely with him during his time and his service at the University. I echo a great deal of what President Pro Tempore Basnight has expressed, Mr. President. We haven't all done all the things you would like to have seen us do, but we've certainly accomplished a great deal under your leadership, your guidance, and because of your visions. There used to be a standing concern that would there be a person who could take over the reigns from President Bill Friday who had set a real high standard of leadership at that University. Those of us who pondered that possibility knew it had to be a very special person, and, Dick Spangler, you were that special person. Your contribution to education will long be remembered and, I'm sure, appreciated by the citizens of this State, not just at the University level, but the fact that you understand the foundation of success at the University level begins at our local

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communities. Your leadership of the School Board in Mecklenburg, your leadership of the State Board of Public Education for the State of North Carolina, and now your leadership in higher education, you run the gamut, and our system of education is much better off because of your contributions, your leadership. I thank you for all you’ve done. I’m privileged to have been one of the people to represent the University from the Chapel Hill community, but more importantly to serve with my good friend, Senator Leslie Winner, to work on educational matters relating to our University here in the Senate. Thank you so much for all you’ve done.”

Senator Kinnaird:
“I would like to say thank you also to President Spangler for the outstanding leadership he has given to our campus system. Some people may not know that he has been instrumental in one of the major decisions from, in carrying out one of the major decisions in the Supreme Court. While he was Chair of the public education, Board of Education in Mecklenburg County. Swann v. Board of Education mandated that bussing be used integrate the public schools in that large system. And under his leadership this was carried out, not only successfully, but as a model program to use throughout the United States wherever this issue arose. It was his leadership that kept things calm, that kept people acting rationally and with good will towards each other. Just a few years ago, the Courts decided that this could be dismantled, and again President Spangler spoke saying that this was a model program that had worked well and he urged them not to dismantle the program. He has paid equal attention to each of the sixteen campuses and has made us realize that it is a great system throughout the State. And we are very grateful for all that he has done for our great University System. Thank you.”

Senator Garwood:
“Ladies and gentlemen of the Senate, I had the distinct pleasure and honor of serving on The University Board of Governors for eleven years under the leadership of President Spangler. I saw first hand his concern about our at-risk students, and also, those underprivileged children in our State, high school kids who were borderline as to whether they could avail themselves of an education in our University System or anywhere else. And his concern, as you all know, in that area, it has been unsurpassed by anyone, and I might add, effective. I want to add my thanks, Dick, for the privilege of serving with you and for what you’ve done for this State. None of us will ever forget it. Thank you very much.”

Senator Winner:
“I hesitate to do this to you President Spangler ‘cause I don’t want you to think that you’ve died. (Laughter) We are eulogizing you a little bit, but we expect you to stick around and keep on helping us because we’re gonna keep on needing you. I do want to thank you really for sticking with our public schools throughout your adult life, our public schools and our public colleges. President Spangler has done it consistently. He has done it through choice. He had the ability to abandon our public schools and our public universities. He didn’t need them. We needed him, and he has stuck with us through the years. The Charlotte-Mecklenburg Public Schools are a better place because of you, just as our University System is a better place because of you. I had a similar experience as Senator Perdue did of being summoned to Chapel Hill for lunch, and I thought, ‘oh good, I’m going to get to go to a nice fancy lunch with President Spangler,’ only to end up in
the Chapel Hill Student Cafeteria. But what impressed me was the number of faculty members and students he called by name. He knew their circumstances. He knew what their problems were. He knew, knew what their strengths were. He was ready to brag about them, and it said to me that this was a man that wasn’t cloistered in his office running the University System from afar, but was really out there with the students and the faculty participating in the University in a very personal kind of way. He’s given us his energy purely through his own personal commitment, and for that I would like to thank you.”

Senator Rand:
“Ladies and gentlemen of the Senate, I would adopt by reference everything that has been said heretofore, but I would also say that in traveling around with the Advisory Budget Commission to the different campuses of our Universities it becomes really apparent that the greatest gift to the people of North Carolina really has been our University System. But I think that when you look at the leadership on each campus, I think that is one thing that we really must thank President Spangler for because he has put truly an outstanding group of men and women throughout North Carolina to guide the future of our young people as they seek a University education. And for that I think his influence will long be felt in our State, even if you didn’t consider the other things that he has done. So with that I think we owe him a real debt of gratitude. And I’m sure that when we adjourn, he’ll come down here and talk to us about what the University needs, and we need to keep tuition down. So on behalf of the taxpayers, I appreciate your working on your last day at the job. Thank you, Mr. President.”

Senator Ballantine:
“President Spangler, as the only Member of the Senate whose diploma you signed, I just wanted to say thank you.” (Laughter)

Senator Foxx:
“Well, I wasn’t going to say anything until you made that comment, but I do need to make a slight correction to one of the comments that was made. President Spangler has signed more than one diploma of Senators here. My doctoral degree was signed by him. So I don’t want the minute, the Journal to have any incorrect information in it.”

COMMITTEE REFERRAL RECALL

H.B. 611 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE, TO EXEMPT THE COMPENSATION FROM STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS, recommitted to the Judiciary Committee on July 16.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the Senate Committee Substitute bill be withdrawn from the Judiciary Committee and placed on the Calendar for Wednesday, July 23, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill recalled from the Judiciary Committee and places it on the Calendar for Wednesday, July 23, for consideration upon its passage.
The remarks of the Senators honoring Senator Conder on his last day in office and remarks from Senator Conder are spread upon the Journal, as follows:

Senator Basnight:
"Today’s a bit of a sad day for myself as it will be for other Members, as well. And I guess one of a new future for one of our Members who will be leaving us, Senator Richard Conder who’s served in the Senate. Senator Shaw and Senator Martin, who else came together that is left from that freshman group, will be with us no longer after today. As you know, we have confirmed him as a member of the Utilities Commission. But for many, many years he has given a great deal of his life and taken from his family and I guess to some extent from the bank as well (laughter) to serve, but to do things for the people of North Carolina that we all believe in. He has been a great companion of mine, probably the best friend that I have in this Chamber, one who has spoken freely of his beliefs from time to time, one that I concur, have been able to concur with more times than not, certainly so. But his love and his compassion and his deep concern for his family, he is the type of citizen that you like to have in your neighborhood. He has exhibited it so many times in my presence of calling Barbara or talking to his son or his daughters, or just having great love when he has conversation about his granddaughter. He’s a person who loves this State. Senator Jenkins, from the mountains to the shoreline, Senator Ballantine, of our coast and all the people in between. He loves all of what makes North Carolina great. Richard, I’m surely gonna miss you in words that I can’t describe today, but more than myself, and I guess I’m a bit selfish in that explanation, there are gonna be others who will miss you, don’t know you, or have never known you. Your commitment to education, to the economic development and the betterment of this State, and what she will be in the future will long be remembered by myself and felt by many others. We love you, and will miss you and we hope to see you regularly on your sojourns through life. God bless you."

Senator Plyler:
"Mr. President and Members of the Senate, I, like Senator Basnight, am certainly going to miss Richard Conder. I know we serve a lot of time, time, put in a lot of time serving here in the General Assembly, but let me say, Senator Conder and I put in a lot of time working together when we’re not serving in the Sessions here. We have a sizable District. We have about three hundred thousand people in that District, and it’s continuous either visiting with our constituents, or Senator Conder and I talking together, or on the telephone, or in person. And let me tell you something about Richard Conder. He and I have served together here in the same District for thirteen and a half years. We have had very, very few differences. The reason is that we would sit down and talk ‘em out before anything ever become a problem between the two of us, and I appreciate you, Richard, for your understanding, and for your advice, and the many, many things that we have done together. I am gonna miss you in a way that probably no one really thinks about, but anyone, the one, new that is coming in here, will be a first termer and a freshman. Regardless of who it is, they cannot even come close to taking your place because the constituents out there will still be looking to talk to you or me. And of course with the three hundred thousand people there, you have put a pretty good sized job on top of me, what we’ve been doing. But, I congratulate you and your future endeavors. We
will all miss you because, as I said the other day, you couldn’t find a better fellow to work with. He’s a family man, church man, community, a great legislator, a great banker, and a great person to give good advice, and if you take Richard’s advice you will be far, far ahead. Thank you for being with us as long as you have, and we will be seeing you hopefully at your swearing in in the morning.”

**Senator Rand:**

“Mr. President and ladies and gentlemen of the Senate, when Senator Conder first announced his impending removal from the Senate, I was saddened as everyone else because I knew how much we’d miss him. His presence here has meant a great deal to all of us for a long time. But then once he got confirmed, I saw that the value of First Union stock’s up about three dollars in the last week, (laughter) and yesterday the Dow Jones Industrial Average closed above eight thousand for the first time in history. I’m not sure what that means, but on behalf of the economic well being of the free world, Senator Conder, I appreciate you seeking a new career.” (Laughter)

**Senator Lee:**

“I just want to add a brief word of appreciation to Senator Conder for what he not only has meant to this Senate, but to me personally, and to the State of North Carolina. You know there are certain counties you go in in this State and there is always a special person there who basically has a lot of influence in that county, and Richmond is no exception. There’s a sheriff there by the name of Raymond Goodman, and no one goes to Richmond without genuflecting in front of Raymond. Raymond is a good friend of mine and he told me once that there was only one man in Richmond County he couldn’t control and that was Richard Conder. And so I understood when Richard decided to run for the Senate, that he had, he, Raymond, had a special motivation to help Richard get elected, get him out of Richmond County. But everybody in Richmond appreciates Richard, his contributions as a leader in that county, as a County Commissioner. And I am just honored and delighted to have had the great privilege and to be fortunate to come to the Senate at the time I did, to forge a much closer relationship with this man for whom I’ve developed a deep respect. I’ve had the chance to visit in his home, to work with him on a number of projects. I feel very comfortable, and certainly very confident that he will be on the Utilities Commission in serving our interests. Richard, best of luck to you.”

**Senator Perdue:**

“Richard, you’re not dead either as Leslie told Dick Spangler. We’re just saying nice words about you because we all have the need to. Today is a really sad day for a lot of us. Conder is one of my very dearest friends. It’s not often that you meet a couple like he and Barbara. They have stood with my boys and I through thick and thin, and there’ve been a lot more thicker times than thin times, and I thank you. And I guess the good thing about today is that I know that friendship won’t change a bit, and the relationships may not be the same day in and day out here in the building, but the foundation on which it was built, the love and the respect and the interest will always be there. Richard has spent thirty years serving this State in some way or the other. He’s given of himself as much as anybody in North Carolina has ever given. His children and his wife have done what all of our families have done. They’ve done without, without the presence of the father, or the mother, or the parent, or the friend in that home in that community because he was out doing for other people because he believed in it and felt committed to it. Members of the
Senate as we say goodbye to him and wish him well, Richard Conder’s leaving brings to my mind the most poignant issue, and the most important issue of this Session that we’ve left unaddressed. And that is when people like him leave this Body and leave the service of this State at the General Assembly, and go either back into the private sector or into other roles in State government, you have to ask why. His commitment and his love certainly hasn’t changed, but after thirty years, I bet if he were to stand up he would say he simply got tired of it. He got tired of the hours and hours of time that it requires. He gets tired of a Session like this one that just won’t end. He got tired of an election campaign where he had to hustle big bucks to win. He gets tired of the criticism and the lack of movement sometimes, but more than that he’s just tired of a system that won’t change. With his leaving, once again, I hope that you think deeply and thoughtfully about the opportunity we still have to change the way we run this Body, to put some end and start time on the length of Sessions, to make things different so that this time next year we won’t have Senator Plyler, or Senator Hartsell, or Senator Cochrane as we had Senator Kincaid last week, and now Senator Conder standing up and saying enough is enough. What we’re doing to North Carolina, in my mind, is a great disservice, and for bringing that once again to our plates, Richard Conder, I thank you. God speed and good luck, and the free dinners won’t stop from me just because you’re moving across the street.”

Senator Hoyle:

“Ladies and gentlemen of the Senate, one of the real joys for me upon my election to this Body was to have the opportunity to make friendships, and I consider all of you friends. But some of us, I guess, grow a little closer than others, sometimes maybe it’s because we have things in common. Richard and I, other than being maybe a couple of pounds overweight, certainly enjoy the game of golf. We’ve had the opportunity to participate together many times. We enjoy good food, and conversation, fellowship. We both have deep affection for the State of North Carolina. Richard is a special friend, and it’s with great sadness that I see him depart this Chamber because, as Senator Perdue and Senator Basnight and others have said, North Carolina is the big loser. But I’ll tell you something about Richard. Richard’s a great chauffeur, he really is, and I found out early on that he has a lot of courage. When you challenge the President Pro Tem of the Senate, when he’s trying to give you directions somewhere, it proves that you have courage. Senator Basnight, if he wants to go to Cary he believes there’s a shortcut up through Wake Forest somewhere, and Richard has absolutely told him to shut up, that I know where I’m going, sit in the back seat and mind your own business, and I’ll get you there. But, Richard, we’ll do what we can to find a replacement. I hope that the hat fits the new man and your seat. We’ll do what we can to keep the Utilities salaries from being cut, I understand that there is a movement underway to do that. (Laughter) But I just want you to know that my life has been enriched by having had the opportunity to make your friendship, and I love you, my friend.”

Senator Cochrane:

“Ladies and gentlemen of the Senate, I certainly do not know Senator Conder the way that you all do. We function on two levels down here, I think, one political and one personal. Well on a political level, he and I couldn’t be the best of friends. I think you all recognize that. He’s one of the few people that I have had to get into my face just like I hope I’ve gotten back into his face. But besides that, the personal level that’s developed because of our political differences and because we have on occasion when he was in
leadership and I was in leadership actually got in each other’s faces, I think it certainly has enriched me. And I think getting to know Barbara and seeing the serenity in her, and the hard core that is there to be supportive of him, also showed me a different side to him that I appreciate. I will share one thing with you. The first time I ever met Richard Conder, I didn’t meet Richard Conder. I saw him in the furniture store renting furniture for his apartment. He was dealing with a lady there who was trying to help him out, and I thought, ‘My Lord, that is one of the most bombastic guys ordering this woman around he doesn’t even know. Man, I’d like to see him talk to me like that.’ Well, he did talk to me like that. (Laughter) The only difference is I wasn’t trying to sell him anything, and I just talked back the same way. And maybe it’s because I was not intimidated by Richard Conder, he and I have always gotten along. I do not play golf, I know a lot about golf, but he has played with my husband who actually thinks a lot of Richard and has said so on more than one occasion, and is more appreciative than I have been able to express to Richard for the towel that he got. I really will personally miss Richard Conder in this Body a lot because of the historical frame of reference that he frequently brings to things and because of the reverence he feels for the tradition of this Body, some of which I think we are losing over time. I don’t know that I’m gonna miss him politically at all. I will truly be sorry you’re not a part of this Richard, and I did enjoy our little political confrontations. I’m the better for it.”

Senator Cooper:
“Thank you, Mr. President. Members of the Senate, contrary to what Senator Conder has said, I was not, last week, in his office measuring it. (Laughter) I just needed to figure out where I was going to put all of my filing cabinets. It’s a tribute to the abilities of Senator Conder that out of all the people that we keep sending over there to be confirmed to the Utilities Commission, he’s the only one who’s been confirmed. I think one thing that hasn’t been said about Richard, but which everybody knows is his tenacity and determination to get things done when he believes in it. My wife, Kristin, was a staff attorney, that’s how we met in fact, but she was a staff attorney for one of the study commissions that Senator Conder chaired. And one day after a committee meeting she came in and she said, ‘You know, if you ever want to really get something done in the legislature, you get Senator Conder believing in it, and it’ll get done.’ I think that’s one of his greatest traits, is when he believed in something, he pushed it through this legislature because he believed in people, and still does. And will still have the opportunity to have a great effect on the lives of the people of this State, because Richard Conder is ultimately a public servant. His life has been dedicated to serving the public and this is just another phase for you, Richard, who you will continue to do that. I am honored to have served with you. I can never fill your shoes as majority leader, and won’t even try. I will continue to push the ideals that you believed in, and I will continue to be interested in your career and will know that you will continue doing what you’ve always done best, serving people. Thank you Richard.”

Senator Conder:
“You know I had hoped this was going to be a happy day, but it’s sort of sad for me to be leaving. I had some prepared remarks, but I don’t think I can use those, but I do want to say to you Senator Basnight that they threw the mold away when you were born. You’re one of the most unusual people I’ve ever known and met in my life. I’ve never known anybody that had any more dedication toward this Body, the integrity, the tradition

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of this Senate Chamber, for the people of the State of North Carolina. And I’m satisfied if you had the time to cover this State and talk to seven million people, you would garner seven million votes, just like you have covered this Senate and worked it well. I have the utmost respect and admiration for you, the way you’ve handled this Body. You’ve handled it in a very, very strong bipartisan manner that we all appreciate. I appreciate your friendship. I appreciate all your help to me, and I’ll never forget you. Senator Plyler, you’re, you’re just a tremendous cohort. We’ve been together a long time, and I’ve thoroughly enjoyed working with you. The State of North Carolina is better off because of your dedication, and your patience, and your integrity. You’ve just, you’ve just done a fantastic job and I had not planned on leaving at this point and time. I had planned on staying until the end of the Session, but folks, the campaign back in our District for the seat to succeed me has gotten pretty well heated up to say it very lightly. So, the process, the reason I’m resigning today is that the party wanted five days notice before they could vote. So Tuesday there’ll be a vote in the District to appoint my successor, and hopefully he or she will be here to be installed on next Wednesday, the twenty-third. Governor Hunt, I think will be in a position to make that appointment, but I did not want this seat to go empty any longer that I possibly had to. Well folks, let me tell you again, I appreciate the comments of all of you, each and every one of you. And Senator Cochrane, I think your husband, Joe, would make an excellent Democrat. He’s just a tremendous guy, (laughter) and I think that if I have the opportunity to play golf with him again, I’ll work on him some more. But let me tell you folks, that this State of North Carolina, you’ve heard me say this on numerous occasions, is absolutely the finest State in the nation. People in the other forty-nine states look to North Carolina for leadership. They want to know ‘How do you do it in North Carolina?’ The Institute of Government is a prime example of what we have in this State that other states have tried to emulate, and I certainly hope the House can agree with your budget, not my budget anymore, to, on this Institute of Government Building that they need so badly over in Chapel Hill. I also say that the State of North Carolina is in its infancy. Everybody seems to think things have peaked out, but folks, you ain’t seen nothing yet. I just hope that you’ll give your work, your dedication and hard work to the future of this State because there could be some more UNC-Charlottes on the horizon. There’s a heck of a lot more industrial development coming. Microsoft’s not even in North Carolina yet, but we want ‘em here. We want other people like them, but you can’t get it by sitting back and doing nothing. I challenge each and every one of you to maintain the integrity of this Body, and this hard work, hard work that you’ve done in the past and again I can’t tell you how much you mean to me. I love each and every one of you. I appreciate Lucille who has helped me tremendously the last few years at what she’s done, and I appreciate my family’s support, and I thank you very much and I love each and every one of you. Bye.”

On motion of Senator Conder, seconded by Senator Plyler, the Senate adjourns at 11:56 A.M. in memory of Raleigh Police Detective Paul Hale to meet Monday, July 21, at 7:00 P.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Almighty God, the judgments that we must make every day represent a difficult responsibility. 'Judge not that you be not judged,' Scripture says. That doesn't exonerate us from making judgments; it serves as a reminder that we are, all of us, judged every day...

By You,
By ourselves,
By those we love,
By those unknown to us and unloved by the world, but affected by our judgments.

"Each day finds us at the junction of many roads, and we are judged as much by the roads we have not taken as the ones we have.

"Guide the men and women of the Senate in their judgments this week, we pray. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Garwood for personal reasons, to Senator Hoyle, to Senator Lee, and to Senator Winner due to family matters.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, July 17, has been examined and is found to be correct. On 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. Joanne Pizzino from Research Triangle Park, who is serving the Senate as Doctor of the Day.

The President extends courtesies of the gallery to visiting dignitaries from Kazakhstan who include three members of the Lower House of Parliament and a member of the Senate along with two interpreters.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 994, AN ACT TO PROHIBIT THE DIRECT SHIPMENT OF ALCOHOLIC BEVERAGES TO CONSUMERS IN NORTH CAROLINA.

H.B. 96, AN ACT TO DIRECT THE SECRETARY OF REVENUE TO (1) MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO PRESERVED
THERIR RIGHT TO A REFUND BY PROTESTING PAYMENT WITHIN THE TIME LIMITS SET BY G.S. 105-267 AND (2) NOTIFY AFFECTED INTANGIBLES TAXPAYERS BY MAIL AS SOON AS POSSIBLE OF THE COURT NOTICE IN THE CLASS ACTION LAWSUIT REGARDING REFUNDS.

H.B. 275, AN ACT TO REDUCE DUPLICATION OF WORK BETWEEN THE OFFICE OF STATE PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN FUNCTIONS FROM THE OFFICE OF STATE PERSONNEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS.

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

H.J.R. 1241, A JOINT RESOLUTION INVITING DR. JOHN HOPE FRANKLIN TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR. (Res. 23)

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. 429, AN ACT CLARIFYING LANGUAGE CONCERNING ATTENDANCE AND PARTICIPATION OF ALTERNATES ON THE CHARLOTTE CIVIL SERVICE BOARD AND ALLOWING THE CITY OF CHARLOTTE TO DISCLOSE LIMITED PERSONNEL INFORMATION CONCERNING THE DISPOSITION OF DISCIPLINARY CHARGES AGAINST POLICE OFFICERS. (Became law upon ratification, July 17, 1997 - S.L. 1997-305.)

S.B. 667, AN ACT TO AMEND THE CRIMINAL OFFENSE OF STALKING. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-306.)

S.B. 249, AN ACT TO CLARIFY WHAT FUNDS MAY BE USED TO REPAY SPECIAL OBLIGATION BONDS AND TO MAKE OTHER CHANGES IN THE LAWS CONCERNING THESE BONDS. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-307.)

S.B. 764, AN ACT TO AMEND THE WORKERS' COMPENSATION ACT REGARDING EMPLOYER ACCESS TO MEDICAL INFORMATION. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-308.)

S.B. 875, AN ACT TO IMPROVE THE PROCEDURES FOR RECORDING MAPS AND PLATS, TO REVISE THE LAW GOVERNING THE DISPOSITION OF CERTAIN BIRTH AND DEATH CERTIFICATES, AND TO ESTABLISH A STUDY OF LAND TITLE REGISTRATION PROCEDURES. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-309.)
S.B. 132, AN ACT TO AUTHORIZE CLERKS TO ALLOCATE SPOUSE'S AND CHILDREN'S YEAR'S ALLOWANCE FROM A DECEDEDENT'S ESTATE. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-310.)

S.B. 330, AN ACT TO AMEND THE LAW GOVERNING SAFE-DEPOSIT BOXES. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-311.)

S.B. 714, AN ACT TO REQUIRE HEALTH AND ACCIDENT INSURANCE POLICIES, HOSPITAL OR MEDICAL SERVICE PLANS, HMO PLANS, AND THE TEACHERS' AND STATE EMPLOYEES' COMPREHENSIVE MAJOR MEDICAL PLAN TO PROVIDE COVERAGE FOR RECONSTRUCTIVE BREAST SURGERY RESULTING FROM MASTECTOMY. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-312.)

S.B. 930, AN ACT TO ABOLISH THE MUTUAL BURIAL ASSOCIATION COMMISSION AND TO TRANSFER ITS DUTIES TO THE BOARD OF MORTUARY SCIENCE. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-313.)

H.B. 1006, AN ACT TO INCREASE THE EXEMPTION FOR ANNOUNCING REQUIREMENTS OF CAPITAL IMPROVEMENT PROJECT DESIGNS. (Became law upon approval of the Governor, July 17, 1997 - S.L. 1997-314.)

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the office of the Principal Clerk from the House of Representatives transmitting bills and resolutions are presented to the Senate, read the first time, and disposed of, as follows:

H.B. 631 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE FORSYTH COUNTY OCCUPANCY TAXES.
Referred to Finance Committee.

H.B. 859 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE CERTAIN MUNICIPALITIES IN BRUNSWICK COUNTY TO LEVY OR INCREASE LOCAL OCCUPANCY TAXES, AND TO AUTHORIZE PERSON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.
Referred to Finance Committee.

H.B. 1187 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN COUNTY AND CITY PURCHASES FROM STATE AND LOCAL SALES TAX.
Referred to Finance Committee.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

July 21, 1997
S.B. 143 (House Committee Substitute)  
House of Representatives  
July 16, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in the House Committee Substitute for SB 143, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE SALE OR PURCHASE OF TOBACCO PRODUCTS TO PERSONS LESS THAN EIGHTEEN YEARS OF AGE AND TO REQUIRE THAT CERTAIN PERSONS BE TRAINED REGARDING THESE LAWS, the Speaker has appointed as conferees on the part of the House,

Representative Arnold, Chair;  
Representative Hill;  
Representative Hall;  
Representative Fitch, and  
Representative Cansler

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks  
Principal Clerk

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

S.B. 556 (House Committee Substitute)  
House of Representatives  
July 21, 1997

Mr. 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 for SB 556, A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE AND GREENSBORO, AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, to the end that 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

A special message received in the Office of the Principal Clerk from the House of Representatives transmitting a resolution is presented to the Senate, read the first time, and disposed of, as follows:

H.J.R. 1239, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BARNEY PAUL WOODARD, FORMER MEMBER OF THE GENERAL ASSEMBLY.  
On motion of Senator Wellons, the rules are suspended without objection, and the
joint resolution is placed before the Senate for immediate consideration.

With unanimous consent, on motion of Senator Wellons, the joint resolution is read in its entirety, and on motion of Senator Basnight, the remarks of the President of the Senate and the Senators memorializing the life and memory of Barney Paul Woodard, former member of the General Assembly, are spread upon the Journal, as follows:

Senator Wellons:

"Thank you, Mr. President. The family of Barney Paul Woodard, his wife, and his children, and his many friends are here to honor him. Barney Paul Woodard was a pharmacist by profession, a legislator by avocation, and above all a gentleman. He always like helping people whether it was in the drug store or in the Legislature where he did serve longer than any other Representative for the people of Johnston County. He always had the people's interests at heart. He was instrumental in landing a Community College for Johnston County, or as he called them 'the boys and girls of his community.' He was on the cutting edge of getting generic drugs, and that movement has saved the citizens of this State millions of dollars. Barney Paul always had bright eyes. He always had a vision for the future. The last time I saw him his health was declining. He had lost a great deal of weight, but his eyes were still bright. They were still sharp. His mind was bright. He wanted to know how things were going in Raleigh. He had many friends here, and he kept up with the issues that we were debating. I know many of you served with Barney Paul, and knew him in different ways than I did. And I will not talk too long about it, but to give you all an opportunity that you, that you can speak for him. So I will just close by saying Barney Paul Woodard was my friend, that he, that him, he's the reason that I'm in politics today. When I moved back from Asheville, he was the first person that called on me. At that time he had served in the House, I think, for sixteen years, and was trying to move up to, to a much larger office, the Senate. I think that may be one of the only times that he lost an election. But it didn't slow him down, he ran for the House again the next term and served for, I believe, eight more years. He encouraged me all along. I ran with him. He was, he was one of my idols, and he was my friend, and he was the friend of Johnston County. And I commend this resolution to you. Thank you.'

Senator Perdue:

"The things that you've just heard about Barney Paul, Barney Paul Woodard are all so true. He was not just a friend to Johnston County. He was a friend to all of us in North Carolina. I served in the House with him for four years. And I came at a time when there were very few women in the Body, and Barney Paul, as rural and as old fashioned as he was in so many wonderful, gentlemanly ways, made it quite clear at our first caucus that it was time for a woman to, to at least have a role in some of the committee meetings. And he did a lot for all of us, but he really did make a difference in health care. I can remember having discussions with him about health care reform in this State, and talked with him at length about his support for all of our Health Departments. There are children and families all over this State who have been touched by his service here. And they don't know his name; they don't know why they're healthier, but the thanks for that healthiness and that healthful living goes to Representative Woodard. He also, as you know, became quite an expert on education because he moved out of the Johnston County area into the whole State, and he knew that when you did something for a child, you could touch the entire country and continue to make a difference. He was a good man. I'm very
thankful for having known him, and for having had the fellowship with his entire family. He will be missed. He’s what makes North Carolina so good, a quiet, sincere gentleman.”

Senator Kerr:
“In 1987 when I came to the House with several other distinguished Members of this Body now, it was always comforting to see Mr. Woodard sitting there kind of up front. He was known for his kindness, his good advice, and his warm personality. He was the expert in his profession, but he also brought common sense business background, and a real love and knowledge of people. He has a strong family, and I know many of his family and many of his family helped me because the only thing that separates my District and his District is some line on the face of the earth that is really an imaginary line. But, but he was a great, great inspiration to the first-termers in the House. And I especially would like to say that my wife, Sandra, and Ann grew to be great friends, kind of buddying around up here, and Ann took Sandra kind of under her wing, and I know it was a great loss to us. I remember going over to Princeton. He had a retirement party, and the thousands of people, I thought it was a thousands, a big group of people was there because he was, he was always in contact with our part of the State, his profession, his family. And it certainly, it’s a loss to the State and it’s a loss to this Body when he had to leave. And I just appreciate Mr. Woodard, his family, and the great people here from Johnston County tonight. And I want to hope everybody will endorse this resolution. Thank you.”

Senator Albertson:
“Thank you Mr. President. Members of the Senate, when I came to the House in 1989, Barney Paul was one of the first people I got to know, as Senator Wellons and others have spoke very ably on his behalf. Barney Paul was a wonderful fellow, a wonderful human being. I don’t think I’ve ever met anyone who was any more kinder and gentler than he was. And I can tell all of you, my life is better, I’m convinced, by having known this great man.”

Senator Basnight:
“Thank you, Mr. President, Members of the Senate. My knowledge of knowing Representative Woodard is one of those times and periods of when you find yourselves reflecting on what North Carolina is. I met him once in the elevator and I can’t exactly recall the Senator who was with us at the time, and he introduced me to Representative Woodard. And he told me at that time, ‘Young man, you have the same opportunities that anyone else does when they enter this profession of ours, and that opportunity is to do the right things.’ He was a gentle, kind, caring, loving North Carolinian. He certainly had the twinkle in the eye as Senator Wellons said, and one that’s obviously stayed with him through the entirety of his physical life. But we all realize and know where he’s at today as he watches us, and watches over us in the rightful place of where he settled forever more. He was a good man. He was a great North Carolinian. I was glad to have met him, and to have known him.”

Lieutenant Governor Wicker:
“I came to know Barney Paul Woodard when I served with him in the North Carolina House. Many of the things that you have heard tonight, I won’t repeat. But I do want to highlight some of the characteristics of this great North Carolinian because I think it’s
important that he be remembered in the light that I’m about to describe. Barney Paul Woodard was very much a family man. I recall on many occasions when we sat on the House floor, we sat near one another, and he would talk to me with that twinkle in his eye, and that smile on his face about his family, and about his children, about his wife, and how much he loved ‘em and how much he missed ‘em when we were in the long sessions, what we’re in now. The other thing that I recall about Barney Paul Woodard was his deep commitment and dedication to Johnston County. Now the Woodard name is a very prominent name in Johnston County. It is revered and cherished. And he told me one time that that was something he wanted to leave his family, was a good name because it was something that you could not buy. And Barney Paul Woodard loved his State. He really was dedicated to North Carolina, and he cared deeply about the health of the people of this State as Senator Perdue has so adequately described, and he cared so much about children and education. But most of all Barney Paul Woodard, I believe, was an encourager to young people. He was certainly an inspiration to me and encouraged me, and I know many other young people in the General Assembly who reached to greater heights. This is truly a very unique and special man, and one that I think North Carolina will long, long remember. And that is evidenced by the fact that his many friends from Johnston County are here tonight to hear this resolution. We will truly miss him, Senator Basnight. North Carolina has suffered a tremendous loss.”

The joint resolution passes its second reading (45-0) and third reading, unanimously with Members standing, and is ordered enrolled.

The President extends courtesies of the Gallery to the family and friends of Barney Paul Woodard.

CALENDAR

Bills and a resolution on today’s Calendar are taken up and disposed of, as follows:

S.B. 556 (Conference Report No. 3), A BILL TO BE ENTITLED AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION, for adoption.

On motion of Senator Rucho, the Senate adopts Conference Report No. 3 (44-0).

Pursuant to the message received tonight that the House of Representatives adopts Conference Report No. 3 for S.B. 556 (House Committee Substitute), the President orders the measure enrolled. A message is sent to the House of Representatives informing that Honorable Body of such action.

H.B. 337 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Senate Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 37, noes 7, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Cooper, Dalton, Dannelly, Gulley, Hartsell, Horton, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lucas, Martin of Pitt, Martin of Guilford, Miller,

Voting in the negative: Senators Clark, Cochrane, East, Forrester, Foxx, McDaniel, and Page—7.

The Senate Committee Substitute bill No. 2 is ordered sent to the House of Representatives for concurrence.

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 22, for further consideration upon third reading.

H.B. 722 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 22, for further consideration upon third reading.

H.B. 750 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT TO A REFERENDUM, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 22, for further consideration upon third reading.

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is withdrawn from tonight’s Calendar and is recommitted to the Finance Committee.

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FUEL PIPING LICENSE FOR PLUMBING AND HEATING CONTRACTORS, TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO CREATE OTHER RESTRICTED LICENSE CLASSIFICATIONS, AND TO ALLOW THE REVOCATION OR SUSPENSION OF A LICENSE FOR FAILURE TO COMPLY WITH RULES PROMULGATED BY THE BOARD, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Wednesday, July 23, for consideration upon second reading.

H.B. 524 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, upon second reading.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from tonight’s Calendar and is re-referred to the Appropriations Committee.

S.J.R. 1085, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BARNEY PAUL WOODARD, FORMER MEMBER OF THE GENERAL ASSEMBLY.

With unanimous consent, on motion of Senator Wellons, the joint resolution is taken up out of its regular order of business, and on his further motion, the joint resolution is withdrawn from tonight’s Calendar and is recommitted to the Rules and Operations of the Senate Committee.

H.B. 251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE WELL CONTRACTORS CERTIFICATION COMMISSION, TO REQUIRE THAT WELL CONTRACTORS BE CERTIFIED, AND TO MAKE VARIOUS AMENDMENTS TO THE WELL CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

Following debate, Senator Kerr calls the previous question, seconded by Senator Perdue, which call is sustained.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 31, noes 14, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Basnight, Carrington,

Voting in the negative: Senators Ballantine, Blust, Carpenter, Clark, Cochrane, East, Forrester, Foxx, Horton, Kincaid, Ledbetter, McDaniel, Page, and Webster—14.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 22, for further consideration upon third reading.

COMMITTEE REFERRAL RECALL

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO, referred to the Finance Committee earlier tonight.

Pursuant to Rule 47(a), Senator Kerr offers a motion that the Committee Substitute bill be withdrawn from the Finance Committee and placed on the Calendar for tonight, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Finance Committee and places it on the Calendar for tonight, for consideration upon its passage.

H.B. 1121 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE SAFE REUSE OF PROPERTIES WHERE ACTUAL CONTAMINATION, OR THE POSSIBILITY OF CONTAMINATION, HAS IMPEDED REDEVELOPMENT, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 44, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Tuesday, July 22, for further consideration upon third reading.

CALENDAR (Continued)

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO, placed earlier on tonight’s Calendar.

The President rules that the Committee Substitute bill requires a roll-call vote.

Senator Forrester rises to a point of order under Rule 42.3(b) as to the attachment of a recommendation from the Joint Legislative Commission on Municipal Incororations. The Chair takes the inquiry under advisement. Subsequently, Senator Forrester withdraws his inquiry.

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,
Voting in the negative: None.
The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 22, for further consideration upon third reading.

H.B. 463 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE PERMISSIBLE WEIGHT OF AGRICULTURAL CROPS THAT MAY BE TRANSPORTED ON THE HIGHWAYS FROM THE FIELD TO LOCAL MARKETS
The Committee Substitute bill passes its second (44-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 1158 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT ANTIQUE AIRPLANES SHALL BE VALUED AT NO MORE THAN FIVE THOUSAND DOLLARS FOR PROPERTY TAX PURPOSES.
The Committee Substitute bill passes its second (42-1) and third readings and is ordered enrolled and sent to the Governor.

S.B. 254 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION, 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. 531 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU, 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES
The following special message is received from the House of Representatives:

H.J.R. 1241 House of Representatives
July 21, 1997

Mr. President:

Pursuant to H.J.R. 1241, A JOINT RESOLUTION INVITING DR. JOHN HOPE FRANKLIN TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR.,
the Speaker appoints the following members of the House of Representatives to serve with a like Committee of the Senate to escort Dr. Franklin to the Well of the House.

Representative Michaux,
Representative Blue,
Representative Miller,
Representative Luebke,
Representative McAllister,
Representative Wright,
Representative Gray, and
Representative Morris.

Respectfully,
S/Denise Weeks
Principal Clerk

ESCORT COMMITTEE

The President recognizes Senator Basnight, President Pro Tempore, who appoints Senator Martin of Guilford, Chairman; Senator Ballance; Senator Gulley; Senator Lucas; Senator Kinnaird; Senator Shaw of Guilford; Senator Reeves; and Senator Horton to greet and escort Dr. John Hope Franklin to the Joint Session of the General Assembly tomorrow, Tuesday, July 22, pursuant to Resolution 23.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

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

Cheryl Ann Allman, Concord; Sarah Nicole Bardinelli, Durham; Alison Anne Bardinelli, Durham; Michael Birch, Raleigh; David Bode, Raleigh; John Frederick Criscitiello, Plymouth; Michelle Annette Gilliam, Raleigh; Charnelle E. Green, Seven Springs; Jefferson Glenn Griffin, Red Oak; Christopher J. Hannah, Raleigh; Chris Hensley, Raleigh; Shanacee Renée Holden, Zebulon; Laura Parker Howard, Selma; Erinn Marcella Nanney, Raleigh; Lori Palmore, Raleigh; Matthew Ruedy, Raleigh; Jennalee Russell, Clayton; Stephen Michael Worsham, Raleigh; and Kira K. Zander, Raleigh.

On motion of Senator Basnight, seconded by Senator Hartsell, the Senate adjourns at 8:49 P.M. to meet tomorrow, Tuesday, July 22, at 10:45 A.M.

ONE HUNDREDTH DAY

Senate Chamber
Tuesday, July 22, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Honorable Jeanne Lucas, Senator from Durham County, as follows:
“Dear Lord and Father of humankind, we bow unto You to give thanks for Your having created this day and for having created this earthly family, this family whom You told to love You with all our hearts, our minds, our souls and strength, and then to love each other as we love ourselves.

“Bless this day with love as we listen to Dr. John Hope Franklin, our great historian, Thy servant. Give him Your grace, give him Your mercy, give him Your power, to deliver that which You have made known to him.

“Let his knowledge impact our lives positively so that we may truly embrace diversity and become one body empowered to do Thy most holy and precious will. In Thy Son’s name, we pray. Amen.”

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

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Monday, July 21, has been examined and is found to be correct. On 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. 254, AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION.

S.B. 531, AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU.

H.B. 457, AN ACT TO ALLOW RECOVERY OF FUNDS PAID AS FOREST DEVELOPMENT COST-SHARING PAYMENTS WHEN TREES ARE NOT MAINTAINED AT LEAST TEN YEARS AND TO CONVERT THE FOREST DEVELOPMENT FUND TO ONE THAT ACCRUES INTEREST.

H.B. 463, AN ACT TO INCREASE THE PERMISSIBLE WEIGHT OF AGRICULTURAL CROPS THAT MAY BE TRANSPORTED ON THE HIGHWAYS FROM THE FIELD TO LOCAL MARKETS.

H.B. 618, AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION AND FOR FAILURE TO SECURE COMPENSATION UNDER THE WORKERS' COMPENSATION ACT.

H.B. 1158, AN ACT TO PROVIDE THAT ANTIQUE AIRPLANES SHALL BE VALUED AT NO MORE THAN FIVE THOUSAND DOLLARS FOR PROPERTY TAX PURPOSES.

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

July 22, 1997
S.B. 556, AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE, GREENSBORO, AND RALEIGH AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION.

H.B. 843, AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM.

H.J.R. 1239, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF BARNEY PAUL WOODARD, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 24)

REPORT OF COMMITTEE

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:

H.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS, 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 2370, which changes the title, upon concurrence, to read H.B. 847 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS AND TO AUTHORIZE A WATER AND SEWER AUTHORITY HOLDING A CERTIFICATE UNDER G.S. 162A-7 TO EXERCISE THE POWER OF EMINENT DOMAIN FOR SPECIFIED PURPOSES, is adopted and engrossed.

COMMITTEE REFERRAL RECALL

S.B. 956, A BILL TO BE ENTITLED AN ACT TO STIMULATE A SUBSTANTIAL INCREASE IN VENTURE CAPITAL INVESTMENTS IN NORTH CAROLINA BY ALLOWING AN INSURANCE PREMIUMS TAX CREDIT FOR THESE INVESTMENTS, referred to the Rules and Operations of the Senate Committee on April 17.

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 recalled from the Rules and Operations of the Senate Committee and refers the measure 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:
H.B. 566 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE WAKE COUNTY PUBLIC SCHOOL SYSTEM FROM DEVELOPMENT CHARGES RELATED TO THE CONSTRUCTION, RENOVATION, AND REPAIR OF PUBLIC SCHOOL SYSTEM INFRASTRUCTURE FACILITIES IN WAKE COUNTY AND THE MUNICIPALITIES THEREIN.

Referred to Finance Committee.

H.B. 568 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WAKE FOREST.

Referred to State Government, Local Government, and Personnel Committee and upon a favorable report, re-referred to the Finance Committee.

H.B. 600 (Committee Substitute), A BILL TO BE ENTITLED AN ACT CLARIFYING THAT IN MODIFYING THE REQUIREMENTS FOR MAKING STREET ASSESSMENTS IN FOXFIRE VILLAGE UNDER CERTAIN CIRCUMSTANCES, UNDERGROUNDING OF UTILITIES, WHICH WAS PART OF THE PROJECT, IS ALSO SUBJECT TO ASSESSMENT.

Referred to Finance Committee.

H.B. 752, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE STATE AGENCIES TO ISSUE DUPLICATE LICENSES WITHOUT CHARGE WHEN THE ORIGINAL LICENSES ARE DESTROYED OR STOLEN DURING THE COMMISSION OF A CRIME.

Referred to State Government, Local Government, and Personnel Committee.

H.B. 1011 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SUBMISSION OF A STATUS REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION REGARDING FAILING COMMUNITY LOW PRESSURE PIPE WASTEWATER SYSTEMS LOCATED IN WAKE COUNTY, TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO CONTINUE TO MONITOR THE CONVERSION OF THESE SYSTEMS, AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO MAKE RECOMMENDATIONS.

Referred to Agriculture/Environment/Natural Resources Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.J.R. 1241

House of Representatives
July 22, 1997

Mr. President:

It is ordered that a message be sent your Honorable Body with the message that pursuant to HJR 1241, A JOINT RESOLUTION INVITING DR. JOHN HOPE FRANKLIN TO ADDRESS A JOINT SESSION OF THE HOUSE OF REPRESENTATIVES AND THE SENATE AND INVITING GOVERNOR JAMES B. HUNT, JR., the House stands ready to receive your Honorable Body in Joint Session.

Respectfully,
S/Denise Weeks
Principal Clerk

July 22, 1997
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 address by Dr. John Hope Franklin.

Senator Basnight offers a motion in accordance with H.J.R. 1241 that the Senate stand in recess to repair to the Hall of the House of Representatives, there to sit in Joint Session and further, upon dissolution of the Joint Session, to adjourn to meet Wednesday, July 23, at 10:00 A.M., seconded by Senator Kerr, which motion prevails.

Pursuant to the motions of Senator Basnight, the Chair declares the Senate in recess at 11:05 A.M. 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 for the purpose of receiving the address of Dr. John Hope Franklin.

JOINT SESSION

The Senate is received with the Members of the House of Representatives standing and the Joint Session is called to order by the Honorable Harold J. Brubaker, Speaker of the House of Representatives.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Chief Justice of the Supreme Court of North Carolina, the Chief Judge of the North Carolina Court of Appeals, and other members of the Judiciary who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Chief Justice and members of the Judiciary to the Well of the House to be seated. The Members of the Senate and House of Representatives stand to receive the Chief Justice and Members of the Judiciary.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Council of State and Governor's Cabinet who await his pleasure. The Speaker directs the Sergeant-at-Arms to escort the Council of State and Governor's Cabinet to the Well of the House to be seated. The Members of the Senate and House of Representatives stand to receive the Council of State and Governor's Cabinet.

The Speaker extends courtesies of the Gallery to all invited guests.

The Speaker relinquishes the gavel to the Honorable Dennis A. Wicker, Lieutenant Governor and President of the Senate, who presides.

The Speaker recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of the Honorable James B. Hunt, Jr., Governor of the State of North Carolina, who awaits his pleasure. The Speaker directs the Sergeant-at-Arms to escort Governor Hunt to the Well of the House to be seated. The Members of the Senate and House of Representatives stand to receive Governor Hunt.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of Dr. John Hope Franklin. The Sergeants-at-Arms of the House of Representatives and the Senate are recognized by the President to escort the Committees and Dr. Franklin to the Well of the House. Senator Martin of Guilford presents Dr. John Hope Franklin to the President of the Senate, who presents Dr. Franklin to the General Assembly whereupon he delivers his address. (See Appendix)

The Members and guests respond to the address of Dr. Franklin with a standing ovation.
The President recognizes Speaker Brubaker and Senator Basnight who offer thanks and words of praise and honor to Dr. Franklin, and who present him with a North Carolina Flag.

Dr. Franklin is escorted by the Committees from the Hall of the House of Representatives.

On motion of Senator Basnight, seconded by Representative Blue, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate stands adjourned at 11:39 A.M., with bills remaining on the Calendar, to meet Wednesday, July 23, at 10:00 A.M.

ONE HUNDRED FIRST DAY

Senate Chamber
Wednesday, July 23, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Billy Seate, Pastor of North Raleigh United Methodist Church in Raleigh, as follows:

"Eternal God, our heavenly Father, we praise Thee because Thou hast blessed our land with freedom’s holy light. We thank Thee for our founding fathers and their efforts to obtain the inalienable rights of life, liberty, and the pursuit of happiness for all who share the responsibilities as well as the privileges of true citizenship. Enable us, we beseech Thee, to be faithful to the principles for which our country stands. Renew our faith and increase our devotion to the ideals of human brotherhood. Recall to us the unfailling truth that ‘righteousness exalteth a nation but sin is a reproach to any people.’ Grant unto us the wisdom and grace to seek first the kingdom of God that we may be enriched with a great spiritual heritage. Help us to build a new and better world beginning here in the State of North Carolina in which goodness, honesty, truth, justice, peace, and goodwill shall prevail, and in which all people shall work together for the common good, that ‘Thy kingdom may truly come, and Thy will be done on earth as it is in heaven.’

"Lord, we lift up our faces unto Thee that they may be enlightened. We lift up our eyes that we may see visions and dream dreams. We lift up our minds that we may know truth, that the truth may set us free. We lift up our hands that they may be full of charity. We lift up our hearts that they may become loving. We lift up our wills that they may follow out Thy purposes in obedience. We lift up our lives that they may receive abundance and be abounding. We lift up our very souls that they may receive eternal life. All that we are we lift up unto Thee that we may give Thee glory.

"O God, bless this Senate today in all that they do and may their actions be not only pleasing to their constituents, but more importantly may their actions be pleasing and acceptable unto Thee. Grant each of them Thy holy presence. These things we pray in Thy holy name. Amen."

July 23, 1997
Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, July 22, has been examined and is found to be correct. On 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 Wheeler from Wake Forest, who is serving the Senate as Doctor of the Day.

The President directs the Reading Clerk to read, as follows:

STATE OF NORTH CAROLINA

JAMES B. HUNT JR.
GOVERNOR

THE APPOINTMENT OF WILLIAM R. PURCELL
1997

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable J. Richard Conder, elected Senator from the Seventeenth District 1997 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of the Honorable J. Richard Conder be filled by the appointment of the person recommended by the Seventeenth Senatorial District Executive Committee of the Democratic Party; and

WHEREAS, the Seventeenth Senatorial District Executive Committee of the Democratic Party has notified me of its recommendation of William R. Purcell of Laurinburg, North Carolina, to fill said vacancy,

I do by these presents appoint

WILLIAM R. PURCELL

as a member of the

NORTH CAROLINA SENATE

1997 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 23rd day of July in the year of our Lord, One Thousand Nine Hundred Ninety-Seven.

(SEAL)

S/James B. Hunt Jr.
Governor of North Carolina

S/Elaine F. Marshall
Secretary of State

July 23, 1997
The President recognizes Senator Basnight, President Pro Tempore, who offers a motion that privileges of the floor be extended to The Honorable Burley B. Mitchell, Jr., Chief Justice of the North Carolina Supreme Court, which motion prevails. Senator Basnight appoints Senator Plyler, Chairman; Senator Soles; Senator Rand; Senator Shaw of Cumberland; Senator Weinstein; Senator Hartsell; and Senator Winner as the Committee to escort Dr. William R. Purcell to the Well of the Senate along with his daughter, Leslie McCormike, and granddaughter, Liza Purcell.

Senator Plyler introduces Dr. Purcell to the President of the Senate.

The Sergeant-at Arms escorts The Honorable Burley B. Mitchell, Jr., Chief Justice, to the Well of the Senate where he delivers the oath of office to which Senator Purcell subscribes.

Following remarks by Senators Plyler and Purcell, the President directs the Committee to escort Senator Purcell to his temporary seat, seat Number Five.

The President extends courtesies of the floor and Gallery to the family and friends of Senator Purcell: his Son and daughter-in-law, Bill and Terry Purcell; his daughter and son-in-law, Leslie and Rob McCormike; his son and daughter-in-law, Gus and Angela Purcell; his grandchildren, Will and Liza Purcell; his niece, Lucy Sojha; his in-laws, Lydia and Bill Stokes; his secretary, Sharon Walker; his friends, Bob and Betsy Gordon, Jim Sutherland, Sam Snowdon, Jane Forde, Kathleen Davenport, and Carl Byrd.

**ENROLLED BILLS**

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

**H.B. 523,** AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS.

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. 648,** AN ACT TO PROVIDE A FOUR-YEAR TERM FOR THE MAYOR OF THE TOWN OF WALLACE.

**S.J.R. 707,** A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF ROYCE PHELPS "BO" THOMAS, FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 25)

**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. 617,** AN ACT TO CLARIFY THAT SCHOOL BUSES AND SCHOOL ACTIVITY BUSES MAY NOT COMPETE WITH THE PRIVATE SECTOR. (Became law upon approval of the Governor, July 21, 1997 - S.L. 1997-315.)

**S.B. 556,** AN ACT REGARDING REQUIREMENTS FOR SPRINKLER SYSTEMS IN FRATERNITY AND SORORITY HOUSES WITHIN THE CITIES OF CHARLOTTE,

July 23, 1997
GREENSBORO, AND RALEIGH AND WITHIN THEIR EXTRATERRITORIAL PLANNING JURISDICTION. (Became law upon ratification, July 22, 1997 - S.L. 1997-316.)

**H.B. 843**, AN ACT TO INCORPORATE THE TOWN OF CEDAR ROCK SUBJECT TO A REFERENDUM. (Became law upon ratification, July 22, 1997 - S.L. 1997-317.)

**H.B. 96**, AN ACT TO DIRECT THE SECRETARY OF REVENUE TO (1) MAKE REFUNDS OF THE INTANGIBLES TAX TO TAXPAYERS WHO PRESERVED THEIR RIGHT TO A REFUND BY PROTESTING PAYMENT WITHIN THE TIME LIMITS SET BY G.S. 105-267 AND (2) NOTIFY AFFECTED INTANGIBLES TAXPAYERS BY MAIL AS SOON AS POSSIBLE OF THE COURT NOTICE IN THE CLASS ACTION LAWSUIT REGARDING REFUNDS. (Became law upon approval of the Governor, July 22, 1997 - S.L. 1997-318.)

**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 Winner for the Education/Higher Education Committee:

**H.B. 510**, A BILL TO BE ENTITLED AN ACT TO PERMIT THE LOCAL BOARDS OF EDUCATION IN CERTAIN COUNTIES TO SCHEDULE LONGER SCHOOL DAYS SO AS TO OFFSET DAYS LOST DUE TO INCLEMENT WEATHER, 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 6306, which changes the title, upon concurrence, to read **H.B. 510** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE STATE BOARD OF EDUCATION TO ADOPT POLICIES SETTING MINIMUM SCORES FOR CERTIFICATION OF PROFESSIONAL SCHOOL PERSONNEL, is adopted and engrossed.

Adoption of the Senate Committee Substitute bill changes the measure from a local bill to a public bill.

**S.B. 297** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, with an unfavorable report as to concurrence.

With unanimous consent, on motion of Senator Winner, the House Committee Substitute bill No. 2 is placed on the Calendar for today, for consideration, upon concurrence.

By Senator Albertson for the Agriculture/Environment/Natural Resources Committee:

**H.B. 1097** (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO ENACT THE FISHERIES REFORM ACT OF 1997 TO PROTECT, ENHANCE, AND BETTER MANAGE COASTAL FISHERIES IN NORTH CAROLINA, with an unfavorable report as to Committee Substitute bill No. 3, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7356 is adopted and engrossed.

July 23, 1997
Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the Finance Committee, and upon a favorable report, on motion of Senator Albertson, is re-referred to the Appropriations Committee.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 178 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE SECRETARY OF CULTURAL RESOURCES TO PROPOSE LANDS TO BE ACQUIRED WITH FUNDS FROM THE NATURAL HERITAGE TRUST FUND, TO AUTHORIZE EXPENDITURES FROM THE FUND FOR CONSERVATION AND PROTECTION PLANNING AND EDUCATIONAL PROGRAMS FOR OWNERS OF NATURE PRESERVES UNDER THE NATURE PRESERVES ACT, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF THE FUND TO ENTER INTO AGREEMENTS FOR THE MANAGEMENT OF ACQUIRED LANDS WITH QUALIFIED NONPROFIT ORGANIZATIONS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 24.

S.B. 264 A BILL TO BE ENTITLED AN ACT TO PROVIDE LIMITED LIABILITY TO EMPLOYERS WHO DISCLOSE INFORMATION ABOUT AN EMPLOYEE WHEN THE EMPLOYER IS PROVIDING A REFERENCE, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 264 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE IMMUNITY TO EMPLOYERS WHO DISCLOSE INFORMATION ABOUT AN EMPLOYEE WHEN THE EMPLOYER IS PROVIDING A REFERENCE. Referred to Judiciary Committee.

S.B. 371 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR CONCILIATION OF DISPUTES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 24.

SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 356 (House Committee Substitute) House of Representatives July 22, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute to SB 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS AND TO EXEMPT

July 23, 1997
HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967, the Speaker has appointed as conferees on the part of the House,
Representative Sexton, Chair;
Representative Cole,
Representative Reynolds, and
Representative Allred

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

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

H.B. 733 (Conference Report)
House of Representatives
July 23, 1997

Mr. President:

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 on HB 733, A BILL TO BE ENTITLED AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND AND TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LELAND. Pursuant to your message that you have adopted the report of the conferees, the bill is ordered enrolled.

Respectfully,
S/Denise Weeks
Principal Clerk

The President extends the courtesies of the Gallery and the floor to members of Senator Kincaid’s family: his daughter and son-in-law, Lisa and Steve Coffey; his son and daughter-in-law, Donnie and Teresa Kincaid; and his grandchildren, Joshua Coffey, and Taylor and Tar Kincaid.

CALENDAR

H.B. 993 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL TRANSPORTATION AUTHORITIES, on today’s Calendar, carried forward as unfinished business, upon second reading.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill No. 2 is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill No. 2 is withdrawn from today’s Calendar and is placed on the Calendar for Wednesday, July 30, for consideration upon second reading.

H.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO
CERTAIN AGREEMENTS, changing the title, upon concurrence, to read H.B. 847 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS AND TO AUTHORIZE A WATER AND SEWER AUTHORITY HOLDING A CERTIFICATE UNDER G.S. 162A-7 TO EXERCISE THE POWER OF EMINENT DOMAIN FOR SPECIFIED PURPOSES, on today’s Calendar upon second reading.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, July 24, for consideration upon second reading.

H.B. 611 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE, TO EXEMPT THE COMPENSATION FROM STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS, on today’s Calendar.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is re-referred to the Finance Committee.

COMMITTEE REFERRAL RECALL

H.B. 568 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WAKE FOREST, referred to the State Government, Local Government, and Personnel Committee on July 22.

Pursuant to Rule 47(a), Senator Miller offers a motion that the Committee Substitute bill No. 2 be withdrawn from the State Government, Local Government, and Personnel Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill No. 2 recalled from the State Government, Local Government, and Personnel Committee and refers the measure to the Finance Committee.

S.B. 172 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF HUNTING LICENSES FOR CERTAIN DISABLED HUNTERS WHO HAVE NOT COMPLIED WITH THE HUNTING SAFETY COURSE REQUIREMENT, referred to the State Government, Local Government, and Personnel Committee on May 15, for concurrence.

Pursuant to Rule 47(a), Senator Miller offers a motion that the House Committee Substitute bill be withdrawn from the State Government, Local Government, and Personnel Committee and placed on the Calendar for Thursday, July 24, which motion prevails with unanimous consent.

The Chair orders the House Committee Substitute bill recalled from the State Government, Local Government, and Personnel Committee and places it on the Calendar for Thursday, July 24, for consideration upon concurrence.

July 23, 1997
S.B. 629 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSIST THE JOHNSTON COUNTY BOARD OF EDUCATION WITH THE EXPEDITING OF PUBLIC SCHOOL FACILITIES, referred to the Rules and Operations of the Senate Committee on April 24.

Pursuant to Rule 47(a), Senator Rand offers a motion that the Committee Substitute 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 Committee Substitute bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

CALENDAR (Continued)

Bills on the Calendar, carried forward as unfinished business from Tuesday, July 22, are taken up and disposed of, as follows:

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO, upon third reading.

Senator Perdue offers Amendment No. 1 which is adopted (50-0), changing the title to read S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO AND CONCERNING A SATELITE ANNEXATION BY THE TOWN OF BEAUFORT. The Amendment is held to be material, constituting the first reading of the measure.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 24, for further consideration upon second reading.

H.B. 653 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 50, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 722 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kincaid, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller,

Voting in the negative: None.
The Committee Substitute bill is ordered enrolled.

H.B. 750 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT TO A REFERENDUM, upon third reading.
The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the negative: None.
The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

H.B. 251 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE WELL CONTRACTORS CERTIFICATION COMMISSION, TO REQUIRE THAT WELL CONTRACTORS BE CERTIFIED, AND TO MAKE VARIOUS AMENDMENTS TO THE WELL CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon third reading.
Senator Kincaid rises to a point of order under Rule 42.3(a) as to the attachment of an assessment report to the measure. The President announces that an assessment report is attached.
Senator Horton offers Amendment No. 1 which fails of adoption (20-30).
Senator Odom calls the previous question, seconded by Senator Kerr. The call is sustained.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 32, noes 17, as follows:

Voting in the negative: Senators Ballantine, Blust, Carpenter, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Horton, Kincaid, Ledbetter, McDaniel, Page, Rucho, and Webster—17.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 1121 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROMOTE THE SAFE REUSE OF PROPERTIES WHERE ACTUAL CONTAMINATION, OR THE POSSIBILITY OF CONTAMINATION, HAS IMPEDED REDEVELOPMENT, upon third reading.

July 23, 1997
The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 50, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SALES TAX DEFINITION OF CUSTOM COMPUTER SOFTWARE, upon second reading.

Following debate, Senator Kerr calls the previous question, seconded by Senator Shaw of Cumberland. The call is sustained.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 38, noes 12, as follows:


Voting in the negative: Senators Allran, Ballantine, Blust, Carrington, East, Forrester, Garwood, Martin of Guilford, McDaniel, Page, Reeves, and Webster—12.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 24, for further consideration upon third reading.

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FUEL PIPING LICENSE FOR PLUMBING AND HEATING CONTRACTORS, TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO CREATE OTHER RESTRICTED LICENSE CLASSIFICATIONS, AND TO ALLOW THE REVOCATION OR SUSPENSION OF A LICENSE FOR FAILURE TO COMPLY WITH RULES PROMULGATED BY THE BOARD, upon second reading.

The President extends courtesies of the Gallery to Tiffany Ballinger, North Carolina Apple Ambassador for 1997, and her mother, Carolyn Ballinger from rural Henderson County. The President also extends courtesies of the Gallery to Nancy Crozier, sister-in-law of the late former Senator Bo Thomas and to Rick Hazzard, nephew of the late former Senator Bo Thomas.

Senator Kerr offers Amendment No. 1 which is adopted (48-0), changing the title, upon concurrence, to read H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FUEL PIPING LICENSE FOR PLUMBING AND HEATING CONTRACTORS, TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO CREATE OTHER RESTRICTED LICENSE CLASSIFICATIONS, AND TO ALLOW THE REVOCATION
OR SUSPENSION OF A LICENSE FOR FAILURE TO COMPLY WITH RULES PROMULGATED BY THE BOARD, AND TO CLARIFY WHEN A PERSON PERFORMING ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS IS EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 2, as follows:


Voting in the negative: Senators Ballantine and McDaniel—2.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 24, for further consideration upon third reading.

**H.B. 176 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE ACTIVITIES, changing the title, upon concurrence, to read H.B. 176 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE ACTIVITIES AND TO CLARIFY THE DUTIES OF ROLLER SKATING RINK OPERATORS AND SKATERS AT ROLLER SKATING RINKS RELATING TO LIABILITY.**

Senator Carpenter offers Amendment No. 1 which is adopted (41-5).
Senator Rand offers Amendment No. 2 which is adopted (48-2).

The Senate Committee Substitute bill, as amended, passes its second (40-10) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**H.B. 1023 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE.**

Senator Odom offers Amendment No. 1 which is adopted (45-1), changing the title, upon concurrence, to read H.B. 1023 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODERNIZE THE PRETRIAL RELEASE AND BOND FORFEITURE PROCEDURE AND TO REQUIRE EACH CLERK OF COURT TO ENSURE THAT ALL RECORDS OF DISPOSITIONS IN CRIMINAL CASES CONTAIN CERTAIN INFORMATION.

Senator Cooper offers Amendment No. 2 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (40-7) and third readings and is ordered engrossed and sent to the House of Representatives, for concurrence in the Senate Committee Substitute bill.

**S.B. 297 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, placed earlier on the Calendar for today, for concurrence in the House Committee Substitute bill.**

The Senate fails to concur in the House Committee Substitute bill (5-44).

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.
The President recognizes Senator Blust who offers a motion pursuant to Rule 40.1(c) that he be allowed to file a bill, DRS7844, for introduction, which motion prevails by a two-thirds affirmative majority vote.

**APPOINMENT OF CONFERENCE COMMITTEE**

S.B. 297 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, with the Senate failing to concur earlier today.

Senator Gulley offers a motion that the Senate do appoint conferees, which motion prevails.

The President Pro Tempore takes the appointment of conferees under advisement.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A special 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 and disposed of, as follows:

S.B. 389 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA TRIAD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING ON A DATE DESIGNATED BY THE DISTRICT AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 389 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORSYTH-GUILFORD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING IN THE DISTRICT, AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS.

Upon motion of Senator Hoyle, S.B. 389 (House Committee Substitute) is placed on the Calendar for Monday, July 28, for concurrence.

**APPOINMENT OF CONFERENCE COMMITTEE**

S.B. 297 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.

With the motion of Senator Gulley to appoint conferees prevailing earlier today, the President Pro Tempore appoints Senator Gulley, Chairman; and Senators Winner; Lee; and Hartsell as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

On motion of Senator Basnight, seconded by Senator Purcell, the Senate adjourns at 12:25 P.M. to meet tomorrow, Thursday, July 24, at 11:00 A.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Gracious Father, we Your children are often confused, sometimes we live at cross purposes with You, and therefore, with each other. Like a loving parent, take us by the hand and help us to see things from Your prospective, to see things as they really are.

"We come to choices and decisions today with a prayer collectively spoken in our hearts and minds for wisdom, for understanding, and mercy, in our dealings with others. For Your sake, we pray. Amen."

With unanimous consent, the President grants leaves of absence for today to Senator Carrington, to Senator Rucho due to business, and to Senator Weinstein due to personal matters.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Wednesday, July 23, has been examined and is found to be correct. On 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:

H.B. 251, AN ACT TO CREATE THE WELL CONTRACTORS CERTIFICATION COMMISSION, TO REQUIRE THAT WELL CONTRACTORS BE CERTIFIED, AND TO MAKE VARIOUS AMENDMENTS TO THE WELL CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 1121, AN ACT TO PROMOTE THE SAFE REUSE OF PROPERTIES WHERE ACTUAL CONTAMINATION, OR THE POSSIBILITY OF CONTAMINATION, HAS IMPEDED REDEVELOPMENT.

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

H.B. 653, AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM.

H.B. 722, AN ACT TO ALLOW THE CITY OF WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS.
H.B. 773, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND.

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. 739, AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW. (Became law upon approval of the Governor, July 23, 1997 - S.L. 1997-319.)

S.B. 248, AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE AND TO AMEND THE LAW ESTABLISHING THE BLACK MOUNTAIN JOINT SECURITY FORCE. (Became law upon approval of the Governor, July 23, 1997 - S.L. 1997-320.)


REPORT OF COMMITTEE

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. 1108 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES, with an unfavorable report as to Senate Committee Substitute bill as written by the Finance Committee, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 1445, which changes the title to read H.B. 1108 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES AND TO CLARIFY THE APPLICABILITY OF CERTAIN REGULATIONS TO SOME SPORTS CLUBS, is adopted and engrossed.

INTRODUCTION OF A BILL AND A RESOLUTION

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

By Senators Jordan, Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Horton, Hoyle, Jenkins, Kerr, Kinnaird, Ledbetter, Lee, Martin of Guilford, Martin of Pitt, McDaniel, Odom, Page, Perdue, Purcell, Plyler, Rand, Rucho, July 24, 1997
Shaw of Cumberland, Shaw of Guilford, Soles, Warren, Webster, Weinstein, Wellons, and Winner:

**S.J.R. 1087, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CHARLES KURALT.**

Referred to Rules and Operations of the Senate Committee.

By Senators Blust, Allran, Ballantine, Carpenter, Carrington, Clark, Cochrane, East, Forrester, Foxx, Garwood, Hartsell, Horton, Kincaid, Kinnaird, Ledbetter, McDaniel, Page, Rucho, Shaw of Guilford and Webster:

**S.B. 1088, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING CORPORATE CONVERSIONS.**

Referred to Commerce Committee.

Upon the appearance of Senator Carrington in the Chamber, the President acknowledges his presence and the leave of absence granted previously is withdrawn.

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 711 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF LEland, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 711 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE INCORPORATION OF THE TOWN OF SWEPSONVILLE AND THE SIMULTANEOUS DISSOLUTION OF THE SWEPSONVILLE SANITARY DISTRICT AND TO INCORPORATE THE TOWN OF GRANTSBORO.

Referred to Rules and Operations of the Senate Committee.

S.B. 919 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCONTINUATION OF TELECOMMUNICATIONS SERVICES USED FOR UNLAWFUL PURPOSES, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Monday, July 28.

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. 418 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, AND TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY.

Referred to Finance Committee.

July 24, 1997
A special 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, and disposed of, as follows:

S.B. 975 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REWRITE THE LAWS CONCERNING EMPLOYER AND EMPLOYER GROUP WORKERS' COMPENSATION SELF-INSURANCE AND CODIFY RELATED ADMINISTRATIVE RULES AND TO PROVIDE FOR GUIDELINES FOR PERSONS AND ENTITIES THAT ADMINISTER OR SERVICE WORKERS' COMPENSATION BUSINESS FOR SELF-INSURED EMPLOYERS AND EMPLOYER GROUPS, for concurrence in the House Committee Substitute bill.

On motion of Senator Kincaid, the rules are suspended without objection, and the House Committee Substitute bill 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 297 (House Committee Substitute No. 2) House of Representatives July 24, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute #2 for SB 297, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, the Speaker has appointed as conferees on the part of the House,

Representative Daughtry, Chair;
Representative Russell,
Representative Shubert,
Representative Sexton,
Representative Moore, and
Representative Fox

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO AND CONCERNING A SATELLITE
ANNEXATION BY THE TOWN OF BEAUFORT, as amended, upon second reading.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill, as amended, is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, July 29, for consideration upon second reading.

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE SALES TAX DEFINITION OF CUSTOM COMPUTER SOFTWARE, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 8, as follows:


Voting in the negative: Senators Ballantine, East, Forrester, Martin of Guilford, McDaniel, Page, Reeves, and Webster—8.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

H.B. 408 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A FUEL PIPING LICENSE FOR PLUMBING AND HEATING CONTRACTORS, TO AUTHORIZE THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS TO CREATE OTHER RESTRICTED LICENSE CLASSIFICATIONS, AND TO ALLOW THE REVOCATION OR SUSPENSION OF A LICENSE FOR FAILURE TO COMPLY WITH RULES PROMULGATED BY THE BOARD, AND TO CLARIFY WHEN A PERSON PERFORMING ON-SITE ASSEMBLY OF FACTORY DESIGNED DRAIN SYSTEMS IS EXEMPT FROM THE PLUMBING LICENSURE REQUIREMENTS, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

H.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS, changing the title, upon concurrence, to read H.B. 847 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS AND TO AUTHORIZE A WATER AND SEWER AUTHORITY HOLDING A CERTIFICATE UNDER G.S. 162A-7 TO EXERCISE THE POWER OF
EMINENT DOMAIN FOR SPECIFIED PURPOSES, upon second reading.

Senator Blust offers Amendment No. 1 which is adopted (45-1).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 2, as follows:


Voting in the negative: Senators Kinnaird and Page—2.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for Monday, July 28, for further consideration upon third reading.

H.B. 510, A BILL TO BEENTITLED AN ACT TO PERMIT THE LOCAL BOARDS OF EDUCATION IN CERTAIN COUNTIES TO SCHEDULE LONGER SCHOOL DAYS SO AS TO OFFSET DAYS LOST DUE TO INCLEMENT WEATHER, changing the title, upon concurrence, to read H.B. 510 (Senate Committee Substitute), A BILL TO BEENTITLED AN ACT TO ALLOW THE STATE BOARD OF EDUCATION TO ADOPT POLICIES SETTING MINIMUM SCORES FOR CERTIFICATION OF PROFESSIONAL SCHOOL PERSONNEL.

The Senate Committee Substitute bill passes its second (47-1) and third readings and is ordered sent to the House of Representatives for concurrence.

S.B. 172 (House Committee Substitute), A BILL TO BEENTITLED AN ACT TO AUTHORIZE THE ISSUANCE OF HUNTING LICENSES FOR CERTAIN DISABLED HUNTERS WHO HAVE NOT COMPLIED WITH THE HUNTING SAFETY COURSE REQUIREMENT, 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. 178 (House Committee Substitute), A BILL TO BEENTITLED AN ACT TO ALLOW THE SECRETARY OF CULTURAL RESOURCES TO PROPOSE LANDS TO BE ACQUIRED WITH FUNDS FROM THE NATURAL HERITAGE TRUST FUND, TO AUTHORIZE EXPENDITURES FROM THE FUND FOR CONSERVATION AND PROTECTION PLANNING AND EDUCATIONAL PROGRAMS FOR OWNERS OF NATURE PRESERVES UNDER THE NATURE PRESERVES ACT, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF THE FUND TO ENTER INTO AGREEMENTS FOR THE MANAGEMENT OF ACQUIRED LANDS WITH QUALIFIED NONPROFIT ORGANIZATIONS, 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. 371 (House Committee Substitute), A BILL TO BEENTITLED AN ACT TO EXTEND THE INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR CONCILIATION OF DISPUTES, 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.

July 24, 1997
EXECUTIVE ORDER

An Executive Order received (see Appendix) is presented to the Senate, read, and placed on file in the Office of the Principal Clerk with the papers of the Senate, as follows:

Executive Order Number 116, Juvenile Justice Planning Commission.

REPORT OF COMMITTEE

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. 859 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE CERTAIN MUNICIPALITIES IN BRUNSWICK COUNTY TO LEVY OR INCREASE LOCAL OCCUPANCY TAXES, AND TO AUTHORIZE PERSON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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 7357 is adopted and engrossed.

CONFERENCE REPORT

S.B. 356 (House Committee Substitute)

Senator Foxx, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S.B. 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, which House Committee Substitute bill proposes to change the title, upon concurrence, to read S.B. 356 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS AND TO EXEMPT HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967, submits for adoption the following report, which proposes to further change the title, upon adoption, to read S.B. 356 (Conference Report), A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS:

July 24, 1997
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 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS AND TO EXEMPT HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967, House Committee Substitute Third Edition Engrossed 5/26/97, submit the following report:

The Senate concurs in the House Committee Substitute Third Edition Engrossed 5/26/97 with an amendment:

(1) Delete page 2, line 40, through page 3, line 7;
(2) On page 3, line 8, renumber Section 3 as Section 2; and
(3) On page 1, lines 5 and 6 delete the words: “AND TO EXEMPT HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967”.

The House agrees to the same.

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

Date conferees approved report: July 23, 1997.

S/Virginia Foxx, Chairman  S/Wayne Sexton, Chair
  J. Richard Conder
  S/Brad Miller
  S/E. Nelson Cole
  S/Dennis A. Reynolds
  S/C.D. Allred

Conferees for the Senate  
Conferees for the House of Representatives

On motion of Senator Foxx, the House Committee Substitute bill is ordered placed on the Calendar for Monday, July 28, for adoption of the Conference Report, upon second reading.

PERSONAL PRIVILEGE

With unanimous consent, on motion of Senator Basnight, the remarks of the Senators honoring Senator Kincaid on his last day in office and the remarks of Senator Kincaid are spread upon the Journal, as follows:

Senator Allran:
“Thank you, Mr. President. Ladies and gentlemen of the Senate, as we’re all very much aware, today, unfortunately is Senator Kincaid’s last day in the Senate after thirty-one years. And as he reminded me yesterday, he and I go back a long way, back to 1978 which is the first time I ran for public office. And it’s hard to believe it’s been twenty years, but that’s how long it’s been. It’s been awfully quick twenty years. Also learned another interesting thing this week from Senator Kincaid, we have something else in common. He, too, is a great fan of Dr. Laura Schlesinger’s. I learned that. I didn’t
realize it. Some of you all might like her as well. But if I had to describe Don Kincaid in three words, I would say these. I would say that Senator Kincaid is persevering, and that's because he doesn't give up. I would say that he is tenacious because he's tough. I would say that he's consistent because he has values and convictions. We're going to miss all of these qualities, but there's another quality I will especially miss, and that's Don's sense of humor. Senator Kincaid has a, he has a sense of humor that has a great way of keeping things in the proper perspective. And around here, we need to keep things in the proper perspective. That type of a perspective that only Senator Kincaid can give is certainly helped me a lot over the years. Simply put, he's a very funny person. But there's a lot more to our dean of the Senate than his great sense of humor, and I wanted to share something with you if I could. This is kind of unusual. It's a great big story in The Charlotte Observer, a big two-page story with a real good picture of Senator Kincaid and the other fellow in it is Senator Basnight who in the picture, there's Senator Basnight. But it's unusual because it's a great big story in The Charlotte Observer that is actually a hundred percent complimentary of one of us. That almost never happens. So even if Senator Kincaid didn't keep it, I'm gonna hang on to it. It reflects well on all of us. But the headline of that story is 'Herald of a two-party system.' And I'd like to read some excerpts from that, if I could. It says, 'Kincaid will end thirty-one years of legislating.' The story says, 'Don Kincaid would be sitting in his North Carolina Senate office when a tour guide would walk by, leading a group of school children pointing out all the unusual things about the legislature. 'And look there,' the guide would tell the children, 'there's the only Republican in the Senate, throw him some peanuts.' And that was 1975 when Kincaid sat alone in the back of the Senate ignored by the forty-nine Democrats who did the Senate's business without him.' And I thought about that. It's kind of, try to imagine, no matter who you are, everybody in here, try to imagine being the one and only whatever you are. And it's the other forty-nine is something else. I mean, Don Kincaid is probably the only Senator who had had that distinction of being one out of the whole group. I've been fortunate, I haven't ever had it that bad. 'That was 1975 when Kincaid sat alone in the back of the Senate ignored by the forty-nine Democrats who did the Senate's business without him. Today Kincaid is one of twenty Republican Senators who with two-fifths of the seats command regular attention. After representing Caldwell County for thirty-one years, Kincaid announced last week he will retire as the Senate's longest serving Member. Once the lonely voice for Republicanism, he leaves behind a two-party legislature that's here to say. 'Our party has come a long way,' Kincaid said. 'The two-party system is here. We will never go back to the days when there were only four or five of us. I can safely go home and know the Republican, conservative philosophy will be represented in Raleigh. It's the responsibility of the minority party to serve as a check and balance,' said Kincaid, a former government teacher in the Caldwell County Schools. 'We didn't do too much checking and balancing when there were only five of us. We tried, but we got slapped down. Now with twenty, we can do better.' Kincaid was always one to disagree,' a Democratic colleague noted, 'but he was never disagreeable. He would enter into the rhetorical battle, joust, then sit down. He never held a grudge.' The legislative accomplishment that makes him most proud he says, was the bill he shepherded through both Chambers in 1994 allowing people to use deadly force to stop an intruder from entering their home. Ironically, the sixteen term legislator vocally supports term limits and has introduced legislation to create them.' Like I said, he has a sense of humor. (Laughter) 'He also argues that the legislative sessions drag on too long, making it impossible for good people all around the State to serve. Kincaid is known for letting everyone know where he stands. Colleagues describe him as forthright, but friendly. 'He
never did shy away from making his position known,' said Senator R. C. Soles, Democrat Columbus, who now becomes the Senate's longest-serving Member. 'We all get irritated with him, just like he does with us, but I've never known him to be offensive about something. I've seen him win and lose, and I think he's been gracious in both categories.' Over thirty-one years Kincaid has commuted about a hundred and ninety-two thousand four hundred miles between Lenoir and Raleigh which is the equivalent of about eight times around the earth. He looks forward to putting that commute behind him and to playing more golf, hunting, and fishing. He won't say who he wants to replace him. Whoever it might be, however, ought to keep an eye out because even after thirty-one years, Don Kincaid says he hasn't had enough. He could be itching to get back into the fray. Said Kincaid, 'I might run again, who knows.' Well, that's some of the highlights of that story, and I just wanted to mentioned that when I was first elected to the House, some of the people that I was elected at the same time with, for example, I think, the Lieutenant Governor, I think, among others, and Senator Cochrane, and some others. I was the second youngest House Member when I was elected, but within a few months, the youngest House Member got into some trouble and had to resign, and then I became the youngest House Member. And then when I was first elected to the Senate, I was the youngest Member over here. And the point I would make is that Senator Kincaid when he was first elected, I think he was about the same age I was. And so I can relate to how hard it is when you're elected at that young of an age to do a good job. It's so easy to make mistakes, or use poor judgment, or to embarrass yourself, or your party, or the legislature. But Senator Kincaid never did any of those things. And for thirty-one years, he's done a fine job in the North Carolina State Legislature. And I know that if he were running again, he would be re-elected. Senator Kincaid has brought honor to himself and the Legislature. He's done an outstanding job, and the Senate is not gonna be the same place with you gone, Senator Kincaid. And Don, I'd just like to say thanks for everything you've done for us here and for the people of North Carolina.'

Senator Cochrane:

"This is truly harder for me than I imagined it was going to be. This is not only my friend, this is my soul mate. I think all of you all know that, probably in my nine years in this Senate with him, there haven't been half a dozen times we voted differently. We think a lot alike. We work a lot alike, and it's been to my advantage to have come over here to find a person like this to be there for me, to help me, to mentor me in this Body. I wanted to reiterate one of the things that Senator Allran talked about about perseverance, but I wanted to share a little bit more with you. Some of you've never been in the House, as bad as it sometimes is for Republicans in the Senate, trust me, it was worse ion the House because we were so far away from the Speaker that sometimes when he'd say, 'Well I really didn't see you to recognize you,' you had to think, well maybe he's right. But it's kind of tough and Don's been there. As a Republican, our bills don't always get heard, our amendments don't always get considered, and we don't always get to talk. And that's how I think about his perseverance. It was not that hard for him to get elected up in his area because they believe what he believes and they're glad to send him here to represent them. But it got a little tougher when he got here to follow through on what he believed. And so there's a perseverance there that I'm not sure members of the majority party can understand, and I commend him for that. And I have to tell you there were lots of times that I'm not sure I would have persevered to this point in this Body if there had not been people like Don that were doing it because we do think that our conservative perspective adds to the debate, and we want to be sure that that's here and it's a part of it. The humor part that was mentioned, I couldn't help but remember the day he got the Ox

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Meter. The day he got the Ox Meter was because he spoke so many times, I suspect, and do you know something he said that day early in the debate? 'You know those damn freshmen just keep standing up talking, don’t they know to be quiet.' (Laughter) And I said to him once, I said, ‘but Don, this makes about the tenth time you’ve gotten up.’ ‘Oh no, I haven’t been up that many times. You just think I have.’ It’s very interesting to be with somebody that can run so hot over something and then calm down about it, and I thought the day he got the Ox Meter was one of the best days, and so appropriate for him because he had been complaining before that about, ‘There’s nothing happening here. We’re not being a part of what’s going on. We’re not making a difference.’ And so I told him when he got the Ox Meter, ‘See you’ve made a difference this week. It was worth you’re being down here this whole Session. You have made a difference.’ Don makes a difference because he’s a man of character, and a man of commitment. If he had not been a person of character, he could not, as a Republican, have stayed in this Body thirty-one years. I can assure you. And if he were not a man of character, he would not have cared enough to have persevered for his philosophy to be a part of what’s going on in this Body.

There was a time when all we could do here was to challenge the status quo, and to bring new ideas. And we’ve gotten beyond that, and it’s because there are people like Kincaid that have seen to it that a part of what this Body does is good policy not just politics. That’s been a hallmark, and I think we’ll always remember. You will remember that he has for always stood for the man on the street, not the big guys, not the corporations, but Joe Blow that’s got the little business down on the corner. And he has been consistent in looking after the citizens of this State in that fashion because he is one. He’s a small business man. He is a family man. You saw his children and grandchildren here yesterday. He is a community worker. He is an involved citizen because he does know that the best work of life is service to others. He is after all, an all round good guy.”

Senator Shaw of Guilford:

“I’m not gonna attempt to, to get into Don’s leaving as much as Austin and Betsy did because they’ve known him so long and they came up through the House with him. But I came up with him politically also. I met Don the first time when I was running for State Republican Chairman, and somewhere up in the mountains we ran into each other. And I admired him then. And I’ve often wondered the toughness of a man that can sit there and be the only one, or be one of five or six. You have to be tough, ladies and gentlemen, to do that, to be in the minority, to stand it. Though I do remember Don telling me one time, he said, ‘You know that time I was down here as just one of ‘em, they treated me better that year than they ever have since.’ (Laughter) So, so, but when you think about it, you know, he’s tough. He’s tough, and he’s good with it. And we’ve crossed, we’ve crossed swords, course in politics you do that because, you know, your ally today is your enemy tomorrow, and then you get back together for the next election. But you’ll see Don back down here. If you don’t think so, just mess with a bear hunting bill or a deer hunting bill up in Western North Carolina; he’ll be back down here to help straighten it out. And, and I kind of envy him in a way, but, that he’s gonna go, and he’s gonna have a good time, he and Dan Simpson. And I’m sure that the person who replaces him will hear from him often. But we’re gonna miss you, Don, and I admire you as a man. I admire you as a Republican, and I admire you as a Senator. And I’ll think about you often.”

Senator Martin of Pitt:

“I can’t let this occasion pass by, ladies and gentlemen of the Senate, without saying something about Don Kincaid. I have fond remembrances of him, remembrance of him. I first got to know him on NER Appropriations subcommittee, and I liked his views on a lot
of occasions. On a lot of occasions, course, we disagreed. But I noticed that Don did, as has been stated, brought to the table a lot of principles, a lot of character, and a lot of concern of the average people who were paying the bill. And it pays, I think, for all of us at times, to have these individuals on our committee because sometimes it gives us a little different view from what we think is right and what we think is wrong. I had a fellow say to me one time, 'I think you do what’s right,' he said, 'but damn what you think is right. I don’t agree with that.' So sometimes with Don like that, but I knew that Don was what he was, and that he was a man of character. And I would even ask him at times if he would not come to our committee and give us those views so he would be there, and more or less keep us awake. And, Don, I’ll have to say to you, fellow, you’re a great guy. I love you. I think a lot of you, and I won’t ever forget the amendment that you ran for me on your bill, the burial, burial amendment, that you had to bury everybody but eighteen inches below, above, below the ground, and your explanation of it. You had a hard time with it, but you did a good job, we, and you got the amendment incorporated in your bill and passed. And, and I want to say to you that we have disagreed, but you are a gentleman, a nice fellow that you can disagree with and still remain friends. I appreciate that, and we’ll be seeing you again. Thank you.”

Senator Odom:
“I also want to say some kind words to Senator Kincaid as he leaves. I’ve said so many unkind words through the last eight and a half years. I don’t think there’s anybody in this Senate that I’ve disagreed more often with than Don Kincaid. And I don’t know of anyone that has ruffled my feathers any more than Don Kincaid, and in looking at some of his reactions from time to time, there’s probably nobody in this Senate that’s ruffled his feathers any more than I have. So it’s been a two-way street. But in all of those situations, the next day we were back doing something else, and what happened the day before was behind us. And I think one of the highlights of my eight and a half years was finally, earlier in this Session, Don Kincaid and I got on the same side of an issue, and we killed a little bill that came over from the House that was a terrible, terrible bill. So far a period of about two weeks, I got to work with Don behind the scenes, and it was a real pleasure. And when we got through I told him, I said, 'Don, this has been a great enjoyable event for me to finally be with you. And you know, if you and I could always team up we could get a lot done in this Senate.' But, Don, I’m gonna miss you sincerely, and as I drive from Charlotte up to Avery County, I might be able to stop and visit with you, but at least one thing, I will not see the environment polluted with those Kincaid signs during election year. Thank you.”

Senator Soles:
“Mr. President, ladies and gentlemen of the Senate, I, too, join with the other Members in wishing Don Kincaid well, but Don, I’m really sorry to see you leave here. Already people have got it wrong. Everytime they come up to me, they say, ‘Now Soles, since Don Kincaid’s leaving, you’re gonna be the oldest Member of the Senate.’ (Laughter) That’s not true. I’m gonna be the senior Member of the Senate, and age has nothing to do with it. Don Kincaid and I have been here a long time. He’s outlasted me by, he’s been here one term longer than I have, and I was sitting here thinking, Eric Reeves, Senator Reeves sitting behind me was three years old when you came to the House, (Laughter) and five when I came. (Laughter) Don and I could tell you a lots of things. You know when I came over there, I guess the Lieutenant Governor had probably been a page when you were there, but when I came over there the term after you did, he

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was the Chief of Pages over there. Fayetteville Street Mall was Fayetteville Street. There was a nice Ambassador Theater, and cars parked all along there, and people going and coming. There wasn’t any such thing as the government mall back here. All these buildings you see around back here on this government mall were not there. The building over here that looks like a train station, I’m not sure what they do with it, but it’s a big red building on the other side of the street over there, was sitting over here. They’ve trucked it around, put it over here. We had one office each, and we had no secretaries. When you wanted to dictate a letter or get something done, you put it on a, one of these old fashioned dicta-belts and it went downstairs and maybe by next week it would come back. You didn’t know who had typed it. You didn’t know who to fuss at because it didn’t say what you said, what you thought you had sent down there. The, let me see, when I came over Senator Holshouser, not Senator, but former Governor Holshouser was sitting on the back row with two or three Republicans and you know, they may have said something, but you didn’t listen to ‘em. My, how things have changed. (Laughter) Don, I could go on and on, and I’m sure you could too, but we’ve been in committee after committee together, we’ve argued a lots, but we’ve never really disagreed. You’ve been a wonderful Senator and I’m gonna miss you.”

**Senator Gulley:**

“I think that there’s one quality we haven’t discussed here that I just want to mention briefly. Senator Kincaid has mellowed a great deal. It’s not often a quality you think of when you think of Don Kincaid, but just listen to Senator Cochrane about how earlier in this Session he was concerned about a number of freshmen standing up and speaking, and he leaned over and confided that to her. I can remember back in my freshman year here, he didn’t lean over and confide that to anybody. He’d stand up, and you’d hear from him directly about it. So I think that there has been a mellowing. Don Kincaid, I am grateful for your directness and your honesty in the engagements that we’ve had. The thing that stays with me though, is when I think about thirty-one years of public service, it’s just hard to imagine. We all know, I think, and have realized by now, that there’s a cost we pay personally. There’s a cost we pay financially, and a cost we pay in ways that people never appreciate for giving this time of ourselves. And I’m at about a ten-year mark, and feeling worn out, and you did thirty-one years. And I think it’s a great gift to the people of your District, and a great gift to the people of North Carolina, and a real example for all of us. And I appreciate that. Thank you.”

**Senator Reeves:**

“I’ve been urged to stand up. I feel uniquely qualified to address Senator Kincaid having been, probably had one of the only bills this Session that I can remember that was killed on the floor. At the end of the beating, I realized why the color of the carpet was red was to mask all the blood I’d lost on the floor that day. And it reminded me of a lesson that my grandfather once taught me. My grandfather was from Oklahoma, wasn’t all that well educated, but he was a wonderful trainer of hunting dogs. And one time I was out with him, he was training a dog to go quail hunting, and anybody who’s been quail hunting knows that you’ve got to send the dogs out and scare the birds up. He had a young eager hunting dog that’d just go too far out, and he, my grandfather, looked at me and said, ‘This is how you solve this problem.’ He shot the dog, and I thought, ‘Good God.’ Anyway, I felt like when I was running that little ‘ole bill that, that Senator Kincaid wanted to kill, and he told me right smack dab as soon as I introduced the bill that he was gonna kill my bill. But I was, you know, young and eager just like that hunting

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dog, and I got it, managed to get it through the committees, and what not, and I thought I was really, really something. And then to get here and just have a complete, you know, throttling, and maybe I was one of those damn freshmen that kept popping up and talking. But I do want to tell you that during, and I wanted to share with the Senate, that even though it was a difficult thing for me, it was a wonderful lesson. And Senator Kincaid treated me with complete honesty, respect, and treated me like, you know, an equal which was, you know, probably more than he should have done on a, probably, what was probably in retrospect a bad bill. But he taught me some good lessons on how to be a good representative, both in victory and in defeat. And I hope I get to stay around here for a while so I can learn to apply these lessons in subsequent Sessions. Unfortunately, around here a lot of times you learn the lessons after it’s too late to do something about it. But, anyway, Senator Kincaid, thank you for the courtesy and respect that you’ve shown me in the seven months that I’ve been here. I would like to go home at some point too. And I appreciate the lessons that you taught me. Thank you.”

Senator Rand:

“Ladies and gentlemen of the Senate, when Senator Soles was talking about the way things were I thought he was surely gonna tell us where the horses were stabled during the Civil War. (Laughter) I guess we’ll get that later. And when Senator Allran talks about Don being one of a kind, he’s one of a kind in a lot of ways, being the only Republican around here is just one of ‘em. He’s one of a kind in many ways. Because of that he has added a great deal to this Body. I, talking to him earlier today, I said this was his last bill we were concurring in, somehow I felt obligated to vote against. But I thought maybe I could vote one time with him in the eleven years I’ve been here. And so I was delighted to do that. And also the thought that’s a small price to pay to get rid of him. If we can let him go on his last bill (Laughter) that’ll be OK. But it has been a fun time, the friendships you make here are the best part of this job. Senator Kincaid’s been a good friend. He’s been a great opponent. He’s been a good fellow to do business with because he always told you, and when he told Senator Reeves he was gonna try to beat his bill, he meant it with every fiber in his body. And he was a man of his word ‘cause I gather he did do it. So that’s the things you remember. We’ll miss him. It won’t be the same place. And we look forward when he talks he might run again, that’d be pretty funny. But we’ll wait until that day and see what happens, but we’ll miss him and we wish you good luck. Hope your handicap goes down.”

Senator Jordan:

“Mr. President and Members of this Body, it’s a honor to me to be able to sit in this seat, number sixteen, for one reason. Most of the leadership on the Republican side is scattered around the back row, but right here so much occurs. (Laughter) And it’s been very difficult sitting here because in hearing so many of the conversations, they’re good sound arguments on why you should vote for their amendments and their bills. And I just wanted to apologize to the Senator as he leaves, for not voting for his amendments because I got Appropriations Chairman keeping the eye on me right in the front. (Laughter) So I had obligations. But I do want to just say farewell to the Senator, and maybe it’s not bad that he’s leaving anyway. There’s a rumor going round that he’s going to be the new President of Blue Cross/Blue Shield. I don’t know.” (Laughter and applause)
Senator Kerr:

"This is really a sad day for this Body, and I think for the State of North Carolina. And to be perfectly honest, I'm proud to say that I voted with Don Kincaid a whole lot of the times. Not on everything, and we certainly have some, some differences, but, but Don Kincaid, and we lost Dan Simpson last year, and those were great people. And one thing about both of those gentlemen, particularly Don, he was a person of conviction. He had character. And he also had a conviction to ask the questions, and, and to ask the questions in committees and bring his, his insight and his viewpoint to the issue. So he could be wrong, as we all are wrong. So many of us sit around here and wait to see which way the winds blowing, or some pole is blowing, or put your finger up, but I don't think that was Don Kincaid. That was not his character. That was not the way he operated, and that's why he's been here longer than anybody else, 'cause people knew where he stood. He was not afraid to speak up, and though he realized, you know, he could be wrong, but he certainly brought a dimension to this Body that I think is important that we, we have people that ask the questions. And we're gonna miss people knowing something about insurance and maybe Blue Cross, and ask those questions and bring a business perspective to this Body, and, and someone who was a fighter, and someone who brought a sense of electricity. And he this great trait, trait of being able to get fired up as we all do, but then he could calm back down. And, and maybe it's because he sat on the back row, but it looks like the back row's about got on the front row. And maybe that's why I always like to be on the back row because when the shooting starts I like to have my back to the wall. (Laughter) But, but, and, and, and sometimes you worry about that. But, but, but what I do think that this Body is gonna be, I don't think he can be replaced because I thought he, he brings such an institutional memory of what goes on, and, and, and certainly maybe in the early years he felt there was some mistreatment, and it could flip around another way. But, but I think that he put that aside because I don't think he was just interested in Don Kincaid, or the party. I think he was interested in the people of this State and doing what he thought was right, as we all should do. Nobody is right, but I thought that he was a fighter for that, and he had the conviction to stand up, and at least you knew where he stood. And I admire that in him, and I think that people admire that, and I think it's a great, great loss. And I don't really believe he can be, I mean can be replaced, but I hope he can, and maybe I hope you'll come back. But I enjoyed standing with Don on a lot of issues, and a lot of times we were apart. But, but, you know, we're gonna miss you 'cause he was always fair to me and I appreciate the personal courtesy and to learn something from someone who is not an attorney, but he knew a lot of law. And he, and he brings a business perspective, and he, and he represents his clients and his, his constituents well, and I think he represented the people of this State well. And Don we're gonna miss you, and I believe last year he reconsidered, didn't he? And maybe, maybe this is just a aborted thing, and I, and I guess we come here, thank goodness we're here to praise Caesar, not to bury him, don't get buried."

Senator Lucas:

"Don, I know you didn't believe I'd stand, did you? I'm the last person you thought would stand, but ladies and gentlemen, there are four types of people in this world: one, the players; two, the watchers; three, those who wonder; and then those who wander. The players represent you, and those who watch don't get involved in the game. Those who wonder never know what's going on inside of this Chamber. And those who wander go from pillar to post. What I want to say to you is that as a player, if we were to identify how you've played this game in this Senate, you've hit a grand slam. Congratulations to you."

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Senator Lee:

"Mr. President I’d like to join with my colleagues here to express my appreciations to Senator Kincaid for his tremendous contributions to both the Senate and to North Carolina. Before I knew that there were many Republicans in North Carolina, the two Republicans that I heard the most from and came to admire were Jim Holshouser and Don Kincaid. I arrived in Raleigh in 1977 and had for the first time the opportunity to meet Don Kincaid, and the one thing, Don, that stood out about you when I first met you was that were two things. One is that you were probably the sharpest dresser in this Body. I always admired your choice in clothes, and the fact that you were always immaculate in terms of dress, and I’ve tried to emulate you. I haven’t been able to succeed at that. The second is that Don was always very self-assured. In my neighborhood when I grew up, we would have called that cocky. And I liked that about him because he moved with an air and a sense of confidence that I thought spoke well of him. The one thing that I think of you, Don, is, is, is that, is not to see you in the form of a label. Your philosophy changes. I’ve sat beside you this year in Judiciary, and have come to admire you even more. But I see you as a man, and I view you as that, and someone whom I hold in high esteem. I’ve come to appreciate your integrity, the dignified manner with which you approach an issue, the honesty that you demonstrate, and the dependability. The thing I will always hold in my mind about you is that if you give your word, you keep it. I shall miss you because this year we’ve been seat mates in Judiciary and being few of the only lawyers, non-lawyers in that group we’ve often had to compare notes about what was going on. And Don Kincaid always exuded a great deal of wisdom, and each time you’ve spoken I’ve learned something from your, your thoughts and your presentation. And then finally, I would say to you, and I hope we can all remember this. That one of the greatest honors, I think, which can be bestowed upon any, any individual is that of being able to engage in public service, to make a contribution to people, to make a contribution to one’s faith, to do something that others can rely on and benefit from in the future. And I would like to say that you have helped build a great foundation in North Carolina. All of us will benefit. I shall personally miss you, and I look forward to visiting you, and hopefully finding out how you’re doing on the golf links as life settles in for you. Good luck, Don."

Senator Ballantine:

"Ladies and gentlemen of the Senate, I, I’m proud to rise today to speak well of a man I admire greatly. When I first came to the Senate, there was eleven of us that were Republican, and I looked up to Senator Kincaid because of his great experience. He arrived in Raleigh when I was in diapers, so I knew that he had a lot of knowledge to impart upon me. And several times the eleven of us, we could all meet in Bob Shaw’s office. There was room for the entire caucus in that room, and, and Don really was eloquent in teaching us why we were here, and who elected us, and to always stand for the cause. And Don Kincaid has always been a leader to me, and he may not know that, but when he calls my office I drop everything to call him back because I know he has something important to say whether it’s to teach me a lesson, or to tell me about a colleague that we may need to talk to. But he has always been there for me, and I think the entire Republican caucus, and not just Republicans, but, but this Body as a whole. He really believes in the institution. He believes in public service, and he has persevered. He is extremely competitive, ladies and gentlemen, let me tell you that. Not just in politics, but on the golf course. He’ll never give you a three foot putt. I don’t care if you’re in the leather or not, he won’t give you the putt. When you’re trying to concentrate on a putt that may win the hole, he’ll talk to you and try and disturb you. He’s, he’s very humorous.
too, and feisty. When he hits a bad shot on the golf course, he'll let you know. One time we were playing with a, a young lady and he hit a bad shot, and he said a few expletives in a row, and looked at the young lady and said, 'You know, young lady, if wasn't such a gentleman I'd start to cuss.' (Laughter) But he is a really humorous guy, he's got a dry wit about him, that mountain sense of humor that I find very admirable. And I'm gonna miss Senator Kincaid. He's been a true leader, and a humble leader. And I won't go on too much longer because I know it's Thursday, and he's about ready to get back to the mountains, I'm sure."

**Senator Dannelly:**

"Ladies and gentlemen of the Senate, I've served a long term, a short term, and a long term with Don Kincaid. And if you were to put our conversation into minutes, I doubt if it would be five minutes. But last week when I found out that he was leaving, I went to him, and told him that I was a little upset in that he was leaving just when I started warming up to him. (Laughter) I've been taught that if someone seems offensive to you, shy away from them. But I watched him, for many reasons you watch people, and my respect grew for him because of the tenacity with which he would pursue whatever he believed in. And I found out that partisanship did not play when he felt that he needed to represent his constituents. He did it because it was the right thing. And I'm sad now because whoever sits in that seat, I'll have to start all over again, and that won't be easy. But I will miss Don Kincaid."

**Senator Carpenter:**

"It's true that Patrick Ballantine was less than a year old when Don first came down here, but I remember a few years ago, Tommy Jenkins, when Don came to the mountains and came out and spoke to the coon hunters right near where your house is, where you live, out there in the Prentiss Section. And when Don came in, you know you think of a Senator, Senior Senator from Raleigh, and sitting in with the coon hunters, and it was just like putting fingers in a glove. He was so comfortable around these people and they were, were the same about him. But I would just like to read, recite just briefly from something that Theodore Roosevelt said one time that I think helps kind of depicts the true character of Don Kincaid. Among other things in this speech that Theo, Roosevelt said, he said, 'It is far better to dare mighty things, to win glorious triumphs, even though checkered with by failure, than to take rank with those poor spirits who neither do much nor suffer much because they live in the gray twilight that knows neither victory nor defeat.' Don has experienced victory and defeat many times, but he's not one of those poor spirits, and that's for certain. But I think if you were to sum him up, to characterize the man, you'd have to say something like this. When Don Kincaid is around, it may be good, or it may be bad, but it damn sure ain't monotonous. Thank you."

**Senator Basnight:**

"It's quite strange that we're able to do it on a Thursday after twelve o'clock. (Laughter) I first met Donald when I was sworn in. That day, I don't know whether you remember or not, that you walked around from wherever you sit at the time, and I am sitting where Bob Martin sits today. Bob sit next to me, and he leaned over to tell me that you got a wonderful opportunity to help this State and it's people, if you'll do the right things. And he started telling me what he thought those right things were. About two weeks later, I remember Bobby Ethridge came into the subcommittee that Donald and I shared together on Natural Resources with Betsy. One of the House Members that stood
out was Representative Esposito, was on the committee. I sat next to Betsy and Donald on the committee. Joe Thomas was the subcommittee Chair. Well Bobby Ethridge gave some orders that were contrary to the wishes of Donald, myself, and Bob Martin was on the committee as well. And we were sort of given directives. Well, I didn’t really know what to do. I didn’t agree with Bob Ethridge at the time, but he was somebody in the Assembly, I understood, that was very powerful and I had to go along, so said Senator Joe Thomas. So I voted contrary to what, how I really wanted to vote. And after the meeting, Donald came over and said, ‘You know you had a chance, but you really turned out to be a lousy Senator.’ (Laughter) We wrote a bill that year, the following year, in which I was subcommittee Chair, and I felt it was a very good bill, and we passed that bill out even though we weren’t supposed to vote. If you remembered Donald, they come in and told us you can’t vote, but you can talk all through these annual sessions that we had. It felt like. And for those Members who aren’t accustomed to that, you listened a lot, and you’d have Jim Graham over, and you’d have different people from different departments, the Secretaries, the under Secretaries, and the staff was always filling the building. Never did we have much attendance from the spectators because they knew what we were doing was really useless. There was a decision made higher up. That was the days of Senator Royall and others. So we would meet and no one would pay too much attention, and Don would normally leave rather early. But we did make some changes. And we recommended those changes, and I remember being next to Donald when the bill was presented to us, the appropriations bill, and it was packaged and on the floor. And we saw it for the first time, we were rather proud of what was in the bill that we’d helped craft, Senator Martin, myself, and Donald. On some interest to the mountains, and the coast, and the wildlife, and the fish that we love so much, all of it was taken out. There was absolutely nothing in there that we had worked all year for, nothing at all. And after that vote he captured my attention again, and verbally destroyed me as any kind of decent human being that would serve the people of this State. (Laughter) Donald, your contributions here are legendary. You have spoken the truth. You have given us your piece of mind in a fashion that’s very special. You have a flair. You have a willingness, and you have a desire to make your point known. And you do it in a way that reminds me of my grandfather, in some way. In that you expose the true beliefs of what you feel and what you are. You’re a man that comes and hails not just from the mountains, and would carry those wishes of their beliefs, but you also carry the principle of what we all should have. This Session, this year, and this eternity of your life, you have made contributions. You have made as many as any of us in here. You have affected the law and what this State is. You are a very, very good man. You’re a personal friend, and I’ll miss you as much as Betsy and everyone else. God speed in your endeavors.”

Senator Kincaid:

“Thank you, Mr. President. Members of the Senate, I’ve dreaded for this day to take place, but all good things must come to an end. I, I want to personally thank the Lieutenant Governor for being a fair presiding officer. I’ve had the pleasure of serving under Lieutenant Governor Jim Hunt, Bob Jordan, Jim Green, and of course, Jim Gardner. And Governor Wicker, I can truthfully say that you have been the fairest that I’ve served under. I appreciate that. Senator Basnight, I likewise have had the pleasure of serving under many Pro Tems, and I know your job’s difficult. It’s tough. You’ve got to keep your troops in line. You’ve got to be partisan at times, yet you’ve got to govern the State of North Carolina. It’s a tough job. You’ve been one of the best. I respect you. I consider you, in fact I believe in The Charlotte Observer article, I stated that Marc
Basnight was one of my best friends in the General Assembly. Senator Rand, you have been one of the fairest Rules Chairmen that I’ve served under. And often times in the House, when I was in the House, Senator Soles, and earlier days in the Senate, there was a lot of chicanery that took place under rules, and the Rules Chairmen, sometimes, were ruthless and unfair. Senator Rand, you have been above board, and I appreciate it. Senators Lucas, and Kinnaird, and Senator Winner, our philosophies are one hundred and eighty degrees apart, but you, Senators, among all the Senators, possess integrity, and I hope you keep that integrity. That is the most important part of serving in the Senate. If you keep integrity, your colleagues realize it whether you’re Republican or Democrat. You’ll have a lot more success, I believe. Senator Soles, and Senator Ballance, and Senator Hartsell, your knowledge of the law, we need in the General Assembly. We’ve got to have it, and I appreciate your contribution. Senator Webster, and Senator Blust, and Senator Clark, and my good friend, Senator Cochrane, we’ve got to have a conservative voice, in my opinion, and I include Senator Kerr in this, even though he’s on the other side politically. We’ve got to have it, and many others, we’ve got to have a conservative voice in the General Assembly. We’ve got to have a, a, a minority party. I recall, back when I used to teach school, the one thing that I remember very well in my government textbook was a strong democracy can only survive if you have a strong two-party system, not a one-party system, and not a multi-party system, but a strong two-party system. And Senator Webster, and Blust, and Clark, and Cochrane, I’m expecting you folks to carry, and others to carry on this tradition. As I was thinking about what I was gonna say in my farewell address, I could only think of one thing. You may recall many years ago when Governor, General Douglas MacArthur, the Supreme Allied Commander during the European theater of the Korean Conflict, you remember when he was dismissed by the President. And he had to address a Joint Session of Congress and in his farewell address he stated that ‘old soldiers never die they just fade away.’ Well, this old legislator, I hope he doesn’t die right away, but I assure you, I’m not gonna fade away. I’m gonna continue active in government. I’m gonna continue active in North Carolina, and most important of all, I’m gonna keep watching you folks down here. This is a great institution. Serving in the Senate is the greatest honor that could be bestowed upon any person. Keep doing the good work. Thank you and God bless you.” (The Members respond with a standing ovation.)

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 Lucas for the Children and Human Resources Committee:

H.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGARDING STAFF-CHILD RATIOS FOR CHILD DAY CARE FACILITIES TO ADDRESS THE SPECIAL NEEDS OF LARGE CHILD DAY CARE HOMES AND REGARDING RULES ADOPTED BY THE CHILD DAY CARE COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT, 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 A408, which changes the title, upon concurrence, to read H.B. 896 (Senate Committee Substitute), A
BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO THE CUSTODY AND PLACEMENT OF JUVENILES TO ENHANCE THE STATE'S ABILITY TO ENSURE THAT JUVENILES ARE PLACED IN A SAFE, PERMANENT HOME WITHIN A REASONABLE PERIOD OF TIME, TO AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO ASSUME CONTROL OF DELIVERY OF COUNTY CHILD WELFARE SERVICES UNDER CERTAIN CIRCUMSTANCES, AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH, is adopted and engrossed.

By Senator Plyler for the Appropriations Committee:

H.B. 35 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED FOR CLAIMING SALES TAX REFUNDS, MOTOR FUEL TAX REFUNDS, AND ALTERNATIVE FUEL TAX REFUNDS, AND TO PROVIDE THAT A MOTOR FUEL TAX REFUND IS NET OF THE SALES TAX DUE ON THE FUEL, with an unfavorable report as to Senate Committee Substitute bill as written by the Finance Committee, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, 7359, is adopted and engrossed.

H.B. 524 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, with a favorable report.

H.B. 1157 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTES OF LIMITATIONS FOR TAX REFUNDS, TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, with a favorable report.

APPOINTMENT TO COMMITTEES

The President recognizes Senator Basnight, President Pro Tempore, who appoints Senator Purcell to the following Standing Committees:

Appropriations Committee
Base Budget Committee
Children & Human Resources Committee
Commerce Committee
Education/Higher Education Committee
Finance Committee

On motion of Senator Kincaid, seconded by Senator Basnight, the Senate adjourns at 12:34 P.M. to meet Monday, July 28, at 7:00 P.M. 

July 24, 1997
ONE HUNDRED THIRD DAY

Senate Chamber
Monday, July 28, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O Lord, in the midst of friends and colleagues, You come as a stranger seeking welcome. In the midst of the practical and pragmatic decisions that face each Senator this week, You come as a dreamer pointing to an even greater vision.

"In the midst of our questions, You come as a sure and solid rock, and in the midst of our too pat answers, You come as a troubling question.

"In the midst of ordinary people like us, You come as the Holy One.

"We cannot pin You down. We cannot box You in. So grant us the joyful expectation to find and welcome You in all the ways and places that You come into our midst this week. Finally, let our light so shine that others may see You in each of us. Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Albertson to attend the Small Farm Commission in Tennessee, and to Senator Hartsell.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of Thursday, July 24, has been examined and is found to be correct. On 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. Deanna Boyette from Greenville, who is serving the Senate as Doctor of the Day.

CALENDAR

S.B. 389 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA TRIAD METROPOLITAN BASEBALL PARK DISTRICT AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 389 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORSYTH-GUILFORD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING IN THE DISTRICT, AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, on tonight’s Calendar upon second reading.

With unanimous consent, on motion of Senator Hoyle, the House Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the House Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for tomorrow, Tuesday, July 29, for consideration of concurrence upon second reading.
The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 172, AN ACT TO AUTHORIZE THE ISSUANCE OF HUNTING LICENSES FOR CERTAIN DISABLED HUNTERS WHO HAVE NOT COMPLIED WITH THE HUNTING SAFETY COURSE REQUIREMENT.

S.B. 178, AN ACT TO ALLOW THE SECRETARY OF CULTURAL RESOURCES TO PROPOSE LANDS TO BE ACQUIRED WITH FUNDS FROM THE NATURAL HERITAGE TRUST FUND, TO AUTHORIZE EXPENDITURES FROM THE FUND FOR CONSERVATION AND PROTECTION PLANNING AND EDUCATIONAL PROGRAMS FOR OWNERS OF NATURE PRESERVES UNDER THE NATURE PRESERVES ACT, AND TO AUTHORIZE THE BOARD OF TRUSTEES OF THE FUND TO ENTER INTO AGREEMENTS FOR THE MANAGEMENT OF ACQUIRED LANDS WITH QUALIFIED NONPROFIT ORGANIZATIONS.

S.B. 208, AN ACT PERTAINING TO THE SANITIZATION OF COOKING UTENSILS PROVIDED BY LODGING ESTABLISHMENTS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.

S.B. 371, AN ACT TO EXTEND THE INTERNATIONAL COMMERCIAL ARBITRATION ACT TO PROVIDE FOR CONCILIATION OF DISPUTES.

S.B. 374, AN ACT TO EXEMPT FROM SALES AND USE TAX NUTRITIONAL SUPPLEMENTS SOLD BY CHIROPRACTORS.

S.B. 975, AN ACT TO REWRITE THE LAWS CONCERNING EMPLOYER AND EMPLOYER GROUP WORKERS' COMPENSATION SELF-INSURANCE AND CODIFY RELATED ADMINISTRATIVE RULES AND TO PROVIDE FOR GUIDELINES FOR PERSONS AND ENTITIES THAT ADMINISTER OR SERVICE WORKERS' COMPENSATION BUSINESS FOR SELF-INSURED EMPLOYERS AND EMPLOYER GROUPS.

H.B. 14, AN ACT TO MODIFY THE SALES TAX DEFINITION OF CUSTOM COMPUTER SOFTWARE.

H.B. 305, AN ACT TO INCREASE THE LIMIT FOR AN ASSESSMENT WHEN THE ASSESSMENT IS PAID BY PEANUT PRODUCERS FOR THE PROMOTION OF PEANUTS AND AMENDING THE STRAWBERRY ASSESSMENT ACT TO IMPROVE THE COLLECTION OF ASSESSMENTS.

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

H.B. 337, AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

July 28, 1997
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. 653, AN ACT TO AMEND THE CHARTER OF THE TOWN OF WENTWORTH, SUBJECT TO A REFERENDUM. (Became law upon ratification, July 24, 1997 - S.L. 1997-322.)

H.B. 722, AN ACT TO ALLOW THE CITY OF WASHINGTON TO NEGOTIATE ANNEXATION AGREEMENTS. (Became law upon ratification, July 24, 1997 - S.L. 1997-323.)

H.B. 773, AN ACT TO REVISE AND CONSOLIDATE THE CHARTER OF THE VILLAGE OF BALD HEAD ISLAND. (Became law upon ratification, July 24, 1997 - S.L. 1997-324.)

H.B. 88, AN ACT TO GRANT SUBPOENA POWER TO THE STATE BOARD OF EDUCATION IN CASES INVOLVING THE SUSPENSION OR REVOCATION OF CERTIFICATES. (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-325.)

H.B. 1061, AN ACT TO ESTABLISH LIFETIME SPORTSMAN LICENSES FOR CERTAIN DISABLED RESIDENTS AND DISABLED VETERANS AND TO PROHIBIT THE UNLAWFUL USE OF FACILITIES PROVIDED FOR DISABLED SPORTSMEN. (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-326.)

S.B. 894, AN ACT TO PROVIDE THAT DEALERS HAVE TEN WORKING DAYS TO SEND MOTOR VEHICLE FEES TO THE STATE. (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-327.)

S.B. 466, AN ACT TO EXEMPT FROM STATE INCOME TAX ALL OF THE ANNUAL INVESTMENT INCOME EARNED BY CONTRIBUTORS ON DEPOSITS IN THE PARENTAL SAVINGS TRUST FUND AS WELL AS THE DISTRIBUTIONS TO BENEFICIARIES OF THAT FUND. (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-328.)

S.B. 921, AN ACT TO EXEMPT LICENSED NONPROFIT CONTINUING CARE FACILITIES FROM THE LICENSURE REQUIREMENTS OF THE NORTH CAROLINA CHARITABLE SORITICATIONS ACT. (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-329.)

S.B. 141, AN ACT TO EXEMPT CERTAIN GOVERNMENTAL ENTITIES FROM STATE PURCHASE AND CONTRACT REQUIREMENTS.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-331.)

S.B. 234, AN ACT TO INCREASE THE STATUTORY AMOUNTS THAT DETERMINE THE ASSESSMENT OF SAFE DRIVER INCENTIVE PLAN POINTS AND TO PROVIDE FOR A GRADUATED INSURANCE POINT AND SURCHARGE SCHEDULE FOR BODILY INJURY CAUSED IN AUTOMOBILE ACCIDENTS.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-332.)

S.B. 251, AN ACT TO MODIFY THE COMMON LAW TO PERMIT THE CREATION OF EASEMENTS, RESTRICTIONS, AND COVENANTS BY A LANDOWNER.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-333.)

S.B. 562, AN ACT TO INCREASE THE AMOUNT OF THE PROCESSING FEE CHARGED FOR RETURNED CHECKS.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-334.)

S.B. 1059, AN ACT TO ENSURE THAT DEALER PLATES ARE USED ONLY ON VEHICLES DRIVEN FOR A BUSINESS PURPOSE OF THE DEALERSHIP AND TO LIMIT THE NUMBER OF TRANSPORTER PLATES THAT MAY BE ISSUED TO A DEALER.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-335.)

H.B. 646, AN ACT TO REVISE THE UNIFORM COMMERCIAL CODE TO ESTABLISH A PRODUCTION MONEY SECURITY INTEREST IN CROPS THAT HAS PRIORITY OVER OTHER SECURITY INTERESTS.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-336.)

H.B. 1059, AN ACT TO AMEND THE COASTAL AREA MANAGEMENT ACT TO ALLOW CERTAIN TYPES OF REDEVELOPMENT WITHIN URBAN WATERFRONTS THAT HISTORICALLY HAVE A PATTERN OF URBAN-LEVEL DEVELOPMENT.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-337.)

S.B. 943, AN ACT TO ENACT THE MEDICAL ASSISTANCE PROVIDER FALSE CLAIMS ACT.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-338.)

H.B. 299, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP SPECIAL MOTOR VEHICLE REGISTRATION PLATES FOR VIETNAM VETERANS.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-339.)

H.B. 1044, AN ACT TO AUTHORIZE COUNTIES TO DESIGNATE AN OFFICIAL TO RECEIVE SALES TAX REFUND INFORMATION.  (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-340.)

REPORT OF COMMITTEE

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:

July 28, 1997
By Senator Hoyle for the Finance Committee:

H.B. 485 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS, with a favorable report.

H.B. 566 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE WAKE COUNTY PUBLIC SCHOOL SYSTEM FROM DEVELOPMENT CHARGES RELATED TO THE CONSTRUCTION, RENOVATION, AND REPAIR OF PUBLIC SCHOOL SYSTEM INFRASTRUCTURE FACILITIES IN WAKE COUNTY AND THE MUNICIPALITIES THEREIN, with a favorable report.

H.B. 495 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS NORTH CAROLINA'S URGENT INFRASTRUCTURE NEEDS BY CLARIFYING THAT THE NORTH CAROLINA UTILITIES COMMISSION MAY ESTABLISH DIFFERENT RATES FOR NATURAL GAS SERVICE TO UNSERVED COUNTIES THAT REFLECT THE COST OF PROVIDING SERVICE TO THE UNSERVED COUNTIES AND AUTHORIZING THE CREATION OF NATURAL GAS DISTRICTS FOR NATURAL GAS EXPANSION, 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 7354 is adopted and engrossed.

H.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN NONPROFIT AND CONSUMER-OWNED WATER OR SEWER UTILITIES FROM REGULATION BY THE UTILITIES 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 2371, which changes the title, upon concurrence, to read H.B. 990 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN NONPROFIT AND CONSUMER-OWNED WATER OR SEWER UTILITIES AND CERTAIN SMALL WATER OR SEWER UTILITIES FROM REGULATION BY THE UTILITIES COMMISSION, is adopted and engrossed.

H.B. 225 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CLEANUP OF DRY-CLEANING SOLVENT CONTAMINATION IN NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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 4142 is adopted and engrossed.

H.B. 568 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WAKE FOREST, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

July 28, 1997
Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill 7358, which changes the title, upon concurrence, to read H.B. 568 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WAKE FOREST AND CONCERNING A SATELLITE ANNEXATION BY THE TOWN OF BEAUFORT, 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 for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN LICENSED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT PAYMENT TO NURSES WHO PROVIDE THIS SERVICE, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 320 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN LICENSED REGISTERED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT PAYMENT TO NURSES WHO PROVIDE THIS SERVICE, which is placed on the Calendar for tomorrow, Tuesday, July 29.

S.B. 660 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for tomorrow, Tuesday, July 29.

S.B. 848, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SECONDARY SUPPLIER OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 848 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, TO ALLOW THE BOARD OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

On motion of Senator Dalton, the rules are suspended without objection, and the House Committee Substitute bill is placed on the Calendar for tonight for consideration in its regular order of business.
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. 99** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CAMDEN COUNTY TO ACQUIRE PROPERTY FOR USE BY ITS COUNTY BOARD OF EDUCATION.
Referred to Finance Committee.

**H.B. 420** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF KINGS MOUNTAIN TO ANNEX CERTAIN NON-CONTIGUOUS PROPERTY, CREATING THE MOSS LAKE AUTHORITY TO ADDRESS ISSUES RELATED TO THE LAKE, AND PROVIDING GUIDELINES FOR THE COLLECTION AND DISBURSEMENT OF FEES GENERATED FROM THE RECREATIONAL USE OF MOSS LAKE.
Referred to State Government, Local Government, and Personnel Committee.

**H.B. 1114** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSESS A FEE OF FIFTY DOLLARS FOR WORTHLESS CHECKS COLLECTED THROUGH THE BAD CHECK COLLECTION PROGRAM.
Referred to Judiciary Committee and upon a favorable report, re-referred to the Finance Committee.

**H.B. 1231** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SUPPLEMENTAL SOURCES OF REVENUE FOR LOCAL GOVERNMENT TRANSIT FINANCING.
Referred to Finance Committee.

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

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

**H.B. 699** (Senate Committee Substitute)  
**HOUSE OF REPRESENTATIVES**  
July 28, 1997

Mr. 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 699, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF BETHEL, FARMVILLE, AND NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

Respectfully,
S/Denise Weeks
Principal Clerk
The following special message is received from the House of Representatives:

S.B. 356 (House Committee Substitute)  
House of Representatives  
July 28, 1997

Mr. 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 House Committee Substitute for SB 356, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS AND TO EXEMPT HINSON LAKE DAM FROM THE DAM SAFETY LAW OF 1967, to the end that 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. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGARDING STAFF-CHILD RATIOS FOR CHILD DAY CARE FACILITIES TO ADDRESS THE SPECIAL NEEDS OF LARGE CHILD DAY CARE HOMES AND REGARDING RULES ADOPTED BY THE CHILD DAY CARE COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT, changing the title, upon concurrence, to read H.B. 896 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO THE CUSTODY AND PLACEMENT OF JUVENILES TO ENHANCE THE STATE'S ABILITY TO ENSURE THAT JUVENILES ARE PLACED IN A SAFE, PERMANENT HOME WITHIN A REASONABLE PERIOD OF TIME, TO AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO ASSUME CONTROL OF DELIVERY OF COUNTY CHILD WELFARE SERVICES UNDER CERTAIN CIRCUMSTANCES, AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH, on tonight’s Calendar.

With unanimous consent, on motion of Senator Phillips, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, July 29, for consideration upon its passage.

H.B. 1157, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTES OF LIMITATIONS FOR TAX REFUNDS, TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, changing the title, upon concurrence, to read H.B. 1157 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS AND TO DELETE THE CAP ON CORPORATE INCOME TAX

July 28, 1997
DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, on tonight’s Calendar.

With unanimous consent, on motion of Senator Kerr, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from tonight’s Calendar and is placed on the Calendar for Wednesday, July 30, for consideration upon its passage.

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. 1240, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF DAVID E. REYNOLDS, FORMER EXECUTIVE DIRECTOR OF THE NORTH CAROLINA LEAGUE OF MUNICIPALITIES.

On motion of Senator Rand, the rules are suspended without objection, and the joint resolution is placed before the Senate for immediate consideration.

The President orders the joint resolution read in its entirety.

With unanimous consent, on motion of Senator Kinnaird, the remarks of the Senators memorializing David E. Reynolds are spread upon the Journal, as follows:

Senator Kinnaird:

“I was privileged to know and work with Daniel, David Reynolds during my eight-year tenure as Mayor of Carrboro. During that eight years, I relied on David Reynolds in many ways. As a new mayor I needed information which oriented me to the office. As the years went by I relied on David to give us a sound basis on which to make decisions effecting our town. During those years I came to know David as one of the most competent people working for municipal government. As elected officials, we depend on others to present material on which to make decisions, on which direction is the wisest course. David was always there, helping us make those decisions and finding those directions. In all his dealings with our town and other towns, he gave us the support we needed as we carried out our duties. And David was as generous in his help to small towns as he was to the larger cities. I knew David to be a person of integrity, reasoned in his advice and direction, but the characteristic which stays with me the longest is that David was unfailing pleasant and forthcoming with his time and attention. His strength and able direction will be missed by all city officials who worked with him. I commend the resolution to you.”

Senator Weinstein:

“Integrity, honesty, and concern for the cities and towns of North Carolina describes David Reynolds. I worked with David from 1987 through 1991 when I was Mayor of the City of Lumberton. During that time our city went through some very tough situations, and I called David Reynolds several times to get some advice. And his advice was always one of concern and sensibility. He was willing to help small towns. He was willing to give the time and effort to little communities in eastern North Carolina. David Reynolds was certainly a true advocate for the cities and towns of North Carolina. I can sum up my association with David Reynolds in one sentence. He was truly a gentleman, and I commend the resolution to the Senate.”

July 28, 1997
Senator Jordan:

"Mr. President and Members of this Body, some eight or ten years ago I had the opportunity to meet David as I served on local government in the City of Wilmington. And I can tell you that Dave never changed. He was the same person every time you met him. In his role as Executive Director he had some big shoes to fill, and I happened to be on the Board when we selected Dave to fill that position. And I really believe in all my heart that he, he filled that position to the highest level. You know when you meet many people, you sometimes, you know, are skeptical. But as I say, he never changed. Dave knew how to bring all groups of people together. And many times some of the members that will hear me speak on fairness in committee meetings or in private session, but Dave was a giant of a fellow who really was fair and open to all people. He brought us all together. That's really hard to do. Some people don't want to do that. They never make a attempt to do that, but Dave would go out of his way to do so. You know when I think about Dave, I think about something that was said by a writer that 'the steps of a good man are ordered by the Lord,' and I really believe the steps that Dave took were ordered by the Lord. Thank you."

Senator Gulley:

"I would echo what has been said by Mayor Kinnaird and Mayor Weinstein who I had the chance to also serve with city government about the time they were. And Mayor Purcell, I guess you were there at least for part of that time. And it was a year or two after Mayor Hoyle had left office, I think. But I also had the pleasure of working with David Reynolds as mayor and then as Senator as he would come and work with us on issues that were important to the towns and cities of North Carolina. And I remember his quiet dignity, and I remember that he worked with us diligently in municipal government, regardless of the issue. Whatever it was, it was important to David if it was important to us. And he gave us the resources that they could to help us. He had a great way of combining directness with warmth. He wouldn't turn away from you. He wouldn't equivocate, but he would come to you with warmth, and help you deal with your situation. I am very grateful for his service and very grateful for his life, and commend the resolution to you. Thank you."

Senator Lee:

"Mr. President and Members of the Senate, I guess my political life is grounded in local government, and I have a very high regard for the importance of local units of government. I didn't have a chance to work with David at the local government level, but met him after returning to Raleigh and becoming a Member of this Body. I like to remember David as one who had a quiet strength. He was a person who came on very softly, presented his case, but when it got to the bottom line he was very tenacious in pushing hard for what he believed in and working diligently to accomplish his goals. I think he probably has set a higher standard having been associated with members, many leaders of the North Carolina League of Municipalities. I found that David Reynolds set a very high standard for leadership, for accomplishing goals, and for visionary and creative leadership. I have certainly missed him, missed his presence in the halls, but his life while it may have been much shorter than many of us would have liked to have seen, his work will endure forever. And his presence shall be felt, not only among municipalities, but throughout the State of North Carolina. And I commend the resolution to you."
Senator Rand:

"Mr. President, ladies and gentlemen of the Senate, it was my pleasure to know David Reynolds through his work with the League of Municipalities and his wife through her service here at the General Assembly. They were a wonderful couple, wonderful family, and they meant a great deal to the life of our institution, and to the life of North Carolina cities. David truly was a gentleman. He was a fellow of great character, wonderful fellow to work with. You could always depend on anything he told you. And as Senator Jordan said, he had the ability to bring people together, and to move the discussion, to move the idea toward completion in a way that would do the best for the entire community. He did do a splendid job for North Carolina cities. He did a great service to all of us who serve here in this Body, and we will all miss him. Thank you."

Senator Basnight:

"Thank you, Mr. President. Members of the Senate, I knew David just as you did from the experiences of being in this Assembly, and serving and representing towns and cities of this State. He had the unique ability to represent the large and small among us, the poor and the rich and all in between. David was very special in that when you met him and saw him, there was always a charming feature about him. He was warm. He was welcoming you for conversation, or just a little chit chat, or to discuss what may affect the cities and towns of North Carolina. Very generous in his concern of others, very caring, a person who radiated that warmth and belief that all of us are equal, Frank. He’s a person that I know today is looked upon in a way, in a fashion by all of us that would make us feel proud if he was a part of our family. And to me, I believe he is. To Emily, he’s still with us. He left us Jason, his son. Jason’s one of those, one of those very special people that you meet in life. He attends, or probably has graduated by now, from UNC-Chapel Hill. His dad and Jason together, on different occasions meant a great deal to me. You could see it in both of them. They were special to all of us. Emily, you are as well. We loved him as we do you."

The joint resolution passes its second reading (46-0) and third reading, unanimously with Members standing, and is ordered enrolled.

The President extends the courtesies of the Gallery to the family and friends of David E. Reynolds: his wife, Emily Warren Reynolds; his son, Jason; other family members; friends from the League of Municipalities and municipalities across the State, including Leigh Wilson, former Director and his wife, Nancy.

CALENDAR (Continued)

Bills on tonight’s Calendar are taken up and disposed of, as follows:

H.B. 859 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE CERTAIN MUNICIPALITIES IN BRUNSWICK COUNTY TO LEVY OR INCREASE LOCAL OCCUPANCY TAXES, AND TO AUTHORIZE PERSON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

Senator Soles offers Amendment No. 1 which is adopted (46-1).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 38, noes 9, as follows:

July 28, 1997

Voting in the negative: Senators Allran, Clark, Cochrane, East, Forrester, Foxx, McDaniel, Page, and Webster—9.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, July 29, for further consideration, upon third reading.

**S.B. 356** (Conference Report), A BILL TO BE ENTITLED A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS, for adoption, upon second reading.

The President rules that the Conference Report does not require a call of the roll.

On motion of Senator Foxx, the Senate adopts the Conference Report (47-0) and the President orders the House Committee Substitute bill enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

The President extends courtesies of the Gallery to Brenda Perry Coffield, a guidance counselor at American High School in Germany and the daughter of Mary Perry of the Sergeant-at-Arms staff.

**H.B. 847** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS, changing the title, upon concurrence, to read **H.B. 847** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS AND TO AUTHORIZE A WATER AND SEWER AUTHORITY HOLDING A CERTIFICATE UNDER G.S. 162A-7 TO EXERCISE THE POWER OF EMINENT DOMAIN FOR SPECIFIED PURPOSES, as amended, upon third reading.

With unanimous consent, on motion of Senator Blust, the Senate Committee Substitute bill, as amended, is withdrawn from tonight’s Calendar and is placed on the Calendar for Tuesday, July 29, for consideration upon third reading.

**H.B. 35**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED GOVERNMENT ENTITIES AND NONPROFIT ENTITIES FOR CLAIMING SALES TAX REFUNDS, changing the title, upon concurrence, to read **H.B. 35** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED FOR CLAIMING SALES TAX REFUNDS, MOTOR FUEL TAX REFUNDS, AND ALTERNATIVE FUEL TAX REFUNDS, AND TO PROVIDE THAT A MOTOR FUEL TAX REFUND IS NET OF THE SALES TAX DUE ON THE FUEL, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Cooper, Dalton, Dannelly, East, Forrester, Foxx,

Voting in the negative: None.

The Senate Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Tuesday, July 29, for further consideration upon third reading.

H.B. 524 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Tuesday, July 29, for further consideration upon third reading.

H.B. 1108 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES, changing the title, upon concurrence, to read H.B. 1108 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES AND TO CLARIFY THE APPLICABILITY OF CERTAIN REGULATIONS TO SOME SPORTS CLUBS, upon second reading.

Senator Odom offers Amendment No. 1 which is adopted (46-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 33, noes 13, as follows:


Voting in the negative: Senators Allran, Ballantine, Carpenter, Clark, Cochrane, Dalton, East, Forrester, Foxx, Ledbetter, McDaniel, Page, and Webster—13.

The Senate Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Tuesday, July 29, for further consideration upon third reading.

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S.B. 919 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE DISCONTINUATION OF TELECOMMUNICATIONS SERVICES USED FOR UNLAWFUL PURPOSE, 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.

COMMITTEE REFERRAL RECALL

S.B. 594, A BILL TO BE ENTITLED AN ACT RELATING TO CUMBERLAND COUNTY, referred to the Rules and Operations of the Senate Committee on April 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 Finance Committee, which motion prevails with unanimous consent.

The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Finance Committee.

CALENDAR (Continued)

S.B. 848, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A SECONDARY SUPPLIER OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 848 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, TO ALLOW THE BOARD OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE, placed earlier on the Calendar for tonight.

The Senate concurs in the House Committee Substitute bill (47-0) and the measure is ordered enrolled and sent to the Governor, without objection, by special messenger.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H.B. 699 (Senate Committee Substitute)                    HOUSE OF REPRESENTATIVES
                                                     July 28, 1997

Mr. 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 699, A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE
AND THE TOWNS OF BETHEL, FARMVILLE, AND NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, and requests conferees. The Speaker has appointed:

Representative Culp, Chair;
Representative Smith, and
Representative Preston

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 adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

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

Anna Elizabeth Arnett, Raleigh; Tanetia Austin, Louisburg; Timothy Blake Barnhill, Hampstead; Taylor Black, Winston-Salem; LaToya Bridgers, Garner; Michael J. Calvo, East Flat Rock; Rebekah Ann-Marie Dixon, Greenville; Cristan Caroline Evans, Greenville; Wesley Franklin Faulk, Monroe; Kia Hood, Clayton; Lindsay Horn, Pfafftown; Jennifer Ma, Raleigh; Tomika Mason, Rich Square; Campbell McMillan, Raleigh; Matthew Mark Nanney, Raleigh; Edward Lindell Perry, Jr., Wake Forest; Harriett Settle Plyler, Raleigh; Tamika Lashawn Smith, Greenville; Nadia L. Stone, Clayton; and Brian O’Neal Williams, Monroe.

On motion of Senator Basnight, seconded by Senator Wellons, the Senate adjourns at 8:07 P.M. to meet tomorrow, Tuesday, July 29, at 11:00 A.M.

ONE HUNDRED FOURTH DAY

Senate Chamber
Tuesday, July 29, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

Prayer is offered by the Reverend Mike Morris, Senate Chaplain, quoting Nixon Waterman as follows:

"Almighty God, as the budget negotiations continue between the Senate and House, we overhear a little poem written about understanding:
If I knew you and you knew me
If both of us could clearly see,
And with an inner sight divine

July 29, 1997
The meaning of your heart and mine,
I'm sure that we would differ less,
And clasp our hands in friendliness;
Our thoughts would pleasantly agree
If I knew you and you knew me.

"Hear this as our personal and corporate prayer this day, O God. In Your holy name we pray, Amen."

Senator Rand, Chairman of the Rules and Operations of the Senate Committee, announces the Journal of yesterday, Monday, July 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

**CALENDAR**

**H.B. 35**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED GOVERNMENT ENTITIES AND NONPROFIT ENTITIES FOR CLAIMING SALES TAX REFUNDS, changing the title; upon concurrence, to read **H.B. 35** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED FOR CLAIMING SALES TAX REFUNDS, MOTOR FUEL TAX REFUNDS, AND ALTERNATIVE FUEL TAX REFUNDS, AND TO PROVIDE THAT A MOTOR FUEL TAX REFUND IS NET OF THE SALES TAX DUE ON THE FUEL, on today’s Calendar upon third reading.

With unanimous consent, on motion of Senator Foxx, the Senate Committee Substitute bill No. 2 is taken up out of its regular order of business, and on her further motion, the Senate Committee Substitute bill No. 2 is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, July 31, for consideration upon third reading.

**ENROLLED BILLS**

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 848**, AN ACT TO PROVIDE THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, TO ALLOW THE BOARD OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE.

**S.B. 919**, AN ACT TO REQUIRE DISCONTINUATION OF TELECOMMUNICATIONS SERVICES USED FOR UNLAWFUL PURPOSES.

**H.B. 967**, AN ACT TO PROVIDE SELECTION OF EITHER OF THE TWO NEAREST ROUTES TO A NON-LIGHT-TRAFFIC ROAD, AND TO SPECIFY THAT THE DEPARTMENT OF TRANSPORTATION MAY ADOPT A RULE ALLOWING
SPECIAL WEIGHT PERMITS TO BE ISSUED FOR VEHICLES TRANSPORTING WOOD RESIDUALS ON NON-INTERSTATE HIGHWAYS, AS AUTHORIZED BY EXISTING STATE LAW.

**H.B. 1032**, AN ACT TO DIRECT THE COMMISSION FOR HEALTH SERVICES TO ADOPT A RULE TO AUTHORIZE THE USE OF DESIGN CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILLS THAT COMPLIES WITH FEDERAL LAW AND THAT PROVIDES FOR ALTERNATE LANDFILL LINERS THAT ARE AT LEAST AS PROTECTIVE AS THE CURRENTLY AUTHORIZED LANDFILL LINER.

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. 356**, AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS.


**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, and disposed of, as follows:

**S.B. 168** (House Committee Substitute), AN ACT TO INCREASE THE EXAMINATION AND CERTIFICATION FEES COLLECTED UNDER THE NURSING PRACTICE ACT, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Wednesday, July 30.

**CALENDAR (Continued)**

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 859** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE CERTAIN MUNICIPALITIES IN BRUNSWICK COUNTY TO LEVY OR INCREASE LOCAL OCCUPANCY TAXES, AND TO AUTHORIZE PERSON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 11, as follows:

Voting in the affirmative: Senators Albertson, Ballance, Ballantine, Blust, Carrington,

Voting in the negative: Senators Carpenter, Clark, Cochrane, East, Forrester, Foxx, Garwood, Horton, McDaniel, Page, and Webster—11.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence.

The Senate recesses at 11:14 A.M. for the purpose of an Appropriations Committee meeting, to reconvene at 11:19 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

CALENDAR (Continued)

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO AND CONCERNING A SATELLITE ANNEXATION BY THE TOWN OF BEAUFORT, as amended, upon second reading.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill, as amended, is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, August 5, for consideration upon second reading.

H.B. 568 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WAKE FOREST, changing the title, upon concurrence, to read H.B. 568 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WAKE FOREST AND CONCERNING A SATELLITE ANNEXATION BY THE TOWN OF BEAUFORT, 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 negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, July 30, for further consideration upon third reading.

H.B. 566 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE WAKE COUNTY PUBLIC SCHOOL SYSTEM FROM DEVELOPMENT CHARGES RELATED TO THE CONSTRUCTION, RENOVATION, AND
REPAIR OF PUBLIC SCHOOL SYSTEM INFRASTRUCTURE FACILITIES IN WAKE COUNTY AND THE MUNICIPALITIES THEREIN.

With unanimous consent, on motion of Senator Reeves, the Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Monday, August 4, for consideration upon its passage.

**H.B. 524** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered enrolled and sent to the Governor.

**REPORT OF COMMITTEE**

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 Committee:

**S.B. 463**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR THE 1997-98 FISCAL YEAR, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 1873, which changes the title to read S.B. 463 (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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW, is adopted and engrossed.

With unanimous consent, on motion of Senator Plyler, the rules are suspended to the end and the Committee Substitute bill remains before the Senate for immediate consideration upon its passage.

The Committee Substitute bill passes its second reading (34-15).

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, July 30, for further consideration upon third reading.

July 29, 1997
S.B. 463 (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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW, placed earlier today on the Calendar for July 30, upon third reading.

Senator Rand offers a motion that the rules be suspended and the Committee Substitute bill be withdrawn from the Calendar of July 30, and placed before the Senate for the purpose of offering a motion to reconsider, which motion prevails without objection.

Senator Rand offers a motion that the vote by which the Committee Substitute bill passed its second reading be reconsidered, which motion prevails (39-10), and the question becomes the passage of the Committee Substitute bill upon second reading.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill is withdrawn from today's Calendar and placed on the Calendar for Wednesday, July 30, for consideration upon its passage.

H.B. 1108 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES, changing the title, upon concurrence, to read H.B. 1108 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE PERMITS FOR "BREW ON PREMISES" BUSINESSES AND TO CLARIFY THE APPLICABILITY OF CERTAIN REGULATIONS TO SOME SPORTS CLUBS, as amended, upon third reading.

Without objection, the Senate Committee Substitute bill No. 2 is taken up out of its regular order of business.

Senator Allran offers Amendment No. 2 which is adopted (47-0).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 36, noes 11, as follows:


Voting in the negative: Senators Ballantine, Clark, Cochrane, Dalton, East, Forrester, Foxx, Hartsell, McDaniel, Page, and Webster—11.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 847 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS, changing the title, upon concurrence, to read H.B. 847 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CERTAIN WATER AND SEWER AUTHORITIES TO ENTER INTO CERTAIN AGREEMENTS AND TO AUTHORIZE A WATER AND SEWER AUTHORITY...
HOLDING A CERTIFICATE UNDER G.S. 162A-7 TO EXERCISE THE POWER OF EMINENT DOMAIN FOR SPECIFIED PURPOSES, as amended, upon third reading.

Senator Blust offers Amendment No. 2 which is adopted (47-1).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 1, as follows:


Voting in the negative: Senator Kinnaird—1.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 225 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CLEANUP OF DRY-CLEANING SOLVENT CONTAMINATION IN NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 1, as follows:


Voting in the negative: Senator Clark—1.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, July 30, for further consideration upon third reading.

H.B. 485 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 30, for consideration upon second reading.

H.B. 495 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS NORTH CAROLINA'S URGENT INFRASTRUCTURE NEEDS BY CLARIFYING THAT THE NORTH CAROLINA UTILITIES COMMISSION MAY ESTABLISH DIFFERENT RATES FOR NATURAL GAS SERVICE TO UNSERVED COUNTIES THAT REFLECT THE COST OF PROVIDING SERVICE TO THE UNSERVED COUNTIES AND AUTHORIZING THE CREATION OF NATURAL GAS DISTRICTS FOR NATURAL GAS EXPANSION, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Wednesday, July 30, for consideration upon second reading.
H.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGARDING STAFF-CHILD RATIOS FOR CHILD DAY CARE FACILITIES TO ADDRESS THE SPECIAL NEEDS OF LARGE CHILD DAY CARE HOMES AND REGARDING RULES ADOPTED BY THE CHILD DAY CARE COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT, changing the title, upon concurrence, to read H.B. 896 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO THE CUSTODY AND PLACEMENT OF JUVENILES TO ENHANCE THE STATE'S ABILITY TO ENSURE THAT JUVENILES ARE PLACED IN A SAFE, PERMANENT HOME WITHIN A REASONABLE PERIOD OF TIME, TO AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO ASSUME CONTROL OF DELIVERY OF COUNTY CHILD WELFARE SERVICES UNDER CERTAIN CIRCUMSTANCES, AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

Senator Rand offers Amendment No. 1.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Amendment No. 1, offered by Senator Rand, is adopted (49-0).

Senator Wellons offers Amendment No. 2, which the President Pro Tempore temporarily displaces.

The Senate Committee Substitute bill, as amended, passes its second reading (48-1).

The President Pro Tempore orders, without objection, the Senate Committee Substitute bill, as amended, temporarily displaced, with Amendment No. 2 pending.

REPORT OF COMMITTEE

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:

H.B. 239, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT ONE MEMBER OF THE ENVIRONMENTAL MANAGEMENT COMMISSION SHALL HAVE EMPLOYMENT EXPERIENCE IN INDUSTRIAL AIR AND WATER POLLUTION CONTROL AT AN INDUSTRIAL MANUFACTURING FACILITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

H.B. 1011 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SUBMISSION OF A STATUS REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION REGARDING FAILING COMMUNITY LOW PRESSURE PIPE WASTEWATER SYSTEMS LOCATED IN WAKE COUNTY, TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO CONTINUE TO MONITOR THE CONVERSION OF THESE SYSTEMS, AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO MAKE RECOMMENDATIONS, with a favorable report.

H.B. 211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING
EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4) ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; AND (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the Senate Committee Substitute bill 1446, which changes the title, upon concurrence, to read H.B. 211 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4) ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY; AND (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, is adopted and engrossed.

H.B. 302 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE TO AUTHORIZE THE TAKING OF CERTAIN WILDLIFE IN COUNTIES OR DISTRICTS WHERE AN OUTBREAK OF RABIES HAS OCCURRED, 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 1447 is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

July 29, 1997
Mr. 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 HB 515, A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT AND TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS, and requests conferees. The Speaker has appointed:

Representative Morgan, Chair;
Representative H. Hunter,
Representative Watson,
Representative McComas, and
Representative Howard

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 adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

REPORT OF COMMITTEE

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. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE, with a favorable report.

H.B. 611 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE, TO EXEMPT THE COMPENSATION FROM STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS, with a favorable report.

CALENDAR (Continued)

H.B. 896 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE LAW REGARDING STAFF-CHILD RATIOS FOR CHILD DAY CARE
FACILITIES TO ADDRESS THE SPECIAL NEEDS OF LARGE CHILD DAY CARE HOMES AND REGARDING RULES ADOPTED BY THE CHILD DAY CARE COMMISSION PERTAINING TO PLAYGROUND EQUIPMENT, changing the title, upon concurrence, to read H.B. 896 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW PERTAINING TO THE CUSTODY AND PLACEMENT OF JUVENILES TO ENHANCE THE STATE'S ABILITY TO ENSURE THAT JUVENILES ARE PLACED IN A SAFE, PERMANENT HOME WITHIN A REASONABLE PERIOD OF TIME, TO AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO ASSUME CONTROL OF DELIVERY OF COUNTY CHILD WELFARE SERVICES UNDER CERTAIN CIRCUMSTANCES, AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH, as amended, upon third reading, temporarily displaced earlier, with Amendment No. 2 pending.

Amendment No. 2 offered by Senator Wellons is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its third reading (48-1) and is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 990 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN NONPROFIT AND CONSUMER-OWNED WATER OR SEWER UTILITIES FROM REGULATION BY THE UTILITIES COMMISSION, changing the title, upon concurrence, to read H.B. 990 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT CERTAIN NONPROFIT AND CONSUMER-OWNED WATER OR SEWER UTILITIES AND CERTAIN SMALL WATER OR SEWER UTILITIES FROM REGULATION BY THE UTILITIES COMMISSION.

The Senate Committee Substitute bill passes its second (49-0) and third (48-0) readings and is ordered sent to the House of Representatives for concurrence.

S.B. 389 (Committee SUBSTITUTE), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA TRIAD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING ON A DATE DESIGNATED BY THE DISTRICT AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 389 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE FORSYTH-GUILFORD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING IN THE DISTRICT, AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, upon second reading.

Senator Horton offers a motion that the motion to concur in the House Committee Substitute bill do lie upon the table, seconded by Senator Blust. The motion fails to prevail (15-34) and the question reverts to concurrence in the House Committee Substitute bill, upon second reading.

Following further debate, Senator Hoyle calls the previous question, seconded by Senator Perdue. The call is sustained (36-13).

The Senate concurs in the House Committee Substitute bill on its second reading by roll-call vote, ayes 35, noes 14, as follows:

Voting in the negative: Senators Ballance, Ballantine, Blust, Clark, Cochrane, East, Forrester, Foxx, Horton, Ledbetter, Purcell, Reeves, Shaw of Guilford, and Webster—14.

The House Committee Substitute bill remains on the Calendar for tomorrow, Wednesday, July 30, for concurrence upon third reading.

S.B. 320 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN LICENSED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT PAYMENT TO NURSES WHO PROVIDE THIS SERVICE, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 320 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN LICENSED REGISTERED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT PAYMENT TO NURSES WHO PROVIDE THIS SERVICE.

Without objection, the House Committee Substitute bill is taken up out of its regular order of business.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 660 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, for concurrence in the House Committee Substitute bill No. 2, upon second reading.

The Senate fails to concur in the House Committee Substitute bill (0-48).

Senator Hoyle offers a motion to the end that the Senate do appoint conferees, which motion prevails.

The President Pro Tempore takes the appointment of conferees under advisement.

A message is ordered sent to the House of Representatives informing that Honorable Body that the Senate fails to concur in the House Committee Substitute bill No. 2.

COMMITTEE REFERRAL RECALL

S.B. 39 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE SETOFF DEBT COLLECTION ACT, referred to the Appropriations Committee on April 9.

Pursuant to Rule 47(a), Senator Plyler offers a motion that the Committee Substitute bill be withdrawn from the Appropriations Committee and recommitted to the Finance Committee, which motions prevail with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Appropriations Committee and recommits the measure to the Finance Committee.
APPOINTMENT OF CONFERENCE COMMITTEE

S.B. 660 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS.

With the motion of Senator Hoyle to appoint conferees prevailing earlier today, Senator Ballance, Deputy President Pro Tempore, announces the appointments by the President Pro Tempore of Senator Hoyle, Chairman; and Senators Perdue; Lee; and 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 and requesting conferees.

On motion of Senator Ballance, seconded by Senator Jenkins, the Senate adjourns at 1:11 P.M. to meet tomorrow, Wednesday, July 30, at 11:00 A.M.

ONE HUNDRED FIFTH DAY

Senate Chamber
Wednesday, July 30, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Heavenly Father, we confess that to live life with patience is one of our most difficult tasks. Often we fail at it, especially near the end of a long legislative session. "Even the recollection and recitation of Holy Scripture like 'let patience have her perfect work,' doesn't help. In fact it sometimes fuels the fire of impatience. The reality is we don't want to be told about the virtue of patience. We want to hear from someone who understands our dilemma and empathizes with us. "Enter the psalmist, O Lord, who having been delivered from a long session of trouble himself wrote:

I waited patiently for the Lord. God inclined to me and heard my cry. God drew me out of the desolate pit, out of the miry bog, and set my feet upon a rock. He put a new song in my mouth of praise to our God. "Now that is a song that preaches to us and for us. Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, July 29, has been examined and is found to be correct. On 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. Dean Kesler from Sanford, who is serving the Senate as Doctor of the Day, and to Gail Adcock, 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. 320, A BILL TO BE ENTITLED AN ACT TO ALLOW THE ESTABLISHMENT OF PROGRAMS TO TRAIN LICENSED REGISTERED NURSES TO CONDUCT MEDICAL EXAMINATIONS OF VICTIMS OF SEXUAL OFFENSES, TO CONDUCT MEDICAL PROCEDURES TO COLLECT EVIDENCE FROM THE VICTIMS, AND TO ALLOW DIRECT PAYMENT TO NURSES WHO PROVIDE THIS SERVICE.

H.B. 176, AN ACT TO CLARIFY RESPONSIBILITIES AND LIABILITY FOR EQUINE ACTIVITIES AND TO CLARIFY THE DUTIES OF ROLLER SKATING RINK OPERATORS AND SKATERS AT ROLLER SKATING RINKS RELATING TO LIABILITY.

H.B. 524, AN ACT TO INCREASE THE CAP ON THE AMOUNT OF DRIVERS LICENSE RESTORATION FEES THAT ARE DEPOSITED IN A FUND FOR ALCOHOL STUDIES ENDOWMENT AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL.

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

S.B. 534, AN ACT TO INCORPORATE THE TOWN OF PLEASANT GARDEN.

H.B. 750, AN ACT TO INCORPORATE THE VILLAGE OF FOREST HILLS, SUBJECT TO A REFERENDUM.

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. 739, AN ACT TO STRENGTHEN AND CLARIFY THE DEALERS AND MANUFACTURERS LICENSING LAW. (Became law upon approval of the Governor, July 23, 1997 - S.L. 1997-319.)

S.B. 248, AN ACT TO CREATE THE BROUGHTON HOSPITAL JOINT SECURITY FORCE AND TO AMEND THE LAW ESTABLISHING THE BLACK MOUNTAIN JOINT SECURITY FORCE. (Became law upon approval of the Governor, July 23, 1997 - S.L. 1997-320.)


S.B. 625, AN ACT TO MAKE SPEEDING IN EXCESS OF THE POSTED SPEED ON SCHOOL GROUNDS AN INFRACTION AND TO INCREASE THE PENALTY...
FOR SPEEDING IN A SCHOOL ZONE. (Became law upon approval of the Governor, July 25, 1997 - S.L. 1997-341.)

H.B. 337, AN ACT TO AUTHORIZE RANDOLPH COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, July 28, 1997 - S.L. 1997-342.)

S.B. 356, AN ACT TO ALLOW THE CITY OF REIDSVILLE TO DELAY THE EFFECTIVE DATE OF ANNEXATIONS AS TO A SPECIFIED TRACT AND TO EXEMPT THE ANNEXATION OF TWO CITY LAKES FROM THE CEILING ON SATELLITE ANNEXATIONS. (Became law upon ratification, July 29, 1997 - S.L. 1997-343.)

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 Jenkins for the Pensions & Retirement and Insurance Committee:

H.B. 1115, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CANCELLATION OF INSURANCE POLICIES THAT PROVIDE COVERAGE FOR CHURCHES FOR LOSSES RESULTING FROM A FIRE, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill 8253 is adopted and engrossed.

By Senator Miller for the State Government, Local Government, and Personnel Committee:

H.B. 146, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE CITY ZONING ORDINANCE, with a favorable report.

H.B. 668, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO REQUIRE OWNERS OF RENTAL PROPERTY IN THE COUNTY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS IN HOUSING CODE CASES AND CASES INITIATED BY THE LOCAL BOARD OF HEALTH, 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 2363 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 for concurrence are presented to the Senate, read, and disposed of, as follows:

July 30, 1997
S.B. 125 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELDS BY APPROVING THE IMPOSITION OF RESTRICTIONS ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES AND ON OIL OR HAZARDOUS SUBSTANCE DISCHARGES OR RELEASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Thursday, July 31.

S.B. 194 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4) ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; AND (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 194 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS.

Referred to Agriculture/Environment/Natural Resources Committee.

S.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX IF APPROVED BY THE VOTERS OF THE CITY, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read S.B. 585 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO LEVY AN ADDITIONAL, TEMPO- RARY ROOM OCCUPANCY TAX, TO MODIFY THE PURPOSES FOR WHICH THE LUMBERTON ROOM OCCUPANCY TAX CAN BE USED, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, which is placed on the Calendar for tomorrow, Thursday, July 31.

S.B. 664 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF FARMVILLE AND BETHEL TO ADDRESS ABANDONED STRUCTURES IN THE SAME
MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 664 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF FARMVILLE AND BETHEL TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, AND TO AUTHORIZE THE CITY OF BURLINGTON TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY.

Referred to State Government, Local Government, and Personnel Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 660 (House Committee Substitute No. 2) House of Representatives
July 30, 1997

Mr. President:

Pursuant to your information that your Honorable Body failed to concur in House Committee Substitute # 2 for SB 660, A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, the Speaker has appointed as conferees on the part of the House:

Representative McMahan, Chair;
Representative Mitchell,
Representative Grady, and
Representative Hill

to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 568 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WAKE FOREST, changing the title, upon concurrence, to read H.B. 568 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING SATELLITE ANNEXATIONS BY THE TOWN OF WAKE FOREST AND CONCERNING A SATELLITE ANNEXATION BY THE TOWN OF BEAUFORT, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

H.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, July 31, for further consideration upon third reading.

H.B. 225 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR CLEANUP OF DRY-CLEANING SOLVENT CONTAMINATION IN NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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 negative: Senator Perdue—1.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

H.B. 485 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS, upon second reading.

On motion of Senator Kerr, the President orders, without objection, the Committee Substitute bill No. 2, temporarily displaced to the end of the Calendar.

H.B. 495 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS NORTH CAROLINA'S URGENT INFRASTRUCTURE NEEDS BY
CLARIFYING THAT THE NORTH CAROLINA UTILITIES COMMISSION MAY ESTABLISH DIFFERENT RATES FOR NATURAL GAS SERVICE TO UNSERVED COUNTIES THAT REFLECT THE COST OF PROVIDING SERVICE TO THE UNSERVED COUNTIES AND AUTHORIZING THE CREATION OF NATURAL GAS DISTRICTS FOR NATURAL GAS EXPANSION, upon second reading.

Senator Kerr offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Thursday, July 31, for further consideration upon third reading.

H.B. 993 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL TRANSPORTATION AUTHORITIES, upon second reading.

The Committee Substitute bill No. 2, passes its second reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Thursday, July 31, for further consideration upon third reading.

S.B. 463 (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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

On motion of Senator Plyler, the President orders, without objection, the Committee Substitute bill temporarily displaced.

H.B. 211 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4)
ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; AND (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, changing the title, upon concurrence, to read H.B. 211 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) PROVIDE FOR CONTINUING EDUCATION REQUIREMENTS FOR, AND THE EXPIRATION AND RENEWAL OF, CERTIFICATES ISSUED BY THE WATER POLLUTION CONTROL SYSTEM OPERATORS CERTIFICATION COMMISSION; (2) INCLUDE CONSIDERATION OF THE COMPLIANCE HISTORY IN OTHER STATES OF AN APPLICANT FOR A PERMIT UNDER THE COASTAL AREA MANAGEMENT ACT; (3) CLARIFY THE DISTINCTION BETWEEN A PUBLIC HEARING AND A PUBLIC MEETING IN CONNECTION WITH AN APPLICATION FOR A WATER QUALITY PERMIT; (4) ALLOW THE ENVIRONMENTAL MANAGEMENT COMMISSION TO DELEGATE ITS POWERS BY RESOLUTION RATHER THAN BY RULE; (5) CLARIFY THE ASSESSMENT OF CIVIL PENALTIES FOR CONTINUING VIOLATIONS OF AIR QUALITY STANDARDS; (6) REESTABLISH A SCHEDULE OF SIX-YEAR STAGGERED TERMS FOR THE MINING COMMISSION; (7) REESTABLISH A SCHEDULE OF TWO-YEAR STAGGERED TERMS FOR THE NORTH CAROLINA PARKS AND RECREATION AUTHORITY; AND (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The Senate Committee Substitute bill passes its second (48-1) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 239, A BILL TO BE ENTITLED AN ACT TO SPECIFY THAT ONE MEMBER OF THE ENVIRONMENTAL MANAGEMENT COMMISSION SHALL HAVE EMPLOYMENT EXPERIENCE IN INDUSTRIAL AIR AND WATER POLLUTION CONTROL AT AN INDUSTRIAL MANUFACTURING FACILITY, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The bill passes its second (49-0) and third readings and is ordered enrolled and sent to the Governor.

H.B. 302 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A PROCEDURE TO AUTHORIZE THE TAKING OF CERTAIN WILDLIFE IN COUNTIES OR DISTRICTS WHERE AN OUTBREAK OF RABIES HAS OCCURRED.

The Senate Committee Substitute bill passes its second (49-0) and third (49-0) readings and is ordered sent to the House of Representatives for concurrence.

H.B. 611 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE, TO EXEMPT THE COMPENSATION FROM STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF
THOSE PERSONS.
Senator Ballance offers Amendment No. 1 which is adopted (49-0).
The Senate Committee Substitute bill, as amended, passes its second (49-0) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 1011 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SUBMISSION OF A STATUS REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION REGARDING FAILING COMMUNITY LOW PRESSURE PIPE WASTEWATER SYSTEMS LOCATED IN WAKE COUNTY, TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO CONTINUE TO MONITOR THE CONVERSION OF THESE SYSTEMS, AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO MAKE RECOMMENDATIONS.

With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, August 5, for consideration upon its passage.

H.B. 1157, A BILL TO BE ENTITLED AN ACT TO EXTEND THE STATUTES OF LIMITATIONS FOR TAX REFUNDS, TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, changing the title, upon concurrence, to read H.B. 1157 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES.

Senator Kerr offers Amendment No. 1 which is adopted (48-1), changing the title, upon concurrence, to read H.B. 1157 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, AND TO ALLOW THE DEPARTMENT OF REVENUE TO DEDUCT ITS COST OF ADMINISTERING THE DISTRIBUTION OF GROSS RECEIPTS TO CITIES.

The Senate Committee Substitute bill, as amended, passes its second reading (49-0).
Senator Kerr objects to third reading of the measure. Pursuant to Rule 50, the President orders the measure placed on the Calendar for tomorrow, Thursday, July 31, for further consideration upon third reading.

The President extends the privileges of the floor to Jim Speed, former Senator from Franklin County.

S.B. 389 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE NORTH CAROLINA TRIAD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING ON A DATE DESIGNATED BY THE DISTRICT AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 389 (House Committee Substitute), A BILL TO
BE ENTITLED AN ACT TO ESTABLISH THE FORSYTH-GUILFORD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING IN THE DISTRICT, AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS, upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading by roll-call vote, ayes 39, noes 10, as follows:


Voting in the negative: Senators Blust, Clark, Cochrane, East, Forrester, Foxx, Horton, Reeves, Shaw of Guilford, and Webster—10.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

S.B. 168 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE EXAMINATION AND CERTIFICATION FEES COLLECTED UNDER THE NURSING PRACTICE ACT, for concurrence in the House Committee Substitute bill, upon second reading.

The President rules the House Committee Substitute bill does not require a call of the roll.

The Senate concurs in the House Committee Substitute bill (47-2) and the measure is ordered enrolled and sent to the Governor.

COMMITTEE REFERRAL RECALL

H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM; AND TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, referred to the State Government, Local Government, and Personnel Committee on April 15.

Pursuant to Rule 47(a), Senator Miller offers a motion that the Committee Substitute bill be withdrawn from the State Government, Local Government, and Personnel Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the State Government, Local Government, and Personnel Committee and refers the measure to Finance Committee.

S.B. 463 (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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW, temporarily displaced earlier.

Senator Plyler 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 engrossed and, without objection, sent to the House of Representatives by special messenger.

H.B. 485 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS, temporarily displaced earlier, upon second reading.

With unanimous consent, on motion of Senator Kerr, the Committee Substitute bill No. 2 is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, August 5, for consideration upon second reading.

PERSONAL PRIVILEGE

With unanimous consent, on motion of Senator Martin of Pitt, the remarks of Senator Odom who spoke to a point of personal privilege are spread upon the Journal, as follows:

Senator Odom:

“Members of the Senate, I’ll be very brief. In today’s Chaplain’s prayer he reminded us to be patient. Senator Plyler and Representative Holmes don’t need to be defended, but because of an article that was in the, on the front page of the Raleigh News & (Dis) Observer this morning, I think it’s necessary to set the record straight. It made three statements that are totally inaccurate. It said that the budget deadlock was down to two men, Senator Plyler and Representative Holmes, and that’s not true. It also said they’ve spent six weeks behind closed doors negotiating the differences in the $11.4 Billion budget. That’s not true. They said they’ve been meeting regularly without the public and without lawmakers. Certainly the public has not been around, but the lawmakers that are involved with this process have. I want you to know that all seven of the negotiators, four from the House and three from the Senate, we have met numerous times over the last six weeks. The subcommittees have met numerous times, and those meetings have been open to the public. Senator Perdue and myself have been actively involved with every written communication that has gone from the Senate to the House and the responses back and forth. There was only one time that Senator Plyler met with Senator Holmes without Senator Perdue and myself and the other conferees, and they met with some of the staff to try to resolve one particular issue. And that was the only one. And I want you to know that part of the problem and frustration we have is that there have been numerous philosophical differences between the House budget and the Senate budget. And reasonable people can disagree and that’s what has occurred. But we have been meeting regularly. We have spent many, many hours on the various proposals back and forth. We had originally hoped that we would be out of here by the first of June, then we hoped we’d be out by the first of July, but there have been no secret meetings involving just two persons. That’s just not accurate. Thank you.”

On motion of Senator Basnight, seconded by Senator Odom, the Senate adjourns at 12:20 P.M. to meet tomorrow, Thursday, July 31, at 10:00 A.M.
The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Eternal God, when light appears at the end of the tunnel, it means we have experienced two kinds of time. One is \textit{chronos}, chronology, the kind of time we must put up with, pass, endure - the ticking of a clock. The other the Greeks called \textit{kairos}, time that is revelatory, full, insightful - God inspired time.

"We are grateful for the apparent intersection of the \textit{chronos} and \textit{kairos} in recent negotiations. Remind us that You go with us today as participant in both kinds of time to build bridges of reconciliation, to establish a compromise of compassion, to build a community of acceptance.

"May we be strengthen by that promise, for Your sake, Amen."

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

Senator Ballance, Deputy President \textit{Pro Tempore}, announces the Journal of yesterday, Wednesday, July 30, has been examined and is found to be correct. On 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. Greg Taylor from Fayetteville, who is serving the Senate as Doctor of the Day, and to Ivey Johnson, daughter of former Senator Joe Johnson from Wake County, who is serving the Senate as Nurse of the Day.

\section*{ENROLLED BILLS}

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

\textbf{S.B. 168}, \textit{AN ACT TO INCREASE THE EXAMINATION AND CERTIFICATION FEES COLLECTED UNDER THE NURSING PRACTICE ACT}.

\textbf{S.B. 250}, \textit{AN ACT TO CLARIFY PERFECTION OF A SECURITY INTEREST IN AFTER-ACQUIRED REAL PROPERTY}.

\textbf{S.B. 389}, \textit{AN ACT TO ESTABLISH THE FORSYTH-GUILFORD METROPOLITAN BASEBALL PARK DISTRICT, TO PROVIDE FOR A REFERENDUM ON BASEBALL PARK FINANCING IN THE DISTRICT, AND TO ALLOW BASEBALL PARK DISTRICTS TO ENTER INTO INSTALLMENT FINANCING AGREEMENTS}.

\textbf{S.B. 571}, \textit{AN ACT TO PLACE ON THE SCHEDULE II CONTROLLED}
TERMINATE OR FAIL TO RENEW A LEASE IF A TENANT ENGAGES IN CRIMINAL ACTIVITY, TO ALLOW CERTAIN SUMMARY EJMENT ACTION INITIATED BY A HOUSING AUTHORITY TO BE HELD IN DISTRICT COURT INSTEAD OF IN MAGISTRATE'S COURT, AND TO CLARIFY THAT A BOND IS NOT REQUIRED BEFORE FILING AN ANSWER IN A SUMMARY EJMENT PROCEEDING, is adopted and engrossed.

S.B. 923, A BILL TO BE ENTITLED AN ACT TO CREATE LIENS FOR FEES TO BE PAID TO COMMERCIAL REAL ESTATE 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 4636, which changes the title to read S.B. 923 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE STUDY OF WHETHER STATUTORY LIENS SHOULD BE ALLOWED FOR FEES OWED TO COMMERCIAL REAL ESTATE BROKERS, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Committee Substitute bill is re-referred to the Rules and Operations of the Senate Committee.

CALENDAR (Continued)

Bills on today's Calendar are taken up and disposed of, as follows:

H.B. 844 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

H.B. 146, A BILL TO BE ENTITLED AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE CITY ZONING ORDINANCE.

The bill passes its second and third readings and is ordered enrolled.

H.B. 668 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE CUMBERLAND COUNTY TO REQUIRE OWNERS OF RENTAL PROPERTY IN THE COUNTY TO AUTHORIZE AN AGENT TO ACCEPT SERVICE OF PROCESS IN HOUSING CODE CASES AND CASES INITIATED BY THE LOCAL BOARD OF HEALTH.

The Senate Committee Substitute bill passes its second and third readings and is ordered sent to the House of Representatives for concurrence.

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S.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX IF APPROVED BY THE VOTERS OF THE CITY, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read S.B. 585 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO LEVY AN ADDITIONAL, TEMPORARY ROOM OCCUPANCY TAX, TO MODIFY THE PURPOSES FOR WHICH THE LUMBERTON ROOM OCCUPANCY TAX CAN BE USED, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its second reading by roll-call vote, ayes 40, noes 7, as follows:


Voting in the negative: Senators Allran, Cochrane, East, Forrester, Foxx, Page, and Webster—7.

The House Committee Substitute bill No. 2 remains on the Calendar for Monday, August 4, for further consideration upon third reading.

H.B. 495 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADDRESS NORTH CAROLINA'S URGENT INFRASTRUCTURE NEEDS BY CLARIFYING THAT THE NORTH CAROLINA UTILITIES COMMISSION MAY ESTABLISH DIFFERENT RATES FOR NATURAL GAS SERVICE TO UNSERVED COUNTIES THAT REFLECT THE COST OF PROVIDING SERVICE TO THE UNSERVED COUNTIES AND AUTHORIZING THE CREATION OF NATURAL GAS DISTRICTS FOR NATURAL GAS EXPANSION, as amended, upon third reading.

Senator Kerr offers Amendment No. 2 which is adopted (47-0).

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives for concurrence.

H.B. 993 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL TRANSPORTATION AUTHORITIES, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

H.B. 1157, THE STATUTES OF LIMITATIONS FOR TAX REFUNDS, TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, AND TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, changing the title, upon concurrence, to read H.B. 1157 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE CORPORATE INCOME TAX ON CERTAIN TAX-EXEMPT OBLIGATIONS, TO DELETE THE CAP ON CORPORATE INCOME TAX DEDUCTIONS OF DIVIDENDS RECEIVED FROM REGULATED INVESTMENT COMPANIES, AND TO ALLOW THE DEPARTMENT OF REVENUE TO DEDUCT ITS COST OF ADMINISTERING THE DISTRIBUTION OF GROSS RECEIPTS TO CITIES, as amended, upon third reading.

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.

S.B. 125 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELDS BY APPROVING THE IMPOSITION OF RESTRICTIONS ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES AND ON OIL OR HAZARDOUS SUBSTANCE DISCHARGES OR RELEASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, for concurrence in the House Committee Substitute bill.

With unanimous consent, on motion of Senator Odom, the House Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Monday, August 4, for consideration upon concurrence.

REPORT OF COMMITTEE

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. 1110 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE STATUTES RELATED TO LANDSCAPE ARCHITECTS, with a favorable report.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill

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No. 2 is placed on the Calendar for Tuesday, August 5, for consideration upon second reading.

H.B. 418 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, AND TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY 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 6310, which changes the title, upon concurrence, to read H.B. 418 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY, is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, August 5, for further consideration upon second reading.

H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM; AND TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, 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 4144, which changes the title, upon concurrence, to read H.B. 866 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, AND TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO
SEVEN MEMBERS, AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, is adopted and engrossed.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is placed on the Calendar for Tuesday, August 5, for further consideration.

CONFERENCE REPORT

S.B. 660 (House Committee Substitute No. 2)

Senator Hoyle, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S.B. 660 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, 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 660, A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, Sixth Edition Engrossed 7/24/97, submit the following report:

The Senate and House agree to the following amendments to the House Committee Substitute #2, Sixth Edition Engrossed 7/24/97, and the Senate concurs in the House Committee Substitute #2, Sixth Edition Engrossed 7/24/97, as amended:

on page 2, lines 18-19, by rewriting those lines to read:
“(4) Athletes.—Members of sports teams, including professional, amateur, and school teams; or participants in sports or recreational activities, including training and practice activities, that require strength, agility, flexibility, range of motion, speed, or stamina.”;

on page 1, line 6, by deleting “ARTICLE 33” and inserting “ARTICLE 34”;
on page 1, line 8 by deleting “90-512” and inserting “90-522”;
on page 1, line 15, by deleting “90-513” and inserting “90-523”;
on page 2, line 13, by deleting “90-514” and inserting “90-524”;
on page 2, line 16, by deleting “90-518” and inserting “90-528”;
on page 2, line 20, by deleting “90-514” and inserting “90-524”;
on page 3, line 6, by deleting “90-519” and inserting “90-529”;
on page 3, line 30, by deleting “90-515” and inserting “90-525”;
on page 4, line 1, by deleting “90-524” and inserting “90-534”;
on page 4, line 13, by deleting “90-516” and inserting “90-526”;
on page 4, line 20, by deleting “90-517” and inserting “90-527”;
on page 4, line 40, by deleting “90-518” and inserting “90-528”;
on page 5, line 9, by deleting “90-519” and inserting “90-529”;
on page 5, line 16, by deleting “90-520” and inserting “90-530”;
on page 5, line 33, by deleting “90-521” and inserting “90-531”;
on page 5, line 36, by deleting “90-522” and inserting “90-532”;
on page 5, line 44, by deleting “90-523” and inserting “90-533”;
on page 6, line 15, by deleting “90-524” and inserting “90-534”;
on page 6, line 26, by deleting “90-525” and inserting “90-535”;

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on page 6, line 31, by deleting "90-517(b)" and inserting "90-527(b)";
on page 6, line 32, by deleting "90-526" and inserting "90-536";
on page 7, line 17, by deleting "90-527" and inserting "90-537";
on page 7, line 25, by deleting "90-528" and inserting "90-538";
on page 7, line 30, by deleting "90-529" and inserting "90-539";
and on page 7, line 38, by deleting "90-530" and inserting "90-540".

The conferees recommend that the Senate and the House of Representatives adopt this report.
Date conferees approved report: July 31, 1997.

S/David Hoyle
S/Bev Perdue
S/Howard Lee
S/Robert Shaw

Conferees for the Senate

S/Ed McMahan
S/W.F. Mitchell
S/Robert Grady
S/Dewey L. Hill

Conferees for the House of Representatives

On motion of Senator Hoyle, the Conference Report is ordered placed on the Calendar for Monday, August 4, for adoption upon second reading.

COMMITTEE REFERRAL RECALL

H.B. 1114 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ASSESS A FEE OF FIFTY DOLLARS FOR WORTHLESS CHECKS COLLECTED THROUGH THE BAD CHECK COLLECTION PROGRAM, referred to the Judiciary Committee on July 28.

Pursuant to Rule 47(a), Senator Cooper offers a motion that the Committee Substitute bill be withdrawn from the Judiciary Committee and re-referred to the Finance Committee, which motion prevails with unanimous consent.

The Chair orders the Committee Substitute bill recalled from the Judiciary Committee and refers the measure to the Finance Committee.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT, which Senate Committee Substitute bill proposed to change the title, upon concurrence, to read H.B. 515 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT AND TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS.
Pursuant to the message from the House of Representatives received July 29, requesting conferees, the President Pro Tempore appoints Senator Perdue, Chairman; and Senators Rand; Cooper; Lee; Kerr; Odom; Albertson; Weinstein; Hartsell; and McDaniel as conferees on the part of the Senate to act with a like committee from the House of Representatives 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.

ENROLLED BILL

The Enrolling Clerk reports the following bill duly ratified for presentation to the Governor:

S.B. 463, 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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW.

On motion of Senator Basnight, seconded by Senator Jenkins, the Senate adjourns at 10:57 A.M. to meet Monday, August 4, at 7:00 P.M.

ONE HUNDRED SEVENTH DAY

Senate Chamber
Monday, August 4, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"O Lord, we are reminded that near the end of his life, Joshua made an impassioned speech to the children of Israel. Like a fiery prophet, first he recounted the blessings You had bestowed, then he called the people to renounce their idols and follow You, O God.

"He was both negative and positive, firing from both barrels of the gun. He exhorted the Israelites by saying 'choose this day whom you will serve,' then answered quickly, 'as for me and my house, we will serve the Lord.'

"Joshua’s decisiveness is both refreshing and encouraging especially because we live in a world that all too often trembles on the edge of a maybe.

"Help us to be decisive this week in word and deed. To Your glory, Amen."

With unanimous consent, the President grants leaves of absence for tonight to Senator Ballance, to Senator Dannelly, and to Senator Shaw of Cumberland.

Senator Basnight, President Pro Tempore, announces the Journal of Thursday, July 31, has been examined and is found to be correct. On 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. H. G. Hartzog from Raleigh, who is serving the Senate as Doctor of the Day, and to Dennis Sherrod of Bailey, 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. 448, AN ACT TO IMPLEMENT THE GOVERNOR'S RECOMMENDATIONS ON DRIVING WHILE IMPAIRED.

H.B. 993, AN ACT TO ALLOW CREATION OF ADDITIONAL REGIONAL TRANSPORTATION AUTHORITIES.

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

H.B. 146, AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE CITY ZONING ORDINANCE.

H.B. 844, AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE.

CHAPTERED BILLS

S.B. 848, AN ACT TO PROVIDE THAT CERTAIN SECONDARY SUPPLIERS OF ELECTRIC SERVICE MAY FURNISH SERVICE WITHIN THE CORPORATE LIMITS OF A CITY WITH WRITTEN CONSENT FROM THE CITY, TO ALLOW THE BOARD OF AN ELECTRIC MEMBERSHIP CORPORATION TO VOTE BY PROXY ON DECISIONS TO ENCUMBER CORPORATE PROPERTY OR TO DISSOLVE THE CORPORATION, AND TO MAKE TECHNICAL CHANGES TO THE LAW REGARDING MUNICIPAL ELECTRIC SERVICE. (Became law upon approval of the Governor, July 31, 1997 - S.L. 1997-346.)

S.B. 463, 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, 1997, AND TO EXTEND EXPIRING PROVISIONS OF LAW. (Became law upon approval of the Governor, July 31, 1997 - S.L. 1997-347.)

S.B. 994, AN ACT TO PROHIBIT THE DIRECT SHIPMENT OF ALCOHOLIC BEVERAGES TO CONSUMERS IN NORTH CAROLINA. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-348.)

H.B. 275, AN ACT TO REDUCE DUPLICATION OF WORK BETWEEN THE OFFICE OF STATE PERSONNEL AND OTHER AGENCIES, DEPARTMENTS, AND INSTITUTIONS BY THE DELEGATION OF AUTHORITY OF CERTAIN

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FUNCTIONS FROM THE OFFICE OF STATE PERSONNEL TO THOSE AGENCIES, DEPARTMENTS, AND INSTITUTIONS. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-349.)

S.B. 254, AN ACT TO PROHIBIT DISCRIMINATION IN HEALTH INSURANCE AND EMPLOYMENT BASED ON GENETIC INFORMATION. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-350.)

S.B. 531, AN ACT TO REQUIRE STATE GOVERNMENT AGENCIES TO REDUCE THE NUMBER OF MENUS ON AUTOMATED PHONE SYSTEMS THAT CALLERS MUST GO THROUGH BEFORE CONNECTING TO A PERSON AND TO ALLOW ACCESS TO AN ATTENDANT OR OPERATOR ON THE FIRST MENU. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-351.)

H.B. 457, AN ACT TO ALLOW RECOVERY OF FUNDS PAID AS FOREST DEVELOPMENT COST-SHARING PAYMENTS WHEN TREES ARE NOT MAINTAINED AT LEAST TEN YEARS AND TO CONVERT THE FOREST DEVELOPMENT FUND TO ONE THAT ACCRUES INTEREST. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-352.)

H.B. 618, AN ACT TO INCREASE THE CRIMINAL PENALTIES FOR MISREPRESENTATION AND FAILURE TO SECURE COMPENSATION UNDER THE WORKERS' COMPENSATION ACT. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-353.)

H.B. 463, AN ACT TO INCREASE THE PERMISSIBLE WEIGHT OF AGRICULTURAL CROPS THAT MAY BE TRANSPORTED ON THE HIGHWAYS FROM THE FIELD TO LOCAL MARKETS. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-354.)

H.B. 1158, AN ACT TO PROVIDE THAT ANTIQUE AIRPLANES SHALL BE VALUED AT NO MORE THAN FIVE THOUSAND DOLLARS FOR PROPERTY TAX PURPOSES. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-355.)

H.B. 523, AN ACT TO PROVIDE THAT CONFISCATED WEAPONS MAY BE KEPT FOR DEPARTMENTAL USE BY LAW ENFORCEMENT OFFICERS. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-356.)

H.B. 1121, AN ACT TO PROMOTE THE SAFE REUSE OF PROPERTIES WHERE ACTUAL CONTAMINATION, OR THE POSSIBILITY OF CONTAMINATION, HAS IMPEDED REDEVELOPMENT. (Became law upon approval of the Governor, August 1, 1997 - S.L. 1997-357.)

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 Miller for the State Government, Local Government, and Personnel Committee:

H.B. 269, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., 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 2379, which changes the title, upon concurrence, to read H.B. 269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC., TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBoro-WAYNE AIRPORT AUTHORITY, TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBoro ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES, AND TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF FARMVILLE AND BETHEL TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, is adopted and engrossed.

H.B. 786, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK, 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 6312, which changes the title, upon concurrence, to read H.B. 786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK; TO PROVIDE FOR INITIATIVE AND REFERENDUM AUTHORITY FOR THE CONCORD CITY COUNCIL AND THE CABARRUS COUNTY BOARD OF COMMISSIONERS; AND AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM AS IT RELATES TO VOLUNTARY ANNEXATIONS, PROTEST PETITIONS, THE APPROVAL OF PAYMENT OF FACILITIES FEES, AND THE RENAMING OF THE SUBDIVISION REVIEW BOARD, is adopted and engrossed.

By Senator Kerr for the Finance Committee:

H.B. 1231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SUPPLEMENTAL SOURCES OF REVENUE FOR LOCAL GOVERNMENT TRANSIT FINANCING, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted.

S.B. 841, A BILL TO BE ENTITLED AN ACT TO ALLOW FOREIGN CORPORATIONS TO DEDUCT EXPENSES RELATED TO DEDUCTIBLE SUBSIDIARY DIVIDENDS TO THE SAME EXTENT AS NORTH CAROLINA
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 X7847, which changes the title to read S.B. 841 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOREIGN CORPORATIONS TO DEDUCT EXPENSES RELATED TO DEDUCTIBLE SUBSIDIARY DIVIDENDS TO THE SAME EXTENT AS NORTH CAROLINA CORPORATIONS AND TO CLARIFY THE TREATMENT OF DIVIDENDS AS BUSINESS OR NONBUSINESS INCOME, is adopted and engrossed.

Upon adoption of the Committee Substitute bill, the measure requires a call of the roll.

S.B. 39 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE SETOFF DEBT COLLECTION ACT, with an unfavorable report as to Committee Substitute bill as written by the Finance Committee, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, X1854, is adopted and engrossed.

Upon adoption of the Committee Substitute bill No. 2, the measure requires a call of the roll.

S.B. 886 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE AND TO PROVIDE CONSUMER PROTECTION PROVISIONS, with an unfavorable report as to Committee Substitute bill as written by the Transportation Committee, but favorable as to Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Committee Substitute bill No. 2, 2798, which changes the title to read S.B. 886 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE; TO PROVIDE CONSUMER PROTECTION PROVISIONS; AND TO PROVIDE FOR A STUDY OF CERTAIN TRUCKING-RELATED PROVISIONS BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE, is adopted and engrossed.

H.B. 1156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATES WILL BE GIVEN TO THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION, 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 X6313, which changes the title, upon concurrence, to H.B. 1156 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEVELOPMENT OF A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATE WILL BE DISTRIBUTED TO THE EASTERN CAROLINA CHAPTER OF THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION, TO AUTHORIZE THE

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DEVELOPMENT OF A SPECIAL PLATE FOR SUPPORTERS OF SCHOOL TECHNOLOGY AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATE WILL BE CREDITED TO THE STATE SCHOOL TECHNOLOGY FUND, AND TO AUTHORIZE THE DEVELOPMENT OF A SPECIAL REGISTRATION PLATE FOR WAR VETERANS, is adopted and engrossed.

Upon adoption of the Senate Committee Substitute bill, the measure requires a call of the roll.

H.B. 1097 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE FISHERIES REFORM ACT OF 1997 TO PROTECT, ENHANCE, AND BETTER MANAGE COASTAL FISHERIES IN NORTH CAROLINA, with an unfavorable report as to Senate Committee Substitute bill as written by the Agriculture/Environment/Natural Resources Committee, but favorable as to Senate Committee Substitute bill No. 2.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill No. 2, A410, is adopted and engrossed.

Pursuant to Rule 43, the Senate Committee Substitute bill No. 2 is re-referred to the Appropriations Committee.

By Senator Cooper for the Judiciary Committee:

H.B. 183 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION, TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS PENDING DISPOSITION, AND TO ALLOW FOR MODIFICATION OF SENTENCE FOR IMPAIRED DRIVING ON REMAND TO DISTRICT COURT OR WITHDRAWAL OF APPEAL, 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 2377, which changes the title, upon concurrence, to read H.B. 183 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION, AND TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS PENDING DISPOSITION, is adopted and engrossed.

With unanimous consent, on motion of Senator Cooper, the Senate Committee Substitute bill is re-referred to the Appropriations Committee.

COMMITTEE REFERRAL RECALL

H.B. 183 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION, AND TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS PENDING DISPOSITION, is adopted and engrossed.
OFFENSE IS PENDING DISPOSITION, referred to the Appropriations Committee earlier tonight.

Pursuant to Rule 47(a), Senator Odom offers a motion that the Senate Committee Substitute bill be withdrawn from the Appropriations Committee and placed on the Calendar for Wednesday, August 6, which motion prevails with unanimous consent.

The Chair orders the Senate Committee Substitute bill recalled from the Appropriations Committee and places it on the Calendar for Wednesday, August 6, for consideration upon its passage.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Messages received in the Office of the Principal Clerk from the House of Representatives transmitting bills for concurrence are presented to the Senate, read, and disposed of, as follows:

S.B. 60 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RULES FOR MAKING LEFT TURNS ON VARIOUS ROADWAYS, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, August 5.

S.B. 182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT RULES ADOPTED BY THE WILDLIFE RESOURCES COMMISSION TO BECOME EFFECTIVE UPON APPROVAL BY THE RULES REVIEW COMMISSION, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 182 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE WILDLIFE RESOURCES COMMISSION TO ADOPT CERTAIN TEMPORARY RULES, which is placed on the Calendar for tomorrow, Tuesday, August 5.

S.B. 833 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 833 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, which is placed on the Calendar for tomorrow, Tuesday, August 5.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX REUSABLE INDUSTRIAL CONTAINERS USED AS PACKAGING FOR TANGIBLE PERSONAL PROPERTY, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for tomorrow, Tuesday, August 5.

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EMPLOYMENT SECURITY COMMISSION TO WAIVE INTEREST ON LATE
CONTRIBUTIONS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 974 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EMPLOYMENT SECURITY COMMISSION TO WAIVE INTEREST ON LATE CONTRIBUTIONS, TO MODIFY THE CALCULATION AND COLLECTION OF UNEMPLOYMENT INSURANCE TAXES, AND TO GIVE FLEXIBILITY TO THE EMPLOYMENT SECURITY COMMISSION IN SCHEDULING WHEN CLAIMANTS MUST REPORT TO THE LOCAL COMMISSION OFFICES, which is placed on the Calendar for tomorrow, Tuesday, August 5.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 297 (House Committee Substitute No. 2) House of Representatives
July 31, 1997

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the Speaker has added Representative Oldham as a Conferree on House Committee Substitute # 2 for SB 297, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.

Respectfully,
S/Denise Weeks
Principal Clerk

CALENDAR

Bills on tonight's Calendar are taken up and disposed of, as follows:

H.B. 566 (Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING THE WAKE COUNTY PUBLIC SCHOOL SYSTEM FROM DEVELOPMENT CHARGES RELATED TO THE CONSTRUCTION, RENOVATION, AND REPAIR OF PUBLIC SCHOOL SYSTEM INFRASTRUCTURE FACILITIES IN WAKE COUNTY AND THE MUNICIPALITIES THEREIN.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is withdrawn from tonight's Calendar and is re-referred to the Finance Committee.

S.B. 585 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE MAXIMUM RATE OF THE LUMBERTON ROOM OCCUPANCY TAX FROM THREE PERCENT TO SIX PERCENT, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX IF APPROVED BY THE VOTERS OF THE CITY, for concurrence in the House Committee Substitute bill No. 2, which changes the title, upon concurrence, to read S.B. 585 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO LEVY AN ADDITIONAL, TEMPORARY ROOM OCCUPANCY TAX, TO MODIFY THE PURPOSES FOR WHICH THE LUMBERTON ROOM OCCUPANCY TAX CAN BE USED, AND TO

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AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Senate concurs in the House Committee Substitute bill No. 2 on its third reading by roll-call vote, ayes 35, noes 10, as follows:


Voting in the negative: Senators Ballantine, Blust, Clark, Cochrane, East, Forrester, Foxx, McDaniel, Page, and Webster—10.

The House Committee Substitute bill No. 2 is ordered enrolled.

H.B. 1064 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A HOUSING AUTHORITY TO TERMINATE OR FAIL TO RENEW A LEASE IF A TENANT ENGAGES IN CRIMINAL ACTIVITY AND TO ALLOW CERTAIN SUMMARY EJECTMENT ACTIONS INITIATED BY A HOUSING AUTHORITY TO BE HELD IN DISTRICT COURT INSTEAD OF IN MAGISTRATE’S COURT, changing the title, upon concurrence, to read H.B. 1064 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A HOUSING AUTHORITY TO TERMINATE OR FAIL TO RENEW A LEASE IF A TENANT ENGAGES IN CRIMINAL ACTIVITY, TO ALLOW CERTAIN SUMMARY EJECTMENT ACTIONS INITIATED BY A HOUSING AUTHORITY TO BE HELD IN DISTRICT COURT INSTEAD OF IN MAGISTRATE’S COURT, AND TO CLARIFY THAT A BOND IS NOT REQUIRED BEFORE FILING AN ANSWER IN A SUMMARY EJECTMENT PROCEEDING.

The Senate Committee Substitute bill passes its second (43-0) and third readings and is ordered sent to the House of Representatives for concurrence.

S.B. 125 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELDS BY APPROVING THE IMPOSITION OF RESTRICTIONS ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES AND ON OIL OR HAZARDOUS SUBSTANCE DISCHARGES OR RELEASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, 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.

COMMITTEE REFERRAL RECALL


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 before the Senate for immediate consideration upon its passage, which motion prevails with unanimous consent.
The Chair orders the joint resolution recalled from the Rules and Operations of the Senate Committee and places it before the Senate for immediate consideration upon its passage.

The President orders the joint resolution read in its entirety.
With unanimous consent, on motion of Senator Basnight, the remarks of the Senators memorializing the life and memory of Thomas B. Sawyer, Sr., former Member of the General Assembly are spread upon the Journal, as follows:

Senator Blust:
“Thank you, Mr. President and Members of the Senate. The best pastor I’ve ever heard, well, let me, one of the best pastors I ever heard in perhaps his best sermon said that the quality of a person’s life is dependent on that to which he gives top priority. And if that’s true, then certainly Tom Sawyer lived a very high quality life because, I think, if you sum up his life accurately he was a man who had his priorities in order. First of all, his first priority was God, and I think it’s accurate to say that he strove at all times to conduct himself in a way that would please God and do what God would have him to do. He even had a year at Duke Divinity School, and through his life was a devoutly religious man. The second priority was family, and his extended family that loved him and still loves him dearly can attest to the value which he placed on family, both his own and others. He was unashamedly, to the end, pro-family. The third priority for Tom Sawyer was country, and he answered the call during World War II, and put his life on the line for country. And when he came back, he never forgot the others that did the same thing, many of whom didn’t come back, or who came back wounded and permanently disabled. And veterans and taking care of veterans and serving veterans was one of Tom Sawyer’s passions in life. And as the resolution states he was a member of several veteran types organizations, and that was always one of his critical priorities. He served this General Assembly as a member of both parties, representing Durham County as a Democrat back in the early 1950’s when Senator Gulley was still in diapers, I believe. Then later, having moved to Guilford County, he served in the House as a Democrat, and then later in this Body again as a Republican, and was my immediate predecessor. And we serve in these seats, seats which really belong to the people, and we have such a legacy here. We’ve honored several people this term, and there’s kind of a tradition of service here. And we admire the qualities of former Members, and it’s incumbent upon us to try to strive to serve the public the way these other Members did. And as such, as a successor to Tom Sawyer, I’m, I’m just honored to try to fill this seat. And many of his family’s here tonight, and I just want to tell you what a deep honor it is to be Tom Sawyer’s successor in the Senate. He, he always served in a way that could make the people he served proud. And I’m proud to try to serve in that same capacity, and I commend the resolution to you. Thank you.”

Senator Shaw of Guilford:
“I knew Tom Sawyer for a long time. He was a friend of mine. And he was a unique man. He did things that you never knew about till you’d known him for a while. Probably very few of you who know Tom knew he was a violinist with the Greensboro Symphony back in the 1930’s. Some of his children became violinists because of, of what he had taught them. He was a very smart man. He came to teaching. He was wounded in North Africa as Senator Blust said. He came home and no one knew it for a while, but he taught later on at the U.S. Command School and General Staff School. And you have to really be, you really be somebody, and you have to be really good to do that.
He believed in his God. After the Roe v. Wade decision on abortion, every year he was in Washington, D.C., and it is always in January in cold weather. And two years ago, if you remember, after he’d had a heart attack, and was in bad shape, he still went to Washington, and he marched for life and carried the North Carolina Flag. He was a man’s man. We used to sit and do some barracks talk, and, and old soldier talk once in a while. And I had a great, great time talking with Tom. And I’d like to say to those twenty-five grandchildren that you had a great feller for a grandfather, and you can be proud of him. And, and some of you might want to write a book on Tom because he was that good. Thank you.”

Senator Martin of Guilford:
“Thank you, Mr. President and Members of the Senate. I, too, would like to just speak a few words in memory of Tom Sawyer. I, too, knew him for quite a while, not as long as Senator Shaw, but I did know him when he was a Democrat, when he was a Republican, and I believe that during those last days he wanted to switch back to Democrat, Senator Shaw. (Laughter) But in any event, now, he was, he was a good man and I believe one who was, who was a principled. And I think that shows also, not only when you look at him, but also his family. I didn’t know a lot of the members of his family well, but a couple that I did, a couple of his sons, of course, Tom Sawyer served here. I’m sorry, Wendell Sawyer served here, and Pleas, who I used to run into a lot, and still do from time to time in Greensboro always a pleasure to deal with him, and also his wife, it’s a, she’s a wonderful lady. And we will miss him in Guilford County and in the State of North Carolina. Although there are issues on which we disagreed, he was always a pleasant, very, very likable person. Senator Blust and Senator Shaw both referred to his dedication to veterans. Just to give you one example of that, if I’m not mistaken, I believe the Christmas just before his death, if I’m not mistaken, I think he was in a northeast shopping center in Guilford County soliciting funds for the American Legion or either the, one of the other veterans organization. And he had that dedication to people, and he is a person who will be missed. And I commend this resolution to you.”

Senator Lucas:
“Thank you. Members of the Senate, I’m sure the citizens of Durham would want me to stand to speak in honor and memory of this Senator. The citizens of Durham were honored to have had Tom Sawyer represent Durham County during 1950-52 in the North Carolina Senate. It’s very difficult to get elected as a public official in Durham, and so it was an honor for him to achieve that. Those persons who study at Duke University are challenged to develop lifestyles for successful living. Senator Sawyer, as this resolution indicates, realized that a full life must include a devotion to our sovereign Lord, a positive attitude toward education, love for people, and a commitment to serve America. So it is a single honor for me to commend this resolution to you.”

Senator Rand:
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And because of that I got to know him well. I knew Wendell when he was here, of course, too. And so I valued my friendship with him very much. I also thought that his speech on the court records, when he was here, was one of the finest speeches I ever heard. I don’t remember how I voted on the bill, but I do remember the speech greatly affected me, and I considered changing my vote. I don’t know whether I did or not, but I hadn’t thought about it much before that, but it was one of the finest speeches that I have heard on the floor. He was a fellow of great good humor, a fellow who took a lot of interest in the things that concerned the life and times of our country, a great supporter of our military, and we will certainly miss him. Thank you, Mr. President.”

Senator Horton:
“For years and years Tom Sawyer’s name was a special name in the piedmont of North Carolina both in Durham and in Guilford County. I never really knew him until he came here in the 1995 Session, but I knew it was a name to conjure with. I wasn’t aware of his strong involvement over so many years in the right to life movement, nor was he, nor was I aware that he was an accomplished violin player. But these are the kinds of things that make him a whole man, and made him a special person. He was my seat mate, sat in seat number fifty, and we enjoyed each other, although he was really not well as he would have liked to have been in the 1995 Session, frail, but a gallant fighter, and came every day into the Session whether he felt up to it or not, voted dutifully. There were some days when he was in the hospital, but by golly, he snapped back and came back. And Senator Rand eluded to that great stem winder of a speech on the last day of the 1995 Session, when he rose for the first time, and full six feet tall, arms like windmills, condemned this bill as a lawyers’ bill, and said over and over, ‘It’s a bad bill, a bad bill, a bad bill,’ and single-handedly defeated the legislation. And Senator I suspect that you voted for it, I know the rest of us did because we all, as I say, stood there slack jawed and awe struck at the force of this oratory. What a marvelous person. I only think that the words you know, ‘Good night sweet prince, and flights of angels sing thee to thy rest, Nathan.’”

Senator Carpenter:
“You know, ladies and gentlemen of the Senate, in the mountains we refer to unusual people as characters. My Dad was an old time mountain fiddler, and I guess that’s why I loved Tom Sawyer so much. He was, as has already been stated, a concert violinist. But Tom Sawyer was a mountain character born in Graham County in a place called Tapoka. I doubt if there’s anybody in here other than Tommy Jenkins that knows where that is, but it’s back in the northwest corner. Back in World War II, there was a saying going around up there that President Franklin D. Roosevelt had a saying that went like this, ‘God bless American and dam Tennessee.’ By that he meant he was building dams all over the place generating electricity, and that was the corner of North Carolina where a lot of that water backed up from Tennessee. Tom carved quite a reputation in other parts, notably Guilford and Durham Counties. It was really an honor to know Tom Sawyer. He was a great guy, but tonight I’d like to just put a little different wrinkle on this resolution to the most of what you’ve heard with other resolutions throughout the Session and other Sessions. The funeral mass was celebrated in Our Lady of Grace Catholic Church in Greensboro. I was honored, Helen and I, to be there. And in that part of the mass, as in every mass, were the intercessory prayers. As it’s already been stated there were twenty-five grandchildren and about, twelve to fourteen of those grandchildren were there, and they actually did, in the process of the funeral mass, the intercessory prayers. I’m gonna just read the names of
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those rather quickly. There was Kim, Sam, Janet, Patty, Jennie, Holly, Mary Ann, Wendell, Sarah, Shanna, Diana, Leonard, Patricia, Johnny, Emily, Cathy, and Dorothy. And just to sprinkle a few of those prayers out tonight, they went something like this. Kim’s prayer was for political leaders, that they make just and moral decisions for our country, for our city, and State; let us pray to the Lord. Sam’s prayer was for peace on our homes; let us pray to the Lord. Janet talked about the veterans. She says, ‘For veterans who have loyally defended their country; let us pray to the Lord.’ Patty, for all the sick and aging at home, nursing homes and hospitals; let us pray to the Lord. Jennie said, ‘For the most forgotten souls in purgatory; let us pray to the Lord.’ Holly said, ‘For my uncle Pleas, who was so lovingly devoted to granddaddy during his illness; let us pray to the Lord.’ And I’m gonna end with the one that Mary Ann stated because I think it is applicable to us here tonight: for all State Senators; let us pray to the Lord. He’s a great guy. Thank you.”

Senator Soles:

“Mr. President, ladies and gentlemen of the Senate, I had the honor and distinct pleasure of serving in both the House and the Senate with Tom Sawyer. As you’ve seen tonight and heard from the resolution, he was a very educated man. He was trained in many different fields and you could sit down and talk with him about music, law, government, military, and most anything. And he had an in-depth knowledge about it and was always willing to talk with you and to share thoughts with you. He was not a person that stood up and spoke a lot in the Chamber. I can’t. I frankly can’t remember any speech he ever made in the House, but I will never forget the speech that had already been referred to that he made in the Senate after he had been out a great deal of the time sick, and he came back and he was very weak, and he stood up and he made a very moving in-depth speech, and it almost brought all of us to our feet. I don’t remember the words, and frankly I didn’t remember exactly what it was about, but I do remember the speech, and I do remember him making it over there and that will always stand out. You’ve heard some of the speakers say how he influenced his daughters to be violinists, and yes, he did know music, and that type thing. But he also had a love of government, and a love of the legislature and he influenced one of his sons, Wendell, to follow his steps into the Legislature. And I served in the Senate with Wendell Sawyer who sat right back there one time. I don’t know if he is in the Chamber tonight, but if he is, yes I see you, and the whole family has, as they say, done good, and done good for North Carolina. I will be a better person for having served with him, and North Carolina will be a better State for him having served in the General Assembly. Thank you.”

Senator Basnight:

“Thank you. And Members of the Senate, I believe I have spotted Wendell, and I did so earlier as there’re a couple heads that are shining up there. Wendell, to you and your family, the grandchildren, and everyone else who has gathered tonight to join us in honoring your father, I would like to say that he was very special, and that he and I become friends earlier on. He came to my office to share a few moments of his experiences in World War II, and most especially those that pertained to the Outer Banks, and the time that he spent there ever so briefly to come to Davis Boatworks. And have photographs that none of us had seen in that region of the State, I guess since the day they were taken was certainly a joy to share in. And those photographs were himself at Davis Boatworks where they were making wooden PT boats or the minor version, I’m not sure, Senator Shaw, of the name of ‘em at the time. But he’d offered a lot of employment in
our community, the Town of Manteo, in the Outer Banks at the time. And he remembered distinctively how they were made. What a wonderful memory he had. And how he could recall time instant those periods of special places for him. And also the picture he had, and I presume, Wendell, he still has those in the family, were at Wright Brothers, at the monument, and of a young, handsome man in uniform. It makes you very proud of the country. He’s a person that I’ll never forget as he and I walked to see Frank Daniels. I had a disagreement with him over an article that he put in the paper about Senator Perdue during that year. So I walked down to see Frank. He had encouraged me to do that. And Senator Sawyer was with me, and he said, 'Do you mind if I walk along? I deeply respected his dad, cared little for the son.' And I said, 'No, I don’t mind at all.' And we walked, and his heart was not as strong as it once was, and we had to stop along the way. And shared in some of the statues on the Capitol grounds because that’s the route we had taken. And he knew each and every one of those as we passed by, so great a historian of the State that he loved so very much. But when we got to the N&O, Frank came down where you had to sign in and Senator Sawyer was still with me. He wanted to say hello to Frank, and he told Frank, Jr. the same thing he told me. He cared a great deal about his dad, but little for him. (Laughter) Needless to say, he wasn’t invited upstairs. He was an honest, good, God fearing man. One I found great joy in knowing and liking. Thank you for letting us have him.”

The joint resolution passes its second reading (45-0) and third reading, unanimously with Members standing, and is ordered sent, without objection, to the House of Representatives by special messenger.

The President extends the courtesies of the gallery to the family of the late former Senator Thomas Sawyer, Sr.

CALENDAR (Continued)

S.B. 660 (Conference Report), A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, for adoption, upon second reading.

The President rules the measure does not require a call of the roll.

On motion of Senator Hoyle, the Senate adopts the Conference Report (40-5).

The President orders a message sent to the House of Representatives informing that Honorable Body of such action.

REPORT OF COMMITTEE

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. 631 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE FORSYTH COUNTY OCCUPANCY TAXES, with a favorable report.

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

August 4, 1997
APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 515 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE ENVIRONMENTALLY SOUND POLICY ACT (ESP) AND TO PROVIDE A MENU OF MEASURES TO PROTECT HEALTH AND THE ENVIRONMENT, which Senate Committee Substitute bill proposed to change the title, upon concurrence, to read H.B. 515 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENACT THE CLEAN WATER RESPONSIBILITY ACT, A COMPREHENSIVE AND BALANCED PROGRAM TO PROTECT WATER QUALITY, PUBLIC HEALTH, AND THE ENVIRONMENT AND TO IMPLEMENT A RECOMMENDATION OF THE GOVERNMENT PERFORMANCE AUDIT COMMITTEE TO MODIFY THE PROCEDURES CONCERNING FINAL ADMINISTRATIVE DECISIONS IN CONTESTED CASES HEARD BY THE OFFICE OF ADMINISTRATIVE HEARINGS, with a Conference Committee appointed on July 31.

The President Pro Tempore appoints Senator Wellons 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.

On motion of Senator Basnight, seconded by Senator Martin of Pitt, the Senate adjourns at 8:08 P.M. in memory of Spanana Blount, Bobby A. Burden, Damian C. Burden, Clayton E. Chesson II, Felicia Fonta Davis, Erica D. Downing, Rashad Malik, Christy D. Toodle, Norman H. Wilson, and Marcus Bratts, the Plymouth High School students who recently lost their lives in a highway accident, to meet tomorrow, Tuesday, August 5, at 10:00 A.M.

ONE HUNDRED EIGHTH DAY

Senate Chamber
Tuesday, August 5, 1997

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:

August 5, 1997
"Almighty and loving God, we call it the golden rule, 'do unto others as we would have others do unto us.'

"Last night, we were privileged and inspired as we listened to words spoken by the Senators about a former colleague who surely lived his life like the golden rule.

"Both Scripture and his life remind us that the best portion of a good person's life are his or her little, nameless, often unremembered acts of kindness and of love.

"We are all writing instruments in Your hand, O God. Let us so live our lives today.

Amen."

With unanimous consent, the President Pro Tempore grants a leave of absence for today to Senator Soles to attend a business meeting in his District.

Senator Ballance, Deputy President Pro Tempore, announces the Journal of yesterday, Monday August 4, has been examined and is found to be correct. On 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. Richard V. Liles from Albemarle, who is serving the Senate as Doctor of the Day, and to Cathy Chapman of Burlington, 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 resolution is presented to the Senate, read the first time, and disposed of, as follows:

H.J.R. 1236, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF CALVIN LEE KOONCE, JR.

Referred to Rules and Operations of the Senate Committee.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S.B. 660 (Conference Report) 

House of Representatives
August 4, 1997

Mr. 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 House Committee Substitute for SB 660, A BILL TO BE ENTITLED AN ACT TO LICENSE ATHLETIC TRAINERS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The President Pro Tempore orders the measure enrolled.
The President Pro Tempore extends privileges of the floor to Jerry Blackmon, former Senator from Mecklenburg County.

CALENDAR

Bills on today's Calendar are taken up and disposed of, as follows:

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO AND CONCERNING A SATELLITE ANNEXATION BY THE TOWN OF BEAUFORT, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, August 6, for further consideration upon third reading.

S.B. 841 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW FOREIGN CORPORATIONS TO DEDUCT EXPENSES RELATED TO DEDUCTIBLE SUBSIDIARY DIVIDENDS TO THE SAME EXTENT AS NORTH CAROLINA CORPORATIONS, upon second reading.

With unanimous consent, on motion of Senator Hoyle, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today's Calendar and is re-referred to the Appropriations Committee.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE TOWN OF NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, which Senate Committee Substitute bill proposed to change the title, upon concurrence, to read H.B. 699 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF BETHEL, FARMVILLE, AND NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

Pursuant to the message from the House of Representatives received July 28, requesting conferees, Senator Miller offers a motion that the Senate do appoint conferees, which motion prevails.

The President Pro Tempore takes the appointment of conferees under advisement.
H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM; AND TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, changing the title, upon concurrence, to read H.B. 866 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, AND TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS, AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS.

With unanimous consent, on motion of Senator Hoyle, the Senate Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Senate Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Thursday, August 7, for consideration upon its passage.

H.B. 1011 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE SUBMISSION OF A STATUS REPORT TO THE ENVIRONMENTAL REVIEW COMMISSION REGARDING FAILING COMMUNITY LOW PRESSURE PIPE WASTEWATER SYSTEMS LOCATED IN WAKE COUNTY, TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO CONTINUE TO MONITOR THE CONVERSION OF THESE SYSTEMS, AND TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO MAKE RECOMMENDATIONS.

With unanimous consent, on motion of Senator Albertson, the Committee Substitute bill is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, August 12, for consideration upon its passage.

COMMITTEE REFERRAL RECALL

S.B. 984, A BILL TO BE ENTITLED AN ACT RELATING TO ENVIRONMENTAL POLICY, referred to the Rules and Operations of the Senate Committee on April 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 Agriculture/Environment/Natural Resources Committee, which motion prevails with unanimous consent.
The Chair orders the bill recalled from the Rules and Operations of the Senate Committee and refers the measure to the Agriculture/Environment/Natural Resources Committee.

**CALENDAR (Continued)**

**H.B. 418** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, AND TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY, changing the title, upon concurrence, to read **H.B. 418** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY, upon second reading.

Senator Purcell offers Amendment No. 1 which is adopted (38-9), changing the title, upon concurrence, to read **H.B. 418** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY, THE TOWN OF HIGHLANDS, AND THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY.

The President rules the Amendment to be material, constituting first reading of the measure.

The Senate Committee Substitute bill, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, August 6, for further consideration upon second reading.

**H.B. 631** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE FORSYTH COUNTY OCCUPANCY TAXES, upon second reading.

Senator Horton offers Amendment No. 1 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, Blust, Carpenter, Carrington, Clark, Cochrane, Cooper, Dalton, Dannelly, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kinnaird,

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Voting in the negative: None.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, August 6, for further consideration upon third reading.

**H.B. 269**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC., changing the title, upon concurrence, to read H.B. 269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF BURLINGTON, NORTH CAROLINA, TO CONVEY CERTAIN SURPLUS PROPERTY BY PRIVATE SALE TO HABITAT FOR HUMANITY OF ALAMANCE COUNTY, N.C., INC., TO CLARIFY AND MODIFY A 1994 ACT CONCERNING THE LEASE OF PROPERTY BY THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, TO MODIFY THE PURPOSES FOR WHICH THE GOLDSBORO ROOM OCCUPANCY TAX MAY BE USED AND TO MAKE TECHNICAL AND CONFORMING CHANGES, AND TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF FARMVILLE AND BETHEL TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

Senator Kerr offers Amendment No. 1 which is adopted (48-0).

The Senate Committee Substitute bill, as amended, passes its second (46-0) and third (48-0) readings and is ordered engrossed and sent to the House of Representatives for concurrence.

**H.B. 786**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK, changing the title, upon concurrence, to read H.B. 786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK; TO PROVIDE FOR INITIATIVE AND REFERENDUM AUTHORITY FOR THE CONCORD CITY COUNCIL AND THE CABARRUS COUNTY BOARD OF COMMISSIONERS; AND AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM AS IT RELATES TO VOLUNTARY ANNEXATIONS, PROTEST PETITIONS, THE APPROVAL OF PAYMENT OF FACILITIES FEES, AND THE RENAMING OF THE SUBDIVISION REVIEW BOARD.

Senator Hartsell offers Amendment No. 1 which is adopted (48-0), changing the title, upon concurrence, to read H.B. 786 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE CHARTER OF THE CITY OF CONCORD TO ALLOW THE CITY MANAGER TO APPOINT THE FINANCE DIRECTOR AND THE CITY CLERK; TO PROVIDE FOR INITIATIVE AND REFERENDUM AUTHORITY FOR THE CONCORD CITY COUNCIL AND THE CABARRUS COUNTY BOARD OF COMMISSIONERS; AND AN ACT TO AMEND THE CHARTER OF THE CITY OF DURHAM AS IT RELATES TO VOLUNTARY ANNEXATIONS, PROTEST PETITIONS, THE APPROVAL OF PAYMENT OF

August 5, 1997
FACILITIES FEES, AND THE RENAMING OF THE SUBDIVISION REVIEW BOARD, AND TO AMEND THE CHARTER OF THE CITY OF SANFORD RELATING TO THE PUBLICATION OF FRANCHISE ORDINANCES.

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.

APPOINTMENT OF CONFERENCE COMMITTEE

H.B. 699 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE TOWN OF NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND, which Senate Committee Substitute bill proposed to change the title, upon concurrence, to read H.B. 699 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT AUTHORITY TO THE CITY OF GREENVILLE AND THE TOWNS OF BETHEL, FARMVILLE, AND NEWPORT TO ADDRESS ABANDONED STRUCTURES IN THE SAME MANNER AS MUNICIPALITIES IN COUNTIES WITH A POPULATION OF OVER ONE HUNDRED SIXTY-THREE THOUSAND.

Pursuant to Senator Miller's motion to appoint conferees prevailing earlier today, Senator Ballance, Deputy President Pro Tempore, announces the appointment by the President Pro Tempore of Senator Miller, Chairman, and Senators Warren and Martin of Pitt as conferees on the part of the Senate to act with a like committee from the House of Representatives 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. 35, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED GOVERNMENT ENTITIES AND NONPROFIT ENTITIES FOR CLAIMING SALES TAX REFUNDS, changing the title, upon concurrence, to read, H.B. 35 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED FOR CLAIMING SALES TAX REFUNDS, MOTOR FUEL TAX REFUNDS, AND ALTERNATIVE FUEL TAX REFUNDS, AND TO PROVIDE THAT A MOTOR FUEL TAX REFUND IS NET OF THE SALES TAX DUE ON THE FUEL, upon third reading.

Senator Foxx offers Amendment No. 1.

With unanimous consent, on motion of Senator Winner, the President Pro Tempore orders the Senate Committee Substitute bill No. 2 temporarily displaced, with Amendment No. 1 pending.

S.B. 39 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE SETOFF DEBT COLLECTION ACT, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 47, noes 1, as follows:

Voting in the affirmative: Senators Albertson, Allran, Ballance, Ballantine, Basnight, Blust, Carpenter, Carrington, Clark, Cochrane, Cooper, Dalton, Dannelsy, East, Forrester, Foxx, Garwood, Gulley, Hartsell, Horton, Hoyle, Jenkins, Jordan, Kerr, Kinnaird, Ledbetter, Lee, Lucas, Martin of Pitt, Martin of Guilford, McDaniel, Miller, Odom, Page,

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Voting in the negative: Senator Webster—1.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Wednesday, August 6, for further consideration upon third reading.

H.B. 485 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS, upon second reading.

Without objection, Senator Jordan is excused from voting on the measure for the stated reason: “conflict.”

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 47, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Wednesday, August 6, for further consideration upon third reading.

H.B. 1110 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE STATUTES RELATED TO LANDSCAPE ARCHITECTS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading by roll-call vote, ayes 45, noes 3, as follows:


Voting in the negative: Senators Clark, East, and Webster—3.

The Committee Substitute bill No. 2 is ordered placed on the Calendar for tomorrow, Wednesday, August 6, for further consideration upon third reading.

H.B. 1156 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATES WILL BE GIVEN TO THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION, changing the title, upon concurrence, to read H.B. 1156 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEVELOPMENT OF A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATE WILL BE DISTRIBUTED TO THE
EASTERN CAROLINA CHAPTER OF THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION AND TO AUTHORIZE THE DEVELOPMENT OF A SPECIAL PLATE FOR SUPPORTERS OF SCHOOL TECHNOLOGY AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATE WILL BE CREDITED TO THE STATE SCHOOL TECHNOLOGY FUND, 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 negative: None.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Wednesday, August 6, for further consideration upon third reading.

H.B. 1231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SUPPLEMENTAL SOURCES OF REVENUE FOR LOCAL GOVERNMENT TRANSIT FINANCING, as amended by the Finance Committee, upon second reading.

Senator Forrester offers Amendment No. 2 which is adopted (48-0).

The President Pro Tempore extends the privileges of the floor to Vernon James, former Representative from Pasquotank County.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

Senator Gulley calls the previous question, seconded by Senator Dannelly. The call is sustained.

The Committee Substitute bill No. 2, as amended, passes its second reading by roll-call vote, ayes 40, noes 8, as follows:


Voting in the negative: Senators Ballantine, Blust, Clark, Cochrane, East, Forrester, Foxx, and Page—8.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Wednesday, August 6, for further consideration upon third reading.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

S.B. 125, AN ACT TO AUTHORIZE THE SECRETARY OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO ENCOURAGE THE REDEVELOPMENT OF BROWNFIELDS BY APPROVING THE IMPOSITION OF RESTRICTIONS
ON INACTIVE HAZARDOUS SUBSTANCE OR WASTE DISPOSAL SITES AND ON OIL OR HAZARDOUS SUBSTANCE DISCHARGES OR RELEASES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 651, AN ACT TO ALLOW THE ISSUANCE OF CERTAIN ALCOHOLIC BEVERAGE CONTROL PERMITS IN INTERSTATE ECONOMIC DEVELOPMENT ZONES.

H.B. 1052, AN ACT TO ALLOW INSURERS TO LIMIT OR EXCLUDE EXCESS LIABILITY COVERAGE FOR UNINSURED AND UNDERINSURED MOTORISTS AS PROVIDED BY LAW AND TO ALLOW INJURED PARTIES TO EXECUTE COVENANTS NOT TO ENFORCE JUDGMENT AS CONSIDERATION FOR PAYMENT OF THE APPLICABLE LIMITS OF LIABILITY BY THE INSURER.

S.B. 660, AN ACT TO LICENSE ATHLETIC TRAINERS.

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. 585, AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO LEVY AN ADDITIONAL, TEMPORARY ROOM OCCUPANCY TAX, TO MODIFY THE PURPOSES FOR WHICH THE LUMBERTON ROOM OCCUPANCY TAX CAN BE USED, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

S.J.R. 1082, A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF THOMAS B. SAWYER, SR., FORMER MEMBER OF THE GENERAL ASSEMBLY. (Res. 27)

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. 251, AN ACT TO CREATE THE WELL CONTRACTORS CERTIFICATION COMMISSION, TO REQUIRE THAT WELL CONTRACTORS BE CERTIFIED, AND TO MAKE VARIOUS AMENDMENTS TO THE WELL CONSTRUCTION ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 4, 1997 - S.L. 1997-358.)

H.B. 146, AN ACT TO ALLOW THE CITY OF JACKSONVILLE TO REQUIRE SIDEWALK IMPROVEMENTS THROUGH THE SITE PLAN REVIEW PROCESS UNDER THE AUTHORITY OF THE CITY ZONING ORDINANCE. (Became law upon ratification, August 4, 1997 - S.L. 1997-359.)

H.B. 844, AN ACT TO AMEND THE CHARTER OF THE CITY OF REIDSVILLE TO RESTRICT ANNEXATION OF THE CITY BEYOND A LINE. (Became law upon ratification, August 4, 1997 - S.L. 1997-360.)
With bills remaining on the Calendar, on motion of Senator Ballance, seconded by Senator Blust, the Senate adjourns at 11:48 A.M. to meet tomorrow, Wednesday, August 6, at 10:30 A.M.

ONE HUNDRED NINTH DAY

Senate Chamber
Wednesday, August 6, 1997

The Senate meets pursuant to adjournment and is called to order by the Honorable Dennis A. Wicker, Lieutenant Governor.

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

"Dear Lord, we all have the ability to be reconcilers with our brothers and sisters. Unfortunately, we don’t practice this art as much as we should.

“The story is told that Abraham Lincoln was hired to sue someone over a $2.50 debt. He didn’t want to do it, but his client insisted. So Abe asked for a fee of $10, up front. He then gave half to the Defendant, who promptly paid his debt, and everyone went home happy.

“O God, You reach out to us with reconciliation in mind every day. Help us today to recognize, nurture, and practice that wonderful gift with others. For Your sake, Amen."

Senator Basnight, President Pro Tempore, announces the Journal of yesterday, Tuesday, August 5, has been examined and is found to be correct. On 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 Boyette from Belhaven, who is serving the Senate as Doctor of the Day, and to Sharon Fogel, who is serving the Senate as Nurse of the Day.

The President also extends courtesies of the floor to Joe Coleman and Mike Hagnazy, medical students working with Dr. Boyette.

ENROLLED BILLS

The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

H.B. 225, AN ACT TO PROVIDE FOR CLEANUP OF DRY-CLEANING SOLVENT CONTAMINATION IN NORTH CAROLINA, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

H.B. 302, AN ACT TO ESTABLISH A PROCEDURE TO AUTHORIZE THE TAKING OF CERTAIN WILDLIFE IN COUNTIES OR DISTRICTS WHERE AN OUTBREAK OF RABIES HAS OCCURRED.
H.B. 611, AN ACT TO INCREASE THE COMPENSATION PROVIDED TO PERSONS ERRONEOUSLY CONVICTED OF FELONIES WHO HAVE RECEIVED PARDONS OF INNOCENCE, TO EXEMPT THE COMPENSATION FROM STATE INCOME TAX, AND TO PROVIDE FOR THE INDUSTRIAL COMMISSION TO HANDLE THE CLAIMS OF THOSE PERSONS.

H.B. 896, AN ACT TO AMEND THE LAW PERTAINING TO THE CUSTODY AND PLACEMENT OF JUVENILES TO ENHANCE THE STATE'S ABILITY TO ENSURE THAT JUVENILES ARE PLACED IN A SAFE, PERMANENT HOME WITHIN A REASONABLE PERIOD OF TIME, TO AUTHORIZE THE DEPARTMENT OF HUMAN RESOURCES TO ASSUME CONTROL OF DELIVERY OF COUNTY CHILD WELFARE SERVICES UNDER CERTAIN CIRCUMSTANCES, AND TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON CHILDREN AND YOUTH.

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

H.B. 63, AN ACT TO RESTORE EXTRATERRITORIAL PLANNING POWERS OF THE TOWN OF RIVER BEND BUT PROHIBIT IT FROM MAKING INVOLUNTARY ANNEXATIONS AND CONCERNING ANNEXATION OF AREAS BY THE TOWNS OF MOREHEAD CITY AND NEWPORT WHERE PLANNING JURISDICTION WAS RECENTLY GRANTED TO THOSE TOWNS BY LOCAL ACT.

H.B. 859, AN ACT TO AUTHORIZE BRUNSWICK COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO AUTHORIZE CERTAIN MUNICIPALITIES IN BRUNSWICK COUNTY TO LEVY OR INCREASE LOCAL OCCUPANCY TAXES, AND TO AUTHORIZE PERSON COUNTY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

S.J.R. 414, A JOINT RESOLUTION HONORING THE ACCOMPLISHMENTS OF COACH DEAN EDWARDS SMITH AND THE MEN'S BASKETBALL PROGRAM AT THE UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL. (Res. 28)

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. 585, AN ACT TO AUTHORIZE THE CITY OF LUMBERTON TO LEVY AN ADDITIONAL, TEMPORARY ROOM OCCUPANCY TAX, TO MODIFY THE PURPOSES FOR WHICH THE LUMBERTON ROOM OCCUPANCY TAX CAN BE USED, AND TO AUTHORIZE THE CITY OF SHELBY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX. (Became law upon ratification, August 5, 1997 - S.L. 1997-361.)

ESCORT COMMITTEE

The President recognizes Senator Basnight, President Pro Tempore, who appoints Senator Garwood of Wilkes, Chairman; Senator Shaw of Guilford; Senator Cochrane of
The President directs the Reading Clerk to read as follows:

STATE OF NORTH CAROLINA

JAMES B. HUNT JR.
GOVERNOR

THE APPOINTMENT OF KENNETH R. MOORE
1997

BY THE GOVERNOR OF THE STATE OF NORTH CAROLINA

A PROCLAMATION

WHEREAS, the Honorable Donald R. Kincaid, elected Senator from the Twenty-Seventh District 1997 General Assembly, has resigned his office; and

WHEREAS, the provisions of General Statute 163-11 require that the vacancy created by the resignation of the Honorable Donald R. Kincaid be filled by appointment of the person recommended by the Twenty-Seventh Senatorial District Executive Committee of the Republican Party; and

WHEREAS, the Twenty-Seventh Senatorial District Executive Committee of the Republican Party has notified me of its recommendation of Kenneth R. Moore of Lenoir, North Carolina, to fill said vacancy,

I do by these presents appoint

KENNETH R. MOORE

as a member of the

NORTH CAROLINA SENATE
1997 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the Great Seal of the State at the Capitol in the City of Raleigh, this 5th day of August in the year of our Lord, One Thousand Nine Hundred Ninety-Seven.

(SEAL)

S/James B. Hunt Jr.
Governor of North Carolina

S/Elaine F. Marshall
Secretary of State

August 6, 1997
The President recognizes Senator Garwood who introduces Senate-appointee Kenneth R. Moore to the Members of the Senate.

The Honorable Nancy L. Einstein, District Court Judge from the 25th Judicial District, administers the Oath of Office to which Senator Moore subscribes. Subsequently, Senator Moore addresses the Senate.

The President welcomes Senator Moore and his family and friends including: his mother, Ruth C. Moore; his brothers, Barry L. Moore and Jeffrey L. Moore; and friends, Vicki M. Yates, David Hartley, Charles and Mildred Andrews.

The President directs the Committee to escort Senator Moore to his temporary seat, seat Number 38.

COURTESIES

The President recognizes Senator Basnight, President Pro Tempore, who appoints Senator Plyler of Union; Senator Purcell of Robeson; Senator Lee of Orange; Senator Winner of Mecklenburg; Senator Carrington of Wake; and Senator Reeves of Wake to escort Dr. Cliff Dodson, School Superintendent of the Year, to the Well of the Senate. Dr. Dodson is received with a standing ovation.

Senator Plyler presents Dr. Dodson who offers brief remarks concerning education to the Members of the Senate.

The President offers congratulatory remarks to Dr. Dodson and presents him with a North Carolina Flag. The Committee escorts Dr. Dodson from the Chamber.

The Senate recesses at 10:58 A.M. to reconvene at 11:03 A.M.

RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Dennis A. Wicker, Lieutenant 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 for concurrence is presented to the Senate, read, and disposed of, as follows:

S.B. 884 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A STATE INFRASTRUCTURE BANK, for concurrence in the House Committee Substitute bill No. 2, which is placed on the Calendar for tomorrow, Thursday, August 7.

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. 469 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE A REINSTATEMENT FEE FOR PERMITS SUSPENDED FOR FAILURE TO PAY PERMIT FEES.

Referred to Finance Committee.
Callendar (Unfinished Business)

Bills on the Calendar, carried forward as unfinished business from Tuesday, August 5, are taken up and disposed of, as follows:

S.B. 886 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE; TO PROVIDE CONSUMER PROTECTION PROVISIONS; AND TO PROVIDE FOR A STUDY OF CERTAIN TRUCKING-RELATED PROVISIONS BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

With unanimous consent, on motion of Senator Jordan, the Committee Substitute bill No. 2 is withdrawn from today's Calendar and is placed on the Calendar for Thursday, August 7, for consideration upon its passage.

H.B. 1115 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CANCELLATION OF INSURANCE POLICIES THAT PROVIDE COVERAGE FOR CHURCHES FOR LOSSES RESULTING FROM A FIRE.

Senator Ballance offers Amendment No. 1 which is adopted (47-2).

The Senate Committee Substitute bill, as amended, passes its second (47-2) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence.

Conference Report

S.B. 442 (House Committee Substitute)

Senator Allran, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S.B. 442 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HERITAGE, 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 442, A BILL TO BE ENTITLED AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY, Fifth Edition Engrossed 6/26/97, submit the following report:

The Senate and House agree to the following amendment to the Fifth Edition Engrossed 6/26/97 and the Senate concurs in the Fifth Edition as amended:

Delete the entire Fifth Edition and substitute the attached Proposed Conference Committee Substitute S442-PCCS7851.

August 6, 1997
The conferees recommend that the Senate and the House of Representatives adopt this report.

Date conferees approved report: August 4, 1997.

S/Austin Allran
S/Frank W. Ballance, Jr.
S/Leslie Winner
S/Larry T. Justus
S/C. B. Russell
S/Joe Kiser
S/Dewey Hill

Conferees for the Senate
Conferees for the
House of Representatives

The text of the attached proposed Conference Committee Substitute bill 7851, is as follows:

A BILL TO BE ENTITLED
AN ACT TO ENSURE THAT PUBLIC SCHOOL STUDENTS RECEIVE ACCURATE INSTRUCTION ON OUR AMERICAN HISTORY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-81(g) reads as rewritten:

"(g) Civic Literacy. --

(1) Local boards of education shall require during the high school years the teaching of the nation's founding and related documents, which shall include at least the major principles in the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(2) Local boards of education shall require that high school students demonstrate knowledge and understanding of the nation's founding and related documents in order to receive a certificate or diploma of graduation from high school.

(3) Local boards of education shall include among the requirements for graduation from high school a passing grade in all courses that include primary instruction in the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(3a) Local boards of education shall allow and may encourage any public school teacher or administrator to read or post in a public school building, classroom, or event, excerpts or portions of writings, documents, and records that reflect the history of the United States, including, but not limited to, (i) the preamble to the North Carolina Constitution, (ii) the Declaration of Independence, (iii) the United States Constitution, (iv) the Mayflower Compact, (v) the national motto, (vi) the National Anthem, (vii) the Pledge of Allegiance, (viii) the writings, speeches, documents, and proclamations of the founding fathers and Presidents of the United States, (ix) decisions of the Supreme Court of the United States, and (x) acts of the Congress of the United States, including the published text of the Congressional Record. Local boards, superintendents, principals, and supervisors shall not allow content-based censorship of American history in the public schools of this State, including religious references in these writings, documents, and

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records. Local boards and professional school personnel may develop curricula and use materials that are limited to specified topics provided the curricula and materials are aligned with the standard course of study or are grade level appropriate."

(4) The State Board of Education shall require that any high school level curriculum-based tests developed and administered statewide beginning with academic year 1990-91 include questions related to the Declaration of Independence, the United States Constitution and its amendments, and the most important of the Federalist Papers.

(5) The State Department of Public Instruction and the local boards of education, as appropriate, shall establish curriculum content and provide for teacher training to ensure that the intent and provisions of this subsection are carried out. The curriculum content established shall include a review of the contributions made by Americans of all races during the period in which our nation was founded. races."

Section 2. The State Board of Education shall adopt a policy by November 30, 1997, to ensure that the textbooks it adopts have no content-based censorship of American history, including religious references. The State Board may adopt textbooks that are limited to specified topics provided the textbooks are aligned with the standard course of study or are grade level appropriate.

Section 3. The State Board of Education shall provide a copy of this act to each local school superintendent in the State, and each local school superintendent shall ensure that school personnel within the unit are informed about the act.

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

On motion of Senator Allran, the Conference Report is ordered placed on the Calendar for tomorrow, Thursday, August 7, for adoption.

WITHDRAWAL FROM CALENDAR

H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM; AND TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, changing the title, upon concurrence, to read H.B. 866 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, AND TO
EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS, AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, placed on the Calendar for Thursday, August 7.

Senator Hoyle offers a motion that the Senate Committee Substitute bill be withdrawn from the Calendar for Thursday, August 7, and placed at the end of today’s Calendar, which motion prevails with unanimous consent.

The Senate reconsiders its previous action and the Chair orders the Senate Committee Substitute bill withdrawn from the Calendar for Thursday, August 7, and places it at the end of today’s Calendar for consideration upon its passage.

CALENDAR (Continued)

S.B. 39 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REVISE THE SETOFF DEBT COLLECTION ACT, upon third reading.

With unanimous consent, on motion of Senator Plyler, the Committee Substitute bill No. 2 is taken up out of its regular order of business, and on his further motion, the Committee Substitute bill No. 2 is withdrawn from today’s Calendar and is recommitted to the Appropriations Committee.

S.B. 696 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCORPORATE THE TOWN OF GRANTSBORO AND CONCERNING A SATELLITE ANNEXATION BY THE TOWN OF BEAUFORT, as amended, upon third reading.

With unanimous consent, on motion of Senator Perdue, the Committee Substitute bill, as amended, is taken up out of its regular order of business, and on her further motion, the Committee Substitute bill, as amended, is withdrawn from today’s Calendar and is placed on the Calendar for Tuesday, August 12, for consideration upon third reading.

S.B. 60 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE RULES FOR MAKING LEFT TURNS ON VARIOUS ROADWAYS, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

REPORT OF COMMITTEE

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 Cooper for the Judiciary Committee:

H.B. 431 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PERMIT THE GARNISHMENT OF WAGES TO RECoup FRAUDULENT OR ERRONEOUS PUBLIC ASSISTANCE PROGRAM PAYMENTS, TO PROVIDE INVESTIGATORY SUBPOENA POWER TO COUNTY DEPARTMENTS OF SOCIAL SERVICES AND THE DEPARTMENT OF HUMAN RESOURCES, AND TO CREATE
AN OFFENSE FOR ILLEGAL POSSESSION OR USE OF FOOD STAMPS, 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 2380, which changes the title, upon concurrence, to read H.B. 431 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE GARNISHMENT OF WAGES TO RECOUP FRAUDULENT PUBLIC ASSISTANCE PROGRAM PAYMENTS AND TO CREATE OFFENSES FOR ILLEGAL POSSESSION OR USE OF FOOD STAMPS, is adopted and engrossed.

CALENDAR (Continued)

S.B. 182 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW CERTAIN PERMANENT RULES ADOPTED BY THE WILDLIFE RESOURCES COMMISSION TO BECOME EFFECTIVE UPON APPROVAL BY THE RULES REVIEW COMMISSION, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 182 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE WILDLIFE RESOURCES COMMISSION TO ADOPT CERTAIN TEMPORARY RULES.

The Senate concurs in the House Committee Substitute bill (48-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 833 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 833 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.

The President orders, without objection, the House Committee Substitute bill temporarily displaced.

S.B. 847 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXEMPT FROM SALES AND USE TAX REUSABLE INDUSTRIAL CONTAINERS USED AS PACKING FOR TANGIBLE PERSONAL PROPERTY, for concurrence in the House Committee Substitute bill.

The Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

S.B. 974, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EMPLOYMENT SECURITY COMMISSION TO WAIVE INTEREST ON LATE CONTRIBUTIONS, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 974 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE EMPLOYMENT SECURITY COMMISSION TO WAIVE INTEREST ON LATE CONTRIBUTIONS, TO MODIFY THE CALCULATION AND COLLECTION OF UNEMPLOYMENT INSURANCE
TAXES, AND TO GIVE FLEXIBILITY TO THE EMPLOYMENT SECURITY COMMISSION IN SCHEDULING WHEN CLAIMANTS MUST REPORT TO THE LOCAL COMMISSION OFFICES.

The Senate concurs in the House Committee Substitute bill (50-0) and the measure is ordered enrolled and sent to the Governor.

**H.B. 35**, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED GOVERNMENT ENTITIES AND NONPROFIT ENTITIES FOR CLAIMING SALES TAX REFUNDS, changing the title, upon concurrence, to read

_H.B. 35 (Senate Committee Substitute No. 2)_ A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME ALLOWED FOR CLAIMING SALES TAX REFUNDS, MOTOR FUEL TAX REFUNDS, AND ALTERNATIVE FUEL TAX REFUNDS, AND TO PROVIDE THAT A MOTOR FUEL TAX REFUND IS NET OF THE SALES TAX DUE ON THE FUEL, upon third reading, with Amendment No. 1 pending.

Without objection, Senator Foxx withdraws Amendment No. 1.

Senator Foxx offers Amendment No. 2 which is adopted (50-0).

The Senate Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 50, noes 0, as follows:


Voting in the negative: None.

The Senate Committee Substitute bill No. 2, as amended, is ordered engrossed and sent to the House of Representatives for concurrence.

Bills on today's Calendar are taken up and disposed of, as follows:

**H.B. 631** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE FORMULA FOR DISTRIBUTING THE PROCEEDS OF THE FORSYTH COUNTY OCCUPANCY TAXES, as amended, upon third reading.

Senator Horton offers Amendment No. 2 which is adopted (50-0). The President rules the Amendment material, constituting the first reading of the measure.

The Committee Substitute bill No. 2, as amended, is ordered placed on the Calendar for tomorrow, Thursday, August 7, for further consideration upon second reading.

**H.B. 418** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, AND TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY, changing the title, upon concurrence, to read **H.B. 418** (Senate Committee Substitute), A
BILL TO BE ENTITLED AN ACT TO AUTHORIZE SCOTLAND COUNTY, THE TOWN OF HIGHLANDS, AND THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY, as amended, upon second reading.

Senator Purcell offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails, and the question becomes Amendment No. 1 for adoption.

Without objection, Senator Purcell withdraws Amendment No. 1 and the title reverts to H.B. 418 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF MOUNT AIRY TO LEVY A ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, TO MODIFY THE DISTRIBUTION OF THE AVERY COUNTY OCCUPANCY TAX, TO REQUIRE PAYMENT OF DELINQUENT TAXES FOR THE TOWNS OF NEWLAND AND SPRUCE PINE AND FOR THE COUNTY OF ALLEGHANY BEFORE RECORDING DEEDS CONVEYING PROPERTY SUBJECT TO THE DELINQUENT TAXES, AND TO VALIDATE BUDGET PROCEDURES OF THE TOWN OF NORWOOD IN STANLY COUNTY.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 9, as follows:


Voting in the negative: Allran, Ballantine, Clark, Cochrane, East, Forrester, McDaniel, Page, and Webster—9.

The Senate Committee Substitute bill is ordered placed on the Calendar for tomorrow, Thursday, August 7, for further consideration upon third reading.

CONFERENCE REPORT

S.B. 297 (House Committee Substitute No. 2)

Senator Gulley, for the conferees appointed to consider the differences arising between the Senate and House of Representatives upon S.B. 297 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, 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 297, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS, Seventh Edition Engrossed 7/3/97, submit the following report:

August 6, 1997
The Senate and House agree to the following amendment to the House Committee Substitute, Seventh Edition Engrossed 7/3/97, 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 S297-PCCS2799.

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

Date conferees approved report: August 5, 1997.

S/Wib P. Gulley S/N. Leo Daughtry
S/Leslie Winner S/C.B. Russell
S/Howard Lee Fern H. Shubert
S/Fletcher L. Hartsell, Jr. S/Wayne Sexton
S/Richard Moore Stanley H. Fox
S/Warren C. Oldham

Conferees for the Senate Conferees for the
House of Representatives

The text of the attached proposed Conference Committee Substitute bill 2799, is as follows:

A BILL TO BE ENTITLED
AN ACT TO AMEND THE LAWS GOVERNING CHARTER SCHOOLS.
The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-238.29B reads as rewritten:
"§ 115C-238.29B. Eligible applicants; contents of applications; submission of applications for approval.

(a) Any person, group of persons, or nonprofit corporation seeking to establish a charter school within a local school administrative unit may apply to establish a charter school on behalf of a private nonprofit corporation. If the applicant seeks to convert a public school to a charter school, the application shall include a statement signed by a majority of the teachers and instructional support personnel currently employed at the school indicating that they favor the conversion and evidence that a significant number of parents of children enrolled in the school favor conversion.

(b) The application shall contain at least the following information:

(1) A description of a program that implements one or more of the purposes in G.S. 115C-238.29A.

(2) A description of student achievement goals for the school's educational program and the method of demonstrating that students have attained the skills and knowledge specified for those student achievement goals.

(3) The governance structure of the school including the names of the proposed initial members of the board of directors of the nonprofit, tax-exempt corporation and the process to be followed by the school to ensure parental involvement.
(3a) The local school administrative unit in which the school will be located.

(4) Admission policies and procedures.

(5) A proposed budget for the school and evidence that the financial plan for the school is economically sound.

(6) Requirements and procedures for program and financial audits.

(7) A description of how the school will comply with G.S. 115C-238.29F.

(8) Types and amounts of insurance coverage, including bonding insurance for the principal officers of the school, to be obtained by the charter school.

(9) The term of the contract charter.

(10) The qualifications required for individuals employed by the school.

(11) The procedures by which students can be excluded from the charter school and returned to a public school. Notwithstanding any law to the contrary, any local board may refuse to admit any student who is suspended or expelled from a charter school due to actions that would lead to suspension or expulsion from a public school under G.S. 115C-391 until the period of suspension or expulsion has expired.

(12) The number of students to be served, which number shall be at least 65, and the minimum number of teachers to be employed at the school, which number shall be at least three. However, the charter school may serve fewer than 65 students or employ fewer than three teachers if the application contains a compelling reason, such as the school would serve a geographically remote and small student population.

(13) Information regarding the facilities to be used by the school and the manner in which administrative services of the school are to be provided.

(14) A description of whether the school will operate independently of the local board of education or whether it agrees to be subject to some supervision and control of its administrative operations by the local board of education. In the event the charter school elects to operate independently of the local board of education, the application must specify which employee benefits will be offered to its employees and how the benefits will be funded.

c) An applicant shall submit the application to a chartering entity for preliminary approval. A chartering entity may be:

(1) The local board of education of the local school administrative unit in which the charter school will be located;

(2) The board of trustees of a constituent institution of The University of North Carolina, so long as the constituent institution is involved in the planning, operation, or evaluation of the charter school; or

(3) The State Board of Education.

Regardless of which chartering entity receives the application for preliminary approval, the State Board of Education shall have final approval of the charter school.

Notwithstanding the provisions of this subsection, if the State Board of Education finds that an applicant (i) submitted an application to a local board of education and received final approval from the State Board of Education, but (ii) is unable to find a suitable location within that local school administrative unit to operate, the State Board of Education may authorize the charter school to operate within an adjacent local school administrative unit for one year only. The charter school cannot operate for more than one year unless it reapplies, in accordance with subdivision (1), (2), or (3) of this subsection, and receives final approval from the State Board of Education.
(c1) Unless an applicant submits its application under subsection (c) of this section to the local board of education of the local school administrative unit in which the charter school will be located, the applicant shall submit a copy of its application to that local board within seven days of its submission under subsection (c) of this section. The local board may offer any information or comment concerning the application it considers appropriate to the chartering entity. The local board shall deliver this information to the chartering entity no later than January 1 of the next calendar year. The applicant shall not be required to obtain or deliver this information to the chartering entity on behalf of the local board. The State Board shall consider any information or comment it receives from a local board and shall consider the impact on the local school administrative unit's ability to provide a sound basic education to its students when determining whether to grant preliminary and final approval of the charter school."

Section 2. Part 6A of Article 16 of Chapter 115C of the General Statutes is amended by adding the following new section to read:

"§ 115C-238.29K. Criminal history checks.

(a) As used in this section:

(1) 'Criminal history' means a county, state, or federal criminal history of conviction of a crime, whether a misdemeanor or a felony, that indicates an individual (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel. These crimes include the following North Carolina crimes contained in any of the following Articles of Chapter 14 of the General Statutes: Article 5A, Endangering Executive and Legislative Officers; Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or Incendiary Device or Material; Article 14, Burglary and Other Housebreakings; Article 15, Arson and Other Burns; Article 16, Larceny; Article 17, Robbery; Article 18, Embezzlement; Article 19, False Pretense and Cheats; Article 19A, Obtaining Property or Services by False or Fraudulent Use of Credit Device or Other Means; Article 20, Frauds; Article 21, Forgery; Article 26, Offenses Against Public Morality and Decency; Article 26A, Adult Establishments; Article 27, Prostitution; Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in Public Office; Article 35, Offenses Against the Public Peace; Article 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and Article 60, Computer-Related Crime. These crimes also include possession or sale of drugs in violation of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, and alcohol-related offenses such as sale to underage persons in violation of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through G.S. 20-138.5. In addition to the North Carolina crimes listed in this subdivision, such crimes also include similar crimes under federal law or under the laws of other states.

(2) 'School personnel' means any:

a. Member of the board of directors of a charter school,

b. Employee of a charter school, or

c. Independent contractor or employee of an independent contractor of a charter school if the independent contractor carries out duties customarily performed by school personnel.
whether paid with federal, State, local, or other funds, who has significant access to students or who has responsibility for the fiscal management of a charter school.

(b) The State Board of Education shall adopt a policy on whether and under what circumstances school personnel shall be required to be checked for a criminal history. The policy shall not require school personnel to be checked for a criminal history check before preliminary approval is granted under G.S. 115C-238.29B. The Board shall apply its policy uniformly in requiring school personnel to be checked for a criminal history. The Board may grant conditional approval of an application while the Board is checking a person's criminal history and making a decision based on the results of the check.

The State Board shall not require members of boards of directors of charter schools or employees of charter schools to pay for the criminal history check authorized under this section.

(c) The Board of Education shall require the person to be checked by the Department of Justice to (i) be fingerprinted and to provide any additional information required by the Department of Justice to a person designated by the State Board, or to the local sheriff or the municipal police, whichever is more convenient for the person, and (ii) sign a form consenting to the check of the criminal record and to the use of fingerprints and other identifying information required by the repositories. The State Board shall consider refusal to consent when deciding whether to grant final approval of an application under G.S. 115C-238.29D and when making an employment recommendation. The fingerprints of the individual shall be forwarded to the State Bureau of Investigation for a search of the State criminal history record file, and the State Bureau of Investigation shall forward a set of fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The Department of Justice shall provide to the State Board of Education the criminal history from the State and National Repositories of Criminal Histories of any school personnel for which the Board requires a criminal history check.

The State Board shall not require members of boards of directors of charter schools or employees of charter schools to pay for the fingerprints authorized under this section.

(d) The State Board shall review the criminal history it receives on an individual. The State Board shall determine whether the results of the review indicate that the individual (i) poses a threat to the physical safety of students or personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty to fulfill his or her duties as school personnel and shall use the information when deciding whether to grant final approval of an application for a charter school under G.S. 115C-238.29D and for making an employment recommendation to the board of directors of a charter school. The State Board shall make written findings with regard to how it used the information when deciding whether to grant final approval under G.S. 115C-238.29D and when making an employment recommendation.

(e) The State Board shall notify in writing the board of directors of the charter school of the determination by the State Board as to whether the school personnel is qualified to operate or be employed by a charter school based on the school personnel's criminal history. At the same time, the State Board shall provide to the charter school's board of directors the written findings the Board makes in subsection (d) of this section and its employment recommendation. If the State Board recommends dismissal or nonemployment of any person, the board of directors of the charter school shall dismiss or refuse to employ that person. In accordance with the law regulating the dissemination of the contents of the criminal history file furnished by the Federal Bureau of Investigation.
the State Board shall not release nor disclose any portion of the school personnel's criminal history to the charter school's board of directors or employees. The State Board also shall notify the school personnel of the procedure for completing or challenging the accuracy of the criminal history and the personnel's right to contest the State Board's determination in court.

(f) All the information received by the State Board of Education or the charter school in accordance with subsection (e) of this section through the checking of the criminal history is privileged information and is not a public record but is for the exclusive use of the State Board of Education or the board of directors of the charter school. The State Board of Education or the board of directors of the charter school may destroy the information after it is used for the purposes authorized by this section after one calendar year.

(g) There shall be no liability for negligence on the part of the State Board of Education or the board of directors of the charter school, or their employees, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

Section 3. G.S. 115C-238.29D(d) reads as rewritten:

"(d) The State Board of Education may grant a the initial charter for a period not to exceed five years and may renew the charter upon the request of the chartering entity for subsequent periods not to exceed five years each. A material revision of the provisions of a charter application shall be made only upon the approval of the State Board of Education. Beginning with the charter school's second year of operation and annually thereafter, the State Board shall allow a charter school to increase its enrollment by ten percent (10%) of the school's previous year's enrollment or as is otherwise provided in the charter. This enrollment growth shall not be considered a material revision of the charter application and shall not require the prior approval of the State Board."

Section 4. G.S. 115C-238.29E reads as rewritten:

"§ 115C-238.29E. Charter school operation.

(a) A charter school that is approved by the State shall be a public school within the local school administrative unit in which it is located. It shall be accountable to the local board of education if it applied for and received preliminary approval from that local board for purposes of ensuring compliance with applicable laws and the provisions of its charter. All other charter schools shall be accountable to the State Board for ensuring compliance with applicable laws and the provisions of their charters, except that any of these charter schools may agree to be accountable to the local board of the school administrative unit in which the charter school is located rather than to the State Board.

(b) A charter school shall be operated by a private nonprofit corporation that shall have received federal tax-exempt status no later than 24 months following final approval of the application.

(c) A charter school shall operate under a written contract the written charter signed by the local board of education entity to which it is accountable under subsection (a) of this section and the applicant. A charter school is not required to enter into any other contract. The contract charter shall incorporate at a minimum the information provided in
the application, as modified during the charter approval process, and any terms and conditions imposed on the charter school by the State Board of Education. No other terms may be imposed on the charter school as a condition for receipt of local funds.

If the local board of education does not sign the contract, the State Board may sign on behalf of the local board.

(d) The board of directors of the charter school shall decide matters related to the operation of the school, including budgeting, curriculum, and operating procedures.

(e) A charter school shall be located in the local school administrative unit with which it signed the contract. Its A charter school's specific location shall not be prescribed or limited by a local board or other authority except a zoning authority. The school may lease space from a local board of education, from a public or private nonsectarian organization, education or as is otherwise lawful in the local school administrative unit in which the charter school is located. If a charter school leases space from a sectarian organization, the charter school classes and students shall be physically separated from any parochial students, and there shall be no religious artifacts, symbols, iconography, or materials on display in the charter school's entrance, classrooms, or hallways. Furthermore, if a charter school leases space from a sectarian organization, the charter school shall not use the name of that organization in the name of the charter school.

At the request of the charter school, the local board of education of the local school administrative unit in which the charter school will be located shall lease any available building or land to the charter school unless the board demonstrates that the lease is not economically or practically feasible or that the local board does not have adequate classroom space to meet its enrollment needs. Notwithstanding any other law, a local board of education may provide a school facility to a charter school free of charge; however, the charter school is responsible for the maintenance of and insurance for the school facility.

(f) Except as provided in this Part and pursuant to the provisions of its contract, a charter school is exempt from statutes and rules applicable to a local board of education or local school administrative unit.

Section 5. G.S. 115C-238.29F reads as rewritten:

§ 115C-238.29F. General requirements.

(a) Health and Safety Standards. -- A charter school shall meet the same health and safety requirements required of a local school administrative unit.

(b) School Nonsectarian. -- A charter school shall be nonsectarian in its programs, admission policies, employment practices, and all other operations and shall not charge tuition or fees. A charter school shall not be affiliated with a nonpublic sectarian school or a religious institution.

(c) Civil Liability and Insurance. --

(1) The board of directors of a charter school may sue and be sued. The State Board of Education shall adopt rules to establish reasonable amounts and types of liability insurance that the board of directors shall be required by the charter to obtain. The board of directors shall obtain at least the amount of and types of insurance required by these rules to be included in the contract charter. Any sovereign immunity of the charter school, or its members, officers, or directors, or of the employees of the charter school or the organization that operates the charter school, is waived to the extent of indemnification by insurance.
(2) No civil liability shall attach to any chartering entity, to the State Board of Education, or to any of their members or employees, individually or collectively, for any acts or omissions of the charter school. In the event a charter school has not elected total independence from the local board of education under subsection (e) of this section, the immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

(d) Instructional Program. --
(1) The school shall provide instruction each year for at least 180 days.
(2) The school shall design its programs to at least meet the student performance standards adopted by the State Board of Education and the student performance standards contained in the contract with the local board of education: charter.
(3) A charter school shall conduct the student assessments required for charter schools by the State Board of Education.
(4) The school shall comply with policies adopted by the State Board of Education for charter schools relating to the education of children with special needs.
(5) The school is subject to and shall comply with Article 27 of Chapter 115C of the General Statutes: Statutes, except that a charter school may also exclude a student from the charter school and return that student to another school in the local school administrative unit in accordance with the terms of its contract: charter.

(e) Employees. --
(1) An employee of a charter school is not an employee of the local school administrative unit in which the charter school is located. The charter school's board of directors shall employ and contract with necessary teachers to perform the particular service for which they are employed in the school; at least seventy-five percent (75%) of these teachers in grades kindergarten through five, at least fifty percent (50%) of these teachers in grades six through eight, and at least fifty percent (50%) of these teachers in grades nine through 12 shall hold teacher certificates. The board also may employ necessary employees who are not required to hold teacher certificates to perform duties other than teaching and may contract for other services. The board may discharge teachers and noncertificated employees.
(2) No local board of education shall require any employee of the local school administrative unit to be employed in a charter school.
(3) If a teacher employed by a local school administrative unit makes a written request for an extended leave of absence to teach at a charter school, the local school administrative unit shall grant the leave. The local school administrative unit shall grant a leave for any number of years requested by the teacher, shall extend the leave for any number of years requested by the teacher, and shall extend the leave at the teacher's request. The for the initial year of a charter school's operation, the local school administrative unit may require that the request for a leave or extension of leave be made up to 45
days before the teacher would otherwise have to report for duty. For subsequent years, the local school administrative unit may require that the request for a leave or extension of leave be made up to 90 days before the teacher would otherwise have to report for duty. A teacher who has career status under G.S. 115C-325 prior to receiving an extended leave of absence to teach at a charter school may return to a public school in the local school administrative unit with career status at the end of the leave of absence or upon the end of employment at the charter school if an appropriate position is available. If an appropriate position is unavailable, the teacher's name shall be placed on a list of available teachers and that teacher shall have priority on all positions for which that teacher is qualified in accordance with G.S. 115C-325(e)(2).

(4) In the event a charter school, in its application, elects total independence from the local board of education, its employees shall not be deemed to be employees of the local school administrative unit and shall not be entitled to any State-funded employee benefits, including membership in the North Carolina Teachers' and State Employees' Retirement System or the Teachers' and State Employees' Comprehensive Major Medical Plan. In the event a charter school, in its application, agrees to be subject to some supervision and control of its administrative operations by the local board of education, the employees of the charter school shall be deemed employees of the local school administrative unit for purposes of providing certain State-funded employee benefits, including membership in the Teachers' and State Employees' Retirement System and the Teachers' and State Employees' Comprehensive Major Medical Plan. The Board of Trustees of the Teachers' and State Employees' Retirement System, in consultation with the State Board of Education, shall determine the degree of supervision and control necessary to qualify the employees of the applicant for membership in the Retirement System. The State Board of Education provides funds to charter schools, approves the original members of the boards of directors of the charter schools, has the authority to grant, supervise, and revoke charters, and demands full accountability from charter schools for school finances and student performance. Accordingly, it is the determination of the General Assembly that charter schools are public schools and that the employees of charter schools are public school employees and are 'teachers' for purposes of membership in the North Carolina Teachers' and State Employees' Retirement System and State Employees' Comprehensive Major Medical Plan. In no event shall anything contained in this Part require the North Carolina Teachers' and State Employees' Retirement System to accept employees of a private employer as members or participants of the System.

(f) Accountability. --

(1) The school is subject to the financial audits, the audit procedures, and the audit requirements adopted by the State Board of Education for charter schools.

(2) The school shall comply with the reporting requirements established by the State Board of Education in the Uniform Education Reporting System.
(3) The school shall report at least annually to the chartering entity and the State Board of Education the information required by the chartering entity or the State Board.

(g) Admission Requirements. --

(1) Any child who is qualified under the laws of this State for admission to a public school is qualified for admission to a charter school.

(2) No local board of education shall require any student enrolled in the local school administrative unit to attend a charter school.

(3) Admission to a charter school shall not be determined according to the school attendance area in which a student resides, except that any local school administrative unit in which a public school converts to a charter school shall give admission preference to students who reside within the former attendance area of that school.

(4) Admission to a charter school shall not be determined according to the local school administrative unit in which a student resides, except that the provisions of G.S. 115C.366(d) shall apply to a student who wishes to attend a charter school in a county other than the county in which the student resides.

(5) A charter school shall not discriminate against any student on the basis of ethnicity, national origin, gender, or disability. Except as otherwise provided by law or the mission of the school as set out in the charter, the school shall not limit admission to students on the basis of intellectual ability, measures of achievement or aptitude, athletic ability, disability, race, creed, gender, national origin, religion, or ancestry. The charter school may give enrollment priority to siblings of currently enrolled students who were admitted to the charter school in a previous year and to children of the school’s principal, teachers, and teacher assistants. In addition, and only for its first year of operation, the charter school may give enrollment priority to children of the initial members of the charter school’s board of directors, so long as (i) these children are limited to no more than ten percent (10%) of the school’s total enrollment or to 20 students, whichever is less, and (ii) the charter school is not a former public or private school.

Within one year after the charter school begins operation, the population of the school shall reasonably reflect the racial and ethnic composition of the general population residing within the local school administrative unit in which the school is located or the racial and ethnic composition of the special population that the school seeks to serve residing within the local school administrative unit in which the school is located. The school shall be subject to any court-ordered desegregation plan in effect for the local school administrative unit.

(6) During each period of enrollment, the charter school shall enroll an eligible student who submits a timely application, unless the number of applications exceeds the capacity of a program, class, grade level, or building. In this case, students shall be accepted by lot. Once enrolled, students are not required to reapply in subsequent enrollment periods.

(7) Notwithstanding any law to the contrary, a charter school may refuse admission to any student who has been expelled or suspended from a public
school under G.S. 115C-391 until the period of suspension or expulsion has expired.

(h) Transportation. -- The charter school shall provide transportation for students enrolled at the school who reside in the local school administrative unit in which the school is located. The charter school may provide transportation for students enrolled at the school who reside in different local school administrative units. The charter school shall develop a transportation plan so that transportation is not a barrier to any student who resides in the local school administrative unit in which the school is located. The charter school is not required to provide transportation to any student who lives within one and one-half miles of the school. At the request of the charter school and if the local board of the local school administrative unit in which the charter school is located operates a school bus system, then that local board may contract with the charter school to provide transportation in accordance with the charter school's transportation plan to students who reside in the local school administrative unit and who reside at least one and one-half miles of the charter school. A local board may charge the charter school a reasonable charge that is sufficient to cover the cost of providing this transportation. Furthermore, a local board may refuse to provide transportation under this subsection if it demonstrates that there is no available space on buses it intends to operate during the term of the contract or it would not be practically feasible to provide this transportation.

(i) Assets. -- Upon dissolution of the charter school or upon the nonrenewal of the charter, all net assets of the charter school purchased with public funds shall be deemed the property of the local school administrative unit in which the charter school is located."

Section 6. G.S. 115C-238.29G reads as rewritten:

"§ 115C-238.29G. Causes for nonrenewal or termination. termination; disputes.

(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate or not renew a contract charter upon any of the following grounds:

1. Failure to meet the requirements for student performance contained in the contract charter;
2. Failure to meet generally accepted standards of fiscal management;
3. Violations of law;
4. Material violation of any of the conditions, standards, or procedures set forth in the contract charter;
5. Two-thirds of the faculty and instructional support personnel at the school request that the contract charter be terminated or not renewed; or
6. Other good cause identified.

(b) The State Board of Education shall develop and implement a process to address contractual and other grievances between a charter school and its chartering entity or the local board of education during the time of its charter.

(c) The State Board and the charter school are encouraged to make a good-faith attempt to resolve the differences that may arise between them. They may agree to jointly select a mediator. The mediator shall act as a neutral facilitator of disclosures of factual information, statements of positions and contentions, and efforts to negotiate an agreement settling the differences. The mediator shall, at the request of either the State Board or a charter school, commence a mediation immediately or within a reasonable period of time. The mediation shall be held in accordance with rules and standards of conduct adopted under Chapter 7A of the General Statutes governing mediated settlement
conferences but modified as appropriate and suitable to the resolution of the particular
issues in disagreement.

Notwithstanding Article 33C of Chapter 143 of the General Statutes, the mediation
proceedings shall be conducted in private. Evidence of statements made and conduct
occurring in a mediation are not subject to discovery and are inadmissible in any court
action. However, no evidence otherwise discoverable is inadmissible merely because it is
presented or discussed in a mediation. The mediator shall not be compelled to testify or
produce evidence concerning statements made and conduct occurring in a mediation in
any civil proceeding for any purpose, except disciplinary hearings before the State Bar or
any agency established to enforce standards of conduct for mediators. The mediator may
determine that an impasse exists and discontinue the mediation at any time. The mediator
shall not make any recommendations or public statement of findings or conclusions. The
State Board and the charter school shall share equally the mediator's compensation and
expenses. The mediator's compensation shall be determined according to rules adopted
under Chapter 7A of the General Statutes."

Section 7. G.S. 115C-238.29H(a) reads as rewritten:

"(a) The State Board of Education shall allocate to each charter school (i) an amount
equal to the average per pupil allocation for average daily membership from the local
school administrative unit allotments in which the charter school is located for each child
attending the charter school except for the allocation for children with special needs and
(ii) an additional amount for each child attending the charter school who is a child with
special needs. In accordance with G.S. 115C-238.29D(d), the State Board shall allow for
annual adjustments to the amount allocated to a charter school based on its enrollment
growth in school years subsequent to the initial year of operation.

In the event a child with special needs leaves the charter school and enrolls in a public
school during the first 60 school days in the school year, the charter school shall return a
pro rata amount of funds allocated for that child to the State Board, and the State Board
shall reallocate those funds to the local school administrative unit in which the public
school is located. In the event a child with special needs enrolls in a charter school during
the first 60 school days in the school year, the State Board shall allocate to the charter
school the pro rata amount of additional funds for children with special needs.

(a1) Funds allocated by the State Board of Education shall not be used to purchase
land or buildings, may be used to enter into operational and financing leases for real
property or mobile classroom units for use as school facilities for charter schools and may
be used for payments on loans made to charter schools for facilities or equipment.
However, State funds shall not be used to obtain any other interest in real property or
mobile classroom units. No indebtedness of any kind incurred or created by the charter
school shall constitute an indebtedness of the State or its political subdivisions, and no
indebtedness of the charter school shall involve or be secured by the faith, credit, or
taxing power of the State or its political subdivisions. Every contract or lease into which
a charter school enters shall include the previous sentence. The school also may own land
and buildings it obtained through non-State sources."

Section 8. G.S. 115C-238.29I(d) reads as rewritten:

"(d) The State Board of Education may establish a Charter School Advisory Committee
to assist with the implementation of this Part. The Charter School Advisory Committee
may (i) provide technical assistance to chartering entities or to potential applicants, (ii)
review applications for preliminary approval, (iii) make recommendations as to whether
the State Board should approve applications for charter schools, (iv) make
recommendations as to whether the State Board should terminate or not renew a charter. (v) make recommendations concerning grievances between a charter school and its chartering entity, the State Board, or a local board. (vi) assist with the review under subsection (c) of this section, and (vii) provide any other assistance as may be required by the State Board."

Section 9. G.S. 115C-238.29I is amended by adding the following new subsection to read:

"(e) Notwithstanding the dates set forth in this Part, the State Board of Education may establish an alternative time line for the submission of applications, preliminary approvals, criminal record checks, appeals, and final approvals so long as the Board grants final approval by March 15 of each calendar year."

Section 10. G.S. 115C-238.29J(a) reads as rewritten:

"(a) Local boards of education are authorized and encouraged to provide administrative and evaluative support to charter schools located within their local school administrative units and to contract with those charter schools to provide student transportation units."

Section 11. G.S. 135-8(b) reads as rewritten:

"(b) Annuity Savings Fund. -- The annuity savings fund shall be a fund in which shall be accumulated contributions from the compensation of members to provide for their annuities. Contributions to any payments from the annuity savings fund shall be made as follows:

1. Prior to the first day of July, 1947, each employer shall cause to be deducted from the salary of each member on each and every payroll of such employer for each and every payroll period four per centum (4%) of his actual compensation; and the employer also shall deduct four per centum (4%) of any compensation received by any member for teaching in public schools, or in any of the institutions, agencies or departments of the State, from salaries other than the appropriations from the State of North Carolina. On and after such date the rate so deducted shall be five per centum (5%) of actual compensation except that, with respect to each member who is eligible for coverage under the Social Security Act in accordance with the agreement entered into during 1955 in accordance with the provisions of Article 2 of Chapter 135 of Volume 17 of the General Statutes, as amended, and with respect to members covered under G.S. 135-27, with such coverage retroactive to January 1, 1955, such deduction shall, commencing with the first day of the period of service with respect to which such agreement is effective, be at the rate of three per centum (3%) of the part of his actual compensation not in excess of the amount taxable to him under the Federal Insurance Contributions Act as from time to time in effect plus five per centum (5%) of the part of his earnable compensation not so taxable; provided that in the case of any member so eligible and receiving compensation from two or more employers such deductions may be adjusted under such rules as the Board of Trustees may establish so as to be as nearly equivalent as practicable to the deductions which would have been made had the member received all of such compensation from one employer. Notwithstanding the foregoing, the Board of Trustees may in its discretion cause such portion as it may determine of deductions made between January 1, 1955, and December 1, 1955, to be transferred into the contribution fund.
established under G.S. 135-24; such amounts so transferred shall in that event be deemed to be taxes contributed by employees as required under Article 2, Chapter 135 of Volume 17 of the General Statutes as amended, and shall be in lieu of contributions otherwise payable in the same amount as so required.

Notwithstanding the foregoing, effective July 1, 1963, with respect to the period of service commencing on July 1, 1963, and ending December 31, 1965, the rates of such deduction shall be four per centum (4%) of the portion of compensation not in excess of forty-eight hundred dollars ($4,800) and six per centum (6%) of the portion of compensation in excess of forty-eight hundred dollars ($4,800); and with respect to the period of service commencing January 1, 1966, and ending June 30, 1967, the rate of such deductions shall be four per centum (4%) of the portion of compensation not in excess of fifty-six hundred dollars ($5,600) and six per centum (6%) of the portion of compensation in excess of fifty-six hundred dollars ($5,600); and with respect to the period of service commencing July 1, 1967, and ending June 30, 1975, the rate of such deductions shall be five per centum (5%) of the portion of compensation not in excess of fifty-six hundred dollars ($5,600) and six per centum (6%) of the portion of compensation in excess of fifty-six hundred dollars ($5,600). Such rates shall apply uniformly to all members of the Retirement System, without regard to their coverage under the Social Security Act.

Notwithstanding the foregoing, effective July 1, 1975, with respect to the period of service commencing on July 1, 1975, the rate of such deductions shall be six per centum (6%) of the compensation received by any member. Such rates shall apply uniformly to all members of the Retirement System, without regard to their coverage under the Social Security Act.

(2) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or compensation, and payment of salary or compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this Chapter. The employer shall certify to the Board of Trustees on each and every payroll or in such other manner as the Board of Trustees may prescribe, the amounts to be deducted; and each of said amounts shall be deducted, and when deducted shall be paid into said annuity savings fund, and shall be credited, together with regular interest thereon, to the individual account of the member from whose compensation said deduction was made.

(3) Each board of education of each county and each board of education of each city, and the employer in any department, agency or institution of the State, in which any teacher receives compensation from sources other than appropriations of the State of North Carolina shall deduct from the salaries of these teachers paid from sources other than State appropriations an amount equal to that deducted from the salaries of the teachers whose salaries are paid from State funds, and remit this amount to the State Retirement System. City boards of education and county boards of education in each and every
county and city which has employees compensated from other than the State appropriation shall pay to the State Retirement System the same per centum of the compensation that the State of North Carolina pays and shall transmit same to the State Retirement System monthly: Provided, that for the purpose of enabling the boards of education to make such payment, the tax-levying authorities are hereby authorized, empowered and directed to provide the necessary funds therefor. In case the salary is paid in part from State funds and in part from local funds, the local authorities shall not be relieved of providing and remitting the same per centum of the salary paid from local funds as is paid from State funds. In case the entire salary of any teacher, as defined in this Chapter, is paid from county or local funds, the county or city paying such salary shall provide and remit to the Retirement System the same per centum that would be required if the salary were provided by the State of North Carolina.

(4) In addition to contributions deducted from compensation as hereinbefore provided, subject to the approval of the Board of Trustees, any member may redeposit in the annuity savings fund by a single payment an amount equal to the total amount which he previously withdrew therefrom, as provided in this Chapter. Such amounts so redeposited shall become a part of his accumulated contributions as if such amounts had initially been contributed within the calendar year of such redeposit. In no event, however, shall any member be permitted to redeposit any amount withdrawn after July 1, 1959, except as provided for in G.S. 135-4(e).

(5) The Board of Trustees may approve the purchase of creditable service by any member for leaves of absence or for interrupted service to an employer for the sole purpose of acquiring knowledge, talents, or abilities and to increase the efficiency of service to the employer. This approval shall be made prior to the purchase of the creditable service, is limited to a career total of six years for each member, and may be obtained in the following manner:

a. Approved leave of absence. -- Where the employer grants an approved leave of absence, a member may make monthly contributions to the annuity savings fund on the basis of compensation the member was earning immediately prior to such leave of absence. The employer shall make monthly contributions equal to the normal and accrued liability contribution on such compensation or, in lieu thereof, the member may pay into the annuity savings fund monthly an amount equal to the employer's normal and accrued liability contribution when the policy of the employer is not to make such payment.

b. No educational leave policy. -- Where the employer has a policy of not granting educational leaves of absence or the member has unsuccessfully petitioned for leave of absence and the member has interrupted service for educational purposes, the member may make monthly contributions into the annuity savings fund in an amount equal to the employee contribution plus the employer normal and accrued liability contribution on the basis of the compensation the member was earning immediately prior to the interrupted service.

c. Educational program prior to July 1, 1981. -- Creditable service for leaves of absence or interrupted service for educational purposes prior to July 1,
1981, may be purchased by a member, before or after retirement, who returned as a contributing employee or teacher within 12 months after completing the educational program and completed 10 years of subsequent membership service, by making a lump sum payment into the annuity savings fund equal to the full cost of the service credits calculated on the basis of the assumptions used for purposes of the actuarial valuation of the system's liabilities and shall take into account the retirement allowance arising on account of the additional service credit commencing at the earliest age at which the member could retire on an unreduced retirement allowance as determined by the Board of Trustees upon the advice of the consulting actuary, plus a fee to be determined by the Board of Trustees.

d. Employment in a charter school. -- Notwithstanding subparagraph a. of this subdivision, where the employer grants an approved leave of absence for the member to be employed in a charter school or where the member's service is interrupted by employment in a charter school, authorized under Part 6A of Article 16 of Chapter 115C of the General Statutes, the member may make monthly contributions into the annuity savings fund in an amount equal to the employee contribution plus the employer normal and accrued liability contribution on the basis of the compensation the member was earning immediately prior to the interrupted service.

Payments required to be made by the member and/or the employer, the employer, or both under subparagraphs a or b are due by the 15th of the month following the month for which the service credit is allowed and payments made after the due date shall be assessed a penalty, in lieu of interest, of one percent (1%) per month or fraction thereof the payment is made beyond the due date; provided, that these payments shall be made prior to retirement and provided further, that if the member did not become a contributing member within 12 months after completing the educational program and failed to complete three years of subsequent membership service, except in the event of death or disability, any payment made by the member including penalty shall be refunded with regular interest thereon and the service credits cancelled prior to or at retirement.

(6) The contributions of a member, and such interest as may be allowed thereon, paid upon his death or withdrawn by him as provided in this Chapter, shall be paid from the annuity savings fund, and any balance of the accumulated contributions of such a member shall be transferred to the pension accumulation fund."

Section 12. The Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System through the Office of the Attorney General shall request a letter of determination or ruling from the Internal Revenue Service, United States Department of Treasury, as to whether the status of the North Carolina Teachers' and State Employees' Retirement System as a governmental plan would be adversely affected by the participation of employees of charter schools. The request shall be made to the Internal Revenue Service after it is approved by the Speaker of the House of Representatives and the President Pro Tempore of the Senate or their designees and no later than 30 days after the effective date of this act. Employees of charter schools are eligible for participation in the North Carolina Teachers' and State Employees' Retirement System upon the first day
of the calendar month following the State's receipt of a favorable letter of determination or ruling.

Section 13. G.S. 115C-238.29F(c)(4), as amended by Section 5 of this act, is effective on the first day of the calendar month following the State's receipt of a favorable letter of determination or ruling from the Internal Revenue Service, United States Department of Treasury, under Section 12 of this act. The remainder of this act is effective when it becomes law.

On motion of Senator Gulley, the Conference Report is ordered placed on the Calendar for tomorrow, Thursday, August 7, for adoption.

**CALENDAR (Continued)**

**H.B. 485** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND VARIOUS STATUTES RELATING TO THE PRACTICE OF FUNERAL SERVICE, CREMATIONS, AND FUNERAL AND BURIAL TRUST FUNDS, upon third reading.

Without objection, Senator Jordan is excused from voting on the measure for the stated reason, "conflict."

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 49, noes 0, as follows:


Voting in the negative: None.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

**H.B. 1110** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AMENDING THE STATUTES RELATED TO LANDSCAPE ARCHITECTS, upon third reading.

The Committee Substitute bill No. 2 passes its third reading by roll-call vote, ayes 47, noes 3, as follows:


Voting in the negative: Senators Clark, East, and Webster—3.

The Committee Substitute bill No. 2 is ordered enrolled and sent to the Governor.

**H.B. 1156** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DEVELOP A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATES WILL BE GIVEN TO THE MARCH OF DIMES BIRTH DEFECTS

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FOUNDATION, changing the title, upon concurrence, to read H.B. 1156 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DEVELOPMENT OF A SPECIAL REGISTRATION PLATE FOR SUPPORTERS OF THE MARCH OF DIMES AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATE WILL BE DISTRIBUTED TO THE EASTERN CAROLINA CHAPTER OF THE MARCH OF DIMES BIRTH DEFECTS FOUNDATION, TO AUTHORIZE THE DEVELOPMENT OF A SPECIAL PLATE FOR SUPPORTERS OF SCHOOL TECHNOLOGY AND TO PROVIDE THAT A PORTION OF THE MONEY GENERATED FROM THE SPECIAL PLATE WILL BE CREDITED TO THE STATE SCHOOL TECHNOLOGY FUND, AND TO AUTHORIZE THE DEVELOPMENT OF A SPECIAL REGISTRATION PLATE FOR WAR VETERANS, upon third reading.

With unanimous consent, on motion of Senator Kerr, the Senate Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Tuesday, August 12, for consideration upon third reading.

H.B. 1231 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE SUPPLEMENTAL SOURCES OF REVENUE FOR LOCAL GOVERNMENT TRANSIT FINANCING, as amended, upon third reading.

The President relinquishes the gavel to Senator Basnight, President Pro Tempore, who presides.

Senator Basnight, President Pro Tempore, relinquishes the gavel to the President of the Senate, Lieutenant Governor Wicker, who presides.

The Committee Substitute bill No. 2, as amended, passes its third reading by roll-call vote, ayes 41, noes 9, as follows:


Voting in the negative: Senators Ballantine, Blust, Clark, Cochrane, East, Forrester, Foxx, Moore, and Page—9.

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.

S.B. 833 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING, WITHOUT APPROPRIATIONS FROM THE GENERAL FUND, OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read S.B. 833 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CONSTRUCTION AND THE FINANCING OF CERTAIN CAPITAL IMPROVEMENTS PROJECTS OF THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, temporarily displaced earlier today.

With unanimous consent, on motion of Senator Kerr the House Committee Substitute bill is withdrawn from today's Calendar and is placed on the Calendar for Thursday, August 12, for consideration upon concurrence.

August 6, 1997
H.B. 183 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION, TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS PENDING DISPOSITION, AND TO ALLOW FOR MODIFICATION OF SENTENCE FOR IMPAIRED DRIVING ON REMAND TO DISTRICT COURT OR WITHDRAWAL OF APPEAL, changing the title, upon concurrence, to read H.B. 183 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCLUDE PRIOR IMPAIRED DRIVING CONVICTIONS IN FELONY PRIOR RECORD LEVEL CALCULATION, AND TO PROVIDE FOR AN INDEFINITE CIVIL SUSPENSION OF A DRIVERS LICENSE WHEN A DRIVER IS CHARGED WITH AN IMPAIRED DRIVING OFFENSE WHILE ANOTHER IMPAIRED DRIVING OFFENSE IS PENDING DISPOSITION.

The Senate Committee Substitute bill passes its second (49-1) and third readings and is ordered sent to the House of Representatives for concurrence.

H.B. 866 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM; AND TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, changing the title, upon concurrence, to read H.B. 866 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT FIVE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED FROM THE SAME DISTRICTS AS ARE THE MEMBERS OF THE BOARD OF COMMISSIONERS AND THE REMAINING THREE MEMBERS OF THE MOORE COUNTY BOARD OF EDUCATION BE ELECTED AT LARGE, SUBJECT TO A REFERENDUM, AND TO PROVIDE FOR PARTISAN ELECTIONS, SUBJECT TO A REFERENDUM, AND TO EXPAND THE CARTERET COUNTY BOARD OF EDUCATION FROM FIVE TO SEVEN MEMBERS, AND TO PROVIDE THAT THEIR DISTRICTS ARE THE SAME AS FOR THE BOARD OF COMMISSIONERS, placed earlier on today’s Calendar.

The Senate Committee Substitute bill passes its second and third readings.

Senators Kinnaird and Lee request to be recorded voting “no.”

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence.

On motion of Senator Basnight, seconded by Senator Moore, the Senate adjourns at 12:20 P.M. to meet tomorrow, Thursday, August 7, at 10:00 A.M.

August 6, 1997