JOURNAL
OF THE
SENATE
OF THE
2013 GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA
FIRST SESSION
2013
VOLUME 2
The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, we thank you for fresh mercy that falls down every morning. Your light heralds the beginning of a new day. In thanksgiving for your faithfulness and constancy, we bring these prayers before you today, Lord. We pray for clear headedness today; we pray for endurance. We pray that these senators might keep in mind those that they serve. Keep all leaders here, especially those to my left and to my right, from the deception of self-righteousness, and guide them in the ways of humility. Alert us to the peace that we can impart on others which comes from your storehouse of blessing. Show each of us how to walk this day in love, as Christ loved us and gave himself up for us, a perfect offering. May the Lord bless us, keep away evil, and lead us to eternal life. Amen.”


Senator Berger, President Pro Tempore, announces that the Senate Journal of Tuesday, July 2, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Katherine Pereira from Apex, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR

Bills on today’s calendar are taken up and disposed of as follows:

H.B. 529, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE EDGECOMBE COUNTY TO LEVY AN OCCUPANCY TAX, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 32, noes 11, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, J. Davis, Ford, Graham, Gunn, Hartsell, Hise, Hunt, Jackson, Kinnard, McKissick, Nesbitt, Parmony, Pate, Rabin, Randleman, Sanderson, Stein, Tarte, Wade and Woodard---32.

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Voting in the negative: Senators Barefoot, Curtis, Daniel, Goolsby, Harrington, Meredith, Newton, Rucho, Soucek, Tillman and Tucker---11.

The bill is ordered enrolled.

H.B. 468 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW AND TO AMEND THE CHARTER OF THE TOWN OF TRYON, upon second reading.

Senator Hise offers Amendment No. 1, which is adopted (43-0).

The Senate Committee Substitute bill, as amended, passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 816 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Woodard---43.

Voting in the negative: None.

The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 998 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, upon third reading, as amended.

The Senate Committee Substitute bill No. 2, as amended, passes its third reading, by roll-call vote, ayes 29, noes 14, as follows:


Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, Ford, Graham, Hartsell, Kinnaird, McKissick, Nesbitt, Parmon, Rucho, Stein and Woodard---14.

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The Senate Committee Substitute bill No. 2 is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

The Chair grants leaves of absence for the remainder of today’s session to Senator Hartsell and Senator Rucho.

H.B. 94 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE PROVISION OF HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS DATA TO THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO
EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REQUIREMENTS APPLICABLE TO RECYCLING OF DISCARDED COMPUTER EQUIPMENT; (28) AMEND THE DEFINITION OF “BUILT-UPON AREA” FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (29) EXEMPT PONDS THAT ARE CONSTRUCTED AND USED FOR AGRICULTURAL PURPOSES FROM RIPARIAN BUFFER RULES; (30) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (31) REPEAL

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REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (32) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (33) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (34) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; AND (35) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES, upon third reading, as amended.

The Senate Committee Substitute bill, as amended, passes its third reading (30-11) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE’S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION, upon third reading, as amended.

Having voted with the majority, Senator Goolsby offers a motion that the vote by which the Committee Substitute bill passed its second reading be reconsidered, which motion prevails without objection.

Having voted with the majority, Senator Goolsby offers a motion that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails without objection.

Senator Goolsby withdraws Amendment No. 1.

Senator Goolsby offers Amendment No. 2, which is adopted (41-0).

The Committee Substitute bill, as amended, passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

H.B. 296 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ADJUST THE FEES CHARGED FOR CERTAIN HUNTING AND FISHING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION AND REPEAL THE COUNTY HUNTING, FISHING, AND TRAPPING LICENSES AND THE NONCOMMERCIAL SPECIAL DEVICE LICENSES; (2) ESTABLISH A BLACK BEAR MANAGEMENT STAMP
THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT; (3) ADJUST THE AGE FOR DISCOUNTED SPECIAL LICENSES FROM AGE SIXTY-FIVE TO AGE SEVENTY; (4) PROVIDE THAT EFFECTIVE JANUARY 1, 2015, THOSE HUNTING AND FISHING LICENSE FEES IN EFFECT SHALL REMAIN AT THE EXISTING LEVELS UNTIL THE WILDLIFE RESOURCES COMMISSION ESTABLISHES NEW FEES THROUGH RULE MAKING, AND AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ESTABLISH LICENSE FEES THROUGH RULE MAKING BEGINNING IN 2015; (5) REPLACE THE CURRENT SIX PERCENT WILDLIFE SERVICE AGENT COMMISSION FEE WITH A TWO-DOLLAR TRANSACTION FEE; (6) PROVIDE THAT NO MORE THAN TWENTY-FIVE PERCENT OF THE WILDLIFE RESOURCES COMMISSION’S AUTHORIZED OPERATING BUDGET SHALL BE KEPT IN RESERVE; AND (7) PROVIDE AN ANNUAL TARGET FOR UTILIZATION OF THE ANNUAL EXPENDABLE INTEREST OF THE WILDLIFE ENDOWMENT FUND, upon third reading, as amended.

The Senate Committee Substitute bill, as amended, passes its third reading (38-3) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 695 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW, TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, AND TO AMEND THE WOMEN’S RIGHT TO KNOW ACT, upon third reading.

Senator McKissick offers Amendment No. 1, which fails (12-29).

Senator McKissick offers Amendment No. 2.

Senator Apodaca moves that Amendment No. 2 lie upon the table, seconded by Senator Brunstetter, which motion prevails (29-12).

Senator Kinnaird offers Amendment No. 3.

Senator Apodaca moves that Amendment No. 3 lie upon the table, seconded by Senator Brunstetter, which motion prevails (29-10).

Senator Parmon offers Amendment No. 4.

Senator Apodaca moves that Amendment No. 4 lie upon the table, seconded by Senator Brunstetter, which motion prevails (28-9).

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The Senate Committee Substitute bill passes its third reading (29-12) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

**H.B. 614** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES TO A PREVAILING DEFENDANT.

Pursuant to the message from the House of Representatives received on June 20 that the House fails to concur in the Senate Committee Substitute bill for H.B. 614 and requests conferees, Senator Louis Pate, Deputy President Pro Tempore, announces the appointment of Senator Jackson, Chair; Senator Barefoot, Senator Brock, and Senator Clodfelter as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action.

Upon motion of Senator Berger, seconded by Senator Daniel, the Senate adjourns at 11:21 a.m., subject to the referral and re-referral of bills and resolutions, to reconvene Sunday, July 7, at 7:00 p.m.

**RE-REFERRAL OF BILLS**

**H.B. 467** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY, placed on the calendar of Monday, July 8.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from the calendar of Monday, July 8, and placed on the calendar of Tuesday, July 9.

Upon motion of Senator Apodaca, without objection, the following bills, having been ordered sent to the House of Representatives today, are re-referred to the Office of the Principal Clerk and ordered held there until after session adjourns on Tuesday, July 9:

**H.B. 468** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW AND TO AMEND THE CHARTER OF THE TOWN OF TRYON.

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H.B. 816 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS.

H.B. 998 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES.

H.B. 94 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO (1) REPEAL 2008 AND SUBSEQUENT MODEL YEAR HEAVY-DUTY DIESEL VEHICLE REQUIREMENTS; (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO STUDY THE CONTINUED NEED TO CONDUCT VEHICLE EMISSIONS INSPECTIONS; (3) PROVIDE THE ENVIRONMENTAL MANAGEMENT COMMISSION WITH THE FLEXIBILITY TO DETERMINE WHETHER RULES ARE NECESSARY FOR CONTROLLING THE EFFECTS OF COMPLEX SOURCES ON AIR QUALITY; (4) AMEND THE RULES THAT PERTAIN TO OPEN BURNING FOR LAND CLEARING OR RIGHT-OF-WAY MAINTENANCE; (5) CLARIFY THAT AN AIR QUALITY PERMIT SHALL BE ISSUED FOR A TERM OF EIGHT YEARS AND PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING AN AIR QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (6) AMEND COASTAL AREA MANAGEMENT ACT MINOR PERMIT NOTICE REQUIREMENTS; (7) AMEND THE PROVISION OF HYDRAULIC FRACTURING FLUID CHEMICALS AND CONSTITUENTS DATA TO THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES; (8) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS DEVELOPMENT; (9) CLARIFY THE PROCESS FOR APPEALS FROM CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT THAT HAS ESTABLISHED AND ADMINISTERS AN EROSION AND SEDIMENTATION CONTROL PROGRAM APPROVED UNDER G.S. 113A-60 AND PROVIDE THAT CIVIL PENALTIES ASSESSED BY A LOCAL GOVERNMENT PURSUANT TO THE SEDIMENTATION POLLUTION CONTROL ACT OF 1973 SHALL BE REMITTED TO THE CIVIL PENALTY AND FORFEITURE FUND; (10) PROVIDE FOR LOW-FLOW DESIGN ALTERNATIVES FOR WASTEWATER SYSTEMS; (11) DIRECT THE COMMISSION FOR PUBLIC HEALTH TO ADOPT RULES TO PROVIDE FOR NOTICE OF KNOWN CONTAMINATION TO APPLICANTS WHO SEEK TO CONSTRUCT NEW PRIVATE DRINKING
WATER WELLS AND TO DIRECT LOCAL HEALTH DEPARTMENTS TO EITHER ISSUE A PERMIT OR DENY AN APPLICATION FOR THE CONSTRUCTION, REPAIR, OR OPERATION OF A WELL WITHIN 30 DAYS OF RECEIPT OF AN APPLICATION; (12) CLARIFY THOSE UNDERGROUND STORAGE TANKS THAT ARE NOT REQUIRED TO PROVIDE SECONDARY CONTAINMENT UNTIL JANUARY 1, 2020; (13) MAKE TECHNICAL AND CONFORMING CHANGES TO PROTECTED SPECIES, MARINE, AND WILDLIFE RESOURCES STATUTES; (14) MAKE CLARIFYING AND CONFORMING CHANGES TO THE STATUTES PERTAINING TO THE MANAGEMENT OF SNAKES AND OTHER REPTILES; (15) AMEND THE ADMINISTRATIVE PROCEDURE ACT TO PROVIDE THE WILDLIFE RESOURCES COMMISSION WITH TEMPORARY RULE-MAKING AUTHORITY FOR MANNER OF TAKE; (16) PROHIBIT PUBLIC ENTITIES FROM PURCHASING OR ACQUIRING PROPERTY WITH KNOWN CONTAMINATION WITHOUT APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE; (17) CLARIFY THAT NO BUILDING PERMIT IS REQUIRED FOR ROUTINE MAINTENANCE OF FUEL DISPENSERS; (18) CLARIFY THE FEES THAT THE SECRETARY FOR ENVIRONMENT AND NATURAL RESOURCES MAY ADOPT FOR THE NORTH CAROLINA AQUARIUMS; (19) REPEAL THE MOUNTAIN RESOURCES PLANNING ACT; (20) PROVIDE AN EXEMPTION FROM LOCAL GOVERNMENT REQUIREMENTS REGARDING THE NUMBER OF ACRES REQUIRED FOR PROPERTY DEVELOPMENT FOR BROWNFIELDS AGREEMENTS; (21) DIRECT THE DEPARTMENT OF TRANSPORTATION TO ADOPT RULES FOR SELECTIVE PRUNING WITHIN HIGHWAY RIGHTS-OF-WAY; (22) CLARIFY REQUIREMENTS FOR COMPLIANCE BOUNDARIES WITH RESPECT TO GROUNDWATER QUALITY STANDARDS; (23) EXEMPT CERTAIN RADIO TOWERS FROM APPLICABILITY WITH THE MILITARY LANDS PROTECTION ACT; (24) CLARIFY THAT EXTENDED DURATION PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS AUTHORIZED BY S.L. 2012-187 ARE PERMITS FOR OPERATION AS WELL AS CONSTRUCTION; (25) ADD A FACTOR FOR CONSIDERATION IN ASSESSING SOLID WASTE PENALTIES; (26) LIMIT LOCAL GOVERNMENT REGULATION OF STORAGE, RETENTION, OR USE OF NONHAZARDOUS RECYCLED MATERIALS; (27) DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE REQUIREMENTS APPLICABLE TO RECYCLING OF DISCARDED COMPUTER EQUIPMENT; (28) AMEND THE DEFINITION OF “BUILT-UPON AREA” FOR PURPOSES OF IMPLEMENTING STORMWATER PROGRAMS; (29) EXEMPT Ponds that are constructed and used for agricultural purposes from riparian buffer rules; (30) PROVIDE THAT A THIRD PARTY WHO IS DISSATISFIED WITH A DECISION OF THE ENVIRONMENTAL MANAGEMENT COMMISSION REGARDING A WATER QUALITY PERMIT MAY FILE A CONTESTED CASE UNDER THE

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ADMINISTRATIVE PROCEDURE ACT WITHIN 30 DAYS; (31) REPEAL REQUIREMENTS FOR INCREASES IN VEHICULAR SURFACE AREAS; (32) AMEND DREDGE AND FILL PERMIT APPLICANT PROCEDURE FOR NOTICE TO ADJOINING PROPERTY OWNERS; (33) PROVIDE THAT CERTAIN WATER TREATMENT SYSTEMS WITH EXPIRED AUTHORIZATIONS MAY OBTAIN NEW AUTHORIZATIONS THAT ALLOW THE SYSTEMS TO WITHDRAW SURFACE WATER FROM THE SAME WATER BODY AT THE SAME RATE AS WAS APPROVED IN THE EXPIRED AUTHORIZATION; (34) AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT; AND (35) COMBINE THE DIVISION OF WATER QUALITY AND THE DIVISION OF WATER RESOURCES TO CREATE A NEW DIVISION OF WATER RESOURCES IN THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND MAKE CONFORMING CHANGES.

H.B. 168 (Committee Substitute), A BILL TO BE ENTITLED AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE’S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION.

H.B. 296 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) ADJUST THE FEES CHARGED FOR CERTAIN HUNTING AND FISHING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION AND REPEAL THE COUNTY HUNTING, FISHING, AND TRAPPING LICENSES AND THE NONCOMMERCIAL SPECIAL DEVICE LICENSES; (2) ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT; (3) ADJUST THE AGE FOR DISCOUNTED SPECIAL LICENSES FROM AGE SIXTY-FIVE TO AGE SEVENTY; (4) PROVIDE THAT EFFECTIVE JANUARY 1, 2015, THOSE HUNTING AND FISHING LICENSE FEES IN EFFECT SHALL REMAIN AT THE EXISTING LEVELS UNTIL THE WILDLIFE RESOURCES COMMISSION ESTABLISHES NEW FEES THROUGH RULE MAKING, AND AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ESTABLISH LICENSE FEES THROUGH RULE MAKING BEGINNING IN 2015; (5) REPLACE THE CURRENT SIX PERCENT WILDLIFE SERVICE AGENT COMMISSION FEE WITH A TWO-DOLLAR TRANSACTION FEE; (6) PROVIDE THAT NO MORE THAN TWENTY-FIVE PERCENT OF THE WILDLIFE RESOURCES COMMISSION’S AUTHORIZED OPERATING BUDGET SHALL BE KEPT IN RESERVE; AND (7) PROVIDE AN ANNUAL TARGET FOR UTILIZATION OF THE ANNUAL EXPENDABLE INTEREST OF THE WILDLIFE ENDOWMENT FUND.

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H.B. 695 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW, TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, AND TO AMEND THE WOMEN'S RIGHT TO KNOW ACT.

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

NINETY-FIRST DAY

Senate Chamber
Sunday, July 7, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Neal Hunt, Senator from Wake County.

Prayer is offered by Senator Hunt as follows:

“Lord God, you are the God of truth, the God of love, peace, mercy and forgiveness. You are the same yesterday, tomorrow, and forever, but mankind is like grass, here today and gone tomorrow. But by your grace, those that have put their trust in you have been promised eternal life. Thank you for that promise. Now we petition you, Lord God, as this legislature discusses the contentious issues of the day, to grant us wisdom as we try to be obedient to your will. Thank you for hearing this prayer. In Jesus’ name I pray.”

Senator Barefoot announces that the Senate Journal of Wednesday, July 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

Upon motion of Senator Rabin, seconded by Senator Barefoot, the Senate adjourns at 7:03 p.m. to reconvene Tuesday, July 9, at 2:00 p.m.
The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Lord God, we thank you for a new week of legislation. We thank you that you come to us and you pour out your blessings on these men and women just like you have poured out the rain. Be their refuge. Be their strength. Be their vision. Be a very present help in a time of trouble. Help us. Help them not to fear, but to have faith in you—that ‘there is a river whose streams make glad the city of God.’* For Christ’s sake we pray. Amen.”

*Psalm 46:4, ESV

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

Senator Berger, President Pro Tempore, announces that the Senate Journal of Sunday, July 7, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Ryan Lewis from Winterville, North Carolina, who is serving the Senate as Nurse of the Day.

WITHDRAWALS FROM THE CLERK’S OFFICE

Upon motion of Senator Apodaca, all bills being held in the Office of the Principal Clerk, having been referred there on Wednesday, July 3, are ordered sent to the House of Representatives by special message.

WITHDRAWAL FROM COMMITTEE

H.B. 26 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS PROTECTING AGAINST THE THEFT OF VEHICLES FOR DISASSEMBLY AND RESALE OF PARTS AND TO ASSIST LAW ENFORCEMENT IN THE INVESTIGATION OF ORGANIZED CRIMINAL ACTIVITY ASSOCIATED WITH THE THEFT OF VEHICLES, referred to the Rules and Operations of the Senate Committee on June 18.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the Rules and Operations of the Senate Committee and placed on the calendar of Wednesday, July 10, which motion prevails with unanimous consent, and the Chair so orders.

July 9, 2013
The following change is made to today’s calendar:

**H.B. 392** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today’s calendar and placed on the calendar of Wednesday, July 10.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:


Upon motion of Senator Apodaca, the Joint Resolution is placed on today’s calendar for immediate consideration.

**CALENDAR**

Bills and a resolution on today’s calendar are taken up and disposed of as follows:


The Joint Resolution is read in its entirety and passes its second reading (49-0) and, without objection, is read a third time and passes its third reading with all present members standing and is ordered enrolled.

**H.B. 418** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING BUNCOMBE COUNTY TO ESTABLISH A CULTURE AND RECREATION AUTHORITY, upon third reading.

July 9, 2013
The Senate Committee Substitute bill No. 2 passes its third reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---48.

Voting in the negative: None.

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.

H.B. 546, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE TERM OF THE CHAIRPERSON FOR THE BOARD OF TRUSTEES OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT, upon second reading.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

H.B. 15 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE; AND (3) AMEND THE LAW GOVERNING ASSIGNMENT OF STATE-OWNED MOTOR VEHICLES, upon second reading.

The Senate Committee Substitute bill passes its second reading (48-0).

Senator Brunstetter objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill placed on the calendar of Wednesday, July 10, upon third reading.

H.B. 214, A BILL TO BE ENTITLED AN ACT EXEMPTING FROM PUBLIC RECORDS DOCUMENTS COLLECTED OR COMPILED IN CONNECTION WITH AN APPLICATION FOR LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS, upon second reading.

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

July 9, 2013
H.B. 321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN; AND (2) EXEMPT CERTAIN LANDFILLS FROM THE REQUIREMENT THAT THEY OBTAIN A FRANCHISE TO OPERATE FROM A LOCAL GOVERNMENT IN LIMITED CIRCUMSTANCES, upon second reading.

Senator Hartsell offers Amendment No. 1, which is adopted (48-1).

The Senate Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 467 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY, upon second reading.

The Senate Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 474, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE REDEPOSIT OF STATE AND LOCAL GOVERNMENT FUNDS INTO INSURED DEMAND, MONEY MARKET, AND NEGOTIABLE ORDER OF WITHDRAWAL DEPOSIT ACCOUNTS, upon second reading.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 510 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE FOSTER CHILDREN’S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE, upon second reading.

The Senate Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 616 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO PROVIDE FOR THE LICENSURE OF A TRANSITIONAL MORTGAGE LOAN ORIGINATOR, upon second reading.

July 9, 2013
The Senate Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H.B. 796** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT EXEMPTING CERTAIN COLUMBARIUMS FROM THE NORTH CAROLINA CEMETERY ACT, upon second reading.

The Senate Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H.B. 802** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS RELATED TO LANDLORD AND TENANT RELATIONSHIPS TO SHORTEN THE TIME PERIOD REQUIRED TO EVICT A TENANT, upon second reading.

Senator Randleman offers Amendment No. 1, which is adopted (48-1).

Senator Bryant offers Amendment No. 2, which fails (10-39).

The Senate Committee Substitute bill, as amended, passes its second reading (47-2) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**SENATE PAGES**

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

Anuraag Agarwal, Morrisville; Kendall Andrews, New Bern; Milledge Armes, Raleigh; Emma Feichter, Raleigh; Grace Isley, Raleigh; Rob Jarrell, High Point; Maria Kunath, Apex; Allie Maier, Gastonia; Genie Mason, Raleigh; Abby Newsom, Raleigh; Ian Pearthree, Cary; David Pierce, Jr., Raleigh; Siew-chieh Redd, Jr., Garner; Kayla Sloan, Raleigh; Krystle Smith, Cooleemee; and Steve Smith, Cooleemee.

**REPORT OF COMMITTEE**

A standing committee report is submitted as follows:

By Senator Tucker for the **State and Local Government Committee**:

**H.B. 422**, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MARSHVILLE TO DELETE THE PROVISIONS FOR UTILITY BILLING AND TERMINATION OF UTILITY SERVICES, with a favorable report.

July 9, 2013
H.B. 538 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL DECISION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70484, is adopted and engrossed.

WITHDRAWAL FROM COMMITTEE

H.B. 417 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, referred to the Appropriations/Base Budget Committee on July 2.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Appropriations/Base Budget Committee and placed on the calendar of Wednesday, July 10, which motion prevails with unanimous consent, and the Chair so orders.

Upon motion of Senator Berger, seconded by Senator Goolsby, the Senate adjourns at 3:00 p.m., subject to the ratification of bills, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, July 10, at 2:00 p.m.

ENROLLED BILLS AND RESOLUTIONS

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

S.B. 132, AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AND TO PROVIDE SUCH INFORMATION TO CHARTER, NONPUBLIC, AND HOME SCHOOL STUDENTS.

S.B. 174, AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, TO PROVIDE SPECIFIC DIRECTIONS TO THE INDUSTRIAL COMMISSION TO REPLACE THE RULES, AND TO AMEND CERTAIN PROVISIONS OF THE WORKERS’ COMPENSATION LAW.

S.B. 280, AN ACT ALLOWING NON-STATE EMPLOYEES AFFILIATED WITH THE TRANSPORTATION MUSEUM TO DRIVE STATE-OWNED VEHICLES; EXPANDING THE AUTHORITY OF THE DEPARTMENT OF CULTURAL RESOURCES AND THE TRYON PALACE
S.B. 399, AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE IN SUPERIOR COURT FOR WHICH THE STATE IS NOT SEEKING A SENTENCE OF DEATH MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE.

S.B. 638, AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO (1) LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY PRODUCERS ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR PRODUCTS; (2) LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS, FARM ANIMAL PROFESSIONALS, AND AGRITOURISM OPERATORS AND CLARIFY THAT EQUINE RECREATION WHERE THE LANDOWNER RECEIVES NO COMPENSATION IS SUBJECT TO THE RECREATIONAL USE STATUTE AND NOT THE EQUINE ACTIVITY LIABILITY STATUTE; (3) ALLOW THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (4) DECREASE THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (5) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; (6) MAKE CONFORMING CHANGES TO THE NAME OF THE STRUCTURAL PEST CONTROL AND PESTICIDES DIVISION AND CLARIFY THE RESPONSIBILITIES OF THE DIVISION; (7) AMEND CERTAIN EGG LABELING REQUIREMENTS; (8) REPEAL THE INTERSTATE PEST CONTROL COMPACT; (9) REPEAL CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND COSMETIC ACT; (10) CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES; (11) REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE; (12) EXEMPT FORESTRY AND SILVICULTURE OPERATIONS FROM TEMPORARY DRIVEWAY PERMITTING; (13) ALLOW A FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO MAINTAIN ITS FARM BUILDING STATUS FOR PURPOSES OF THE STATE BUILDING CODE; (14) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (15) ALLOW RETAILERS TO DISPLAY MORE THAN FOUR HUNDRED SQUARE FEET OF NURSERY STOCK FOR SALE IN THEIR PARKING LOTS; (16) EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (17) ALLOW A LANDOWNER TO WITHDRAW
WATER FOR AGRICULTURAL USE DURING WATER SHORTAGE EMERGENCIES UNDER CERTAIN CONDITIONS; (18) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM STREAM AND WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND (19) ACCELERATE THE SUNSET DATE OF THE PETROLEUM DISPLACEMENT PLAN AS A RESULT OF THE STATE HAVING SUBSTANTIALLY ACHIEVED ITS TWENTY PERCENT REDUCTION GOAL OF THE USE OF PETROLEUM PRODUCTS.

S.B. 717, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES DISCRETION IN ASSESSING PENALTIES AND SUSPENSIONS ON SAFETY INSPECTION LICENSE HOLDERS FOR SAFETY INSPECTION LAW VIOLATIONS, AND TO CLARIFY THE MOTOR VEHICLE DEALERS' AND MANUFACTURERS' LICENSING LAW.

H.B. 110, AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS.

H.B. 137, AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE.

H.B. 161, AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES.

H.B. 176, AN ACT TO AUTHORIZE CORVIAN COMMUNITY SCHOOL, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

H.B. 241, AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY.

H.B. 358, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS.

July 9, 2013
H.B. 371, AN ACT AUTHORIZING THE STATE BOARD OF
CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE
EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL
ASSISTANTS.

H.B. 450, AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN
CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL
CONTEMPT.

H.B. 462, AN ACT TO INCREASE THE UNIFORM HOURLY FEE
CHARGED TO PERSONS RECEIVING THE SERVICES OF A
SUPERVISED VISITATION AND EXCHANGE CENTER THROUGH A
FAMILY COURT PROGRAM.

H.B. 635, AN ACT TO (1) ALLOW A CLERK OR ASSISTANT OR
DEPUTY CLERK OF SUPERIOR COURT OR A MAGISTRATE TO ISSUE
BY FACSIMILE OR ELECTRONIC MAIL TRANSMISSION AN
INVOLUNTARY INPATIENT COMMITMENT CUSTODY ORDER TO A
PETITIONING PHYSICIAN, ELIGIBLE PSYCHOLOGIST, OR DESIGNEE
AT A TWENTY-FOUR-HOUR FACILITY WHEN THE RESPONDENT IS
ALREADY PHYSICALLY PRESENT AT THE TWENTY-FOUR-HOUR
FACILITY, (2) ESTABLISH PROTOCOLS FOR THE TRAINING OF
PHYSICIANS, ELIGIBLE PSYCHOLOGISTS, OR DESIGNEES, AND (3)
DIRECT THE SECRETARY OF THE DEPARTMENT OF HEALTH AND
HUMAN SERVICES TO REVIEW AND REVISE THE RULES
DESIGNATING FACILITIES FOR THE CUSTODY AND TREATMENT OF
INVOLUNTARY CLIENTS.

H.B. 895, AN ACT TO RENAME THE BILTMORE CAMPUS OF THE
MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE
MARY CORDELL NESBITT CAMPUS.

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

S.B. 177, AN ACT TO REMOVE CERTAIN RESTRICTIONS ON
SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND
MAYSVILLE.

H.B. 196, AN ACT TO PROVIDE FOR VACANCIES ON THE
WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD TO BE FILLED
BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD.

H.B. 318, AN ACT TO EXEMPT FROM SEISMIC UPGRADE
REQUIREMENTS A TEMPORARY OCCUPANCY BY AN EMERGENCY
OPERATIONS CENTER TO ALLOW SIMILAR UPGRADES TO BE
PERFORMED ON THE BUILDING PERMANENTLY HOUSING THE
CENTER.

July 9, 2013
H.B. 334, AN ACT AUTHORIZING BUNCOMBE COUNTY TO USE SOME LOTTERY FUNDS TO EXPAND DIGITAL LEARNING IN THE PUBLIC SCHOOLS.

H.B. 347, AN ACT TO AMEND THE GREENSBORO FIREFIGHTERS’ SUPPLEMENTAL RETIREMENT SYSTEM AND TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER.

H.B. 404, AN ACT TO ALLOW CAMDEN COUNTY TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES.

H.B. 441, AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF DRAINAGE COMMISSIONERS OF ROBESON COUNTY DRAINAGE DISTRICT NUMBER ONE FROM THREE PERSONS TO FOUR PERSONS AND TO ALLOW TWO OF THEM TO SERVE EACH WATERSHED WITHIN THE DISTRICT.

H.B. 529, AN ACT TO AUTHORIZE EDGECOMBE COUNTY TO LEVY AN OCCUPANCY TAX.


CHAPTERED BILLS

The Enrolling Clerk reports the following bills properly enrolled, assigned the following Chapter Numbers, and presented to the Office of the Secretary of State:

S.B. 168, AN ACT TO ELIMINATE UNNECESSARY REPORTS AND CLARIFY CURRENT EDUCATION PROGRAM REQUIREMENTS. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-226.)

S.B. 613, AN ACT TO CREATE THE NORTH CAROLINA MILITARY AFFAIRS COMMISSION. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-227.)

S.B. 205, AN ACT TO ELIMINATE UNNECESSARY SOIL TESTING REQUIREMENTS IN ANIMAL WASTE MANAGEMENT PLANS. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-228.)

July 9, 2013
S.B. 264, AN ACT TO STRENGTHEN THE NUISANCE LAWS TO CLOSE DOWN BUSINESSES THAT REPEATEDLY SELL CONTROLLED SUBSTANCES. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-229.)

S.B. 377, AN ACT TO ALLOW THE GOVERNOR TO TEMPORARILY SUSPEND ROUTINE WEIGHT INSPECTIONS OF TRUCKS UPON THE EXISTENCE OF AN IMMINENT THREAT OF SEVERE ECONOMIC LOSS OF LIVESTOCK OR POULTRY OR WIDESPREAD OR SEVERE DAMAGE TO CROPS READY TO BE HARVESTED. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-230.)

S.B. 568, AN ACT TO ALLOW THE ISSUANCE OF A RESTRICTED LICENSE TO AN INDIVIDUAL THAT MEETS CERTAIN REQUIREMENTS FOR THE USE OF BIOPTIC TELESCOPIC LENSES. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-231.)

S.B. 635, AN ACT TO CLARIFY THAT ONLY INCUMBENT PROVIDERS MAY CONSTRUCT A NEW ELECTRICITY TRANSMISSION LINE. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-232.)

S.B. 712, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO DEVELOP A PROCESS WHEREBY PERSONS WHO ARE HOMEBOUND CAN APPLY FOR A SPECIAL PHOTO IDENTIFICATION CARD BY MEANS OTHER THAN PERSONAL APPEARANCE AND TO MAKE OTHER CLARIFYING CHANGES. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-233.)

H.B. 56, AN ACT TO ESTABLISH THE CONTRACT MANAGEMENT SECTION OF THE DIVISION OF PURCHASE AND CONTRACT, DEPARTMENT OF ADMINISTRATION, TO AMEND THE LAWS REQUIRING NEGOTIATION AND REVIEW OF CERTAIN STATE CONTRACTS, TO PROVIDE OVERSIGHT AND REPORTING OF CERTAIN CONTRACT AWARDS, AND TO PROVIDE FOR CONTRACT MANAGEMENT AND ADMINISTRATION, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-234.)

H.B. 57, AN ACT (1) TO PROHIBIT LOCAL SCHOOL ADMINISTRATIVE UNITS FROM ASSESSING INDIRECT COSTS TO A CHILD NUTRITION PROGRAM UNLESS THE PROGRAM IS FINANCIALLY SOLVENT AND (2) TO PROMOTE OPTIMAL PRICING FOR CHILD NUTRITION PROGRAM FOODS AND SUPPLIES, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE BASED ON RECOMMENDATIONS FROM THE PROGRAM EVALUATION DIVISION. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-235.)

July 9, 2013
H.B. 147, AN ACT TO AMEND VARIOUS LAWS PERTAINING TO ADOPTION. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-236.)


H.B. 220, AN ACT DESIGNATING JULY TWENTY-SECOND OF EACH YEAR AS NORTH CAROLINA FRAGILE X AWARENESS DAY. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-238.)

H.B. 243, AN ACT AUTHORIZING AN OWNER OF A SELF-STORAGE FACILITY WHO HAS A LIEN UPON PERSONAL PROPERTY TO DELIVER NOTICE OF THE PUBLIC SALE OF THE PROPERTY TO THE OCCUPANT BY CERTIFIED MAIL OR BY VERIFIED ELECTRONIC MAIL, TO PUBLISH NOTICE IN ANY COMMERCIALLY REASONABLE MANNER, TO CONDUCT THE SALE THROUGH AN ONLINE, PUBLICLY ACCESSIBLE AUCTION WEB SITE, AND TO INCREASE THE MINIMUM LATE FEES FOR SELF-STORAGE FACILITY RENTAL CONTRACTS. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-239.)

H.B. 249, AN ACT TO REQUIRE LOCAL SCHOOL ADMINISTRATIVE UNITS TO REFUND THE SUBSTITUTE DEDUCTION TO A TEACHER TAKING PERSONAL LEAVE IF NO SUBSTITUTE IS HIRED FOR THAT TEACHER. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-240.)

H.B. 626, AN ACT TO PROMPTLY NOTIFY LOCAL LAW ENFORCEMENT AGENCIES OF CERTAIN INFORMATION ABOUT VEHICLES THAT HAVE BEEN TOWED AT THE DIRECTION OF A PERSON OTHER THAN THE OWNER OR OPERATOR OF THE VEHICLE. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-241.)

H.B. 628, AN ACT TO REQUIRE NET SAVINGS IN ASSOCIATION WITH MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS AND PROTECT USE OF NORTH CAROLINA PRODUCTS IN MAJOR FACILITY CONSTRUCTION AND RENOVATION PROJECTS UNDER THE SUSTAINABLE ENERGY-EFFICIENT BUILDINGS PROGRAM. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-242.)

July 9, 2013
H.B. 656, AN ACT TO REVISE THE LAWS GOVERNING THE
SEIZURE, FORFEITURE, AND SALE OF MOTOR VEHICLES USED BY
DEFENDANTS IN FELONY CASES INVOLVING SPEEDING TO ELUDE
ARREST. (Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-243.)

H.B. 784, AN ACT TO PROVIDE THAT THE REMEDIES AND
PENALTIES FOR WORTHLESS CHECKS ALSO APPLY WHEN A
CHECK THAT HAS BEEN PAID IN FULL IS PRESENTED AGAIN FOR
PAYMENT AND TO PROVIDE THAT CHECKS REFUSED TO BE
HONORED BY A BANK MAY BE SUBMITTED AS EVIDENCE IF THEY
ARE STAMPED OR MARKED WITH ONE OF A NUMBER OF
DIFFERENT LISTED TERMS. (Became law upon approval of the Governor,
July 3, 2013 - S.L. 2013-244.)

H.B. 785, AN ACT TO CREATE A STATEWIDE PILOT PROGRAM TO
ENABLE COST-SHARING FOR TRANSPORTATION IMPROVEMENTS
AND TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO
CREATE A STATEWIDE PILOT PROGRAM FOR CONTRACTED
SERVICES COST-SAVINGS. (Became law upon approval of the Governor,

H.B. 832, AN ACT TO PROTECT THE PUBLIC’S HEALTH BY
INCREASING ACCESS TO IMMUNIZATIONS AND VACCINES
THROUGH THE EXPANDED ROLE OF IMMUNIZING PHARMACISTS.
(Became law upon approval of the Governor, July 3, 2013 - S.L. 2013-246.)

H.B. 868, AN ACT TO REPEAL UNNECESSARY STATUTES, MAKE
CONFORMING CHANGES TO THE GENERAL STATUTES, AND
CLARIFY OPERATION AND OVERSIGHT OF CERTAIN RESIDENTIAL
SCHOOLS FORMERLY GOVERNED BY THE DEPARTMENT OF
HEALTH AND HUMAN SERVICES. (Became law upon approval of the

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 8, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the
House Committee Substitute for S.B. 200, A BILL TO BE ENTITLED AN
ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO
OBTAIN ACCREDITATION, and requests conferees.

July 9, 2013
Speaker Tillis appoints:
Representative Stam, Chair
Representative McGrady
Representative Bryan and
Representative Glazier

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 9, 2013

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 H.B. 250 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION, and requests conferees.

Speaker Tillis has appointed:
Representative Hardister, Chair
Representative Brandon
Representative Stam and
Representative Lambeth

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 9, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 9, 2013

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 H.B. 232 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, and requests conferees.

Speaker Tillis has appointed:
Representative Collins, Chair
Representative Setzer and
Representative Tine

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

A SENATORIAL STATEMENT
Submitted by Senator Ronald J. Rabin, Senator Chad Barefoot, and Senator Tamara Barringer

Recognizing Mike Dorman and MMIA

WHEREAS, Mike Dorman, a native of Lumberton and resident of Fuquay-Varina, proudly served our country as a member of the United States Coast Guard; and

WHEREAS, Mike Dorman founded Military Missions in Action (MMIA), a nonprofit organization, to assist disabled and injured veterans in living more independent lives; and

WHEREAS, since 2008, MMIA volunteers have completed projects throughout North Carolina totaling more than two million dollars, including renovating homes and building wheelchair ramps, providing housing assistance to veterans and their families, and sending care packages to soldiers in combat areas; and

July 9, 2013
WHEREAS, Mike Dorman and MMIA volunteers have been recognized for their service by members of congress and other government officials; and

WHEREAS, on February 15, 2013, Mike Dorman was awarded the 2012 Presidential Citizens Medal, the second highest civilian honor, by President Barack Obama during a ceremony at the White House. Mike Dorman was selected, along with 17 others, from over 6,000 nominees to receive this prestigious award; and

WHEREAS, the Citizens Medal was established in 1969 to recognize American citizens who have performed exemplary deeds of service for their country or their fellow citizens;

NOW, THEREFORE, Mike Dorman and Military Missions in Action should be commended for improving the lives of our veterans and active service members.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the ninth day of July, 2013.

S/Senator Ronald J. Rabin
S/Senator Chad Barefoot
S/Senator Tamara Barringer

Senate Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 8, 2013

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 S.B. 231 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Committee Substitute bill for S.B. 231 on July 2, the bill is ordered enrolled and sent to the Governor.

July 9, 2013
MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 315** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVE ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3.

The House Committee Substitute bill No. 3 is placed on the calendar of Wednesday, July 10.

**S.B. 337** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Wednesday, July 10.

**H.B. 568** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DEANNEX CERTAIN DESCRIBED TERRITORY FROM THE CITY OF ASHEVILLE.

Referred to the Rules and Operations of the Senate Committee.

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

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July 9, 2013
The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, Lord, as we settle into work again, we are thankful that you bring us order out of chaos and that you bring beauty out of nothingness. Each person that stands here today has a story, and that story is either going into chaos or moving into beauty. But, Lord, you have mercy on those that seem not able to get themselves even moving out of chaos. Even those that are mentally ill and those that just cannot get going, you have mercy. So we ask that you change us from being people that judge and retaliate and overpower into being people that are filled with your compassion and with your wisdom. Bring us back to the place where as a people we trust that you have our back. Why cannot we trust you, Jesus? You are our strength and our portion. There is now no more condemnation for us. Move us, today, in little ways to move away from overpowering others to listening to others. Give us grace to accomplish these things. Give us the strength to build up the citizens of this great state, and help us to have wisdom in all we do. In Jesus’ name I pray. Amen.”

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

Senator Hunt announces that the Senate Journal of Tuesday, July 9, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Tillman for the Education/Higher Education Committee:

H.B. 512, A BILL TO BE ENTITLED AN ACT TO CHANGE THE MANNER OF SELECTION OF CERTAIN MEMBERS OF THE BOARD OF TRUSTEES OF CENTRAL CAROLINA COMMUNITY COLLEGE, 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, 30594, which changes the title to read H.B. 512 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT ELECTIONS MADE OUTSIDE OF STATUTORY AUTHORITY TO THE BOARD OF TRUSTEES OF CENTRAL CAROLINA COMMUNITY COLLEGE, is adopted and engrossed.

July 10, 2013
CONFERENCE REPORT

Senator Bingham, for the Conferences appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 200 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, 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 200, A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, House Committee Substitute Favorable 6/3/13, submit the following report:

The Senate and House agree to the following amendment and the Senate concurs in the House Committee Substitute Favorable 6/3/13, as amended:

On page 1, line 3, by rewriting that line to read: "ACCREDITATION AND TO MAKE CORRECTIONS TO THE FAMILY, FAITH, AND FREEDOM PROTECTION ACT OF 2013."; and

On page 1, lines 9 and 11, by deleting the phrase "July 1, 2015," and substituting the phrase "July 1, 2016."

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferences approved report: July 10, 2013.

Conferences for the Senate
S/Stan Bingham, Chair
S/Thom Goolsby
S/E. S. (Buck) Newton
S/Eleanor Kinnaird

Conferences for the House of Representatives
S/Paul Stam, Chair
S/Chuck McGrady
S/Rob Bryan
S/Rick Glazier

The Conference Report is placed on the calendar of Thursday, July 11, for adoption.

The Senate recesses at 2:16 p.m., subject to the ratification of bills, to reconvene at 2:45 p.m.

RECESS

July 10, 2013
ENROLLED BILLS AND A RESOLUTION

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

S.B. 231, AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION.

H.B. 192, AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY.

H.B. 214, AN ACT EXEMPTING FROM PUBLIC RECORDS DOCUMENTS COLLECTED OR COMPILED IN CONNECTION WITH AN APPLICATION FOR LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS.

H.B. 257, AN ACT TO AMEND THE STATUTES GOVERNING THE ESCHATE FUND TO PROTECT THE PRIVACY OF INFORMATION COLLECTED FOR THE PROCESS OF PAYING CLAIMS; TO ELIMINATE THE FEE PAID BY HOLDERS FOR FILING AN EXTENSION REQUEST; TO REDUCE THE AMOUNT OF PAPERWORK REQUIRED BY HOLDERS; AND TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF PROCESSING HOLDER REPORTS.

H.B. 327, AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS' AND RESCUE SQUAD WORKERS' ADVISORY PANEL, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS.

H.B. 340, AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS.

H.B. 345, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISUSE OF THE 911 SYSTEM, AND TO PROVIDE FOR RECOMMENDATIONS FOR CERTAIN APPOINTMENTS TO THE STATE 911 BOARD.

July 10, 2013
H.B. 357, AN ACT TO INCREASE CITIZEN OVERSIGHT AND TO MAKE OTHER CONSOLIDATIONS AND IMPROVEMENTS IN THE GOVERNANCE OF THE STATE RETIREMENT SYSTEMS, AND TO IMPROVE TRANSPARENCY BY ENSURING THAT ALL RETIREMENT PLANS ADMINISTERED BY THE DEPARTMENT OF STATE TREASURER ARE OVERSEEN BY A BOARD OF TRUSTEES.

H.B. 362, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARK CEILING RELATING TO PURCHASES AND CONTRACTS.

H.B. 391, AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, AS A MEMBER OF A BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, OR AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSES OF THAT DEFINITION.

H.B. 402, AN ACT TO REQUIRE A TRICARE SUPPLEMENT TO BE OFFERED IF A PLAN OF FLEXIBLE COMPENSATION IS OFFERED BY THE STATE.

H.B. 428, AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON’S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON’S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES.

H.B. 474, AN ACT TO AUTHORIZE THE REDEPOSIT OF STATE AND LOCAL GOVERNMENT FUNDS INTO INSURED DEMAND, MONEY MARKET, AND NEGOTIABLE ORDER OF WITHDRAWAL DEPOSIT ACCOUNTS.

H.B. 492, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS

July 10, 2013
SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES.

H.B. 683, AN ACT TO BAR CIVIL ACTIONS AGAINST PACKERS, DISTRIBUTORS, MANUFACTURERS, CARRIERS, HOLDERS, SELLERS, MARKETERS, OR ADVERTISERS OF FOOD PRODUCTS THAT COMPLY WITH APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS BASED ON CLAIMS ARISING OUT OF WEIGHT GAIN, OBESITY, A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY, OR OTHER GENERALLY KNOWN CONDITION ALLEGEDLY CAUSED BY OR ALLEGEDLY LIKELY TO RESULT FROM LONG-TERM CONSUMPTION OF FOOD; AND TO CLARIFY THAT LOCAL GOVERNMENTS MAY NOT REGULATE THE SIZE OF SOFT DRINKS OFFERED FOR SALE.

H.B. 754, AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE.

H.B. 767, AN ACT ENACTING THE CORPORAL PRUITT RAINY BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDING CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES.

H.B. 783, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAWS GOVERNING PYROTECHNICS DISPLAYS.

H.B. 828, AN ACT UPDATING THE PHYSICAL THERAPY PRACTICE ACT.

H.B. 917, AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL.

H.B. 982, AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A.

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. 107, AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES.

July 10, 2013
H.B. 546, AN ACT TO PROVIDE FOR THE TERM OF THE CHAIRPERSON FOR THE BOARD OF TRUSTEES OF THE ROANOKE RAPIDS GRADED SCHOOL DISTRICT.


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. 177, AN ACT TO REMOVE CERTAIN RESTRICTIONS ON SATELLITE ANNEXATIONS FOR THE TOWNS OF HOOKERTON AND MAYSVILLE. (Became law upon ratification, July 9, 2013 - S.L. 2013-248.)

H.B. 196, AN ACT TO PROVIDE FOR VACANCIES ON THE WINSTON-SALEM/FORSYTH COUNTY SCHOOL BOARD TO BE FILLED BY APPOINTMENT BY THE REMAINING MEMBERS OF THE BOARD. (Became law upon ratification, July 9, 2013 - S.L. 2013-249.)

H.B. 318, AN ACT TO EXEMPT FROM SEISMIC UPGRADE REQUIREMENTS A TEMPORARY OCCUPANCY BY AN EMERGENCY OPERATIONS CENTER TO ALLOW SIMILAR UPGRADES TO BE PERFORMED ON THE BUILDING PERMANENTLY HOUSING THE CENTER. (Became law upon ratification, July 9, 2013 - S.L. 2013-250.)

H.B. 334, AN ACT AUTHORIZING BUNCOMBE COUNTY TO USE SOME LOTTERY FUNDS TO EXPAND DIGITAL LEARNING IN THE PUBLIC SCHOOLS. (Became law upon ratification, July 9, 2013 - S.L. 2013-251.)

H.B. 347, AN ACT TO AMEND THE GREENSBORO FIREFIGHTERS’ SUPPLEMENTAL RETIREMENT SYSTEM AND TO AMEND THE CHARTER OF THE CITY OF GREENSBORO TO CHANGE CERTAIN REFERENCES FROM BUILDING INSPECTOR TO COMPLIANCE OFFICER. (Became law upon ratification, July 9, 2013 - S.L. 2013-252.)

H.B. 404, AN ACT TO ALLOW CAMDEN COUNTY TO COLLECT DELINQUENT STORMWATER UTILITY FEES IN THE SAME MANNER AS DELINQUENT PERSONAL AND REAL PROPERTY TAXES. (Became law upon ratification, July 9, 2013 - S.L. 2013-253.)

July 10, 2013
H.B. 441, AN ACT TO INCREASE THE MEMBERSHIP OF THE BOARD OF DRAINAGE COMMISSIONERS OF ROBESON COUNTY DRAINAGE DISTRICT NUMBER ONE FROM THREE PERSONS TO FOUR PERSONS AND TO ALLOW TWO OF THEM TO SERVE EACH WATERSHED WITHIN THE DISTRICT. (Became law upon ratification, July 9, 2013 - S.L. 2013-254.)

H.B. 529, AN ACT TO AUTHORIZE EDGECOMBE COUNTY TO LEVY AN OCCUPANCY TAX. (Became law upon ratification, July 9, 2013 - S.L. 2013-255.)

The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:


CALENDAR

Bills and a resolution on today’s calendar are taken up and disposed of as follows:

H.B. 422, A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF MARSHVILLE TO DELETE THE PROVISIONS FOR UTILITY BILLING AND TERMINATION OF UTILITY SERVICES, upon second reading.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

H.B. 538 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL DECISION, upon second reading.

The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 26 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO STRENGTHEN THE LAWS PROTECTING AGAINST THE THEFT OF VEHICLES FOR DISASSEMBLY AND RESALE OF PARTS AND TO ASSIST LAW ENFORCEMENT IN THE INVESTIGATION OF ORGANIZED CRIMINAL ACTIVITY ASSOCIATED WITH THE THEFT OF VEHICLES, upon second reading.

July 10, 2013
Senator Daniel offers Amendment No. 1, which is adopted (45-0).

The Senate Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 392 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, upon second reading.

Senator Goolsby offers Amendment No. 1, which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading (43-6) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

H.B. 417 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from today’s calendar and re-referred to the Rules and Operations of the Senate Committee.

H.B. 15 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO

July 10, 2013
STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE; AND (3) AMEND THE LAW GOVERNING ASSIGNMENT OF STATE-OWNED MOTOR VEHICLES, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today’s calendar and placed on the calendar of Monday, July 15.

**S.B. 315** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3 upon second reading.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 3 is withdrawn from today’s calendar and placed on the calendar of Thursday, July 11.

**CALENDAR (continued)**

**S.B. 337** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (14-35), and the House of Representatives is notified.

**MOTION TO SUSPEND THE RULES**


July 10, 2013
Upon motion of Senator Apodaca, without objection, the rules are suspended and the Joint Resolution, having been read in by the Reading Clerk earlier today, is brought before the Senate for immediate consideration.

**CALENDAR (continued)**


The Joint Resolution passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**CONFERENCE REPORT**

Senator Hise, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 649** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA’S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS, 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 649, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA’S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS, Senate Insurance Committee Substitute Adopted 6/6/13, Sixth Edition Engrossed 6/12/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Insurance Committee Substitute Adopted 6/6/13, Sixth Edition Engrossed 6/12/13, and the House concurs in the Senate Committee Substitute Adopted 6/6/13, Sixth Edition Engrossed 6/12/13, as amended:

On page 3, line 29, by deleting the phrase “three to one” and substituting the phrase “the ratio of three to one (3:1)”;

and on page 3, line 33-34, by deleting the phrase “one and one-fifteenth to one” and substituting the phrase “the ratio of one and two tenths to one (1.2:1)”;

July 10, 2013
and on page 4, lines 15-16, by rewriting the lines to read:

“b. Has an annual attachment point for claims incurred per individual that is lower than twenty thousand dollars ($20,000) for plan years beginning in 2013. For subsequent policy years, the amount shall be indexed using the Consumer Price Index for Medical Services for All Urban Consumers for the South Region and shall be rounded to the nearest whole thousand dollars. The index factor shall be the index as of July of the year preceding the change divided by the index as of July 2012.”;

and on page 4, line 20, by rewriting the line to read:

“2. Twenty thousand dollars ($20,000) for plan years beginning in 2013. For subsequent policy years, the amount shall be indexed using the Consumer Price Index for Medical Services for All Urban Consumers for the South Region and shall be rounded to the nearest whole thousand dollars. The index factor shall be the index as of July of the year preceding the change divided by the index as of July 2012.”;

and on page 4, line 43, by rewriting the line to read:

“stop loss coverage pursuant to this act. The Department of Insurance shall make the amount of the attachment points in Section 3 of this act available to the public annually.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 10, 2013.

Conferees for the Senate  Conferees for the House of Representatives
S/Ralph Hise, Chair  S/Jeff Collins, Chair
S/Wesley Meredith  S/Mike C. Stone
S/Brent Jackson  S/Tim D. Moffitt
Stephen M. Ross
William D. Brisson

The Conference Report is placed on the calendar of Thursday, July 11, for adoption.

July 10, 2013
APPPOINTMENT OF CONFERENCE COMMITTEES

S.B. 337 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 337 on July 10, Senator Brown announces the appointment of Senator Tillman, Chair; Senator Clark, Senator Soucek, and Senator Wade 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. 683 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 683 on July 2, Senator Brown announces the appointment of Senator Goolsby, Chair; Senator Barringer and Senator Kinnaird 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. 232 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN.

Pursuant to the message from the House of Representatives received on July 9 that the House fails to concur in the Senate Committee Substitute bill for H.B. 232 and requests conferees, Senator Brown, announces the appointment of Senator Apodaca, Chair; Senator Gunn, Senator Hise, and Senator McLaurin 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.

H.B. 250 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION.

July 10, 2013
Pursuant to the message from the House of Representatives received on July 9 that the House fails to concur in the Senate Committee Substitute bill for H.B. 250 and requests conferees, Senator Brown, announces the appointment of Senator Tillman, Chair; Senator Sanderson, Senator Soucek, and Senator Walters 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.

CONFERENCE REPORT

Senator Gunn, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 662 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS, 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 662, A BILL TO BE ENTITLED AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS, Senate Commerce Committee Substitute Adopted 6/6/13, submit the following report:

The House and Senate agree to the following amendments to the Senate Commerce Committee Substitute Adopted 6/6/13, and the House concurs in the Senate Commerce Committee Substitute as amended:

On page 1, line 22, by deleting “any” and substituting “either”; and

And on page 1, lines 28-30, by deleting the lines.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 10, 2013.

July 10, 2013
The Conference Report is placed on the calendar of Thursday, July 11, for adoption.

CONFERENCE REPORT

Senator Soucek, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 255 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE, 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 255, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE, Senate Education/Higher Education Committee Substitute Adopted 6/5/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Education/Higher Education Committee Substitute Adopted 6/5/13, and the House concurs in the Senate Committee Substitute as amended:

July 10, 2013
Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H255-PCCS80413-TB-5.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 10, 2013.

Conferees for the Senate         Conferees for the House of Representatives
S/Dan Soucek, Chair             S/Rick Glazier, Chair
S/Jerry W. Tillman              S/Bryan R. Holloway
S/Chad Barefoot                 S/Linda P. Johnson
S/David L. Curtis               S/D. Craig Horn

The full text of the proposed Conference Committee Substitute can be found in Chapter 325 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Thursday, July 11, for adoption.

Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 3:08 p.m., subject to the ratification of bills, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, July 11, at 11:00 a.m.

ENROLLED RESOLUTION

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


MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE.

Referred to the Finance Committee.

July 10, 2013
H.B. 565 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

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

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

NINETY-FOURTH DAY

Senate Chamber
Thursday, July 11, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Heavenly Father, we draw close to you because you are the one who has drawn close to us. You sought us out; we were lost sheep, and you have brought us home. We thank you that that is your character that you chase after us, even when we are like Jonah and run away from Nineveh. Lord, we thank you that you meet us where we are. Lord, we thank you for the service of Zeb Alley, today, and how he served this place, and we ask you to comfort his family in his loss. Comfort those in Western North Carolina, especially Waynesville, where he served. Lord, we draw close to you because you are the only one who can comfort us in loss. It is in your name, Jesus, we pray. Amen.”

The Chair grants leaves of absence for today to Senator Berger and Senator Meredith.

Senator Pate, Deputy President Pro Tempore, announces that the Senate Journal of Wednesday, July 10, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Donna Fields from Stanley, North Carolina, who is serving the Senate as Nurse of the Day.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today’s calendar:

S.B. 315 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST

July 11, 2013
PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3 upon second reading.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 3 is withdrawn from today’s calendar and placed on the calendar of Monday, July 15.

**CALENDAR**

Bills on today’s calendar are taken up and disposed of as follows:

**H.B. 512** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT ELECTIONS MADE OUTSIDE OF STATUTORY AUTHORITY TO THE BOARD OF TRUSTEES OF CENTRAL CAROLINA COMMUNITY COLLEGE, upon second reading.

The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**S.B. 200** (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION, for adoption.

Upon motion of Senator Bingham, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

**H.B. 255** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE

July 11, 2013
UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE, for adoption.

Upon motion of Senator Soucek, the Senate adopts the Conference Committee Substitute (48-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

**H.B. 649** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA’S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS, for adoption.

Upon motion of Senator Hise, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

**H.B. 662** (Conference Report), A BILL TO BE ENTITLED AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS, for adoption.

Upon motion of Senator Gunn, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

Upon motion of Senator Pate, seconded by Senator Robinson, the Senate adjourns at 11:22 a.m., in memory of Zeb Alley, subject to the ratification of bills, the receipt of committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, July 15, at 7:00 p.m.

**ENROLLED BILLS**

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

**S.B. 248**, AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR HEARING AID SPECIALIST UNDER THEIR HEALTH BENEFIT PLANS, TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES, AND TO MAKE TECHNICAL CHANGES TO THE STATUTE ON CHOOSING SERVICES OF PROVIDERS.

July 11, 2013
S.B. 316, an act to provide that a rebuttable presumption exists in certain circumstances that a person charged with a felony or class A1 misdemeanor offense involving the illegal use, possession, or discharge of a firearm should not be released prior to trial, and to amend certain bond provisions.

S.B. 378, an act to authorize a referendum of propane dealers and distributors regarding a voluntary assessment on propane to provide funding for promotional, educational, and other programs of the industry.

S.B. 465, an act to make it a criminal offense to sell, purchase, install, possess, transfer, use, or access an automated sales suppression device.

H.B. 168, an act granting the North Carolina Industrial Commission jurisdiction to decide disputes between an employee’s past and current attorneys regarding the division of a fee as approved by the commission.

H.B. 296, an act to (1) adjust the fees charged for certain hunting and fishing licenses issued by the Wildlife Resources Commission and repeal the county hunting, fishing, and trapping licenses and the noncommercial special device licenses; (2) establish a black bear management stamp that must be procured before taking bear within the state and amend the law restricting the taking of black bear with bait; (3) adjust the age for discounted special licenses from age sixty-five to age seventy; (4) provide that effective January 1, 2015, those hunting and fishing license fees in effect shall remain at the existing levels until the Wildlife Resources Commission establishes new fees through rule making, and authorize the Wildlife Resources Commission to establish license fees through rule making beginning in 2015; (5) replace the current six percent wildlife service agent commission fee with a two-dollar transaction fee; (6) provide that no more than twenty-five percent of the Wildlife Resources Commission’s authorized operating budget shall be kept in reserve; and (7) provide an annual target for utilization of the annual expendable interest of the Wildlife Endowment Fund.

July 11, 2013
H.B. 816, AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS.

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

H.B. 422, AN ACT AMENDING THE CHARTER OF THE TOWN OF MARSHVILLE TO DELETE THE PROVISIONS FOR UTILITY BILLING AND TERMINATION OF UTILITY SERVICES.

H.B. 468, AN ACT TO CHANGE THE METHOD OF ELECTION OF THE MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF HIGH POINT TO HOLD THE ELECTIONS IN ODD-NUMBERED YEARS AND BY A NONPARTISAN PRIMARY AND ELECTION METHOD AS PROVIDED BY GENERAL LAW AND TO AMEND THE CHARTER OF THE TOWN OF TRYON.

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. 107, AN ACT TO ALLOW A COUNTY FROM THE EASTERN REGION TO RECEIVE A DISBURSEMENT OF ITS SHARE OF THE MOTOR VEHICLE REGISTRATION TAX PROCEEDS AS WELL AS PAYMENTS MADE BY THE COUNTY IN LIEU OF TAXES. (Became law upon ratification, July 10, 2013 - S.L. 2013-256.)


H.B. 543, AN ACT ADDRESSING PERMISSIBLE GUARDIANSHIP ROLES FOR CORPORATIONS AND INDIVIDUALS THAT PROVIDE MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, OR SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, July 10, 2013 - S.L. 2013-258.)

S.B. 490, AN ACT TO EXCLUDE CUSTOM SOFTWARE FROM PROPERTY TAX. (Became law upon approval of the Governor, July 10, 2013 - S.L. 2013-259.)

July 11, 2013
MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 372** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT’S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Monday, July 15.

**S.B. 406** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL LAWS AND ORDINANCES THAT WERE DENIED PRECLEARANCE UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, July 15.

**S.B. 571** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Monday, July 15.

**S.B. 653** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A DEALER LICENSE PLATE MAY BE DISPLAYED ON A MOTOR VEHICLE DRIVEN ON A HIGHWAY BY A PERSON WHO IS AN EMPLOYEE OF A DEALER THAT EMPLOYS AT ALL TIMES NO LESS THAN THREE MOTOR VEHICLE SALES REPRESENTATIVES WHO ARE REQUIRED TO BE LICENSED UNDER ARTICLE 12 OF CHAPTER 20 OF THE GENERAL STATUTES OR SOLD ONE HUNDRED OR MORE VEHICLES IN THE PRIOR YEAR, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Monday, July 15.

July 11, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 10, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 683, A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT, and requests conferees.

Speaker Tillis appoints:
Representative Glazier, Chair
Representative Stam
Representative Conrad
Representative Davis and
Representative McGrady

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 10, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for S.B. 337, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, and requests conferees.

July 11, 2013
Speaker Tillis appoints:
Representative Stam, Chair
Representative Hardister
Representative Hager
Representative Glazier and
Representative Bryan

on the part of the House to confer with a like committee appointed by the Senate
to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 10, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representative Daughtry has been removed and Representative Davis has been added as a conferee to H.B. 614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES TO A PREVAILING DEFENDANT.

Respectfully,
S/Denise G. Weeks
Principal Clerk

A SENATORIAL STATEMENT
Submitted by Senator Ralph Hise

Recognizing the Bravery of DOT Employees Ricky Bradley, Chris Painter, and Jason Ray

WHEREAS, Ricky Bradley, Chris Painter, and Jason Ray, employees of the Department of Transportation, were repairing a street in Marion in McDowell County on June 21, 2013; and

July 11, 2013
WHEREAS, upon completing the repair and preparing to leave, the three men noticed smoke coming from a nearby home; and

WHEREAS, after learning that a father and son were sleeping in a back bedroom of the house, Chris Painter summoned emergency assistance by dialing 911; and

WHEREAS, Ricky Bradley and Jason Ray attempted to awaken the father and son who were sleeping inside the house by banging on the windows; and

WHEREAS, after no response from the father and son inside, Ricky Bradley and Jason Ray used a fire extinguisher to break a window and then pulled the father and son to safety; and

WHEREAS, Ricky Bradley prevented possible catastrophic personal injury and property damage by ensuring that a propane tank attached to the house was shut off; and

WHEREAS, Chris Painter prevented another occupant of the house from entering the burning building and risking serious injury or death; and

WHEREAS, these three men acted selflessly, heroically, and without fear in the face of danger to save lives;

NOW, THEREFORE, Ricky Bradley, Chris Painter, and Jason Ray deserve to be honored for their bravery and heroic acts in saving the lives of a father and his son from a burning house.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the eleventh day of July, 2013.

S/Senator Ralph His S/Sarah Lang
Senate Principal Clerk

CONFERENCE REPORT

Senator Tarte, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 409 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS’ FEES IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO-CONTACT ORDER CASES IN CERTAIN CIRCUMSTANCES, 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 409, A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES AND TO PROVIDE FOR COSTS AND ATTORNEYS’ FEES IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO-CONTACT ORDER CASES IN CERTAIN CIRCUMSTANCES, House Committee Substitute Favorable 6/6/13, submit the following report:

July 11, 2013
The House and Senate agree to the following amendments to the House Committee Substitute Favorable 6/6/13, and the Senate concurs in the House Committee Substitute as amended:

On page 1, lines 2 through 4, by rewriting the lines to read:

“AN ACT TO AMEND PROCEDURES, CLARIFY COSTS AND ATTORNEYS’ FEES PROVISIONS APPLICABLE WHEN RELIEF IS NOT ORDERED IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO CONTACT ORDER CASES, AND TO PROVIDE FOR ATTORNEYS’ FEES UPON THE GRANT OF RELIEF IN CHAPTER 50C CASES.”;

and on page 1, line 7, through page 2, line 3, by rewriting those lines to read:

“§ 50B-2. Institution of civil action; motion for emergency relief; temporary orders; temporary custody.

“(a) Any person residing in this State may seek relief under this Chapter by filing a civil action or by filing a motion in any existing action filed under Chapter 50 of the General Statutes alleging acts of domestic violence against himself or herself or a minor child who resides with or is in the custody of such person. Any aggrieved party entitled to relief under this Chapter may file a civil action and proceed pro se, without the assistance of legal counsel. The district court division of the General Court of Justice shall have original jurisdiction over actions instituted under this Chapter. Any action for a domestic violence protective order requires that a summons be issued and served. The summons issued pursuant to this Chapter shall require the defendant to answer within 10 days of the date of service. Attachments to the summons shall include the complaint, notice of hearing, any temporary or ex parte order that has been issued, and other papers through the appropriate law enforcement agency where the defendant is to be served. In compliance with the federal Violence Against Women Act, No court costs or attorneys’ fees shall be assessed for the filing, issuance, registration, or service of a protective order or petition for a protective order or witness subpoena, except as provided in G.S. 1A-1, Rule 11.”;

on page 2, line 4 through line 12, by rewriting those lines to read:

“SECTION 2. G.S. 50C-2(b) reads as rewritten:

“(b) No court costs or attorneys’ fees shall be assessed for the filing or service of the complaint, or the service of any orders, except as provided in G.S. 1A-1, Rule 11.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 11, 2013.

July 11, 2013
The Conference Report is placed on the calendar of Monday, July 15, for adoption.

**A BILL HELD IN THE CLERK’S OFFICE**

**H.B. 436** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY AN AMENDMENT TO THE CONSTITUTION OF NORTH CAROLINA TO HAVE THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A TEAM ON THE GENERAL ELECTION BALLOT, is received from the House of Representatives and is ordered held in the Office of the Principal Clerk.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

House of Representatives  
July 11, 2013

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 **S.B. 200** (Conference Report), A BILL TO BE ENTITLED AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,  
S/Denise G. Weeks  
Principal Clerk

*Pursuant to the Senate having adopted the Conference Report earlier today, the bill is ordered enrolled and sent to the Governor.*

July 11, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 11, 2013

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 **H.B. 255** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 11, 2013

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 **H.B. 649** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE

July 11, 2013
FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA’S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 11, 2013

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 **H.B. 662** (Conference Report), A BILL TO BE ENTITLED AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

July 11, 2013
The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, we stand on holy ground, and the ground is moist with rain. For, Father, you rain your love down upon the just and the unjust. Your love is not discretionary. As Dietrich Bonhoeffer prayed in 1945, ‘Stand by your enemy’s side, and plead for him to God, taking his distress and poverty and perdition into yourself. Each of his insults will bind you more closely to the Father.’* Would you, Lord, the forgiving one, fire us up to forgive like you forgive? Fill us up with you. By ourselves this is not possible; without calling on you this cannot happen. We would never be able to do this, but with you all things are possible. Help us to work together as people and as senators for the good of the people in this amazing state. Lord, help us here today. For your glory in Christ, Amen.”

*Adapted from “The Cost of Discipleship,” by Dietrich Bonhoeffer

The Chair grants leaves of absence for tonight to Senator Cook and Senator Hartsell.

Senator Berger, President Pro Tempore, announces that the Senate Journal of Thursday, July 11, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Dr. Linda O’Boyle from Elm City, North Carolina, who is serving the Senate as Nurse of the Day.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to tonight’s calendar:

H.B. 15 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST

July 15, 2013
SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE; AND (3) AMEND THE LAW GOVERNING ASSIGNMENT OF STATE-OWNED MOTOR VEHICLES, upon third reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from tonight’s calendar and placed on the calendar of Tuesday, July 16.

S.B. 315 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 3 is withdrawn from tonight’s calendar and placed on the calendar of Tuesday, July 16.

S.B. 653 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A DEALER LICENSE PLATE MAY BE DISPLAYED ON A MOTOR VEHICLE DRIVEN ON A HIGHWAY BY A PERSON WHO IS AN EMPLOYEE OF A DEALER THAT EMPLOYS AT ALL TIMES NO LESS THAN THREE MOTOR VEHICLE SALES REPRESENTATIVES WHO ARE REQUIRED TO BE LICENSED UNDER ARTICLE 12 OF CHAPTER 20 OF THE GENERAL STATUTES OR SOLD ONE HUNDRED OR MORE VEHICLES IN THE PRIOR YEAR, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from tonight’s calendar and placed on the calendar of Tuesday, July 16.

July 15, 2013
WITHDRAWALS FROM COMMITTEES

H.B. 870 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PUBLIC BODIES TO RECORD MEETINGS HELD IN CLOSED SESSION, referred to the Judiciary I Committee on May 13.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the Judiciary I Committee and re-referred to the Rules and Operations of the Senate Committee, which motion prevails with unanimous consent, and the Chair so orders.

H.B. 479 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE ELECTROLYSIS PRACTICE ACT TO AUTHORIZE THE BOARD OF ELECTROLYSIS EXAMINERS TO HOLD AND USE FUNDS AND TO MAKE CONFORMING AMENDMENTS, referred to the Rules and Operations of the Senate Committee on June 4.

Pursuant to Rule 47(a), Senator Apodaca 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, and the Chair so orders.

CALENDAR

Bills on tonight’s calendar are taken up and disposed of as follows:

S.B. 372 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT’S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator J. Davis, the Senate concurs in the House Committee Substitute bill No. 2 (46-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 406 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL LAWS AND ORDINANCES THAT WERE DENIED PRECLEARANCE UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, the Senate concurs in the House Committee Substitute bill (46-0) and the bill is ordered enrolled and sent to the Governor.

July 15, 2013
S.B. 571 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 2 is withdrawn from tonight’s calendar and placed on the calendar of Tuesday, July 16.

S.B. 409 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES, CLARIFY COSTS AND ATTORNEYS’ FEES PROVISIONS APPLICABLE WHEN RELIEF IS NOT ORDERED IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO CONTACT ORDER CASES, AND TO PROVIDE FOR ATTORNEYS’ FEES UPON THE GRANT OF RELIEF IN CHAPTER 50C CASES, for adoption.

Upon motion of Senator Tarte, the Senate adopts the Conference Report (47-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

CONFERENCE REPORT

Senator Apodaca, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 232 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, 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 232, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, Senate Pensions & Retirement and Aging Committee Substitute Adopted 6/26/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Pensions & Retirement and Aging Committee Substitute Adopted 6/26/13, and the House concurs in the Senate Committee Substitute as amended:

On page 3, lines 7-10, by deleting existing Section 7 and substituting the following:

July 15, 2013
“SECTION 7. Section 1 and the amendment to G.S. 135-48.43(a)(2) made in Section 4 become effective January 1, 2015, and apply to plan years beginning on or after that date. Section 3 and Section 4, except for the amendment to G.S. 135-48.43(a)(2) made in Section 4, become effective January 1, 2014, and apply to plan years beginning on or after that date. The remainder of this act is effective when it becomes law.”

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 15, 2013.

Conferees for the Senate
S/Tom Apodaca, Chair
S/Ralph Hise
S/Rick Gunn
S/Gene McLaurin

Conferees for the House of Representatives
S/Jeff Collins, Chair
S/Mitchell S. Setzer
S/Paul Tine

The Conference Report is placed on the calendar of Tuesday, July 16, for adoption.

ENROLLED BILLS

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

S.B. 200, AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION.

S.B. 344, AN ACT TO ALLOW FOR THE ISSUANCE OF TITLE BY THE DIVISION OF MOTOR VEHICLES TO THE OWNER OF OUT-OF-STATE MOTOR VEHICLES THAT ARE THIRTY-FIVE MODEL YEARS OLD OR OLDER IF THE LICENSE AND THEFT BUREAU OF THE DIVISION OF MOTOR VEHICLES FAILS TO COMPLETE AN INSPECTION AND VERIFICATION OF THE VEHICLE’S IDENTIFICATION NUMBER WITHIN FIFTEEN DAYS OF RECEIVING A REQUEST FOR INSPECTION AND VERIFICATION.

S.B. 407, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMPLEMENT A STATEWIDE ELECTRONIC LIEN SYSTEM TO PROCESS THE NOTIFICATION AND RELEASE OF SECURITY INTERESTS AND CERTIFICATE OF TITLE DATA.

S.B. 659, AN ACT TO CONFORM THE MOTOR VEHICLE LAW OF NORTH CAROLINA TO SECTIONS 154 AND 164 OF THE FEDERAL HIGHWAY BILL.

July 15, 2013
H.B. 26, AN ACT TO STRENGTHEN THE LAWS PROTECTING AGAINST THE THEFT OF VEHICLES FOR DISASSEMBLY AND RESALE OF PARTS AND TO ASSIST LAW ENFORCEMENT IN THE INVESTIGATION OF ORGANIZED CRIMINAL ACTIVITY ASSOCIATED WITH THE THEFT OF VEHICLES.

H.B. 255, AN ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE.

H.B. 649, AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA’S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS.

H.B. 662, AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS.

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:


July 15, 2013
The Chair recognizes the following pages serving in the Senate this week:

Dee Dee Anthony, Wake Forest; Shantel Bennett, Sanford; Isabel Ferguson, Raleigh; Hannah Hudson, Cary; Jordan Keyes, Raleigh; Nicholas Kroll, Holly Springs; Victoria Kroll, Holly Springs; Jazsmin McNeil, Raleigh; Gannon Nawojczyk, Fuquay-Varina; Veronica Nawojczyk, Fuquay-Varina; Amanda Packer, Hope Mills; Julia Perry, Zebulon; Caleb Reed, Wake Forest; Andy Shiver, Knightdale; Roslyn Ward, Garner; and Kayla Williams, Raleigh.

Upon motion of Senator Berger, seconded by Senator Randleman, the Senate adjourns at 7:24 p.m., in honor of and in memory of Chief District Court Judge Mitchell “Mitch” McLean, subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, July 16, at 2:00 p.m.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

PAT McCORRY
GOVERNOR

July 12, 2013

Senator Phil Berger
President Pro Tempore
North Carolina Senate
16 West Jones Street, Room 2008
Raleigh, NC 27601-2808

Dear Senator Berger:

Pursuant to North Carolina General Statute §135-6, I am pleased to recommend the following individuals to serve as members of the North Carolina Teachers’ and State Employees’ Retirement System Board of Trustees for confirmation by the North Carolina Senate:

- Michael Mebane of Forsyth County to an at-large seat
- John Aneralla of Mecklenburg County to an at-large seat
- Grace Mynatt of Cabarrus County to the retired teacher seat
- Alberta Hall of Wake County to the active state employee seat

July 15, 2013
• William Grey of Wake County to the active state law enforcement seat
• Michael Jacobs of Orange County to the representative of higher education seat
• Greg Grantham of Onslow County to the active teacher seat
• Jack Brooks of Mitchell County to the retired state employee seat
• Hollis Dowdy III of Lee County to the National Guard Member seat

Included you will find biographical information for each appointee. Please feel free to contact my staff for additional information.

Sincerely,
S/Pat McCrory

CC: The Honorable Tom Apodaca
     Ms. Sarah Lang

Referred to the Rules and Operations of the Senate Committee.

CONFERENCE REPORT

Senator Tillman, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 250 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION, 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 250, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION, Senate Education/Higher Education Committee Substitute Adopted 6/26/13, Fifth Edition Engrossed 7/2/13, submit the following report:

The House and Senate agree to the following amendments to the Senate Education/Higher Education Committee Substitute Adopted 6/26/13, Fifth Edition Engrossed 7/2/13, and the House concurs in the Senate Education/Higher Education Committee Substitute as amended:

July 15, 2013
On page 2, lines 17-23, by rewriting those lines to read:

“2. 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.”;

and on page 2, lines 29-35, by rewriting those lines to read:

“(5b) Lottery procedures for siblings.

a. If multiple birth siblings apply for admission to a charter school and a lottery is needed under G.S. 115C-238.29F(g)(6), the charter school may enter one surname into the lottery to represent all of the multiple birth siblings applying at the same time. If that surname of the multiple birth siblings is selected, then all of the multiple birth siblings shall be admitted to the extent that space is available and does not exceed the grade level capacity.”;

and on page 4, line 7, by rewriting that line to read:

“(3) Expand to offer one grade higher than the charter school currently offers if the charter school has operated for at least three years and has not been identified as having inadequate performance as provided in G.S. 115C-238.29G(a1).”;

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 15, 2013.

Conferees for the Senate Conferees for the House of Representatives
S/Jerry W. Tillman, Chair S/Jon Hardister, Chair
S/Dan Soucek S/Marcus Brandon
S/Norman W. Sanderson Paul Stam
S/Michael P. Walters S/Donny Lambeth

The Conference Report is placed on the calendar of Tuesday, July 16, for adoption.

July 15, 2013
MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 112** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, AND TO MAKE VARIOUS OTHER STATUTORY CHANGES, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Tuesday, July 16.

**S.B. 140** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT DISABLED OR OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, July 16.

**S.B. 353** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES AND CONDUCT A STUDY PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, TO AMEND THE WOMEN’S RIGHT TO KNOW ACT, AND TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is referred to the Rules and Operations of the Senate Committee.

**S.B. 386** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REPRESENTATION OF SWINE INTERESTS ON THE BOARD OF AGRICULTURE, AND TO EXPAND THE DEFINITION OF A “PUBLIC CORPORATION” FOR THE PURPOSE OF ESTABLISHING FOREIGN TRADE ZONES, for concurrence in the House Committee Substitute bill.

July 15, 2013
The House Committee Substitute bill is placed on the calendar of Tuesday, July 16.

**S.B. 455** (Committee Substitute), **A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW**, for concurrence in House Amendment No. 1.

The Committee Substitute bill, with the attached amendment, is placed on the calendar of Tuesday, July 16.

**S.B. 553** (House Committee Substitute), **A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES**, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Tuesday, July 16.

**S.B. 636** (House Committee Substitute No. 2), **A BILL TO BE ENTITLED AN ACT TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT AND BY AMENDING THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS; TO AUTHORIZE COUNTIES AND CITIES TO ATTACH AND GARNISH A MEMBER OF THE GOVERNING BODY IF THE COUNTY OR CITY HAS BEEN GRANTED A MONEY JUDGMENT AGAINST THAT MEMBER AND THE MONEY JUDGMENT HAS NOT BEEN SATISFIED; AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE, TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, AND TO MAKE SIMILAR STATUTORY CHANGES**, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Tuesday, July 16.

**H.B. 607** (Committee Substitute), **A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE JOINT LEGISLATIVE ELECTIONS OVERSIGHT COMMITTEE TO STUDY WHETHER TO REQUIRE THE USE OF PAPER BALLOTS IN ALL ELECTIONS IN NORTH CAROLINA AND TO PROHIBIT THE STATE BOARD OF ELECTIONS OR ANY COUNTY FROM PURCHASING A VOTING SYSTEM THAT DOES NOT PRODUCE A PAPER BALLOT UNTIL AUGUST 15, 2014**, ordered held in the Office of the Principal Clerk.

July 15, 2013
A SENATORIAL STATEMENT
Submitted by Senator Shirley B. Randleman

Honoring the Life of Chief District Court Judge Mitchell “Mitch” McLean

WHEREAS, Judge Mitchell “Mitch” McLean of Wilkesboro was the Chief District Court Judge for District 23, serving Wilkes, Ashe, Alleghany, and Yadkin Counties; and
WHEREAS, Judge Mitch McLean was first elected as a judge for District 23 in 1998 and served as Chief Judge since 2006; and
WHEREAS, Judge Mitch McLean was well loved and highly respected among his peers and the citizens of the community and was known for his caring and compassionate nature; and
WHEREAS, while on vacation at Sunset Beach, Judge Mitch McLean died on July 3, 2013, during a rescue attempt to save swimmers caught in a rip current; and
WHEREAS, Judge Mitch McLean is survived by his wife Beth McLean; two sons, Jackson and Fin McLean; and his mother Pauline McLean.

NOW, THEREFORE, Judge Mitchell McLean should be remembered for his kindness and for his unselfish act that helped save the life of another.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the fifteenth day of July, 2013.

S/Senator Shirley B. Randleman
S/Sarah Lang
Senate Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 15, 2013

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 No. 2 for H.B. 998 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, and requests conferees.

Speaker Tillis has appointed:
Representative Howard, Chair
Representative Lewis
Representative Moffitt

July 15, 2013
Representative Setzer
Representative Szoka and
Representative Waddell

on the part of the House to confer with a like committee appointed by the Senate
to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 998 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED
AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND
TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES.

Pursuant to the message from the House of Representatives received earlier
today that the House fails to concur in the Senate Committee Substitute bill No. 2
for H.B. 998 and requests conferees, Senator Berger, President Pro Tempore,
appoints Senator Berger, Chair; Senator Apodaca, and Senator Rabon 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 15, 2013

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 H.B. 321, A BILL TO BE ENTITLED AN ACT TO (1) REPEAL THE
REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND
MAINTAIN A SOLID WASTE MANAGEMENT PLAN; AND (2) EXEMPT
CERTAIN LANDFILLS FROM THE REQUIREMENT THAT THEY
OBTAIN A FRANCHISE TO OPERATE FROM A LOCAL GOVERNMENT
IN LIMITED CIRCUMSTANCES, and requests conferees.

Speaker Tillis has appointed:
Representative McGrady, Chair
Representative Foushee
Representative Arp and
Representative Ramsey

July 15, 2013
on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

CONFERENCE REPORT

Senator Berger, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 998 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, 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 998, A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, Senate Finance Committee Substitute Adopted 7/1/13 Sixth Edition Engrossed 7/3/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Finance Committee Substitute Adopted 7/1/13 Sixth Edition Engrossed 7/3/13, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H998-PCCS30599-RBx-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 15, 2013.

Conferees for the Senate
S/Phil Berger, Chair
S/Tom Apodaca
S/Bill Rabon

Conferees for the House of Representatives
Julia C. Howard, Chair
S/David R. Lewis
S/Tim D. Moffitt
S/Mitchell S. Setzer
S/John Szoka
Ken Waddell

July 15, 2013
The full text of the proposed Conference Committee Substitute can be found in Chapter 316 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Tuesday, July 16, for adoption.

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

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NINETY-SIXTH DAY

Senate Chamber
Tuesday, July 16, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“As we come before you, Lord, I know that I really never imagined myself to be here. I bet I’m not the only one. Lord, you always have a sense of humor, and you do not make mistakes. Oh, no. In fact, you delight in those like Moses that do not think they can speak eloquently enough to Pharaoh. Because, Lord, just like in that story, you gave him words, and you will give us words. You raise up leaders and you keep their heads bowed—acknowledging that they cannot do it on their own. Thanks for helping us take ourselves more lightly by showing us our inability for the task. Help us conduct our business here today, and our life, in the light of this and in the manner to which this divine appointment deserves. In Christ’s name I pray. Amen.”

The Chair grants leaves of absence for today to Senator Cook and Senator Hartsell.

Senator Berger, President Pro Tempore, announces that the Senate Journal of Monday, July 15, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

S.B. 315 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST

July 16, 2013
PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 3 is withdrawn from today’s calendar and placed on the calendar of Wednesday, July 17.

S.B. 636 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT AND BY AMENDING THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS; TO AUTHORIZE COUNTIES AND CITIES TO ATTACH AND GARNISH A MEMBER OF THE GOVERNING BODY IF THE COUNTY OR CITY HAS BEEN GRANTED A MONEY JUDGMENT AGAINST THAT MEMBER AND THE MONEY JUDGMENT HAS NOT BEEN SATISFIED; AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE, TO PROVIDE FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, AND TO MAKE SIMILAR STATUTORY CHANGES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 2 is withdrawn from today’s calendar and re-referred to the Judiciary I Committee.

S.B. 112 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, AND TO MAKE VARIOUS OTHER STATUTORY CHANGES, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 2 is withdrawn from today’s calendar and re-referred to the Rules and Operations of the Senate Committee.

July 16, 2013
WITHDRAWAL FROM COMMITTEE

H.B. 359 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS THAT WILL EXTEND THE TRANSFER BENEFIT OPTION TO PARTICIPANTS IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN, CLARIFY THE TIMING OF THE SOCIAL SECURITY OFFSET FOR LONG-TERM DISABILITY BENEFITS, ESTABLISH A 415(M) BENEFITS PRESERVATION ARRANGEMENT AS ALLOWED UNDER FEDERAL LAW, AND PROVIDE THAT DOMESTIC RELATIONS ORDERS DIVIDING INTERESTS UNDER THE RETIREMENT SYSTEM MUST BE SUBMITTED ON APPROVED FORMS, AND TO CORRECT AN OVERSIGHT IN THE DISABILITY INCOME PLAN, AND TO AMEND THE PROVISIONS FOR ALLOWANCE OF RETROACTIVE MEMBERSHIP SERVICE IN THE TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES’ RETIREMENT SYSTEM, referred to the Appropriations/Base Budget Committee on June 26.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the Appropriations/Base Budget Committee and placed on the calendar of Wednesday, July 17, which motion prevails with unanimous consent, and the Chair so orders.

The Senate recesses at 2:10 p.m., subject to the ratification of bills, the receipt of committee reports, and the receipt of messages from the House of Representatives, to reconvene at 2:30 p.m.

RECESS

ENROLLED BILLS

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

S.B. 43, AN ACT TO DIRECT THE OFFICE OF STATE PERSONNEL, IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC INSTRUCTION AND THE OFFICE OF STATE BUDGET AND MANAGEMENT, TO STUDY AND MAKE RECOMMENDATIONS REGARDING THE MANAGEMENT OF WORKERS’ COMPENSATION CLAIMS SUBMITTED BY STATE AND LOCAL GOVERNMENT EMPLOYEES, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS’ COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION.

S.B. 372, AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE
THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT’S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS.

S.B. 406, AN ACT TO REPEAL LAWS AND ORDINANCES THAT WERE DENIED PRECLEARANCE UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965.

S.B. 505, AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE FARM INCLUDES GRAIN STORAGE FACILITIES.

H.B. 467, AN ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY.

H.B. 616, AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO PROVIDE FOR THE LICENSURE OF A TRANSITIONAL MORTGAGE LOAN ORIGINATOR.

H.B. 796, AN ACT EXEMPTING CERTAIN COLUMBARIA FROM THE NORTH CAROLINA CEMETERY ACT.

H.B. 802, AN ACT AMENDING THE LAWS RELATED TO LANDLORD AND TENANT RELATIONSHIPS TO SHORTEN THE TIME PERIOD REQUIRED TO EVICT A TENANT.

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

H.B. 418, AN ACT AUTHORIZING BUNCOMBE COUNTY TO ESTABLISH A CULTURE AND RECREATION AUTHORITY.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 16, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that pursuant to a Proclamation issued by Governor Pat McCrory on July 15, 2013, Roger Younts has been administered the oath of office as a Member of the

July 16, 2013
House of Representatives for the remainder of the 2013-14 General Assembly. Representative Younts has been seated to fill the vacancy created by the resignation of the Representative Jerry Dockham from the 80th District.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 16, 2013

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 H.B. 250 (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 16, 2013

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 H.B. 937 (Senate Committee Substitute), A BILL TO BE ENTITLED AN

July 16, 2013
ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE’S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE’S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICER CONSISTENT WITH FEDERAL LAW; AND TO PROVIDE THAT A PERSON

July 16, 2013
CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS, and requests conferees.

Speaker Tillis has appointed:
   Representative Schaffer, Chair
   Representative Burr
   Representative Faircloth and
   Representative Cleveland

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 103 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, July 17.

S.B. 159 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, July 17.

S.B. 229 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO CREATE A SEA TURTLE SANCTUARY AND TO EXCHANGE A PARCEL OF REAL PROPERTY FOR SERVICES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, July 17.

July 16, 2013
S.B. 288 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN WAKE COUNTY AND TO PERMIT MULTIFAMILY DEVELOPMENT ON CERTAIN PARCELS IN THE TOWN OF ABERDEEN, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, July 17.

S.B. 488 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT AND TO INCREASE CERTAIN FEES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, July 17.

H.B. 569, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN RESTRICTION ON SATELLITE ANNEXATIONS FOR THE VILLAGE OF FOXFIRE, ordered held in the Office of the Principal Clerk.

H.B. 1015, A BILL TO BE ENTITLED AN ACT ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BESSEMER CITY, ordered held in the Office of the Principal Clerk.

The Senate meets pursuant to recess and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Upon the appearance of Senator Cook in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

CONFERENCE REPORT

Senator Tillman, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 337 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, 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 337, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, House Committee Substitute #2 Favorable 6/27/13, Seventh Edition Engrossed 7/08/13, submit the following report:

July 16, 2013
The Senate and House agree to the following amendments and the Senate concurs in the House Committee Substitute #2 Favorable 6/27/13, Seventh Edition Engrossed 7/08/13, as amended:

On page 2, lines 3-4, by rewriting those lines to read:

“a. Three members appointed by the Governor, including the chair of the Advisory Board.”;

and on page 2, lines 26-29, by rewriting those lines to read:

“(5) Presiding officers and quorum. – The Advisory Board shall annually elect a vice-chair from among its membership. The chair shall preside over the Advisory Board’s meetings. In the absence of the chair, the vice-chair shall preside over the Advisory Board’s meetings. A majority of the Advisory Board constitutes a quorum.”;

and on page 2, line 35, by rewriting that line to read:

“(8) Removal. – Any appointed member of the Advisory Board may be removed by a vote of at least two-thirds of the members of the Advisory Board at any duly held meeting for any cause that renders the member incapable or unfit to discharge the duties of the office.
(9) Powers and duties. – The Advisory Board shall have the following duties.”;

and on page 4, line 19, by rewriting that line to read:

“determining whether to grant preliminary and final approval of the charter school.
(e) The State Board shall establish reasonable fees of no less than five hundred dollars ($500.00) and no more than one thousand dollars ($1000) for initial and renewal charter applications, in accordance with Article 2A of Chapter 150B of the General Statutes. No application fee shall be refunded in the event the application is rejected or the charter is revoked.”;

and on page 8, lines 27-30, by rewriting those lines to read:

“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. All teachers in grades”;

July 16, 2013
and on page 10, line 22, through page 11, line 24, by rewriting those lines to read:

“(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. If multiple birth siblings apply for admission to a charter school and a lottery is needed under G.S. 115C-238.29F(g)(6), the charter school shall enter one surname into the lottery to represent all of the multiple birth siblings. If that surname of the multiple birth siblings is selected, then all of the multiple birth siblings shall be admitted. 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.”;

and on page 12, lines 26-28, by rewriting those lines to read:

“(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, Education may terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board of Education upon any of the following grounds:”;

July 16, 2013
and on page 12, lines 50-51, by rewriting those lines to read:

“(2) If a charter school is inadequate and has had a charter for more than five years, the State Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board. The State Board shall develop rules on the assumption of a charter by a new entity that include all aspects of the operations of the charter school, including the status of the employees. Public assets would transfer to the new entity and not revert to the local school administrative unit in which the charter school is located pursuant to G.S. 115C-238.29F(i).”;

and on page 14, lines 6-25, by rewriting those lines to read:

“(b) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil share of the local current expense fund to the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the charter school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and charter school may use the process for mediation of differences between the State Board and a charter school provided in G.S. 115C-238.29G(c) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a charter school located in the tax district for which these taxes are levied and in which the student resides.”;

and on page 16, lines 13-14, by adding the following section between those lines:

“SECTION 3. G.S. 105-275 reads as rewritten:

“§ 105-275. Property classified and excluded from the tax base.

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

... (46) Real property that is occupied by a charter school and is wholly and exclusively used for educational purposes as defined in G.S. 105-278.4(f) regardless of the ownership of the property.”;
and on page 16, lines 23-26, by rewriting those lines to read:

“(1) Two members appointed by the Governor, as designated by the Governor, shall be appointed to serve until June 30, 2015. One member appointed by the Governor, as designated by the Governor, shall be appointed to serve until June 30, 2017, including the chair.”;

and on page 16, line 43-44, by rewriting those lines to read:

“SECTION 8. Section 3 of this act is effective for taxes imposed for taxable years beginning on or after July 1, 2013. Section 7 of this act becomes effective August 1, 2013. The remainder of this act is effective when it becomes law. G.S. 115C-238.29H(d), as enacted by”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 16, 2013.

Conferees for the Senate Conferees for the House of Representatives
S/Jerry W. Tillman, Chair Paul Stam, Chair
S/Dan Soucek S/Jon Hardister
S/Trudy Wade S/Mike Hager
S/Ben Clark S/Rick Glazier
S/Rob Bryan

The Conference Report is placed on the calendar of Wednesday, July 17, for adoption.

CONFERENCE REPORT

Senator Jackson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 614 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES TO A PREVAILING DEFENDANT, 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 614, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES TO A PREVAILING DEFENDANT, submits for adoption the following report:

July 16, 2013
CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES TO A PREVAILING DEFENDANT, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/11/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/11/13, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H614-PCCS80415-TQ-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 16, 2013.

Conferees for the Senate  Conferees for the House of Representatives
S/Brent Jackson, Chair          S/Nathan Ramsey, Chair
S/Andrew C. Brock              S/Tim Moore
S/Chad Barefoot                S/Larry M. Bell
S/Daniel G. Clodfelter         Ted Davis, Jr.

The full text of the proposed Conference Committee Substitute can be found in Chapter 314 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Wednesday, July 17, for adoption.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator J. Davis for the State and Local Government Committee:

**H.B. 537**, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS FOR THE MEMBERS OF THE EDENTON-CHOWAN BOARD OF EDUCATION AND CHANGE THE ELECTION SCHEDULE FOR ONE DISTRICT SEAT, with a favorable report.

**H.B. 552**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE TO REMOVE AN AREA FROM A COUNTY SERVICE DISTRICT, with a favorable report.

Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

July 16, 2013
H.B. 701 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT AGENCIES MAY PURCHASE INFORMATION TECHNOLOGY GOODS AND SERVICES THROUGH MULTIPARTY COOPERATIVE PURCHASING AGREEMENTS APPROVED BY THE STATE CHIEF INFORMATION OFFICER, with a favorable report.

CALENDAR

Bills on today’s calendar are taken up and disposed of as follows:

H.B. 15 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE; AND (3) AMEND THE LAW GOVERNING ASSIGNMENT OF STATE-OWNED MOTOR VEHICLES, upon third reading.

Senator Brunstetter offers Amendment No. 1, which is adopted (47-1), and changes the title to read H.B. 15 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE.

The Senate Committee Substitute bill, as amended, passes its third reading (48-0) and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 140 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT DISABLED OR OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, for concurrence in the House Committee Substitute bill.

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Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill (47-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 386** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE REPRESENTATION OF SWINE INTERESTS ON THE BOARD OF AGRICULTURE, AND TO EXPAND THE DEFINITION OF A “PUBLIC CORPORATION” FOR THE PURPOSE OF ESTABLISHING FOREIGN TRADE ZONES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Barefoot, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 455** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW, for concurrence in House Amendment No. 1.

Upon motion of Senator Cook, the Senate concurs in House Amendment No. 1 (49-0) and the bill is ordered enrolled and sent to the Governor.

**S.B. 553** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (1-48), and the House of Representatives is notified by special message.

**S.B. 571** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (4-44), and the House of Representatives is notified by special message.

**S.B. 653** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THAT A DEALER LICENSE PLATE MAY BE DISPLAYED ON A MOTOR VEHICLE DRIVEN ON A HIGHWAY BY A PERSON WHO IS AN EMPLOYEE OF A DEALER THAT EMPLOYS AT ALL TIMES NO LESS THAN THREE MOTOR VEHICLE SALES REPRESENTATIVES WHO ARE REQUIRED TO BE LICENSED UNDER ARTICLE 12 OF CHAPTER 20 OF THE GENERAL STATUTES OR SOLD ONE HUNDRED OR MORE VEHICLES IN THE PRIOR YEAR, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from today’s calendar and re-referred to the Finance Committee.

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**H.B. 998** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, for adoption upon second reading.

Upon motion of Senator Berger, the Senate adopts the Conference Committee Substitute bill on its second reading, by roll-call vote, ayes 32, noes 17, as follows

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---32.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Graham, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---17.

The Conference Committee Substitute bill remains on the calendar for Wednesday, July 17, upon third reading.

**H.B. 232** (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, for adoption.

Upon motion of Senator Apodaca, the Conference Report is withdrawn from today’s calendar and placed on the calendar of Wednesday, July 17.

**H.B. 250** (Conference Report), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION, for adoption.

*Without objection, Senator Hartsell is excused from voting on the bill due to pending litigation.*

Upon motion of Senator Tillman, the Senate adopts the Conference Report (40-9).

The Chair 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 as follows:

By Senator Rabon for the Finance Committee:

**H.B. 191**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GRIFTON, with a favorable report.

July 16, 2013
H.B. 194, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ACCEPT PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION EQUIVALENCE (PAVE) CERTIFICATION TO MEET LICENSURE REQUIREMENTS, with a favorable report.

H.B. 936 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WILDLIFE POACHER REWARD FUND TO PAY REWARDS TO PERSONS WHO GIVE INFORMATION TO LAW ENFORCEMENT AUTHORITIES THAT RESULTS IN THE ARREST AND CONVICTION OF PERSONS WHO COMMIT SERIOUS WILDLIFE VIOLATIONS AND TO AUTHORIZE THE USE OF COMPENSATION PAID TO THE WILDLIFE RESOURCES COMMISSION AS CONDITIONS OF OFFENDERS’ PROBATION AS ASSETS OF THE FUND, with a favorable report.

H.B. 399 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; AND PUBLIC HEALTH, with a favorable report, as amended.

Pursuant to Rule 45.1, Committee Amendment No. 1 is adopted and engrossed and changes the title to read H.B. 399 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; PUBLIC HEALTH; AND MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

APPOINTMENT OF A CONFERENCE COMMITTEE

H.B. 937 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A

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PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE’S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE’S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICER CONSISTENT WITH FEDERAL LAW; AND TO PROVIDE THAT A PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill for H.B. 937 and requests conferees, Senator Louis Pate, Deputy President Pro Tempore, announces the appointment of Senator Newton, Chair; Senator Brock, Senator Harrington, and Senator Randleman 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.

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REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator J. Davis for the State and Local Government Committee:

**H.B. 636**, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL TO RECOMMEND THAT NEGRO HEAD CREEK IN UNION COUNTY BE RENAMED SALEM CREEK, with a favorable report.

**H.B. 530**, A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY APPOINTMENTS BY BUNCOMBE COUNTY TO A METROPOLITAN PLANNING ORGANIZATION TO PROVIDE FOR GEOGRAPHIC REPRESENTATION OF THE 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, 80416, is adopted and engrossed.

**H.B. 186** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE MUNICIPAL NOISE ORDINANCES ADOPTED BY THE TOWNS ON THE WATERS OF LAKE NORMAN, 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, 80417, which changes the title to read **H.B. 186** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE MUNICIPAL NOISE ORDINANCES AND STATE STATUTES PERTAINING TO THEFT AND VANDALISM ON THE WATERS OF LAKE NORMAN, is adopted and engrossed.

Upon motion of Senator Berger, seconded by Senator Brown, the Senate adjourns at 3:42 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, July 17, at 2:00 p.m.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the Finance Committee:

**H.B. 493**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

July 16, 2013
Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30602, which changes the title to read **H.B. 493** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, TO AMEND THE EXISTING GRAHAM COUNTY OCCUPANCY TAX, AND TO CREATE A TAXING DISTRICT IN GRAHAM COUNTY FOR THE PURPOSE OF LEVYING A THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, is adopted and engrossed.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**S.B. 81** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT AUTHORITY, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Wednesday, July 17.

**REPORT OF COMMITTEE**

A standing committee report is submitted as follows:

By Senator Rabon for the **Finance Committee**:

**H.B. 476** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING UNDERGROUND UTILITY DAMAGE PREVENTION, 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, 30603, is adopted and engrossed.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

The following message is received from the House of Representatives:

**S.B. 73** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LOCAL WORKFORCE DEVELOPMENT BOARDS USE A COMPETITIVE SELECTION PROCESS TO AWARD ADULT AND DISLOCATED WORKER SERVICES PROVIDER CONTRACTS AUTHORIZED IN THE WORKFORCE INVESTMENT ACT OF 1998 AND TO TRANSFER THE APPRENTICESHIP PROGRAM TO THE DEPARTMENT OF COMMERCE, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, July 17.

July 16, 2013
REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator J. Davis for the State and Local Government Committee:

H.B. 625, A BILL TO BE ENTITLED AN ACT RELATING TO ZONING PROVISIONS FOR TEMPORARY HEALTH CARE STRUCTURES, with a favorable report. Pursuant to Rule 43, the bill is re-referred to the Finance Committee.

H.B. 646 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A COUNTY OR CITY FROM ENFORCING ANY ORDINANCE THAT REGULATES THE TRIMMING OR REMOVAL OF TREES ON PROPERTY OWNED OR OPERATED BY A PUBLIC AIRPORT AUTHORITY, with a favorable report.

H.B. 531 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE EXTRATERRITORIAL JURISDICTION AUTHORITY OF THE TOWN OF WEAVERVILLE, TO MAKE A SIMILAR TECHNICAL CORRECTION AS TO THE CITY OF ASHEVILLE, AND TO ALLOW THE COUNTY OF BUNCOMBE TO ZONE CERTAIN DONUT HOLES, 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, 80418, is adopted and engrossed. Pursuant to Rule 43, the Senate Committee Substitute bill is re-referred to the Finance Committee.

RE-REFERRAL OF BILLS

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA ANTI-PREDATORY LENDING LAW, AND TO LIMIT THE PROVISIONS OF STATE MORTGAGE LENDING LAW TO BEING NO MORE RESTRICTIVE THAN FEDERAL LAW, referred to the Commerce Committee on May 9. Pursuant to Rule 47(a), and pursuant to a motion by Senator Apodaca, the Committee Substitute bill is withdrawn from the Commerce Committee and re-referred to the Rules and Operations of the Senate Committee.

H.B. 565 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, referred to the Commerce Committee on July 10. Pursuant to Rule 47(a), and pursuant to a motion by Senator Apodaca, the Committee Substitute bill No. 2 is withdrawn from the Commerce Committee and re-referred to the Finance Committee.

July 16, 2013
REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rabon for the Finance Committee:

H.B. 14 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE, 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, 70491, is adopted and engrossed.

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

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NINETY-SEVENTH DAY

Senate Chamber
Wednesday, July 17, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Heavenly Father, compel us by your spirit to be just and honest in our dealings. Let our motives be above suspicion. Save us from the crazy idea that our personality can save us or our problems that we solve can save us, since you alone have the answers. Help us to open our ears to hear your voice. Through Jesus Christ our Lord we pray. Amen.”

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

Senator Brunstetter announces that the Senate Journal of Tuesday, July 16, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

July 17, 2013
ENROLLED BILLS

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

S.B. 140, AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT DISABLED OR OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS.

S.B. 386, AN ACT TO PROVIDE REPRESENTATION OF SWINE INTERESTS ON THE BOARD OF AGRICULTURE, AND TO EXPAND THE DEFINITION OF A “PUBLIC CORPORATION” FOR THE PURPOSE OF ESTABLISHING FOREIGN TRADE ZONES.

S.B. 455, AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW.

H.B. 250, AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION.

H.B. 510, AN ACT TO PROVIDE FOR THE FOSTER CHILDREN’S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE.

H.B. 700, AN ACT MAKING OMNIBUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE.

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

H.B. 512, AN ACT TO CORRECT ELECTIONS MADE OUTSIDE OF STATUTORY AUTHORITY TO THE BOARD OF TRUSTEES OF CENTRAL CAROLINA COMMUNITY COLLEGE.

H.B. 538, AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL DECISION.

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. 418, AN ACT AUTHORIZING BUNCOMBE COUNTY TO ESTABLISH A CULTURE AND RECREATION AUTHORITY. (Became law upon ratification, July 16, 2013 - S.L. 2013-262.)

July 17, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 17, 2013

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 H.B. 998 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 17, 2013

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 H.B. 614 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 17, 2013
REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Apodaca for the Rules and Operations of the Senate Committee:

S.B. 381, A BILL TO BE ENTITLED AN ACT TO PROVIDE REPRESENTATION OF FORESTRY AND NURSERY INTERESTS ON THE BOARD OF AGRICULTURE, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85266, which changes the title to read S.B. 381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE GATES CORRECTIONAL FACILITY TO THE GATES COUNTY BOARD OF COMMISSIONERS, is adopted and engrossed.

Upon motion of Senator Apodaca, the Committee Substitute bill is placed on today’s calendar.

H.B. 692 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA ANTI-PREDATORY LENDING LAW, AND TO LIMIT THE PROVISIONS OF STATE MORTGAGE LENDING LAW TO BEING NO MORE RESTRICTIVE THAN FEDERAL 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, 70492, is adopted and engrossed.

H.B. 870 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ALL PUBLIC BODIES TO RECORD MEETINGS HELD IN CLOSED SESSION, 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, 80419, which changes the title to read H.B. 870 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DECREASE THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO A FIVE-MEMBER BOARD, TO ESTABLISH REVISED DISTRICTS FOR THOSE BOARDS, AND TO CONFIRM THAT REDISTRICTING REQUIREMENTS FOLLOWING EACH FEDERAL CENSUS APPLY TO THOSE BOARDS, is adopted and engrossed.

By Senator Rucho for the Finance Committee:

H.B. 269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE SPECIAL EDUCATION SCHOLARSHIP GRANTS FOR CHILDREN WITH DISABILITIES, with a favorable report.

July 17, 2013
H.B. 857 (Senate Committee Substitute), a bill to be entitled an act authorizing public contracts to utilize the design-build method or public-private partnership construction contracts, 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, 30604, is adopted and engrossed.

By Senator J. Davis for the State and Local Government Committee:

H.B. 523 (Committee Substitute), a bill to be entitled an act to reduce the size of the Pitt County Board of Education from twelve members to nine, to add three members elected from combined districts, to provide for four-year terms rather than six-year terms, and to shorten the time between the election of members of the Pitt County Board of Education and when those members take office, with a favorable report.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

S.B. 315 (House Committee Substitute No. 3), a bill to be entitled an act to provide that when a properly submitted voluntary annexation petition is defeated by vote of the municipal governing body the municipality must provide some municipal services upon payment of defined costs, to legislatively annex certain property to the corporate limits of the City of Durham that was petitioned for annexation, amending the charter of the City of Durham to allow the city to delay the effective date of voluntary annexations, and to authorize the City of Durham to use design-build delivery methods for the design and construction of a police headquarters and annex facility, two police service centers, and a 911 facility, and authorizing the County of Durham to construct water treatment plant and wastewater treatment plant projects without complying with specified provisions of article 8 of chapter 143 of the General Statutes, and concerning notes or deeds of trust to reserve wastewater treatment capacity, for concurrence in the House Committee Substitute bill No. 3 upon second reading.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 3 is withdrawn from today’s calendar and placed on the calendar of Thursday, July 18.
S.B. 337 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, for adoption

Upon motion of Senator Apodaca, the Conference Report is withdrawn from today’s calendar and placed on the calendar of Saturday, July 20.

WITHDRAWAL FROM COMMITTEE

S.B. 581, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF LABOR TO STUDY THE CURRENT STANDARDS FOR MAINTENANCE OF HISTORICAL BOILERS AND THE LICENSURE OF HISTORICAL BOILER OPERATORS, referred to the Agriculture/Environment/Natural Resources Committee on May 7.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the Agriculture/Environment/Natural Resources Committee and re-referred to the Finance Committee while maintaining its sequential referral to the Appropriations/Base Budget Committee, which motion prevails with unanimous consent, and the Chair so orders.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

H.B. 614 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES, for adoption.

Upon motion of Senator Apodaca, the Conference Committee Substitute bill is taken up out of its regular order of business and placed as the first order of business on today’s calendar.

H.B. 998 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, for adoption upon third reading.

Upon motion of Senator Apodaca, the Conference Committee Substitute bill is taken up out of its regular order of business and placed as the second order of business on today’s calendar.

CALENDAR

Bills on today’s calendar are taken up and disposed of as follows:

H.B. 614 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES, for adoption.

July 17, 2013
Upon motion of Senator Jackson, the Senate adopts the Conference Committee Substitute bill (49-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

**H.B. 998** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES, for adoption upon third reading.

Upon motion of Senator Berger, the Senate adopts the Conference Committee Substitute bill on its third reading, by roll call vote, ayes 32, noes 17, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---32.

Voting in the negative: Senators Blue, Bryant, Clark, Clodfelter, D. Davis, Ford, Graham, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---17.

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

**H.B. 191**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GRIFTON, upon second reading.

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

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The bill remains on the calendar for Thursday, July 18, upon third reading.

**H.B. 493** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, TO AMEND THE EXISTING GRAHAM COUNTY OCCUPANCY TAX, AND TO CREATE A TAXING DISTRICT IN GRAHAM COUNTY FOR THE PURPOSE OF LEVYING A THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon second reading.

The Senate Committee Substitute bill passes its second reading, by roll-call vote, ayes 42, noes 7, as follows:

July 17, 2013
Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, D. Davis, J. Davis, Ford, Graham, Gunn, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Sanderson, Soucek, Stein, Tarte, Tillman, Wade, Walters and Woodard---42.

Voting in the negative: Senators Daniel, Goolsby, Harrington, Meredith, Newton, Rucho and Tucker---7.

The Senate Committee Substitute bill remains on the calendar for Thursday, July 18, upon third reading.

H.B. 186 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE MUNICIPAL NOISE ORDINANCES AND STATE STATUTES PERTAINING TO THEFT AND VANDALISM ON THE WATERS OF LAKE NORMAN, upon second reading.

The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 530 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE ANY APPOINTMENTS BY BUNCOMBE COUNTY TO A METROPOLITAN PLANNING ORGANIZATION TO PROVIDE FOR GEOGRAPHIC REPRESENTATION OF THE COUNTY, upon second reading.

The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 537, A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS FOR THE MEMBERS OF THE EDENTON-CHOWAN BOARD OF EDUCATION AND CHANGE THE ELECTION SCHEDULE FOR ONE DISTRICT SEAT, upon second reading.

The bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered enrolled.

S.B. 81 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT AUTHORITY, for concurrence in the House Committee Substitute bill No. 2 upon second reading.

Without objection, Senator Clodfelter is excused from voting on the bill due to an ethical conflict of interest.
Upon motion of Senator Rucho, the Senate concurs in the House Committee Substitute bill No. 2 on its second reading, by roll-call vote, ayes 32, noes 16, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---32.

Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Graham, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---16.

The House Committee Substitute bill No. 2 remains on the calendar for Thursday, July 18, upon third reading.

S.B. 229 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO CREATE A SEA TURTLE SANCTUARY AND TO EXCHANGE A PARCEL OF REAL PROPERTY FOR SERVICES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rabon, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled.

S.B. 288 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN WAKE COUNTY AND TO PERMIT MULTIFAMILY DEVELOPMENT ON CERTAIN PARCELS IN THE TOWN OF ABERDEEN, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Barringer, the Senate concurs in the House Committee Substitute bill (49-0) and the bill is ordered enrolled.

H.B. 14 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE, 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 Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.
The Senate Committee Substitute bill remains on the calendar for Thursday, July 18, upon third reading.

**H.B. 194**, A BILL TO BE ENTITLED AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ACCEPT PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION EQUIVALENCE (PAVE) CERTIFICATION TO MEET LICENSURE REQUIREMENTS, upon second reading.

The bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**H.B. 359** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS THAT WILL EXTEND THE TRANSFER BENEFIT OPTION TO PARTICIPANTS IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN, CLARIFY THE TIMING OF THE SOCIAL SECURITY OFFSET FOR LONG-TERM DISABILITY BENEFITS, ESTABLISH A 415(M) BENEFITS PRESERVATION ARRANGEMENT AS ALLOWED UNDER FEDERAL LAW, AND PROVIDE THAT DOMESTIC RELATIONS ORDERS DIVIDING INTERESTS UNDER THE RETIREMENT SYSTEM MUST BE SUBMITTED ON APPROVED FORMS, AND TO CORRECT AN OVERSIGHT IN THE DISABILITY INCOME PLAN, AND TO AMEND THE PROVISIONS FOR ALLOWANCE OF RETROACTIVE MEMBERSHIP SERVICE IN THE TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES’ RETIREMENT SYSTEM, upon second reading.

Senator Barefoot offers Amendment No. 1, which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H.B. 399** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; PUBLIC HEALTH; AND MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, upon second reading.

Senator Hise offers Amendment No. 1, which is adopted (49-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

July 17, 2013
H.B. 476 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT REWRITING THE LAWS REGULATING UNDERGROUND UTILITY DAMAGE PREVENTION, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill No. 2.

H.B. 636, A BILL TO BE ENTITLED AN ACT TO DIRECT THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL TO RECOMMEND THAT NEGRO HEAD CREEK IN UNION COUNTY BE RENAMED SALEM CREEK, upon second reading.

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

The bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 646 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT A COUNTY OR CITY FROM ENFORCING ANY ORDINANCE THAT REGULATES THE TRIMMING OR REMOVAL OF TREES ON PROPERTY OWNED OR OPERATED BY A PUBLIC AIRPORT AUTHORITY, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 701 (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING THAT AGENCIES MAY PURCHASE INFORMATION TECHNOLOGY GOODS AND SERVICES THROUGH MULTIPARTY COOPERATIVE PURCHASING AGREEMENTS APPROVED BY THE STATE CHIEF INFORMATION OFFICER, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 936 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WILDLIFE POACHER REWARD FUND TO PAY REWARDS TO PERSONS WHO GIVE INFORMATION TO LAW ENFORCEMENT AUTHORITIES THAT RESULTS IN THE ARREST AND CONVICTION OF PERSONS WHO COMMIT SERIOUS WILDLIFE VIOLATIONS AND TO AUTHORIZE THE USE OF COMPENSATION PAID TO THE WILDLIFE RESOURCES COMMISSION AS CONDITIONS OF OFFENDERS’ PROBATION AS ASSETS OF THE FUND, upon second reading.

July 17, 2013
Senator Newton offers Amendment No. 1, which is adopted (48-0), and changes the title to read H.B. 936 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO ESTABLISH A WILDLIFE POACHER REWARD FUND TO PAY REWARDS TO PERSONS WHO GIVE INFORMATION TO LAW ENFORCEMENT AUTHORITIES THAT RESULTS IN THE ARREST AND CONVICTION OF PERSONS WHO COMMIT SERIOUS WILDLIFE VIOLATIONS, TO AUTHORIZE THE USE OF COMPENSATION PAID TO THE WILDLIFE RESOURCES COMMISSION AS CONDITIONS OF OFFENDERS' PROBATION AS ASSETS OF THE FUND, TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT, AND TO AMEND THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS.

The Committee Substitute bill No. 2, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

S.B. 103 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS, for concurrence in the House Committee Substitute bill upon second reading.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from today’s calendar and placed on the calendar of Saturday, July 20.

S.B. 159 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, for concurrence in the House Committee Substitute bill upon second reading.

Upon motion of Senator Tarte, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brustetter, Bryant, Clark, Clodfelter, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---48.

Voting in the negative: None.

The House Committee Substitute bill remains on the calendar for Thursday, July 18, upon third reading.

July 17, 2013
S.B. 73 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE THAT LOCAL WORKFORCE DEVELOPMENT BOARDS USE A COMPETITIVE SELECTION PROCESS TO AWARD ADULT AND DISLOCATED WORKER SERVICES PROVIDER CONTRACTS AUTHORIZED IN THE WORKFORCE INVESTMENT ACT OF 1998 AND TO TRANSFER THE APPRENTICESHIP PROGRAM TO THE DEPARTMENT OF COMMERCE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the Senate concurs in the House Committee Substitute bill (46-2) and the bill is ordered enrolled and sent to the Governor.

S.B. 488 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT AND TO INCREASE CERTAIN FEES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tucker, the Senate concurs in the House Committee Substitute bill (48-0) and the bill is ordered enrolled and sent to the Governor.

H.B. 232 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN, for adoption.

Upon motion of Senator Apodaca, the Senate adopts the Conference Report (48-0).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

S.B. 381 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO TRANSFER THE GATES CORRECTIONAL FACILITY TO THE GATES COUNTY BOARD OF COMMISSIONERS, upon second reading.

The Committee Substitute bill passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN; AND (2) EXEMPT CERTAIN LANDFILLS FROM THE REQUIREMENT THAT THEY OBTAIN A FRANCHISE TO OPERATE FROM A LOCAL GOVERNMENT IN LIMITED CIRCUMSTANCES.

Pursuant to the message from the House of Representatives received July 15 that the House fails to concur in the Senate Committee Substitute bill for H.B. 321 and requests conferees, Senator Louis Pate, Deputy President Pro Tempore,
announces the appointment of Senator Jackson, Chair; Senator Brown, Senator Tucker, and Senator Wade 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.

**S.B. 553** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 553 on July 16, Senator Louis Pate, Deputy President Pro Tempore, announces the appointment of Senator Hise, Chair; Senator Kinnaird and Senator Pate 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. 571** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 2 for S.B. 571 on July 16, Senator Louis Pate, Deputy President Pro Tempore, announces the appointment of Senator Brock, Chair; Senator Harrington, Senator Hise, Senator Rabin, and Senator Rabon as conferees on the part of the Senate to resolve the differences arising between the two bodies. A message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

Upon motion of Senator Berger, seconded by Senator Gunn, the Senate adjourns at 3:49 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, July 18, at 2:00 p.m.

**ENROLLED BILLS**

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

**H.B. 614**, AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES.

July 17, 2013
H.B. 998, AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES.

MESSAGE FROM THE GOVERNOR

The following message is received from the Governor:

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

PAT McCORRY
GOVERNOR

July 15, 2013

The Honorable Philip E. Berger
Senate President Pro Tempore
Legislative Building, Room 2008
Raleigh, North Carolina 27601-2008

Dear Senator Berger:

Pursuant to North Carolina General Statute §106-2, I am pleased to recommend the following individuals to serve as members of the North Carolina Board of Agriculture for confirmation by the North Carolina Senate:

- Ms. Anne Faircloth of Sampson County, Dairy Livestock Farmer
- Mr. Bob Sutter of Nash County, Peanut Grower
- Mr. Doug Boyd of Washington County, Cotton Grower
- Mr. Tom Burleson of Avery County, Forestry Seat
- Mr. William “Billy” Carter of Moore County, General Farmer
- Ms. Faylene Whitaker of Randolph County, Nursery Representative
- Beginning September 1st, 2013 Mr. Jeff Turner of Duplin County (sic), Pork Representative

Included you will find biographical information for the appointees. Please feel free to contact my staff for any additional information.

Sincerely,
S/Pat McCrory

Cc: The Honorable Tom Apodaca
    Ms. Sarah Lang

The message is referred to the Rules and Operations of the Senate Committee.

July 17, 2013
REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Rucho for the Finance Committee:

S.B. 538, A BILL TO BE ENTITLED AN ACT TO GRANT A TAXPAYER’S REQUEST FOR A REFUND OR TO REMOVE A PROPOSED ASSESSMENT BY OPERATION OF LAW IF THE DEPARTMENT OF REVENUE HAS NOT ISSUED A FINAL DETERMINATION WITHIN THE STATUTORY TIME FRAME, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 85267, is adopted and engrossed.

H.B. 565 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, 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, 70493, is adopted and engrossed.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 17, 2013

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 H.B. 232 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 17, 2013
MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 501 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITION OF ALL-TERRAIN VEHICLE TO REFLECT CHANGES IN THE TYPES OF ALL-TERRAIN VEHICLES SOLD IN NORTH CAROLINA AND TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT, for concurrence in the House Committee Substitute bill No. 2. The House Committee Substitute bill No. 2 is placed on the calendar of Thursday, July 18.

RE-REFERRAL OF BILLS

S.B. 581, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF LABOR TO STUDY THE CURRENT STANDARDS FOR MAINTENANCE OF HISTORICAL BOILERS AND THE LICENSURE OF HISTORICAL BOILER OPERATORS.

Upon motion of Senator Apodaca, the sequential referral to the Appropriations/Base Budget Committee is stricken.

H.B. 834 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE’S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING, ordered held in the Office of the Principal Clerk on June 27.

Pursuant to a motion by Senator Apodaca, the Senate Committee Substitute bill is withdrawn from the Principal Clerk’s Office and referred to the 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
July 17, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 2 for S.B. 571, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, and requests conferees.

July 17, 2013
Speaker Tillis appoints:
  Representative Stevens, Chair
  Representative Warren
  Representative Iler and
  Representative Torbett

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

  Respectfully,
  S/Denise G. Weeks
  Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

  House of Representatives
  July 17, 2013

Mr. President:

  Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 553 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES, and requests conferees.

Speaker Tillis appoints:
  Representative Dollar, Chair
  Representative Burr and
  Representative Insko

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

  Respectfully,
  S/Denise G. Weeks
  Principal Clerk

  Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

  July 17, 2013
The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, this is Proverbs 24, ‘By wisdom a house is built, and by understanding it is established. By knowledge the rooms are filled with all precious and pleasant riches. A wise man is full of strength, and a man of knowledge enhances his might. For by wise guidance you can wage your war, and in an abundance of counselors there is victory. Wisdom is too high for a fool. In the gate he does not open his mouth.’ So, Lord, we make this prayer that we would be wise. It’s in Christ’s name we pray. Amen.”

The Chair grants leaves of absence for today to Senator Brunstetter, Senator Cook, Senator Hartsell, Senator Jenkins, Senator Meredith, Senator Robinson, and Senator Soucek.

Senator Berger, President Pro Tempore, announces that the Senate Journal of Wednesday, July 17, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Chair extends privileges of the floor to Katrina McCourt from Elm City, North Carolina, who is serving the Senate as Nurse of the Day.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

S.B. 315 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS

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AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3 upon second reading.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 3 is withdrawn from today’s calendar and placed on the calendar of Tuesday, July 23.

H.B. 857 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING PUBLIC CONTRACTS TO UTILIZE THE DESIGN-BUILD METHOD OR PUBLIC-PRIVATE PARTNERSHIP CONSTRUCTION CONTRACTS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is withdrawn from today’s calendar and placed on the calendar of Tuesday, July 23.

WITHDRAWALS FROM A FUTURE CALENDAR

S.B. 337 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, placed on the calendar of Saturday, July 20, for adoption.

Upon motion of Senator Apodaca, the Conference Report is withdrawn from the calendar of Saturday, July 20, and placed on the calendar of Tuesday, July 23.

S.B. 103 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS, placed on the calendar of Saturday, July 20, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from the calendar of Saturday, July 20, and placed on the calendar of Tuesday, July 23.

ENROLLED BILLS

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

S.B. 73, AN ACT TO REQUIRE THAT LOCAL WORKFORCE DEVELOPMENT BOARDS USE A COMPETITIVE SELECTION PROCESS TO AWARD ADULT AND DISLOCATED WORKER SERVICES PROVIDER CONTRACTS AUTHORIZED IN THE WORKFORCE INVESTMENT ACT OF 1998 AND TO TRANSFER THE APPRENTICESHIP PROGRAM TO THE DEPARTMENT OF COMMERCE.

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S.B. 223, AN ACT TO ALLOW AREA BOARDS TO OFFER APPLICANTS FOR THE POSITION OF AREA DIRECTOR SEVERANCE BENEFITS AND RELOCATION EXPENSES AS AN INCENTIVE FOR ACCEPTING AN OFFER OF EMPLOYMENT.

S.B. 444, AN ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY SATISFY A FOREIGN LANGUAGE COURSE REQUIREMENT FOR DEGREE COMPLETION.

S.B. 454, AN ACT TO CLARIFY THE AUTHORITY OF THE GASOLINE AND OIL INSPECTION BOARD TO REGULATE PETROLEUM DEVICE TECHNICIANS.

S.B. 485, AN ACT TO ELIMINATE A DUPLICATIVE REPORTING REQUIREMENT REGARDING PERSONAL SERVICE CONTRACTS FOR THE UNIVERSITY OF NORTH CAROLINA, TO ALLOW THE BOARD OF GOVERNORS TO PROVIDE FOR THE IMPLEMENTATION AND EXPANSION OF E-COMMERCE INFRASTRUCTURE, AND TO CLARIFY THE PROPERTY TAX STATUS OF CERTAIN IMPROVEMENTS ON UNIVERSITY LANDS THAT ARE OWNED BY CERTAIN SOCIAL ORGANIZATIONS.

S.B. 488, AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT AND TO INCREASE CERTAIN FEES.

H.B. 194, AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ACCEPT PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION EQUIVALENCE (PAVE) CERTIFICATION TO MEET LICENSURE REQUIREMENTS.

H.B. 232, AN ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN.

H.B. 636, AN ACT TO DIRECT THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL TO RECOMMEND THAT NEGRO HEAD CREEK IN UNION COUNTY BE RENAMED SALEM CREEK.

H.B. 646, AN ACT TO PROHIBIT A COUNTY OR CITY FROM ENFORCING ANY ORDINANCE THAT REGULATES THE TRIMMING OR REMOVAL OF TREES ON PROPERTY OWNED OR OPERATED BY A PUBLIC AIRPORT AUTHORITY.

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H.B. 701, AN ACT PROVIDING THAT AGENCIES MAY PURCHASE INFORMATION TECHNOLOGY GOODS AND SERVICES THROUGH MULTIPARTY COOPERATIVE PURCHASING AGREEMENTS APPROVED BY THE STATE CHIEF INFORMATION OFFICER.

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

S.B. 229, AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO CREATE A SEA TURTLE SANCTUARY AND TO EXCHANGE A PARCEL OF REAL PROPERTY FOR SERVICES.

S.B. 288, AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN WAKE COUNTY AND TO PERMIT MULTIFAMILY DEVELOPMENT ON CERTAIN PARCELS IN THE TOWN OF ABERDEEN.

H.B. 537, AN ACT TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS FOR THE MEMBERS OF THE EDENTON-CHOWAN BOARD OF EDUCATION AND CHANGE THE ELECTION SCHEDULE FOR ONE DISTRICT SEAT.

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. 512, AN ACT TO CORRECT ELECTIONS MADE OUTSIDE OF STATUTORY AUTHORITY TO THE BOARD OF TRUSTEES OF CENTRAL CAROLINA COMMUNITY COLLEGE. (Became law upon ratification, July 17, 2013 - S.L. 2013-263.)

H.B. 538, AN ACT TO ALLOW THE TOWN OF APEX TO CONTINUE COMMUNICATIONS WITH RESIDENTS AND OTHERS ON OTHER MATTERS PENDING A QUASI-JUDICIAL DECISION. (Became law upon ratification, July 17, 2013 - S.L. 2013-264.)

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS, for concurrence in House Amendment No. 4.

July 18, 2013
Upon motion of Senator Apodaca, the Committee Substitute bill, with House Amendment No. 4, is placed on the end of today’s calendar.

**MOTION RELATIVE TO THE CALENDAR**

The following change is made to today’s calendar:

**S.B. 501** (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITION OF ALL-TERRAIN VEHICLE TO REFLECT CHANGES IN THE TYPES OF ALL-TERRAIN VEHICLES SOLD IN NORTH CAROLINA AND TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 2 is withdrawn from today’s calendar and placed on the calendar of Tuesday, July 23.

**REPORTS OF COMMITTEES**

Standing committee reports are submitted as follows:

By Senator Goolsby for the **Judiciary I Committee**:

**H.B. 652**, A BILL TO BE ENTITLED AN ACT TO ALLOW AN ILLEGITIMATE CHILD TO INHERIT FROM A PERSON WHO DIED PRIOR TO OR WITHIN ONE YEAR AFTER THE BIRTH OF THAT CHILD IF PATERNITY CAN BE ESTABLISHED BY DNA TESTING, 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, 30607, which changes the title to read **H.B. 652** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, is adopted and engrossed.

**H.B. 522** (Committee Substitute), A BILL TO BE ENTITLED AN ACT PROVIDING FOR THE USE OF A MASTER METER FOR ELECTRIC AND NATURAL GAS SERVICE WHEN THE TENANT AND LANDLORD HAVE AGREED IN THE LEASE THAT THE COST OF THE SERVICES SHALL BE INCLUDED IN THE RENTAL PAYMENTS AND THE SERVICE SHALL BE IN THE LANDLORD’S NAME, 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, 70494, which changes the title to read **H.B. 522** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW, is adopted and engrossed.

July 18, 2013
By Senator Rucho for the Finance Committee:

**S.B. 581**, A BILL TO BE ENTITLED AN ACT AUTHORIZING THE DEPARTMENT OF LABOR TO STUDY THE CURRENT STANDARDS FOR MAINTENANCE OF HISTORICAL BOILERS AND THE LICENSURE OF HISTORICAL BOILER OPERATORS, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

Pursuant to Rule 45.1, the proposed Committee Substitute bill, 75374, which changes the title to read **S.B. 581** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HISTORICAL BOILERS LICENSING ACT, is adopted and engrossed.

**CALENDAR**

Bills on today’s calendar are taken up and disposed of as follows:

**H.B. 191**, A BILL TO BE ENTITLED AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GRIFTON, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 41, noes 0, as follows:


Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 493** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, TO AMEND THE EXISTING GRAHAM COUNTY OCCUPANCY TAX, AND TO CREATE A TAXING DISTRICT IN GRAHAM COUNTY FOR THE PURPOSE OF LEVYING A THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, upon third reading.

The Senate Committee Substitute bill passes its third reading, by roll-call vote, ayes 31, noes 10, as follows:


The Senate Committee Substitute bill is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

July 18, 2013
MOTION RELATIVE TO THE CALENDAR

The following change is made to today’s calendar:

H.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO ADD THREE MEMBERS ELECTED FROM COMBINED DISTRICTS, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE, upon second reading.

Upon motion of Senator Apodaca, the Committee Substitute bill is taken up out of its regular order of business and placed at the end of today’s calendar.

CALENDAR (continued)

H.B. 870 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DECREASE THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO A FIVE-MEMBER BOARD, TO ESTABLISH REVISED DISTRICTS FOR THOSE BOARDS, AND TO CONFIRM THAT REDISTRICTING REQUIREMENTS FOLLOWING EACH FEDERAL CENSUS APPLY TO THOSE BOARDS, upon second reading.

The Senate Committee Substitute bill passes its second reading (41-0) and, without objection, is read a third time and passes its third reading (41-0) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 81 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT AUTHORITY, for concurrence in the House Committee Substitute bill No. 2 upon third reading.

Without objection, Senator Clodfelter is excused from voting on the bill due to an ethical conflict of interest.

Upon motion of Senator Rucho, the Senate concurs in the House Committee Substitute bill No. 2 on its third reading, by roll call vote, ayes 26, noes 14, as follows:


Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Graham, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Stein, Walters and Woodard---14.

The bill is ordered enrolled.

July 18, 2013
H.B. 14 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE, upon third reading.

Senator Tillman offers Amendment No. 1, which is adopted (42-0).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Bryant, Clark, Clodfelter, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---42.

Voting in the negative: None.

The Senate Committee Substitute bill, as amended, is ordered engrossed and sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

S.B. 538 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO GRANT A TAXPAYER’S REQUEST FOR A REFUND OR TO REMOVE A PROPOSED ASSESSMENT BY OPERATION OF LAW IF THE DEPARTMENT OF REVENUE HAS NOT ISSUED A FINAL DETERMINATION WITHIN THE STATUTORY TIME FRAME, upon second reading.

The Committee Substitute bill passes its second reading (42-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

H.B. 269 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE SPECIAL EDUCATION SCHOLARSHIP GRANTS FOR CHILDREN WITH DISABILITIES, upon second reading.

The Senate Committee Substitute bill passes its second reading (36-6) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 565 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS, upon second reading.

The Senate Committee Substitute bill passes its second reading (42-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

July 18, 2013
H.B. 692 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE NORTH CAROLINA ANTI-PREDATORY LENDING LAW, AND TO LIMIT THE PROVISIONS OF STATE MORTGAGE LENDING LAW TO BEING NO MORE RESTRICTIVE THAN FEDERAL LAW, upon second reading.

Upon the appearance of Senator Brunstetter in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator J. Davis offers Amendment No. 1, which is adopted (43-0).

The Senate Committee Substitute bill, as amended, passes its second reading (43-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

S.B. 159 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES, for concurrence in the House Committee Substitute bill upon third reading.

The Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Clodfelter, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---43.

Voting in the negative: None.

The bill is ordered enrolled and sent to the Governor.

S.B. 305 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS, for concurrence in House Amendment No. 4.

The Senate concurs in House Amendment No. 4 (44-0) and the bill is ordered enrolled and sent to the Governor.

H.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO ADD THREE MEMBERS ELECTED FROM COMBINED DISTRICTS, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE, upon second reading.

July 18, 2013
Senator D. Davis offers Amendment No. 1, which is adopted (44-0), and changes the title to read **H.B. 523 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE.**

The Committee Substitute bill, as amended, passes its second reading (44-0) and, without objection, is read a third time and passes its third reading (44-0) and is ordered sent to the House of Representatives, by special message, for concurrence in Senate Amendment No. 1.

**REPORT OF COMMITTEE**

A standing committee report is submitted as follows:

By Senator Apodaca for the Rules and Operations of the Senate Committee:

**H.B. 726**, A BILL TO BE ENTITLED AN ACT EXEMPTING TIER ONE AND TWO COUNTIES FROM THE NONSUPPLANT REQUIREMENT UNDER THE LOW-WEALTH COUNTIES SCHOOL FUNDING FORMULA, MODIFYING THE NONSUPPLANT REQUIREMENT FOR SUBSEQUENT FISCAL YEARS, AND DIRECTING THE JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY ADJUSTMENTS TO SCHOOL FUNDING FORMULAS, 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, 30608, which changes the title to read **H.B. 726 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING WAKE COUNTY TO ASSUME RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF PUBLIC SCHOOL PROPERTY**, is adopted and engrossed.

**H.B. 74 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE PERIODIC REVIEW AND EXPIRATION OF RULES**, 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, 70495, which changes the title to read **H.B. 74 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS**, is adopted and engrossed.

July 18, 2013
Upon motion of Senator Berger, seconded by Senator Tucker, the Senate adjourns at 2:58 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Friday, July 19, at 10:00 a.m.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 341 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES AND TO AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Friday, July 19.

S.B. 379 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS TO UTILIZE FUNDS TO SUPPORT NEW AND EXPANDED NATURAL GAS SERVICE AND TO SUPPORT PROPANE GAS SERVICE FOR AGRICULTURAL PROJECTS, for concurrence in the House Committee Substitute bill No. 2.

The House Committee Substitute bill No. 2 is placed on the calendar of Friday, July 19.

H.B. 786 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS.

Referred to the Rules and Operations of the Senate Committee.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and filed in the Office of the Principal Clerk, as follows:

July 18, 2013
Executive Order No. 14, Governor’s Advisory Council on Hispanic/Latino Affairs.

Executive Order No. 15, Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services Throughout the State.

Executive Order No. 16, Disaster Declaration for Stanly County.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 151 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND MARINE FISHERIES LAWS; AMEND THE LAWS GOVERNING THE CONSTRUCTION OF TERMINAL GROINS; AND CLARIFY THAT CITIES MAY ENFORCE ORDINANCES WITHIN THE STATE’S PUBLIC TRUST AREAS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Friday, July 19.

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Friday, July 19.

ENROLLED BILLS

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

S.B. 81, AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT AUTHORITY.

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

S.B. 159, AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES.

July 18, 2013
MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 626 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT; AND TO ESTABLISH A CAP ON THE REIMBURSEMENT AMOUNT AVAILABLE FROM THE SPAY/NEUTER PROGRAM; AND TO PROVIDE FOR THE PROTECTION OF ANIMALS CONFINED IN MOTOR VEHICLES UNDER CIRCUMSTANCES THAT THREATEN THE ANIMALS’ HEALTH, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Friday, July 19.

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

NINETY-NINTH DAY

Senate Chamber
Friday, July 19, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Philip E. Berger, President Pro Tempore.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Heavenly Father, thank you again for gathering us here in your name. Thank you for the opportunity that we have to work together towards unity. The conversations that we have here are so delightful to you, Heavenly Father, because they remind us that we were made for relationships. May we complete a good work week with the confidence that you are moving these relationships, you are moving these conversations, and you are the bedrock of them. May our disagreements remind us that not just our frustrations are the center, but our humanity, and our being fashioned in our humanity is what draws us to you who made us in your image. For Christ’s sake we pray. Amen.”

July 19, 2013

Senator Pate, Deputy President Pro Tempore, announces that the Senate Journal of Thursday, July 18, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

CALENDAR

Bills on today’s calendar are taken up and disposed of as follows:

**H.B. 726** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING WAKE COUNTY TO ASSUME RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF PUBLIC SCHOOL PROPERTY, upon second reading.

- Senator Blue offers Amendment No. 1, which fails (9-26).
- Senator Blue offers Amendment No. 2, which fails (9-26).
- The Senate Committee Substitute bill passes its second reading (26-9).
- Senator Blue objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill placed on the calendar of Monday, July 22, upon third reading.

CONFERENCE REPORT

Senator Newton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 76** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, BUT PREVENT THOSE PERMITS FROM BECOMING EFFECTIVE UNTIL A SUBSEQUENT ACT OF THE GENERAL ASSEMBLY AUTHORIZES THOSE PERMITS TO BECOME EFFECTIVE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN
AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (4) DIRECT THE MINING AND ENERGY COMMISSION AND OTHER ENTITIES TO STUDY AND ISSUE A RECOMMENDATION FOR AN IMPACT FEE, OR DEDICATION OF A PORTION OF ANY SEVERANCE TAX TO BE IMPOSED, ON OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS THAT WOULD BE SUFFICIENT TO COVER ALL COSTS THAT MAY REASONABLY BE EXPECTED TO ACCRUE TO LOCAL GOVERNMENTS AS A RESULT OF SUCH ACTIVITIES OCCURRING WITHIN THEIR JURISDICTIONS; (5) DIRECT THE MINING AND ENERGY COMMISSION, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE CONSUMER PROTECTION DIVISION OF THE DEPARTMENT OF JUSTICE TO STUDY AND ISSUE RECOMMENDATIONS FOR CREATION OF A RESTITUTION FUND FOR LANDOWNERS HARMED AS A RESULT OF AN ACT OF FRAUD, DECEPTION, MISREPRESENTATION, OR KNOWING OMISSION OF MATERIAL FACTS; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY THE MINING AND ENERGY COMMISSION’S AUTHORITY TO SET “ALLOWABLES”; (8) MODIFY PROVISIONS ASSOCIATED WITH THE LANDMEN REGISTRY; (9) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (10) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF OFFSHORE ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (11) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (12) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (13) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, submits for adoption the following report:

To: The President of the Senate
    The Speaker of the House of Representatives

July 19, 2013
The conferees appointed to resolve the differences between the Senate and the House of Representatives on Senate Bill 76, A BILL TO BE ENTITLED AN ACT TO (1) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER MARCH 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, BUT PREVENT THOSE PERMITS FROM BECOMING EFFECTIVE UNTIL A SUBSEQUENT ACT OF THE GENERAL ASSEMBLY AUTHORIZES THOSE PERMITS TO BECOME EFFECTIVE; (2) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (3) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (4) DIRECT THE MINING AND ENERGY COMMISSION AND OTHER ENTITIES TO STUDY AND ISSUE A RECOMMENDATION FOR AN IMPACT FEE, OR DEDICATION OF A PORTION OF ANY SEVERANCE TAX TO BE IMPOSED, ON OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS THAT WOULD BE SUFFICIENT TO COVER ALL COSTS THAT MAY REASONABLY BE EXPECTED TO ACCRUE TO LOCAL GOVERNMENTS AS A RESULT OF SUCH ACTIVITIES OCCURRING WITHIN THEIR JURISDICTIONS; (5) DIRECT THE MINING AND ENERGY COMMISSION, THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND THE CONSUMER PROTECTION DIVISION OF THE DEPARTMENT OF JUSTICE TO STUDY AND ISSUE RECOMMENDATIONS FOR CREATION OF A RESTITUTION FUND FOR LANDOWNERS HARMED AS A RESULT OF AN ACT OF FRAUD, DECEPTION, MISREPRESENTATION, OR KNOWING OMISSION OF MATERIAL FACTS; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY THE MINING AND ENERGY COMMISSION’S AUTHORITY TO SET “ALLOWABLES”; (8) MODIFY
PROVISIONS ASSOCIATED WITH THE LANDMEN REGISTRY; (9) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (10) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF OFFSHORE ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (11) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (12) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (13) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, House Committee Substitute Favorable 6/5/13, Seventh Edition Engrossed 6/7/13, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/5/13, Seventh Edition Engrossed 6/7/13, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 6/5/13, Seventh Edition Engrossed 6/7/13, and substitute the attached Proposed Conference Committee Substitute S76-PCCS85268-RI-6.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 19, 2013.

Conferees for the Senate
S/E. S. (Buck) Newton, Chair
S/Andrew C. Brock
S/Bob Rucho
S/Gene McLaurin
S/Kathy Harrington

Conferees for the House of Representatives
S/Mike C. Stone, Chair
James L. Boles, Jr.
S/Ruth Samuelson
S/Mike Hager
Ken Goodman

The full text of the proposed Conference Committee Substitute can be found in Chapter 365 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Tuesday, July 23, for adoption.

**CALENDAR (continued)**

**S.B. 581** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE HISTORICAL BOILERS LICENSING ACT, upon second reading.

July 19, 2013
The Committee Substitute bill passes its second reading (36-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives.

The Chair grants leaves of absence for the remainder of today’s session to Senator Brown and Senator Hunt.

FLOOR PRIVILEGES

Upon motion of Senator Apodaca, without objection, the rules are suspended to allow Research Division staff to join Senator Jackson on the Senate Chamber floor while H.B. 74 is being considered.

CALENDAR (continued)

H.B. 74 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS, upon second reading.

The Senate Committee Substitute bill passes its second reading (26-7) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 522 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW, upon second reading.

The Senate Committee Substitute bill passes its second reading (31-2) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

H.B. 652 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, upon second reading.

The Senate Committee Substitute bill fails to pass its second reading (12-22).

S.B. 151 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND MARINE FISHERIES LAWS; AMEND THE LAWS GOVERNING THE CONSTRUCTION OF TERMINAL GROINS; AND CLARIFY THAT CITIES MAY ENFORCE ORDINANCES WITHIN THE STATE’S PUBLIC TRUST AREAS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rabon, the Senate concurs in the House Committee Substitute bill (28-5) and the bill is ordered enrolled and sent to the Governor.

July 19, 2013
S.B. 341 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES AND TO AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Rabon, the Senate concurs in the House Committee Substitute bill (33-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 379 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS TO UTILIZE FUNDS TO SUPPORT NEW AND EXPANDED NATURAL GAS SERVICE AND TO SUPPORT PROPANE GAS SERVICE FOR AGRICULTURAL PROJECTS, for concurrence in the House Committee Substitute bill No. 2.

Upon motion of Senator Jackson, the Senate concurs in the House Committee Substitute bill No. 2 (33-0) and the bill is ordered enrolled and sent to the Governor.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today’s calendar:

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is withdrawn from today’s calendar and placed on the calendar of Tuesday, July 23.

WITHDRAWAL FROM COMMITTEE

H.B. 491 (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE LEE COUNTY SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS TO THE LEE COUNTY SCHOOLS, referred to the Appropriations/Base Budget Committee on June 11.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the Appropriations/Base Budget Committee and re-referred to the Rules and Operations of the Senate Committee, which motion prevails with unanimous consent, and the Chair so orders.

July 19, 2013
H.B. 293. A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO REDUCE REGULATORY BURDENS, MAKING CLARIFYING AND TECHNICAL CHANGES, AND MODIFYING CERTAIN FORECLOSURE PROCEEDINGS, referred to the Judiciary I Committee on April 30.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the Judiciary I Committee and placed on the calendar of Tuesday, July 23, which motion prevails with unanimous consent, and the Chair so orders.

WITHDRAWAL FROM FUTURE CALENDAR

H.B. 726 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING WAKE COUNTY TO ASSUME RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF PUBLIC SCHOOL PROPERTY, placed on the calendar of Monday, July 22, upon third reading.

Senator Apodaca offers a motion that the Senate Committee Substitute bill be withdrawn from the calendar of Monday, July 22, and placed on the calendar of Tuesday, July 23, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR (continued)

S.B. 626 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT; AND TO ESTABLISH A CAP ON THE REIMBURSEMENT AMOUNT AVAILABLE FROM THE SPAY/NEUTER PROGRAM; AND TO PROVIDE FOR THE PROTECTION OF ANIMALS CONFINED IN MOTOR VEHICLES UNDER CIRCUMSTANCES THAT THREATEN THE ANIMALS’ HEALTH, for concurrence in the House Committee Substitute bill.

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill (33-0) and the bill is ordered enrolled and sent to the Governor.

H.B. 652 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES.

Having voted with the prevailing side, Senator Apodaca offers a motion that the vote by which the Senate Committee Substitute bill failed to pass its second reading be reconsidered, which motion prevails.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is withdrawn from today’s calendar and re-referred to the Rules and Operations of the Senate Committee.

July 19, 2013
Upon motion of Senator Pate, seconded by Senator Kinnaird, the Senate adjourns at 11:50 a.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Monday, July 22, at 2:00 p.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
Thursday, July 18, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the conferees for S.B. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, have been dismissed and new conferees have been appointed.

Speaker Tillis has appointed:

Representative Dollar, Chair
Representative Johnson
Representative Holloway and
Representative Burr

Respectfully,
S/Denise G. Weeks
Principal Clerk

EXECUTIVE ORDER

The following Executive Order was issued by Governor Pat McCrory:

Executive Order No. 17, Disaster Declaration for Orange County.

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

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ONE HUNDREDTH DAY

Senate Chamber
Monday, July 22, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Father in heaven, we thank you, and we ask you that from your throne room you would give grace and divine guidance. In Christ’s name we pray. Amen.”

Senator Hise announces that the Senate Journal of Friday, July 19, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate 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. 151, AN ACT TO AMEND MARINE FISHERIES LAWS; AMEND THE LAWS GOVERNING THE CONSTRUCTION OF TERMINAL GROINS; AND CLARIFY THAT CITIES MAY ENFORCE ORDINANCES WITHIN THE STATE’S PUBLIC TRUST AREAS.

S.B. 305, AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS.

S.B. 341, AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES AND TO AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT.

S.B. 379, AN ACT AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS TO UTILIZE FUNDS TO SUPPORT NEW AND EXPANDED NATURAL GAS SERVICE AND TO SUPPORT PROPANE GAS SERVICE FOR AGRICULTURAL PROJECTS.

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S.B. 626, AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE OVERCROWDING AT ANIMAL SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT; AND TO ESTABLISH A CAP ON THE REIMBURSEMENT AMOUNT AVAILABLE FROM THE SPAY/NEUTER PROGRAM; AND TO PROVIDE FOR THE PROTECTION OF ANIMALS CONFINED IN MOTOR VEHICLES UNDER CIRCUMSTANCES THAT THREATEN THE ANIMALS' HEALTH.

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

H.B. 191, AN ACT REMOVING CERTAIN DESCRIBED PROPERTY FROM THE CORPORATE LIMITS OF THE TOWN OF GRIFTON.

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. 638, AN ACT TO ENACT THE NORTH CAROLINA FARM ACT OF 2013 TO (1) LIMIT THE LIABILITY OF NORTH CAROLINA COMMODITY PRODUCERS ARISING FROM FOOD SAFETY ISSUES RELATED TO THEIR PRODUCTS; (2) LIMIT THE LIABILITY OF FARM ANIMAL ACTIVITY SPONSORS, FARM ANIMAL PROFESSIONALS, AND AGRITOURISM OPERATORS AND CLARIFY THAT EQUINE RECREATION WHERE THE LANDOWNER RECEIVES NO COMPENSATION IS SUBJECT TO THE RECREATIONAL USE STATUTE AND NOT THE EQUINE ACTIVITY LIABILITY STATUTE; (3) ALLOW THE COMMISSIONER OF AGRICULTURE TO ASSESS NONMONETARY PENALTIES TO ADDRESS VIOLATIONS WHEN APPROPRIATE; (4) DECREASE THE FREQUENCY OF THE AGRICULTURAL WATER USE SURVEY; (5) LIMIT THE PERSONALLY IDENTIFYING INFORMATION THAT THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES MAY DISCLOSE ABOUT ITS ANIMAL HEALTH PROGRAMS; (6) MAKE CONFORMING CHANGES TO THE NAME OF THE STRUCTURAL PEST CONTROL AND PESTICIDES DIVISION AND CLARIFY THE RESPONSIBILITIES OF THE DIVISION; (7) AMEND CERTAIN EGG LABELING REQUIREMENTS; (8) REPEAL THE INTERSTATE PEST CONTROL COMPACT; (9) REPEAL CERTAIN CLEANLINESS STANDARDS FOR CREAMERIES AND DAIRY FACILITIES THAT ARE ADDRESSED BY THE NC FOOD, DRUG, AND

July 22, 2013
COSMETIC ACT; (10) CHANGE SETBACK DISTANCES AND BURN TIMES FOR FLAMMABLE MATERIALS RESULTING FROM GROUND CLEARING ACTIVITIES; (11) REPEAL THE STATE SULFUR CONTENT STANDARDS FOR GASOLINE; (12) EXEMPT FORESTRY AND SILVICULTURE OPERATIONS FROM TEMPORARY DRIVEWAY PERMITTING; (13) ALLOW A FARM BUILDING THAT IS USED FOR PUBLIC OR PRIVATE EVENTS TO MAINTAIN ITS FARM BUILDING STATUS FOR PURPOSES OF THE STATE BUILDING CODE; (14) EXEMPT CERTAIN STRUCTURES FROM THE SPRINKLER SYSTEM REQUIREMENTS OF THE NORTH CAROLINA BUILDING CODE; (15) ALLOW RETAILERS TO DISPLAY MORE THAN FOUR HUNDRED SQUARE FEET OF NURSERY STOCK FOR SALE IN THEIR PARKING LOTS; (16) EXPAND THE AGRICULTURAL DAM EXEMPTION TO THE DAM SAFETY ACT; (17) ALLOW A LANDOWNER TO WITHDRAW WATER FOR AGRICULTURAL USE DURING WATER SHORTAGE EMERGENCIES UNDER CERTAIN CONDITIONS; (18) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM STREAM AND WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR; AND (19) ACCELERATE THE SUNSET DATE OF THE PETROLEUM DISPLACEMENT PLAN AS A RESULT OF THE STATE HAVING SUBSTANTIALLY ACHIEVED ITS TWENTY PERCENT REDUCTION GOAL OF THE USE OF PETROLEUM PRODUCTS. (Became law upon approval of the Governor, July 17, 2013 - S.L. 2013-265.)

H.B. 192, AN ACT TO PERMIT LOCAL GOVERNMENTS TO ENACT SIDEWALK DINING ORDINANCES FOR USE OF STATE-OWNED RIGHT-OF-WAY. (Became law upon approval of the Governor, July 17, 2013 - S.L. 2013-266.)

H.B. 110, AN ACT TO PROVIDE FOR FAIR AND OPEN COMPETITION IN GOVERNMENTAL CONSTRUCTION CONTRACTS AND TO PROHIBIT REQUIREMENTS FOR CERTAIN TERMS IN GOVERNMENT CONTRACTS. (Became law upon approval of the Governor, July 17, 2013 - S.L. 2013-267.)

H.B. 767, AN ACT ENACTING THE CORPORAL PRUITT RAINY BRASS TO CLASS ACT, WHICH DIRECTS THE STATE BOARD OF EDUCATION TO ESTABLISH RULES FOR AWARDING CREDIT FOR PRIOR WORK EXPERIENCE GIVEN TO CERTAIN VETERANS FOR THE PURPOSE OF PLACING THEM ON STATE SALARY SCHEDULES. (Became law upon approval of the Governor, July 17, 2013 - S.L. 2013-268.)

July 22, 2013
S.B. 229, AN ACT TO AUTHORIZE THE TOWN OF OCEAN ISLE BEACH TO CREATE A SEA TURTLE SANCTUARY AND TO EXCHANGE A PARCEL OF REAL PROPERTY FOR SERVICES. (Became law upon ratification, July 18, 2013 - S.L. 2013-269.)

S.B. 288, AN ACT CONCERNING FILLING OF VACANCIES ON THE BOARD OF COMMISSIONERS OF WAKE COUNTY AND ESTABLISHING A DOMESTIC VIOLENCE FATALITY PREVENTION AND PROTECTION REVIEW TEAM IN WAKE COUNTY AND TO PERMIT MULTIFAMILY DEVELOPMENT ON CERTAIN PARCELS IN THE TOWN OF ABERDEEN. (Became law upon ratification, July 18, 2013 - S.L. 2013-270.)


S.B. 81, AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT AUTHORITY. (Became law upon ratification, July 18, 2013 - S.L. 2013-272.)

H.B. 895, AN ACT TO RENAME THE BILTMORE CAMPUS OF THE MOUNTAIN AREA HEALTH EDUCATION CENTER IN ASHEVILLE THE MARY CORDELL NESBITT CAMPUS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-273.)

H.B. 982, AN ACT TO MODIFY THE MEDICAID SUBROGATION STATUTE IN RESPONSE TO THE UNITED STATES SUPREME COURT DECISION IN WOS V. E.M.A. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-274.)

H.B. 783, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE LAWS GOVERNING PYROTECHNICS DISPLAYS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-275.)

H.B. 137, AN ACT TO INCREASE THE REWARD AMOUNT THAT THE GOVERNOR MAY OFFER FOR THE APPREHENSION OF A FUGITIVE FROM JUSTICE OR FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF A FUGITIVE FROM JUSTICE. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-276.)

H.B. 161, AN ACT TO ESTABLISH A MANDATORY RETIREMENT AGE FOR MAGISTRATES. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-277.)

July 22, 2013
H.B. 168, AN ACT GRANTING THE NORTH CAROLINA INDUSTRIAL COMMISSION JURISDICTION TO DECIDE DISPUTES BETWEEN AN EMPLOYEE’S PAST AND CURRENT ATTORNEYS REGARDING THE DIVISION OF A FEE AS APPROVED BY THE COMMISSION. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-278.)

H.B. 176, AN ACT TO AUTHORIZE CORVIAN COMMUNITY SCHOOL, AN EXISTING CHARTER SCHOOL, TO ELECT TO PARTICIPATE IN THE TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM AND THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-279.)

H.B. 214, AN ACT EXEMPTING FROM PUBLIC RECORDS DOCUMENTS COLLECTED OR COMPILED IN CONNECTION WITH AN APPLICATION FOR LICENSURE UNDER THE LAWS REGULATING REAL ESTATE BROKERS AND SALESPERSONS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-280.)

H.B. 257, AN ACT TO AMEND THE STATUTES GOVERNING THE ESCEATH FUND TO PROTECT THE PRIVACY OF INFORMATION COLLECTED FOR THE PROCESS OF PAYING CLAIMS; TO ELIMINATE THE FEE PAID BY HOLDERS FOR FILING AN EXTENSION REQUEST; TO REDUCE THE AMOUNT OF PAPERWORK REQUIRED BY HOLDERS; AND TO IMPROVE THE EFFICIENCY AND EFFECTIVENESS OF PROCESSING HOLDER REPORTS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-281.)

H.B. 241, AN ACT TO MAKE THE BLUE MONDAY SHAD FRY IN EAST ARCADIA LOCATED ON THE CAPE FEAR RIVER LOCK AND DAM #1 IN BLADEN COUNTY AND SOUTHEAST COLUMBUS COUNTY THE OFFICIAL STATE BLUE MONDAY SHAD FRY. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-282.)

H.B. 296, AN ACT TO (1) ADJUST THE FEES CHARGED FOR CERTAIN HUNTING AND FISHING LICENSES ISSUED BY THE WILDLIFE RESOURCES COMMISSION AND REPEAL THE COUNTY HUNTING, FISHING, AND TRAPPING LICENSES AND THE NONCOMMERCIAL SPECIAL DEVICE LICENSES; (2) ESTABLISH A BLACK BEAR MANAGEMENT STAMP THAT MUST BE PROCURED BEFORE TAKING BEAR WITHIN THE STATE AND AMEND THE LAW RESTRICTING THE TAKING OF BLACK BEAR WITH BAIT; (3) ADJUST THE AGE FOR DISCOUNTED SPECIAL LICENSES FROM AGE SIXTY-FIVE TO AGE SEVENTY; (4) PROVIDE THAT EFFECTIVE JANUARY 1, 2015, THOSE HUNTING AND FISHING LICENSE FEES IN EFFECT SHALL REMAIN AT THE EXISTING LEVELS UNTIL THE WILDLIFE RESOURCES COMMISSION ESTABLISHES NEW FEES THROUGH RULE

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MAKING, AND AUTHORIZE THE WILDLIFE RESOURCES COMMISSION TO ESTABLISH LICENSE FEES THROUGH RULE MAKING BEGINNING IN 2015; (5) REPLACE THE CURRENT SIX PERCENT WILDLIFE SERVICE AGENT COMMISSION FEE WITH A TWO-DOLLAR TRANSACTION FEE; (6) PROVIDE THAT NO MORE THAN TWENTY-FIVE PERCENT OF THE WILDLIFE RESOURCES COMMISSION’S AUTHORIZED OPERATING BUDGET SHALL BE KEPT IN RESERVE; AND (7) PROVIDE AN ANNUAL TARGET FOR UTILIZATION OF THE ANNUAL EXPENDABLE INTEREST OF THE WILDLIFE ENDOWMENT FUND. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-283.)

H.B. 327, AN ACT TO MODERNIZE, UPDATE, AND CLARIFY THE STATUTES GOVERNING THE FIREMEN'S AND RESCUE SQUAD WORKERS' PENSION FUND BY ADDING A DEFINITION SECTION TO THE STATUTES, TO REPEAL ARCHAIC AND UNNECESSARY PROVISIONS, TO MAKE THE PROVISIONS GENDER NEUTRAL, TO ELIMINATE THE BOARD OF TRUSTEES WHILE TRANSFERRING ITS AUTHORITY TO THE BOARD OF TRUSTEES OF THE LOCAL GOVERNMENTAL EMPLOYEES’ RETIREMENT SYSTEM, TO ESTABLISH A FIREFIGHTERS’ AND RESCUE SQUAD WORKERS’ ADVISORY PANEL, TO PROHIBIT CERTAIN FELONS FROM PARTICIPATING IN THE FUND, AND TO ESTABLISH AN AGGRAVATING FACTOR FOR DEFENDANTS WHO COMMIT OFFENSES DIRECTLY RELATED TO THEIR SERVICE AS FIREFIGHTERS OR RESCUE SQUAD WORKERS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-284.)

H.B. 340, AN ACT TO ALLOW THE DEPARTMENT OF INSURANCE TO LICENSE NATIONAL TRAVEL INSURANCE PRODUCERS TO SELL TRAVEL INSURANCE THROUGH THIRD-PARTY TRAVEL RETAILERS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-285.)

H.B. 345, AN ACT TO INCREASE THE CRIMINAL PENALTY FOR MISUSE OF THE 911 SYSTEM, AND TO PROVIDE FOR RECOMMENDATIONS FOR CERTAIN APPOINTMENTS TO THE STATE 911 BOARD. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-286.)

H.B. 357, AN ACT TO INCREASE CITIZEN OVERSIGHT AND TO MAKE OTHER CONSOLIDATIONS AND IMPROVEMENTS IN THE GOVERNANCE OF THE STATE RETIREMENT SYSTEMS, AND TO IMPROVE TRANSPARENCY BY ENSURING THAT ALL RETIREMENT PLANS ADMINISTERED BY THE DEPARTMENT OF STATE TREASURER ARE OVERSEEN BY A BOARD OF TRUSTEES. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-287.)

July 22, 2013
H.B. 358, AN ACT TO MAKE TECHNICAL AND CONFORMING CHANGES TO THE STATUTES AFFECTING THE STATE RETIREMENT SYSTEMS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-288.)

H.B. 362, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND SUBSTANTIVE CHANGES RELATING TO THE DEPARTMENT OF PUBLIC SAFETY AND TO ELIMINATE THE BENCHMARK CEILING RELATING TO PURCHASES AND CONTRACTS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-289.)

H.B. 371, AN ACT AUTHORIZING THE STATE BOARD OF CHIROPRACTIC EXAMINERS TO ESTABLISH AND ENFORCE EDUCATIONAL STANDARDS FOR CHIROPRACTIC CLINICAL ASSISTANTS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-290.)

H.B. 391, AN ACT TO AMEND THE DEFINITION OF RETIREMENT TO CLARIFY THAT SERVICE AS A MEMBER OF THE BOARD OF TRUSTEES OF A COMMUNITY COLLEGE, AS A MEMBER OF A BOARD OF TRUSTEES OF A CONSTITUENT INSTITUTION OF THE UNIVERSITY OF NORTH CAROLINA, OR AS A VOLUNTEER GUARDIAN AD LITEM IN THE GUARDIAN AD LITEM PROGRAM IS NOT CONSIDERED SERVICE FOR THE PURPOSES OF THAT DEFINITION. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-291.)

H.B. 402, AN ACT TO REQUIRE A TRICARE SUPPLEMENT TO BE OFFERED IF A PLAN OF FLEXIBLE COMPENSATION IS OFFERED BY THE STATE. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-292.)

H.B. 428, AN ACT TO PROVIDE THAT THE PUNISHMENT FOR PASSING A STOPPED SCHOOL BUS IN VIOLATION OF G.S. 20-217 SHALL INCLUDE A FINE IN ALL CIRCUMSTANCES, A REVOCATION OF THE PERSON’S DRIVERS LICENSE IN CERTAIN CIRCUMSTANCES, AND DISQUALIFICATION OF THE PERSON’S COMMERCIAL DRIVING PRIVILEGES IN CERTAIN CIRCUMSTANCES; TO PROVIDE THAT THE DIVISION OF MOTOR VEHICLES SHALL WITHHOLD THE REGISTRATION RENEWAL OF A PERSON WHO FAILS TO PAY ANY FINE IMPOSED PURSUANT TO G.S. 20-217; AND TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO USE THE PROCEEDS OF ANY FINES COLLECTED FOR VIOLATIONS OF G.S. 20-217 TO PURCHASE AUTOMATED CAMERA AND VIDEO RECORDING SYSTEMS TO INSTALL ON SCHOOL BUSES. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-293.)

July 22, 2013
S.B. 174, AN ACT TO DISAPPROVE CERTAIN RULES ADOPTED BY THE NORTH CAROLINA INDUSTRIAL COMMISSION, TO PROVIDE SPECIFIC DIRECTIONS TO THE INDUSTRIAL COMMISSION TO REPLACE THE RULES, AND TO AMEND CERTAIN PROVISIONS OF THE WORKERS’ COMPENSATION LAW. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-294.)

S.B. 231, AN ACT TO MODIFY THE DUTIES OF THE STATE ADVISORY COUNCIL ON INDIAN EDUCATION. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-295.)

S.B. 248, AN ACT TO ENSURE THAT PATIENTS HAVE THE RIGHT TO CHOOSE THEIR HEARING AID SPECIALIST UNDER THEIR HEALTH BENEFIT PLANS, TO AUTHORIZE THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES, AND TO MAKE TECHNICAL CHANGES TO THE STATUTE ON CHOOSING SERVICES OF PROVIDERS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-296.)


S.B. 316, AN ACT TO PROVIDE THAT A REBUTTABLE PRESUMPTION EXISTS IN CERTAIN CIRCUMSTANCES THAT A PERSON CHARGED WITH A FELONY OR CLASS A1 MISDEMEANOR OFFENSE INVOLVING THE ILLEGAL USE, POSSESSION, OR DISCHARGE OF A FIREARM SHOULD NOT BE RELEASED PRIOR TO TRIAL, AND TO AMEND CERTAIN BOND PROVISIONS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-298.)

S.B. 378, AN ACT TO AUTHORIZE A REFERENDUM OF PROPANE DEALERS AND DISTRIBUTORS REGARDING A VOLUNTARY ASSESSMENT ON PROPANE TO PROVIDE FUNDING FOR PROMOTIONAL, EDUCATIONAL, AND OTHER PROGRAMS OF THE INDUSTRY. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-299.)

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S.B. 399, AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT A PERSON ACCUSED OF ANY CRIMINAL OFFENSE IN SUPERIOR COURT FOR WHICH THE STATE IS NOT SEEKING A SENTENCE OF DEATH MAY WAIVE THE RIGHT TO TRIAL BY JURY AND INSTEAD BE TRIED BY A JUDGE. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-300.)

S.B. 465, AN ACT TO MAKE IT A CRIMINAL OFFENSE TO SELL, PURCHASE, INSTALL, POSSESS, TRANSFER, USE, OR ACCESS AN AUTOMATED SALES SUPPRESSION DEVICE. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-301.)

S.B. 717, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES DISCRETION IN ASSESSING PENALTIES AND SUSPENSIONS ON SAFETY INSPECTION LICENSE HOLDERS FOR SAFETY INSPECTION LAW VIOLATIONS, AND TO CLARIFY THE MOTOR VEHICLE DEALERS’ AND MANUFACTURERS’ LICENSING LAW. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-302.)

H.B. 450, AN ACT TO PROVIDE FOR BAIL PROCEDURE WHEN CONFINEMENT IS IMPOSED AS PUNISHMENT FOR CRIMINAL CONTEMPT. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-303.)

H.B. 462, AN ACT TO INCREASE THE UNIFORM HOURLY FEE CHARGED TO PERSONS RECEIVING THE SERVICES OF A SUPERVISED VISITATION AND EXCHANGE CENTER THROUGH A FAMILY COURT PROGRAM. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-304.)

H.B. 474, AN ACT TO AUTHORIZE THE REDEPOSIT OF STATE AND LOCAL GOVERNMENT FUNDS INTO INSURED DEMAND, MONEY MARKET, AND NEGOTIABLE ORDER OF WITHDRAWAL DEPOSIT ACCOUNTS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-305.)

H.B. 492, AN ACT TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ADJUST MEDICAID PERSONAL CARE SERVICES TO PROVIDE ADDITIONAL SAFEGUARDS FOR QUALIFIED INDIVIDUALS AND TO REPORT TO THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES, THE SENATE APPROPRIATIONS COMMITTEE ON HEALTH AND HUMAN SERVICES, AND TO THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON HEALTH AND HUMAN SERVICES. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-306.)

July 22, 2013
S.B. 132, AN ACT TO INCLUDE INSTRUCTION IN THE SCHOOL HEALTH EDUCATION PROGRAM ON THE PREVENTABLE CAUSES OF PRETERM BIRTH, INCLUDING INDUCED ABORTION AS A CAUSE OF PRETERM BIRTH IN SUBSEQUENT PREGNANCIES, AND TO PROVIDE SUCH INFORMATION TO CHARTER, NONPUBLIC, AND HOME SCHOOL STUDENTS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-307.)

H.B. 635, AN ACT TO (1) ALLOW A CLERK OR ASSISTANT OR DEPUTY CLERK OF SUPERIOR COURT OR A MAGISTRATE TO ISSUE BY FACSIMILE OR ELECTRONIC MAIL TRANSMISSION AN INVOLUNTARY INPATIENT COMMITMENT CUSTODY ORDER TO A PETITIONING PHYSICIAN, ELIGIBLE PSYCHOLOGIST, OR DESIGNEE AT A TWENTY-FOUR-HOUR FACILITY WHEN THE RESPONDENT IS ALREADY PHYSICALLY PRESENT AT THE TWENTY-FOUR-HOUR FACILITY, (2) ESTABLISH PROTOCOLS FOR THE TRAINING OF PHYSICIANS, ELIGIBLE PSYCHOLOGISTS, OR DESIGNEES, AND (3) DIRECT THE SECRETARY OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO REVIEW AND REVISE THE RULES DESIGNATING FACILITIES FOR THE CUSTODY AND TREATMENT OF INVOLUNTARY CLIENTS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-308.)

H.B. 683, AN ACT TO BAR CIVIL ACTIONS AGAINST PACKERS, DISTRIBUTORS, MANUFACTURERS, CARRIERS, HOLDERS, SELLERS, MARKETERS, OR ADVERTISERS OF FOOD PRODUCTS THAT COMPLY WITH APPLICABLE STATUTORY AND REGULATORY REQUIREMENTS BASED ON CLAIMS ARISING OUT OF WEIGHT GAIN, OBESITY, A HEALTH CONDITION ASSOCIATED WITH WEIGHT GAIN OR OBESITY, OR OTHER GENERALLY KNOWN CONDITION ALLEGEDLY CAUSED BY OR ALLEGEDLY LIKELY TO RESULT FROM LONG-TERM CONSUMPTION OF FOOD; AND TO CLARIFY THAT LOCAL GOVERNMENTS MAY NOT REGULATE THE SIZE OF SOFT DRINKS OFFERED FOR SALE. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-309.)

H.B. 754, AN ACT AUTHORIZING COMMUNITY COLLEGES TO ACQUIRE REAL PROPERTY BY LEASE PURCHASE. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-310.)

H.B. 816, AN ACT TO AUTHORIZE TOBACCO GROWERS TO ASSESS THEMSELVES TO PROMOTE THE INTERESTS OF TOBACCO GROWERS. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-311.)

July 22, 2013
H.B. 828, AN ACT UPDATING THE PHYSICAL THERAPY PRACTICE ACT. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-312.)

H.B. 917, AN ACT ADOPTING THE DUBLIN PEANUT FESTIVAL AS THE STATE OFFICIAL PEANUT FESTIVAL. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-313.)

H.B. 614, AN ACT TO PROVIDE THAT AGRICULTURAL AND FORESTRY OPERATIONS ARE NOT NUISANCES UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE FOR THE AWARD OF COSTS AND ATTORNEYS’ FEES. (Became law upon approval of the Governor, July 18, 2013 - S.L. 2013-314.)

CONFERENCE REPORT

Senator Brunstetter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 402 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, 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 402, 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, House Committee Substitute Favorable 6/11/13, Fifth Edition Engrossed 6/13/13, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 6/11/13, Fifth Edition Engrossed 6/13/13, and the Senate concurs in the House Committee Substitute as amended:


The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 21, 2013.

July 22, 2013
The full text of the proposed Conference Committee Substitute can be found in Chapter 360 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Tuesday, July 23, for adoption upon second reading.

Upon motion of Senator Pate, seconded by Senator Tarte, the Senate adjourns at 2:05 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Tuesday, July 23, at 4:00 p.m.

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

House of Representatives  
July 22, 2013

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 H.B. 493 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, TO AMEND THE EXISTING GRAHAM COUNTY

July 22, 2013
OCCUPANCY TAX, and to create a taxing district in Graham County for the purpose of levying a three percent room occupancy and tourism development tax, and requests conferees.

Speaker Tillis has appointed:
Representative West, Chair

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

RE-REFERRAL OF A BILL

H.B. 135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, referred to the Agriculture/Environment/Natural Resources Committee on April 22.

Pursuant to a motion by Senator Apodaca, the Committee Substitute bill is withdrawn from the Agriculture/Environment/Natural Resources Committee and re-referred to the Finance Committee.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 74 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

Pursuant to the House of Representatives having failed to concur in the Senate Committee Substitute bill for H.B. 74, Senator Phil Berger, President Pro Tempore, appoints Senator Jackson, Chair; Senator Brock, Senator Brown, and Senator Wade 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.

H.B. 493 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, TO AMEND THE EXISTING GRAHAM COUNTY OCCUPANCY TAX, AND TO CREATE A TAXING DISTRICT IN GRAHAM COUNTY FOR THE PURPOSE OF LEVYING A THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX.

July 22, 2013
Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the Senate Committee Substitute bill for H.B. 493 and requests conferees, Senator Phil Berger, President Pro Tempore, appoints Senator Apodaca, Chair; Senator J. Davis and Senator Hise 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.

Pursuant to Senator Pate’s motion to adjourn having prevailed, the Senate stands adjourned.

ONE HUNDRED FIRST DAY

Senate Chamber
Tuesday, July 23, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Louis Pate, Deputy President Pro Tempore.

Without objection, the prayer is postponed until after recess.

Senator Berger, President Pro Tempore, announces that the Senate Journal of Monday, July 22, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

The Senate recesses at 4:12 p.m., subject to the ratification of bills and the receipt of messages from the House of Representatives, to reconvene at 4:30 p.m.

RECESS

ENROLLED BILLS

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

**H.B. 15, AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES AND (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE.**

July 23, 2013
H.B. 269, AN ACT TO CREATE SPECIAL EDUCATION SCHOLARSHIP GRANTS FOR CHILDREN WITH DISABILITIES.

H.B. 399, AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; PUBLIC HEALTH; AND MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES.

H.B. 476, AN ACT REWRITING THE LAWS REGULATING UNDERGROUND UTILITY DAMAGE PREVENTION.

H.B. 565, AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

H.B. 692, AN ACT TO AMEND THE NORTH CAROLINA ANTI-PREDATORY LENDING LAW, AND TO LIMIT THE PROVISIONS OF STATE MORTGAGE LENDING LAW TO BEING NO MORE RESTRICTIVE THAN FEDERAL LAW.

H.B. 936, AN ACT TO ESTABLISH A WILDLIFE POACHER REWARD FUND TO PAY REWARDS TO PERSONS WHO GIVE INFORMATION TO LAW ENFORCEMENT AUTHORITIES THAT RESULTS IN THE ARREST AND CONVICTION OF PERSONS WHO COMMIT SERIOUS WILDLIFE VIOLATIONS, TO AUTHORIZE THE USE OF COMPENSATION PAID TO THE WILDLIFE RESOURCES COMMISSION AS CONDITIONS OF OFFENDERS’ PROBATION AS ASSETS OF THE FUND, TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT, AND TO AMEND THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS.

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

H.B. 186, AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE MUNICIPAL NOISE ORDINANCES AND STATE STATUTES PERTAINING TO THEFT AND VANDALISM ON THE WATERS OF LAKE NORMAN.

H.B. 523, AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE.

July 23, 2013
H.B. 530, AN ACT TO REQUIRE ANY APPOINTMENTS BY BUNCOMBE COUNTY TO A METROPOLITAN PLANNING ORGANIZATION TO PROVIDE FOR GEOGRAPHIC REPRESENTATION OF THE COUNTY.

H.B. 870, AN ACT TO DECREASE THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO A FIVE-MEMBER BOARD, TO ESTABLISH REVISED DISTRICTS FOR THOSE BOARDS, AND TO CONFIRM THAT REDISTRICTING REQUIREMENTS FOLLOWING EACH FEDERAL CENSUS APPLY TO THOSE BOARDS.

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:


SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 22, 2013

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 H.B. 74, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS, and requests conferees.

Speaker Tillis has appointed:
   Representative Moffitt, Chair
   Representative Murry
   Representative Millis
   Representative Samuelson

July 23, 2013
on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 22, 2013

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 H.B. 392, A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECEPIENTS OF WORK FIRST PROGRAM ASSISTANCE, and requests conferees.

Speaker Tillis has appointed:
Representative Arp, Chair
Representative Stevens
Representative Horn

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 23, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 22, 2013

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 S.B. 76 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE FOR AUTOMATIC REVIEW OF MINING AND ENERGY COMMISSION RULES BY THE GENERAL ASSEMBLY; (2) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT; (3) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (4) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (5) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY MATTERS RELATED TO REGISTRATION OF LANDMEN; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION’S AUTHORITY TO SET “ALLOWABLES”; (8) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10)
ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Senate meets pursuant to recess and is called to order by The Honorable Louis Pate, Deputy President Pro Tempore.

The Senate recesses at 4:31 p.m., subject to the receipt of conference reports, to reconvene at 4:45 p.m.

RECESS

RE-SUBMISSION OF A CONFERENCE REPORT

Senator Tillman, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 337 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, withdraws the Conference Report submitted on July 16 and 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 337, A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, House Committee Substitute #2 Favorable 6/27/13, Seventh Edition Engrossed 7/08/13, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in the House Committee Substitute #2 Favorable 6/27/13, Seventh Edition Engrossed 7/08/13, as amended:

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On page 2, lines 3-4, by rewriting those lines to read:

“a. Three members appointed by the Governor, including the chair of the Advisory Board.”;

and on page 2, lines 26-29, by rewriting those lines to read:

“(5) Presiding officers and quorum. – The Advisory Board shall annually elect a vice-chair from among its membership. The chair shall preside over the Advisory Board’s meetings. In the absence of the chair, the vice-chair shall preside over the Advisory Board’s meetings. A majority of the Advisory Board constitutes a quorum.”;

and on page 2, line 35, by rewriting that line to read:

“(8) Removal. – Any appointed member of the Advisory Board may be removed by a vote of at least two-thirds of the members of the Advisory Board at any duly held meeting for any cause that renders the member incapable or unfit to discharge the duties of the office.

(9) Powers and duties. – The Advisory Board shall have the following duties;”;

and on page 4, line 19, by rewriting that line to read:

“determining whether to grant preliminary and final approval of the charter school.

(e) The State Board shall establish reasonable fees of no less than five hundred dollars ($500.00) and no more than one thousand dollars ($1000) for initial and renewal charter applications, in accordance with Article 2A of Chapter 150B of the General Statutes. No application fee shall be refunded in the event the application is rejected or the charter is revoked.”;

and on page 8, lines 27-30, by rewriting those lines to read:

“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/licenses. All teachers in grades”;

and on page 9, lines 27-38, by rewriting those lines to read:

“(e1) Criminal History Checks. –

(1) If the local board of education of the local school administrative unit in which a charter school is located has adopted a policy requiring criminal history checks

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under G.S. 115C-332, then the board of directors of each charter school located in that local school administrative unit shall adopt a policy mirroring the local board of education policy that requires an applicant for employment to be checked for a criminal history, as defined in G.S. 115C-332. Each charter school board of directors shall apply its policy uniformly in requiring applicants for employment to be checked for a criminal history before the applicant is given an unconditional job offer. A charter school board of directors may employ an applicant conditionally while the board is checking the person’s criminal history and making a decision based on the results of the check.”;

and on page 10, line 22, through page 11, line 24, by rewriting those lines to read:

“(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. If multiple birth siblings apply for admission to a charter school and a lottery is needed under G.S. 115C-238.29F(g)(6), the charter school shall enter one surname into the lottery to represent all of the multiple birth siblings. If that surname of the multiple birth siblings is selected, then all of the multiple birth siblings shall be admitted. 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 residing within the local school administrative unit in which the school is located.”;
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.”;

and on page 12, lines 26-28, by rewriting those lines to read:

“(a) The State Board of Education, or a chartering entity subject to the approval of the State Board of Education, may terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board terminate or not renew a charter upon any of the following grounds:”;

and on page 12, lines 50-51, by rewriting those lines to read:

“(2) If a charter school is inadequate and has had a charter for more than five years, the State Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board terminate or not renew the charter. The State Board shall develop rules on the assumption of a charter by a new entity that include all aspects of the operations of the charter school, including the status of the employees. Public assets would transfer to the new entity and not revert to the local school administrative unit in which the charter school is located pursuant to G.S. 115C-238.29F(i).”;

and on page 12, lines 50-51, by rewriting those lines to read:

“(2) If a charter school is inadequate and has had a charter for more than five years, the State Board is authorized to terminate, not renew, or seek applicants to assume the charter through a competitive bid process established by the State Board terminate or not renew the charter. The State Board shall develop rules on the assumption of a charter by a new entity that include all aspects of the operations of the charter school, including the status of the employees. Public assets would transfer to the new entity and not revert to the local school administrative unit in which the charter school is located pursuant to G.S. 115C-238.29F(i).”;

and on page 14, lines 6-25, by rewriting those lines to read:

“(b) If a student attends a charter school, the local school administrative unit in which the child resides shall transfer to the charter school an amount equal to the per pupil share of the local current expense appropriation fund of to the local school administrative unit for the fiscal year. The per pupil share of the local current expense fund shall be transferred to the charter school within 30 days of the receipt of monies into the local current expense fund. The local school administrative unit and charter school may use the process for mediation of differences between the State Board and a charter school provided in G.S. 115C-238.29G(c) to resolve differences on calculation and transference of the per pupil share of the local current expense fund. The amount transferred under this subsection that consists of revenue derived from supplemental taxes shall be transferred only to a charter school located in the tax district for which these taxes are levied and in which the student resides.”;

and on page 16, lines 13-14, by adding the following section between those lines:

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“SECTION 3. G.S. 105-275 reads as rewritten:

§ 105-275. Property classified and excluded from the tax base.

The following classes of property are designated special classes under Article V, Sec. 2(2), of the North Carolina Constitution and are excluded from tax:

(46) Real property that is occupied by a charter school and is wholly and exclusively used for educational purposes as defined in G.S. 105-278.4(f) regardless of the ownership of the property.”;

and on page 16, lines 23-26, by rewriting those lines to read:

“(1) Two members appointed by the Governor, as designated by the Governor, shall be appointed to serve until June 30, 2015. One member appointed by the Governor, as designated by the Governor, shall be appointed to serve until June 30, 2017, including the chair.”;

and on page 16, line 43-44, by rewriting those lines to read:

“SECTION 8. Section 3 of this act is effective for taxes imposed for taxable years beginning on or after July 1, 2013. Section 7 of this act becomes effective August 1, 2013. The remainder of this act is effective when it becomes law. G.S. 115C-238.29H(d), as enacted by”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 23, 2013.

Conferees for the Senate Conferees for the House of Representatives
S/Jerry W. Tillman, Chair S/Paul Stam, Chair
S/Dan Soucek S/Jon Hardister
S/Trudy Wade S/Mike Hager
S/Ben Clark S/Rick Glazier
S/Rob Bryan

Without objection, the corrected Conference Report takes the place of the original report on today’s calendar, for adoption.

CONFERENCE REPORT

Senator Goolsby, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 683 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF

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THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING 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 683, A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT, House Committee Substitute Favorable 6/27/13, Fifth Edition Engrossed 6/27/13, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 6/27/13, Fifth Edition Engrossed 6/27/13, as amended:

on page 4, line 45, through page 5, line 7, by rewriting those lines to read:

“(c) Immunity From Prosecution for Minors. – Notwithstanding any other provision of this section, if it is determined, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of this section is a minor, that person shall be immune from prosecution under this section and instead shall be taken into temporary protective custody as an undisciplined juvenile pursuant to Article 19 of Chapter 7B of the General Statutes. Pursuant to the provisions of G.S. 7B-301, a law enforcement officer who takes a minor into custody under this section shall immediately report an allegation of a violation of G.S. 14-43.11 and G.S. 14-43.13 to the director of the department of social services in the county where the minor resides or is found, as appropriate, which shall commence an initial investigation into child abuse or child neglect within 24 hours pursuant to G.S. 7B-301 and G.S. 7B-302.”;

and on page 14, line 1, through page 15, line 2, by rewriting those lines to read:

“SECTION 21. G.S. 15A-622 is amended by adding a new subsection to read:

‘(i) An investigative grand jury may be convened pursuant to subsection (h) of this section if the petition alleges the commission of, attempt to commit or solicitation to commit, or a conspiracy to commit a violation of G.S. 14-43.11 (human trafficking), G.S. 14-43.12 (involuntary servitude), or G.S. 14-43.13 (sexual servitude).’“.

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The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 23, 2013.

Conferees for the Senate
S/Thom Goolsby, Chair
S/Tamara Barringer
S/Eleanor Kinnaird
S/Ted Davis, Jr.
S/Chuck McGrady

Conferees for the House of Representatives
S/Rick Glazier, Chair
Paul Stam
S/Debra Conrad
S/Debra Conrad
S/Chuck McGrady

The Conference Report is placed on the calendar of Wednesday, July 24, for adoption.

CONFERENCE REPORT

Senator Newton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 937 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE’S RESIDENTIAL PREMISES AND IN SOME INSTANCES ALSO KEEP THE GUN IN THE EMPLOYEE’S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL

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DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE REVOCA TION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICER CONSISTENT WITH FEDERAL LAW; AND TO PROVIDE THAT A PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS, 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 937, A BILL TO BE ENTITLED AN ACT TO INCREASE PENALTIES FOR CERTAIN CRIMES IN WHICH A FIREARM IS USED, DISPLAYED, OR THERE IS A THREAT TO USE OR DISPLAY A FIREARM; TO MAKE IT A CRIMINAL OFFENSE FOR ANYONE TO PERMIT A CHILD TO HAVE ACCESS TO OR POSSESS A FIREARM WITHOUT SUPERVISION AND PARENTAL CONSENT; TO PROVIDE THAT A PERSON WHO HAS A VALID CONCEALED HANDGUN PERMIT MAY DO ALL OF THE FOLLOWING: HAVE A CONCEALED HANDGUN IN A LOCKED VEHICLE IN A STATE GOVERNMENT PARKING LOT, HAVE A CONCEALED HANDGUN IN A LOCKED COMPARTMENT IN A VEHICLE ON EDUCATIONAL PROPERTY, AND CARRY A HANDGUN INTO AN ASSEMBLY WHERE AN ADMISSION FEE IS CHARGED OR AN ESTABLISHMENT WHERE ALCOHOLIC BEVERAGES ARE SOLD AND CONSUMED, OR AT A PARADE OR FUNERAL PROCESSION, UNLESS THE PERSON IN LEGAL POSSESSION OR CONTROL OF THE PREMISES HAS POSTED A NOTICE PROHIBITING THE CARRYING OF HANDGUNS ON THE

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PREMISES; TO PROVIDE THAT AN EMPLOYEE OF AN INSTITUTION OF HIGHER EDUCATION WHO LIVES IN A CERTAIN TYPE OF CAMPUS RESIDENCE MAY CARRY A HANDGUN ON THE EMPLOYEE’S RESIDENTIAL PREMISES AND IN SOME Instances ALSO KEEP THE GUN IN THE EMPLOYEE’S LOCKED VEHICLE IN THE PARKING AREA OF THE INSTITUTION OF HIGHER EDUCATION; TO CLARIFY THE LAW ON LOCAL GOVERNMENT AUTHORITY TO PROHIBIT CONCEALED CARRY OF FIREARMS; TO ESTABLISH UNIFORM STATE REQUIREMENTS FOR REPORTING INFORMATION CONCERNING MENTAL HEALTH AND SUBSTANCE ABUSE JUDICIAL DETERMINATIONS OR FINDINGS TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM AND TO MAKE THESE REQUIREMENTS MORE CONSISTENT WITH FEDERAL FIREARMS LAW; TO PROVIDE FOR THE CONFIDENTIALITY OF INFORMATION REGARDING CONCEALED HANDGUN PERMITS AND SALE OF HANDGUNS; TO CLOSE THE LOOPHOLE ON USING PISTOL PERMITS TO AVOID A BACKGROUND CHECK WHEN PURCHASING A HANDGUN; TO REQUIRE REVOCATION OF A CONCEALED HANDGUN PERMIT UPON CONVICTION OF A DISQUALIFYING OFFENSE; TO PROVIDE THAT ANY NORTH CAROLINA DISTRICT OR SUPERIOR COURT JUDGE, MAGISTRATE, CLERK OF COURT, OR REGISTER OF DEEDS WHO HAS A CONCEALED HANDGUN PERMIT THAT IS VALID IN NORTH CAROLINA IS EXEMPT FROM THE GENERAL PROHIBITION AGAINST CARRYING A CONCEALED WEAPON AND FROM THE PROHIBITIONS AGAINST CARRYING A WEAPON ON CERTAIN PREMISES OR IN CERTAIN CIRCUMSTANCES; TO ALLOW HUNTING WITH A SUPPRESSOR OR OTHER DEVICE DESIGNED TO MUFFLE OR MINIMIZE THE REPORT OF A FIREARM; TO MAKE THE DEFINITION OF QUALIFIED RETIRED LAW ENFORCEMENT OFFICER CONSISTENT WITH FEDERAL LAW; AND TO PROVIDE THAT A PERSON CONVICTED OF A SECOND FELONY INVOLVING THE DISPLAY OR USE OF A FIREARM MAY BE INDICTED AS AN ARMED HABITUAL FELON AND SENTENCED TO A MINIMUM OF TEN YEARS, Senate Judiciary I Committee Substitute Adopted 6/11/13, Fourth Edition Engrossed 6/13/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 6/11/13, Fourth Edition Engrossed 6/13/13, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H937-PCCS70497-RK-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

July 23, 2013
Date Conferees approved report: July 23, 2013.

Conferees for the Senate  Conferees for the House of Representatives
S/E. S. (Buck) Newton, Chair  S/Jacqueline Michelle Schaffer, Chair
S/Kathy Harrington  S/Justin P. Burr
S/Andrew C. Brock  S/John Faircloth
S/Shirley B. Randleman  S/George G. Cleveland

The full text of the proposed Conference Committee Substitute can be found in Chapter 369 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Wednesday, July 24, for adoption.

The Senate meets pursuant to recess and is called to order by The Honorable Louis Pate, Deputy President Pro Tempore.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, when we come before you, we come before a great high priest that is full of peace. We are humbled by that peace—by your holiness. Father, you accept and receive us as we are, not as we should be. I just don’t know why you do that, Lord. You would accept us as fickle folks into your presence, but we are grateful for that. In the face of all that we need here today and that we need in this session, we affirm that your resources are far greater than our needs. Lord, you remind us, through James, that you are the giver of every good and perfect gift streaming down from heaven. As we wrestle with one another towards the end of this session, help us to remember that you will continue to walk with us and that your love endures forever. In Christ’s name we pray. Amen.”

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

The Chair extends privileges of the floor to Carol Womble from Greensboro, North Carolina, who is serving the Senate as Nurse of the Day.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Apodaca for the Rules and Operations of the Senate Committee:

H.B. 669, A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

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Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 30611, which changes the title to read **H.B. 669** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, is adopted and engrossed.

**H.B. 491** (Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE LEE COUNTY SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS TO THE LEE COUNTY SCHOOLS, 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, 30610, is adopted and engrossed.

**MOTION RELATIVE TO THE CALENDAR**

The following change is made to today’s calendar:

**H.B. 293**, A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO REDUCE REGULATORY BURDENS, MAKING CLARIFYING AND TECHNICAL CHANGES, AND MODIFYING CERTAIN FORECLOSURE PROCEEDINGS, upon second reading.

Upon motion of Senator Apodaca, the bill is moved to the end of today’s calendar.

**CALENDAR**

Bills on today’s calendar are taken up and disposed of as follows:

**H.B. 726** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AUTHORIZING WAKE COUNTY TO ASSUME RESPONSIBILITY FOR CONSTRUCTION, IMPROVEMENT, OWNERSHIP, AND ACQUISITION OF PUBLIC SCHOOL PROPERTY, upon third reading.

Senator Stein offers Amendment No. 3, which fails (10-39).

The Senate Committee Substitute bill passes its third reading (33-16) and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

**WITHDRAWAL FROM COMMITTEE**

**S.B. 127** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS, referred to the Finance Committee, with sequential referrals to the Commerce Committee and the Appropriations/Base Budget Committee on July 1.

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Pursuant to Rule 47(a), Senator Apodaca offers a motion that the sequential referrals be stricken and the House Committee Substitute bill be withdrawn from the Finance Committee and placed before the Senate for immediate consideration, which motion prevails with unanimous consent, and the Chair so orders.

CALENDAR (continued)

S.B. 127 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS, for concurrence in the House Committee Substitute bill.

Without objection, Senator Hise is excused from voting on the bill because his mother serves on the Advantage West Board.

The Senate fails to concur in the House Committee Substitute bill (0-48) and the House of Representatives is notified by special message.

H.B. 857 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT AUTHORIZING PUBLIC CONTRACTS TO UTILIZE THE DESIGN-BUILD METHOD OR PUBLIC-PRIVATE PARTNERSHIP CONSTRUCTION CONTRACTS, upon second reading.

Senator Rabon offers Amendment No. 1, which is adopted (49-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill No. 2.

S.B. 103 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS, for concurrence in the House Committee Substitute bill upon second reading.

Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute on its second reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaid, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---49.

Voting in the negative: None.

The House Committee Substitute bill remains on the calendar for Wednesday, July 24, for concurrence upon third reading.

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MOTION RELATIVE TO THE CALENDAR

The following change is made to today’s calendar:

S.B. 315 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3 upon second reading.

Upon motion of Senator Apodaca, the House Committee Substitute bill No. 3 is withdrawn from today’s calendar and placed on the calendar of Wednesday, July 24.

CALENDAR (continued)

S.B. 420 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS, for concurrence in the House Committee Substitute bill.

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

Upon motion of Senator Clark, the Senate concurs in the House Committee Substitute bill (37-11) and the bill is ordered enrolled and sent to the Governor.

S.B. 501 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE DEFINITION OF ALL-TERRAIN VEHICLE TO REFLECT CHANGES IN THE TYPES OF ALL-TERRAIN VEHICLES SOLD IN NORTH CAROLINA AND TO ESTABLISH THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON GENERAL GOVERNMENT, for concurrence in the House Committee Substitute bill No. 2.

The Senate fails to concur in the House Committee Substitute bill No. 2 (0-48) and the House of Representatives is notified by special message.

July 23, 2013
FLOOR PRIVILEGES

Upon motion of Senator Apodaca, without objection, the rules are suspended to allow Research Division staff on the Senate Chamber floor while S.B. 402 is being considered.

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

CALENDAR (continued)

S.B. 402 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for adoption upon second reading.

Upon the appearance of Senator Wade in the chamber, the Chair acknowledges her presence and the leave of absence granted previously is withdrawn.

Upon motion of Senator Brunstetter, the Senate adopts the Conference Committee Substitute bill on its second reading, by roll-call vote, ayes 31, noes 17, as follows:


Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Graham, Hartsell, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---17.

The Conference Committee Substitute bill remains on the calendar for Wednesday, July 24, for adoption upon third reading.

S.B. 76 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE FOR AUTOMATIC REVIEW OF MINING AND ENERGY COMMISSION RULES BY THE GENERAL ASSEMBLY; (2) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT; (3) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (4) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY

July 23, 2013
ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (5) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY MATTERS RELATED TO REGISTRATION OF LANDMEN; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION’S AUTHORITY TO SET “ALLOWABLES”; (8) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL, for adoption.

Upon motion of Senator Newton, the Senate adopts the Conference Committee Substitute bill (37-11).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

Pursuant to the message from the House of Representatives received earlier today that the House has adopted the Conference Committee Substitute for S.B. 76, the bill is ordered enrolled and sent to the Governor.

S.B. 337 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS, for adoption.

Upon motion of Senator Tillman, the Senate adopts the Conference Report (37-11).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

July 23, 2013
H.B. 293, A BILL TO BE ENTITLED AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO REDUCE REGULATORY BURDENS, MAKING CLARIFYING AND TECHNICAL CHANGES, AND MODIFYING CERTAIN FORECLOSURE PROCEEDINGS, upon second reading.

Senator Goolsby offers Amendment No. 1, which is adopted (48-0).

The bill, as amended, passes its second reading (48-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in Senate Amendment No. 1.

WITHDRAWAL FROM A FUTURE CALENDAR

H.B. 937 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE FIREARMS LAWS, placed on the calendar of Wednesday, July 24.

Upon motion of Senator Apodaca, the Conference Committee Substitute bill is withdrawn from the calendar of Wednesday, July 24, and placed on today’s calendar for immediate consideration.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 480 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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, AND TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Apodaca, the House Committee Substitute bill is placed at the end of today’s calendar.

CALENDAR (continued)

H.B. 937 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE FIREARMS LAWS, for adoption.

Without objection, Senator Barringer is excused from voting on the bill because she is an employee of the University of North Carolina at Chapel Hill. Chancellor Holden Thorp and President Tom Ross have publicly stated the position of UNC-Chapel Hill and the UNC System regarding this bill.

Upon motion of Senator Newton, the Senate adopts the Conference Committee Substitute bill (32-14).

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

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S.B. 480 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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, AND TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-47) and the House of Representatives is notified by special message.

APPOINTMENT OF CONFERENCE COMMITTEES

H.B. 392 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE.

Pursuant to the message from the House of Representatives received on July 22 that the House fails to concur in the Senate Committee Substitute bill for H.B. 392 and requests conferees, Senator Apodaca, Rules Chairman, announces the appointment of Senator J. Davis, Chair; Senator Hise and Senator Randleman 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.

S.B. 127 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 127 earlier today, Senator Apodaca, Rules Chairman, announces the appointment of Senator Brown, Chair; Senator Apodaca, Senator Gunn, Senator Meredith, Senator Randleman, and Senator Tillman 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.

July 23, 2013
S.B. 480 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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, AND TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 480 earlier today, Senator Apodaca, Rules Chairman, announces the appointment of Senator Apodaca, Chair; Senator Brown, Senator Brunstetter, and Senator Hunt 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.

CONFERENCE REPORT

Senator J. Davis, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 493 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, TO AMEND THE EXISTING GRAHAM COUNTY OCCUPANCY TAX, AND TO CREATE A TAXING DISTRICT IN GRAHAM COUNTY FOR THE PURPOSE OF LEVYING A THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, 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 493, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, TO AMEND THE EXISTING GRAHAM COUNTY OCCUPANCY TAX, AND TO CREATE A TAXING DISTRICT IN GRAHAM COUNTY FOR THE PURPOSE OF LEVYING A THREE PERCENT ROOM OCCUPANCY AND TOURISM DEVELOPMENT TAX, Senate Finance Committee Substitute Adopted 7/16/13, submit the following report:

The House and Senate agree to the following amendments to the Senate Finance Committee Substitute Adopted 7/16/13, and the House concurs in the Senate Finance Committee Substitute Adopted 7/16/13 as amended:

On page 1, lines 3-6, by rewriting the lines to read:
“TAX.”; and

On page 2, line 40 through page 5, line 23, by deleting the lines.

July 23, 2013
The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 23, 2013.

Conferees for the Senate
S/Tom Apodaca, Chair
S/Ralph Hise
S/Jim Davis

Conferees for the House of Representatives
S/Roger West, Chair

The Conference Report is placed on the calendar of Wednesday, July 24, for adoption.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Apodaca for the Rules and Operations of the Senate Committee:

H.B. 675 (Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING LAWS PERTAINING TO THE REGULATION OF PHARMACY TECHNICIANS, PHARMACY AUDITS, AND PRESCRIPTIONS FOR SCHEDULE II SUBSTANCES, 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, 70499, is adopted and engrossed.

Upon motion of Senator Berger, seconded by Senator Brunstetter, the Senate adjourns at 7:17 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Wednesday, July 24, at 1:00 p.m.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

S.B. 547 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, July 24.

July 23, 2013
CONFEREE REPORT

Senator Jackson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 321 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN; AND (2) EXEMPT CERTAIN LANDFILLS FROM THE REQUIREMENT THAT THEY OBTAIN A FRANCHISE TO OPERATE FROM A LOCAL GOVERNMENT IN LIMITED CIRCUMSTANCES, 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 321, A BILL TO BE ENTITLED AN ACT TO (1) REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN; AND (2) EXEMPT CERTAIN LANDFILLS FROM THE REQUIREMENT THAT THEY OBTAIN A FRANCHISE TO OPERATE FROM A LOCAL GOVERNMENT IN LIMITED CIRCUMSTANCES, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 7/2/13, Fourth Edition Engrossed 7/9/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted 7/2/13, Fourth Edition Engrossed 7/9/13, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H321-PCCS80422-TA-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 23, 2013.

Conferees for the Senate
S/Brent Jackson, Chair
S/Tommy Tucker
S/Trudy Wade
S/Harry Brown

Conferees for the House of Representatives
S/Chuck McGrady, Chair
S/Valerie P. Foushee
S/Dean Arp
S/Nathan Ramsey

The full text of the proposed Conference Committee Substitute can be found in Chapter 409 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Wednesday, July 24, for adoption.

July 23, 2013
REPORTS OF COMMITTEES

Standing committee reports are submitted as follows:

By Senator Rabon for the Finance Committee:

H.B. 135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, with a favorable report.

H.B. 552, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE TO REMOVE AN AREA FROM A COUNTY SERVICE DISTRICT, with a favorable report.

H.B. 1015, A BILL TO BE ENTITLED AN ACT ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BESSEMER CITY, with a favorable report.

By Senator Apodaca for the Rules and Operations of the Senate Committee:

H.B. 589 (Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, 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, 70500, which changes the title to read H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS, is adopted and engrossed.

July 23, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 23, 2013

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 S.B. 683 (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 337 earlier today, the bill is ordered enrolled and sent to the Governor.

July 23, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 23, 2013

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 H.B. 937 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND STATE FIREARMS LAWS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 23, 2013

Mr. President:

Pursuant to your message on July 23, 2013, that the House failed to concur in the House Committee Substitute for S.B. 127 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS, Speaker Tillis has appointed:

Representative Murry, Chair
Representative S. Martin
Representative Collins
Representative Hamilton
Representative Hager and
Representative Moffitt

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 23, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 23, 2013

Mr. President:

Pursuant to your message on July 23, 2013, that the Senate failed to concur in the House Committee Substitute for S.B. 480 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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, AND TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS.

Speaker Tillis has appointed:
Representative Howard, Chair
Representative Lambeth and
Representative Hanes

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 23, 2013

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 H.B. 493 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 23, 2013
MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 321 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT, FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT, for concurrence in the House Committee Substitute bill No. 3.

The House Committee Substitute bill No. 3 is placed on the calendar of Wednesday, July 24.

S.B. 182 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Wednesday, July 24.

H.B. 831 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR THE EDUCATION OF CHILDREN IN PRIVATE PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES.

Referred to the Health Care Committee and upon a favorable report, re-referred to the Education/Higher Education Committee.

CONFERENCE REPORT

Senator Apodaca, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 480 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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, AND TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS, submits for adoption the following report:

July 23, 2013
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 480, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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, AND TO REQUIRE REGISTERS OF DEEDS TO MAINTAIN REGULAR OFFICE HOURS, House Committee Substitute Favorable 7/16/13, Fifth Edition Engrossed 7/18/13, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 7/16/13 Fifth Edition Engrossed 7/18/13, as amended:

On page 1, lines 5 and 6, by rewriting the lines to read:
“INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA.”;

And on page 2, lines 19 and 20, by inserting the following between those lines to read:
“Bowman Gray Stadium & Civitan Park Acquisition 7,500,000”;

And on page 3, lines 3 through 29, by rewriting the lines to read:
“SECTION 5.(a) With respect to Winston-Salem State University’s Bowman Gray & Civitan Park Acquisition project, the institution may accomplish construction, acquisition, and financing notwithstanding the requirement in G.S. 116D-22(5) as to location at the institution and either through direct ownership of the project or by participation in a long-term agreement with the City of Winston-Salem if the property that is the subject of the project is a stadium that supports a NASCAR-sanctioned one-fourth mile asphalt flat oval short track and if all of the following requirements are met:

(1) The stadium is not renamed.
(2) No parking fees are charged for racing events at the stadium, the amount of public parking remains at or greater than the current level, and replacement parking, if any, is located on property adjacent to current parking areas.
(3) No prohibitions are placed on spectators of racing events at the stadium that would prohibit the spectators from entering with food, nonalcoholic beverages, or both. Nothing in this subdivision shall prohibit regulations on containers that are imposed on the grounds that the regulations are necessary for public safety.

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(4) Where the property is subject to a lease at the time of acquisition, the lease provides for or is modified contemporaneously to provide for (i) a dispute resolution process, including the use of a committee, to resolve any disagreement between lessor and lessee, (ii) a process for accountability by the parties and recourse for the failure of the parties to perform any obligations or requirements included in the lease, and (iii) a prohibition against modification to co-located facilities that would adversely and materially impact race safety, operations, and costs, provided that the co-located facilities are football facilities.

(5) Where the property is subject to a lease at the time of acquisition, the lease is for or is modified contemporaneously to be for a term of thirty years from the date of execution. If a modification to the lease term is required, the term of the lease may be extended up to 10 years notwithstanding any other provision of law.

(6) The property continues to be made available, notwithstanding any other provision of law, for racing and racing-related events in a manner consistent with and under terms similar to those agreed upon for the use of the property immediately prior to the acquisition.

SECTION 5.(b) In support of subsection (a) of this section and “NASCAR’s longest-running weekly race track” located within Bowman Gray Stadium, G.S. 18B-1006(a) reads as rewritten:

‘(a) School and College Campuses. – No permit for the sale of malt beverages, unfortified wine, or fortified wine shall be issued to a business on the campus or property of a public school or college, other than at a regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes except for a public school or college function, unless that business is a hotel or a nonprofit alumni organization with a mixed beverages permit or a special occasion permit. This subsection shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioners, or a local school board. This subsection shall also not apply to the constituent institutions of The University of North Carolina with respect to the sale of beer and wine at (i) performing arts centers located on property owned or leased by the institutions if the seating capacity does not exceed 2,000 seats; (ii) any golf courses owned or leased by the institutions and open to the public for use; or (iii) any stadiums that support a NASCAR-sanctioned one-fourth mile asphalt flat oval short track, that are owned or leased by the institutions, and that only sell malt beverages, unfortified wine, or fortified wine at events that are not sponsored or funded by the institutions.’

July 23, 2013
SECTION 6. This act is effective when it becomes law.”

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 23, 2013.

Conferees for the Senate
S/Tom Apodaca, Chair
S/Peter S. Brunstetter
S/Harry Brown
Neal Hunt

Conferees for the House of Representatives
S/Julia C. Howard, Chair
S/Donny Lambeth
S/Edward Hanes, Jr.

The Conference Report is ruled to be material, which constitutes first reading, and is placed on the calendar of Wednesday, July 24, for adoption upon second reading.

APPOINTMENT OF ADDITIONAL CONFEREE

S.B. 127 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS.

Senator Phil Berger, President Pro Tempore, announces the appointment of Senator Berger 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.

RE-APPOINTMENT OF CONFEREES

S.B. 10 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, conferees having been dismissed on April 29.

Senator Berger, President Pro Tempore appoints Senator Apodaca, Chairman; Senator Brown, Senator Rabon, and Senator Rucho 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.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

July 23, 2013
Mr. President:

It is ordered that a message be sent your Honorable Body with the information that conferees have been dismissed for **S.B. 10**, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013, and Speaker Tillis has appointed Representative T. Moore as a new conferee.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

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ONE HUNDRED SECOND DAY

Senate Chamber
Wednesday, July 24, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Louis Pate, Deputy President **Pro Tempore**.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“ Heavenly Father, as we bow our heads, we cannot help but be aware that we are surrounded by our great seal, the American flag, the North Carolina flag, because we have a history, and we make history here. May these men and women respond ‘Amen’ to the call of the prophet Micah, who asked us, ‘What does the Lord require of you?’ We shall seek justice, love mercy, and walk humbly with our God. Teach us, Holy Spirit, as only you can, what this looks like in the context of this place and in this special state. For your glory’s sake and in the name of Christ, Amen.”

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

Senator Berger, President **Pro Tempore** announces that the Senate Journal of Tuesday, July 23, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

July 24, 2013
The Chair extends privileges of the floor to Dwan Finch from Bailey, North Carolina, who is serving the Senate as Nurse of the Day.

SENATE PAGES

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

Dee Dee Anthony, Wake Forest; Mary Ann Broughton, Winston-Salem; Hayden Hemphill, Raleigh; Tavon Holland, Raleigh; Jordan Keyes, Raleigh; Nicholas Kroll, Holly Springs; Victoria Kroll, Holly Springs; Alberto Lopez, Raleigh; Ben McNair, Fuquay Varina; John Mikuta, Greensboro; Caleb Reed, Wake Forest; Andy Shiver, Knightdale; Renee Ward, Garner; Roslyn Ward, Garner; and Morgan Welge, Chapel Hill.

ENROLLED BILLS

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

S.B. 76, AN ACT TO (1) PROVIDE FOR AUTOMATIC REVIEW OF MINING AND ENERGY COMMISSION RULES BY THE GENERAL ASSEMBLY; (2) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT; (3) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (4) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (5) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY MATTERS RELATED TO REGISTRATION OF LANDMEN; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT

July 24, 2013
CONCERNING THE MINING AND ENERGY COMMISSION’S AUTHORITY TO SET “ALLOWABLES”; (8) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE’S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.

S.B. 337, AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS.

S.B. 381, AN ACT TO TRANSFER THE GATES CORRECTIONAL FACILITY TO THE GATES COUNTY BOARD OF COMMISSIONERS.

S.B. 420, AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS.

H.B. 14, AN ACT TO MAKE TECHNICAL, CLARIFYING, AND ADMINISTRATIVE CHANGES TO THE REVENUE LAWS AND RELATED STATUTES, AS RECOMMENDED BY THE REVENUE LAWS STUDY COMMITTEE.

H.B. 359, AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS THAT WILL EXTEND THE TRANSFER BENEFIT OPTION TO PARTICIPANTS IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN, CLARIFY THE TIMING OF THE SOCIAL SECURITY OFFSET FOR LONG-TERM DISABILITY BENEFITS, ESTABLISH A 415(M) BENEFITS PRESERVATION ARRANGEMENT AS ALLOWED UNDER FEDERAL LAW, AND PROVIDE THAT DOMESTIC RELATIONS ORDERS DIVIDING INTERESTS UNDER THE RETIREMENT SYSTEM MUST BE SUBMITTED ON APPROVED FORMS, AND TO CORRECT AN OVERSIGHT IN THE DISABILITY INCOME PLAN, AND TO AMEND THE PROVISIONS FOR ALLOWANCE OF RETROACTIVE MEMBERSHIP SERVICE IN THE TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES’ RETIREMENT SYSTEM.

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H.B. 857, AN ACT AUTHORIZING PUBLIC CONTRACTS TO UTILIZE THE DESIGN-BUILD METHOD OR PUBLIC-PRIVATE PARTNERSHIP CONSTRUCTION CONTRACTS.

H.B. 937, AN ACT TO AMEND STATE FIREARMS LAWS.

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. 998, AN ACT TO SIMPLIFY THE NORTH CAROLINA TAX STRUCTURE AND TO REDUCE INDIVIDUAL AND BUSINESS TAX RATES. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-316.)

H.B. 186, AN ACT AUTHORIZING THE TOWNS OF CORNELIUS, DAVIDSON, HUNTERSVILLE, MOORESVILLE, AND TROUTMAN TO ENFORCE MUNICIPAL NOISE ORDINANCES AND STATE STATUTES PERTAINING TO THEFT AND VANDALISM ON THE WATERS OF LAKE NORMAN. (Became law upon ratification, July 23, 2013 - S.L. 2013-317.)

H.B. 523, AN ACT TO REDUCE THE SIZE OF THE PITT COUNTY BOARD OF EDUCATION FROM TWELVE MEMBERS TO NINE, TO PROVIDE FOR FOUR-YEAR TERMS RATHER THAN SIX-YEAR TERMS, AND TO SHORTEN THE TIME BETWEEN THE ELECTION OF MEMBERS OF THE PITT COUNTY BOARD OF EDUCATION AND WHEN THOSE MEMBERS TAKE OFFICE. (Became law upon ratification, July 23, 2013 - S.L. 2013-318.)

H.B. 530, AN ACT TO REQUIRE ANY APPOINTMENTS BY BUNCOMBE COUNTY TO A METROPOLITAN PLANNING ORGANIZATION TO PROVIDE FOR GEOGRAPHIC REPRESENTATION OF THE COUNTY. (Became law upon ratification, July 23, 2013 - S.L. 2013-319.)

H.B. 870, AN ACT TO DECREASE THE DUPLIN COUNTY BOARD OF EDUCATION AND THE BOARD OF COMMISSIONERS OF DUPLIN COUNTY TO A FIVE-MEMBER BOARD, TO ESTABLISH REVISED DISTRICTS FOR THOSE BOARDS, AND TO CONFIRM THAT REDISTRICTING REQUIREMENTS FOLLOWING EACH FEDERAL CENSUS APPLY TO THOSE BOARDS. (Became law upon ratification, July 23, 2013 - S.L. 2013-320.)

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H.B. 467, an ACT REQUIRING HEALTH CARE FACILITIES THAT PERFORM MAMMOGRAPHY EXAMINATIONS TO COMMUNICATE MAMMOGRAPHIC BREAST DENSITY INFORMATION TO PATIENTS AND TO MAKE A CORRECTION TO A STATUTE INVOLVING THE CANCER REGISTRY. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-321.)

S.B. 444, an ACT TO REQUIRE THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA TO RECOGNIZE THE CHEROKEE LANGUAGE AS A LANGUAGE FOR WHICH A STUDENT MAY SATISFY A FOREIGN LANGUAGE COURSE REQUIREMENT FOR DEGREE COMPLETION. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-322.)


H.B. 232, an ACT TO MAKE TECHNICAL AND OTHER CHANGES TO THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES STATUTES, AS REQUESTED BY THE STATE HEALTH PLAN. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-324.)

H.B. 255, an ACT TO PROVIDE THAT CERTAIN COURSES AND ACADEMIC CREDIT HOURS TRANSFERRED TO A CONSTITUENT INSTITUTION SHALL NOT BE INCLUDED IN THE CALCULATION OF CREDIT HOURS FOR PURPOSES OF THE TUITION SURCHARGE AND TO REQUIRE THAT UNIFORM PROCEDURES BE IMPLEMENTED IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM TO PROVIDE APPROPRIATE ADVANCE NOTICE TO A STUDENT WHEN THE STUDENT IS APPROACHING THE CREDIT HOUR LIMIT REGARDING THE TUITION SURCHARGE. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-325.)

H.B. 510, an ACT TO PROVIDE FOR THE FOSTER CHILDREN’S BILL OF RIGHTS UNDER THE LAWS PERTAINING TO CONTROL OVER CHILD PLACING AND CHILD CARE. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-326.)

H.B. 616, an ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO PROVIDE FOR THE LICENSURE OF A TRANSITIONAL MORTGAGE LOAN ORIGINATOR. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-327.)
H.B. 636, AN ACT TO DIRECT THE NORTH CAROLINA GEOGRAPHIC INFORMATION COORDINATING COUNCIL TO RECOMMEND THAT NEGRO HEAD CREEK IN UNION COUNTY BE RENAMED SALEM CREEK. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-328.)

H.B. 700, AN ACT MAKING OMNIBUS CHANGES TO THE LAWS RELATING TO STATE INFORMATION TECHNOLOGY GOVERNANCE. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-329.)

S.B. 73, AN ACT TO REQUIRE THAT LOCAL WORKFORCE DEVELOPMENT BOARDS USE A COMPETITIVE SELECTION PROCESS TO AWARD ADULT AND DISLOCATED WORKER SERVICES PROVIDER CONTRACTS AUTHORIZED IN THE WORKFORCE INVESTMENT ACT OF 1998 AND TO TRANSFER THE APPRENTICESHIP PROGRAM TO THE DEPARTMENT OF COMMERCE. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-330.)

H.B. 646, AN ACT TO PROHIBIT A COUNTY OR CITY FROM ENFORCING ANY ORDINANCE THAT REGULATES THE TRIMMING OR REMOVAL OF TREES ON PROPERTY OWNED OR OPERATED BY A PUBLIC AIRPORT AUTHORITY. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-331.)

H.B. 662, AN ACT PROVIDING FOR ISSUANCE OF A LIMITED PLUMBING CONTRACTOR LICENSE TO INSTALL AND SERVICE BACKFLOW PREVENTION ASSEMBLIES AND TO ALLOW COURTS TO AWARD THE BOARD OF EXAMINERS OF PLUMBING, HEATING, AND FIRE SPRINKLER CONTRACTORS REASONABLE COSTS OF INVESTIGATION AND PROSECUTION OF VIOLATIONS. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-332.)

H.B. 701, AN ACT PROVIDING THAT AGENCIES MAY PURCHASE INFORMATION TECHNOLOGY GOODS AND SERVICES THROUGH MULTIPARTY COOPERATIVE PURCHASING AGREEMENTS APPROVED BY THE STATE CHIEF INFORMATION OFFICER. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-333.)

H.B. 802, AN ACT AMENDING THE LAWS RELATED TO LANDLORD AND TENANT RELATIONSHIPS TO SHORTEN THE TIME PERIOD REQUIRED TO EVICT A TENANT. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-334.)

H.B. 796, AN ACT EXEMPTING CERTAIN COLUMBARIUMS FROM THE NORTH CAROLINA CEMETERY ACT. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-335.)

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S.B. **140**, AN ACT TO INCREASE THE RECOGNITION, REPORTING, AND PROSECUTION OF THOSE WHO WOULD DEFRAUD OR FINANCIALLY EXPLOIT DISABLED OR OLDER ADULTS AND TO CONTINUE THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS, AS RECOMMENDED BY THE TASK FORCE ON FRAUD AGAINST OLDER ADULTS. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-337.)

S.B. **200**, AN ACT TO EXTEND THE TIME FOR LOCAL FORENSIC SCIENCE LABS TO OBTAIN ACCREDITATION. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-338.)

S.B. **223**, AN ACT TO ALLOW AREA BOARDS TO OFFER APPLICANTS FOR THE POSITION OF AREA DIRECTOR SEVERANCE BENEFITS AND RELOCATION EXPENSES AS AN INCENTIVE FOR ACCEPTING AN OFFER OF EMPLOYMENT. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-339.)

S.B. **372**, AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT’S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-340.)

S.B. **407**, AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO IMPLEMENT A STATEWIDE ELECTRONIC LIEN SYSTEM TO PROCESS THE NOTIFICATION AND RELEASE OF SECURITY INTERESTS AND CERTIFICATE OF TITLE DATA. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-341.)
S.B. 386, AN ACT TO PROVIDE REPRESENTATION OF SWINE INTERESTS ON THE BOARD OF AGRICULTURE, AND TO EXPAND THE DEFINITION OF A “PUBLIC CORPORATION” FOR THE PURPOSE OF ESTABLISHING FOREIGN TRADE ZONES. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-342.)

S.B. 406, AN ACT TO REPEAL LAWS AND ORDINANCES THAT WERE DENIED PRECLEARANCE UNDER SECTION 5 OF THE VOTING RIGHTS ACT OF 1965. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-343.)

S.B. 454, AN ACT TO CLARIFY THE AUTHORITY OF THE GASOLINE AND OIL INSPECTION BOARD TO REGULATE PETROLEUM DEVICE TECHNICIANS. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-344.)

S.B. 455, AN ACT TO INCREASE PENALTIES FOR VIOLATION OF THE SEED LAW. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-345.)

S.B. 488, AN ACT TO AMEND THE NURSING HOME ADMINISTRATOR ACT AND TO INCREASE CERTAIN FEES. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-346.)

S.B. 505, AN ACT TO CLARIFY THAT THE EXEMPTION FROM ZONING FOR A BONA FIDE FARM INCLUDES GRAIN STORAGE FACILITIES. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-347.)

S.B. 659, AN ACT TO CONFORM THE MOTOR VEHICLE LAW OF NORTH CAROLINA TO SECTIONS 154 AND 164 OF THE FEDERAL HIGHWAY BILL. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-348.)

S.B. 344, AN ACT TO ALLOW FOR THE ISSUANCE OF TITLE BY THE DIVISION OF MOTOR VEHICLES TO THE OWNER OF OUT-OF-STATE MOTOR VEHICLES THAT ARE THIRTY-FIVE MODEL YEARS OLD OR OLDER IF THE LICENSE AND THEFT BUREAU OF THE DIVISION OF MOTOR VEHICLES FAILS TO COMPLETE AN INSPECTION AND VERIFICATION OF THE VEHICLE’S IDENTIFICATION NUMBER WITHIN FIFTEEN DAYS OF RECEIVING A REQUEST FOR INSPECTION AND VERIFICATION. (Became law upon approval of the Governor, July 23, 2013 - S.L. 2013-349.)

July 24, 2013
A standing committee report is submitted as follows:

By Senator Apodaca for the Rules and Operations of the Senate Committee:

**H.B. 834** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE’S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING, 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, 70501, which changes the title to read **H.B. 834** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE’S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING AND TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO MAKE IT UNLAWFUL FOR HEALTH CARE PROVIDERS TO CHARGE FOR PROCEDURES OR COMPONENTS OF PROCEDURES THAT WERE NOT PROVIDED OR SUPPLIED; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO PROVIDE THAT HOSPITALS RECEIVING MEDICAID REIMBURSEMENTS PARTICIPATE IN THE NORTH CAROLINA HEALTH INFORMATION EXCHANGE NETWORK, is adopted and engrossed.

**WITHDRAWALS FROM COMMITTEES**

**H.B. 195**, A BILL TO BE ENTITLED AN ACT EXTENDING THE AUTHORITY OF THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS, referred to the Ways & Means Committee on June 19.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the bill be withdrawn from the Ways & Means Committee and placed on the calendar of Thursday, July 25, which motion prevails with unanimous consent, and the Chair so orders.

July 24, 2013
H.B. 417 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, referred to the Rules and Operations of the Senate Committee on July 10.

Pursuant to Rule 47(a), Senator Apodaca offers a motion that the Committee Substitute bill No. 2 be withdrawn from the Rules and Operations of the Senate Committee and placed on today’s calendar, which motion prevails with unanimous consent, and the Chair so orders.

MOTIONS RELATIVE TO THE CALENDAR

The following changes are made to today’s calendar:

H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill is taken up out of its regular order of business and placed at the end of today’s calendar.

S.B. 315 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3 upon second reading.

July 24, 2013
Upon motion of Senator Apodaca, the House Committee Substitute bill No. 3 is withdrawn from today’s calendar and placed on the calendar of Thursday, July 25.

**S.B. 402** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for adoption upon third reading.

Upon motion of Senator Apodaca, the Conference Committee Substitute is taken up out of its regular order of business and placed at the beginning of today’s calendar.

**FLOOR PRIVILEGES**

Upon motion of Senator Apodaca, without objection, the rules are suspended to allow Research Division staff on the Senate Chamber floor while S.B. 402 is being considered.

**CONFERENCE REPORT**

Senator Jackson, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H.B. 74** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS, 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 74, A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS, Senate Rules and Operations of the Senate Committee Substitute Adopted 7/18/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Rules and Operations of the Senate Committee Substitute Adopted 7/18/13, and the House concurs in the Senate Committee Substitute as amended:

July 24, 2013
Delete the entire Senate Rules and Operations of the Senate Committee Substitute Adopted 7/18/13 and substitute the attached proposed Conference Committee Substitute H74-PCCS10431-SBx-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 24, 2013.

Conferees for the Senate  Conferees for the House of Representatives
S/Brent Jackson, Chair    S/Tim D. Moffitt, Chair
S/Andrew C. Brock        S/Tom Murry
S/Harry Brown            S/Chris Millis
S/Trudy Wade             S/Ruth Samuelson

The full text of the proposed Conference Committee Substitute can be found in Chapter 413 of the 2013 Session Laws.

The proposed Conference Committee Substitute is ruled material, which constitutes first reading, and is placed on the calendar of Thursday, July 25, for adoption upon second reading.

CONFERENCE REPORT

Senator J. Davis, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 392 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, 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 392, A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR

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RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, Senate Health Care Committee Substitute Adopted 6/26/13, Fifth Edition Engrossed 7/10/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute Adopted 6/26/13, Fifth Edition Engrossed 7/10/13, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute Adopted 6/26/13, Fifth Edition Engrossed 7/10/13, and substitute the attached proposed Conference Committee Substitute H392-PCCS70498-TK-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 24, 2013.

Conferees for the Senate  Conferees for the House of Representatives
S/Jim Davis, Chair          S/Dean Arp, Chair
S/Ralph Hise               S/Sarah Stevens
S/Shirley B. Randleman     S/D. Craig Horn

The full text of the proposed Conference Committee Substitute can be found in Chapter 417 of the 2013 Session Laws.

The proposed Conference Committee Substitute is placed on the calendar of Thursday, July 25, for adoption.

**CALENDAR**

Bills on today’s calendar are taken up and disposed of as follows:

**S.B. 402** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES, for adoption upon third reading.

Upon motion of Senator Brunstetter, the Senate adopts the Conference Committee Substitute bill on its third reading, by roll-call vote, ayes 32, noes 17, as follows:

July 24, 2013
Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade---32.

Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Graham, Hartsell, Jenkins, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein, Walters and Woodard---17.

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

**H.B. 1015**, A BILL TO BE ENTITLED AN ACT ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BESSEMER CITY, upon second reading.

The bill passes its second reading, by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Allran, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard---48.

Voting in the negative: Senator Apodaca---1.

The bill remains on the calendar for Thursday, July 25, upon third reading.

**H.B. 491** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT DIRECTING THE LEE COUNTY SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS TO THE LEE COUNTY SCHOOLS, upon second reading.

The Senate Committee Substitute bill passes its second reading and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

**H.B. 493** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX, for adoption.

Upon motion of Senator J. Davis, the Senate adopts the Conference Report (25-24).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

**H.B. 552**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE TO REMOVE AN AREA FROM A COUNTY SERVICE DISTRICT, upon second reading.

July 24, 2013
Senator Sanderson offers Amendment No. 1, which is adopted (49-0).

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

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard—49.

Voting in the negative: None.

The bill, as amended, remains on the calendar for Thursday, July 25, upon third reading.

H.B. 135 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION, upon second reading.

The Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

H.B. 669 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE, upon second reading.

Senator Apodaca offers Amendment No. 1, which is adopted (49-0).

The Senate Committee Substitute bill, as amended, passes its second reading (48-1) and, without objection, is read a third time and passes its third reading and is ordered engrossed and sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

H.B. 675 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING LAWS PERTAINING TO THE REGULATION OF PHARMACY TECHNICIANS, PHARMACY AUDITS, AND PRESCRIPTIONS FOR SCHEDULE II SUBSTANCES, upon second reading.

The Senate Committee Substitute bill passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

S.B. 103 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO EXTEND AND AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS, for concurrence in the House Committee Substitute bill upon third reading.

July 24, 2013
Upon motion of Senator Hartsell, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 49, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade, Walters and Woodard—49.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled and sent to the Governor.

**S.B. 547** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS, for concurrence in the House Committee Substitute bill upon second reading.

Upon motion of Senator Hunt, the Senate concurs in the House Committee Substitute bill on its second reading, by roll-call vote, ayes 38, noes 11, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, Daniel, D. Davis, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters—38.

Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Kinnaird, McKissick, Nesbitt, Parmon, Robinson and Woodard—11.

The House Committee Substitute bill remains on the calendar for Thursday, July 25, upon third reading.

**S.B. 182** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-49) and the House of Representatives is notified by special message.

**S.B. 321** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT, FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO

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PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT, for concurrence in the House Committee Substitute bill No. 3.

The Senate fails to concur in the House Committee Substitute bill No. 3 (0-49) and the House of Representatives is notified by special message.

**S.B. 480** (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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 adoption upon second reading.

Upon motion of Senator Apodaca, the Senate adopts the Conference Report on its second reading, by roll-call vote, ayes 47, noes 2, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tucker, Wade, Walters and Woodard---47.

Voting in the negative: Senators Brock and Tillman---2.

The Conference Report remains on the calendar for Thursday, July 25, for adoption upon third reading.

**S.B. 683** (Conference Report), A BILL TO BE ENTITLED AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT, for adoption.

Upon motion of Senator Goolsby, the Senate adopts the Conference Report (49-0).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

The Conference Report is ordered enrolled and sent to the Governor.

**H.B. 321** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN, for adoption.

Upon motion of Senator Jackson, the Senate adopts the Conference Committee Substitute bill (48-1).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

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H.B. 417 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, upon second reading.

Senator Brown offers Amendment No. 1, which is adopted (33-16).

Senator Brock offers Amendment No. 2, which is subsequently displaced.

Upon motion of Senator Apodaca, the Committee Substitute bill No. 2, with Amendment No. 2 pending, is temporarily displaced for a recess.

The Senate recesses at 2:33 p.m. to reconvene at 2:50 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Louis Pate, Deputy President Pro Tempore.

CALENDAR (continued)

H.B. 417 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, displaced earlier today upon second reading, as amended, with Amendment No. 2 pending.

Amendment No. 2 is adopted (39-10).

The Committee Substitute bill No. 2, as amended, passes its second reading (38-11) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives by special message, for concurrence in Senate Amendments No. 1 and No. 2.

WITHDRAWAL FROM COMMITTEE

H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE, referred to the Rules and Operations of the Senate Committee on June 19.

Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Committee Substitute bill be withdrawn from the Rules and Operations of the Senate Committee and placed on today’s calendar, which motion prevails with unanimous consent, and the Chair so orders.

July 24, 2013
WITHDRAWAL FROM FUTURE CALENDAR

H.B. 834 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE’S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING AND TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO MAKE IT UNLAWFUL FOR HEALTH CARE PROVIDERS TO CHARGE FOR PROCEDURES OR COMPONENTS OF PROCEDURES THAT WERE NOT PROVIDED OR SUPPLIED; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO PROVIDE THAT HOSPITALS RECEIVING MEDICAID REIMBURSEMENTS PARTICIPATE IN THE NORTH CAROLINA HEALTH INFORMATION EXCHANGE NETWORK, placed on the calendar of Thursday, July 25, upon second reading.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill No. 2 is withdrawn from the calendar of Thursday, July 25, and placed on today’s calendar for immediate consideration.

CALENDAR (continued)

H.B. 834 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE’S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING AND TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO MAKE IT UNLAWFUL FOR HEALTH CARE PROVIDERS TO CHARGE FOR PROCEDURES OR COMPONENTS OF PROCEDURES THAT WERE NOT PROVIDED OR SUPPLIED; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO PROVIDE THAT HOSPITALS RECEIVING MEDICAID REIMBURSEMENTS PARTICIPATE IN THE NORTH CAROLINA HEALTH INFORMATION EXCHANGE NETWORK, upon second reading.

The Senate Committee Substitute bill No. 2 passes its second reading (49-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill No. 2.

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H.B. 727 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE, upon third reading.

Senator Rabon offers Amendment No. 2, which is adopted (49-0).

The Committee Substitute bill, as amended, passes its third reading (49-0) and is ordered sent to the House of Representatives, by special message, for concurrence in Senate Amendment No. 2.

FLOOR PRIVILEGES

Upon motion of Senator Apodaca, without objection, the rules are suspended to allow Research Division staff to join Senator Rucho on the Senate Chamber floor while H.B. 589 is being considered.

CALENDAR (continued)

H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS, upon second reading.

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

Senator Stein offers Amendment No. 1, which is subsequently displaced.

Senator McKissick offers Amendment No. 2, which is subsequently displaced.

Senator Rucho offers Amendment No. 3, which is subsequently displaced.

Upon motion of Senator Apodaca, the Senate Committee Substitute bill, with Amendments No. 1, No. 2, and No. 3 pending, is temporarily displaced for a recess.

The Senate recesses at 4:05 p.m. to reconvene at 4:30 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Louis Pate, Deputy President Pro Tempore.

July 24, 2013
DISMISSAL OF CONFEREES

S.B. 127 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS.

Senator Apodaca, Rules Chairman, announces that Senator Berger and Senator Gunn, having been appointed on July 23 as conferees on the part of the Senate to consider the differences arising between the Senate and the House on S.B. 127, are hereby dismissed as conferees.

A special message is sent to the House of Representatives informing that honorable body of such action.

APPOINTMENT OF A CONFERENCE COMMITTEE

S.B. 182 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS.

Pursuant to the message from the House of Representatives received earlier today that the House fails to concur in the House Committee Substitute bill for S.B. 182 and requests conferees, Senator Tom Apodaca, Rules Chairman, announces the appointment of Senator Brunstetter, Chair; Senator Brown and Senator Goolsby as conferees on the part of the Senate to resolve the differences arising between the two bodies. A special message is ordered sent to the House of Representatives informing that honorable body of such action.

The Senate recesses at 4:47 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene at 5:05 p.m.

RECESS

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

July 24, 2013
Mr. President:

It is ordered that a message be sent your Honorable Body with the information that Representatives Burr, Dollar and Hager have been added as conferees to **S.B. 10** (Conference Committee Substitute), *A BILL TO BE ENTITLED AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013*.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 24, 2013

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 **H.B. 321** (Conference Committee Substitute), *A BILL TO BE ENTITLED AN ACT TO REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN*.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

**S.B. 18** (House Committee Substitute), *A BILL TO BE ENTITLED AN ACT AMENDING THE LOCKSMITH LICENSING ACT, EXPANDING THE AUTHORITY OF THE LOCKSMITH LICENSING BOARD TO REGULATE INSTITUTIONAL LOCKSMITHS, AND RAISING THE CEILING ON CERTAIN FEES*, for concurrence in the House Committee Substitute bill. The House Committee Substitute bill is placed on the calendar of Thursday, July 25.

July 24, 2013
S.B. 236 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE OF THIS STATE TO PERFORM MARRIAGE CEREMONIES, for concurrence in the House Committee Substitute bill.

The House Committee Substitute bill is placed on the calendar of Thursday, July 25.

S.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, for concurrence in House Amendment No. 1.

The Committee Substitute bill, with House Amendment No. 1, is placed on the calendar of Thursday, July 25.

The Senate meets pursuant to recess and is called to order by The Honorable Louis Pate, Deputy President Pro Tempore.

CALENDAR (continued)

H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS, displaced earlier today upon second reading, with Amendments No. 1, No. 2, and No. 3 pending.

Senator Stein withdraws Amendment No. 1.
Senator Stein offers Amendment No. 4, which is adopted (47-1).
Senator Apodaca offers Amendment No. 5, which is adopted (48-0).
Senator Rucho withdraws Amendment No. 3.
Senator Rucho offers Amendment No. 6, which is subsequently displaced.
Amendment No. 2, submitted by Senator McKissick, fails (17-31).
Amendment No. 6, submitted by Senator Rucho, is adopted (47-1).
Senator Kinnaird offers Amendment No. 7, which fails (15-33).
Senator Graham offers Amendment No. 8.
Senator Apodaca offers a motion that Amendment No. 8 lie upon the table, seconded by Senator Brunstetter, which motion prevails (34-14).

The Chair grants leaves of absence for the remainder of today’s session to Senator Curtis and Senator Walters.

July 24, 2013
Senator Robinson offers Amendment No. 9, which fails (14-32).
Senator Bryant offers Amendment No. 10, which fails (15-30).
The Senate Committee Substitute bill, as amended, passes its second reading (32-14).
Senator Apodaca objects to third reading of the measure. Pursuant to Rule 50, the Chair orders the Senate Committee Substitute bill placed on the calendar of Thursday, July 25, upon third reading.
Upon motion of Senator Apodaca, without objection, the amendments are ordered engrossed prior to third reading.
Upon motion of Senator Bryant, the words of the debate on H.B. 589 and all documents presented during the debate are spread upon the Journal (see Appendix).

**CONFERENCE REPORT**

Senator Brown, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 127 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS, 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 127, A BILL TO BE ENTITLED AN ACT TO PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS, House Committee Substitute Favorable 6/20/13, Fifth Edition Engrossed 6/27/13, submit the following report:

The Senate and House agree to the following amendment to the House Committee Substitute Favorable 6/20/13, Fifth Edition Engrossed 6/27/13, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 6/20/13, Fifth Edition Engrossed 6/27/13, and substitute the attached Proposed Conference Committee Substitute S127-PCCS85273-TDx-3.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 24, 2013.

July 24, 2013
The full text of the proposed Conference Committee Substitute can be found in the Appendix of the 2013 Senate Journal.

The proposed Conference Committee Substitute is placed on the calendar of Thursday, July 25, for adoption.

Upon motion of Senator Berger, seconded by Senator Rucho, the Senate adjourns at 7:45 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of committee reports, the receipt of conference reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Thursday, July 25, at 11:00 a.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 24, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 182 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, and requests conferees, Speaker Tillis appoints:

Representative Stam, Chair
Representative McGrady and
Representative Glazier

July 24, 2013
on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 24, 2013

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 S.B. 402 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 402 earlier today, the bill 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
July 24, 2013

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 Amendments No. 1 and 2 for H.B. 417, A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, and requests conferees.

July 24, 2013
Speaker Tillis has appointed:
  Representative Hastings, Chair
  Representative T. Moore and
  Representative Hager

on the part of the House to confer with a like committee appointed by the Senate
to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks  
Principal Clerk

CONFERENCE REPORT

Senator Hise, for the Conferees appointed to consider the differences arising
between the Senate and the House of Representatives upon S.B. 553 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES, 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 553, A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES, House Committee Substitute Favorable 7/10/13, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute Favorable 7/10/13, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/10/13, and substitute the attached Proposed Conference Committee Substitute S553-PCCS75381-TJx-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 24, 2013.

Conferees for the Senate  Conferees for the House of Representatives
S/Ralph Hise, Chair  S/Nelson Dollar, Chair
S/Louis Pate  S/Justin P. Burr
Eleanor Kinnaird  Verla Insko

July 24, 2013
The full text of the proposed Conference Committee Substitute can be found in Chapter 397 of the 2013 Session Laws.

The proposed Conference Committee Substitute is ruled material, which constitutes first reading, and is placed on the calendar of Thursday, July 25, for adoption upon second reading.

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

ONE HUNDRED THIRD DAY

Senate Chamber
Thursday, July 25, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Almighty God, thank you for this place. Lord, you have been our dwelling place here and in all generations. Before the mountains were brought forth or ever you had formed us, from everlasting to everlasting you are God. You return us to dust and say, ‘Return, O children of man!’ For a thousand years in your sight are but as yesterday when it is past or as a watch in the night. So as we pause right now and pray, we ask you to perform another miracle by opening up our eyes to see that you are good. We ask you to puncture our hearts. Quicken us to see how your endurance lasts through the night. Give us that type of endurance. In Christ’s name we pray. Amen.”

The Chair grants leaves of absence for today to Senator Clodfelter, Senator McLaurin, Senator Pate, and Senator Rabon.

JOURNAL MOTION

Whereas Senator Bryant’s motion on Wednesday, July 24, regarding the remarks on H.B. 589 prevailed, upon motion of Senator Berger, President Pro Tempore, and with consent of the Minority Leader, the approval of the Senate Journal of Wednesday, July 24, is delayed pending the inclusion of documents referenced in yesterday’s debate on H.B. 589, “VIVA/ELECTION REFORM.” Upon further motion of Senator Berger, with consent of the Minority Leader, the transcript of yesterday’s remarks on said bill will be published as an appendix to the Journal, and the appendix will be approved jointly by the Rules Chairman and the Minority Leader.

July 25, 2013
The Enrolling Clerk reports the following bills duly ratified for presentation to the Governor:

**S.B. 103**, AN ACT TO EXTEND AND AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS.

**S.B. 402**, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES.

**S.B. 683**, AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT.

**H.B. 135**, AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

**H.B. 293**, AN ACT AMENDING THE SECURE AND FAIR ENFORCEMENT MORTGAGE LICENSING ACT TO REDUCE REGULATORY BURDENS, MAKING CLARIFYING AND TECHNICAL CHANGES, AND MODIFYING CERTAIN FORECLOSURE PROCEEDINGS.

**H.B. 321**, AN ACT TO REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN.

**H.B. 522**, AN ACT TO PROTECT RIGHTS AND PRIVILEGES GRANTED UNDER THE UNITED STATES AND NORTH CAROLINA CONSTITUTIONS IN THE APPLICATION OF FOREIGN LAW.

**H.B. 675**, AN ACT AMENDING LAWS PERTAINING TO THE REGULATION OF PHARMACY TECHNICIANS, PHARMACY AUDITS, AND PRESCRIPTIONS FOR SCHEDULE II SUBSTANCES.

July 25, 2013
The Enrolling Clerk reports the following bills duly ratified, properly enrolled, and presented to the Office of the Secretary of State:

**H.B. 491**, AN ACT DIRECTING THE LEE COUNTY SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS TO THE LEE COUNTY SCHOOLS.

**H.B. 493**, AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

**S.B. 321** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT, FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill No. 3 for S.B. 321 on July 24, Senator Phil Berger, President Pro Tempore, announces the appointment of Senator J. Davis, Chair; Senator Goolsby and Senator Newton as conferees on the part of the Senate to resolve the differences arising between the two bodies. A special message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

**REPORT OF COMMITTEE**

A standing committee report is submitted as follows:

By Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, for said committee:

**H.B. 786** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS, with a favorable report.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the Committee Substitute bill No. 2 is placed on today’s supplemental calendar.

July 25, 2013
Bills on today’s calendar are taken up and disposed of as follows:

**H.B. 1015**, A BILL TO BE ENTITLED AN ACT ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BESSEMER CITY, upon third reading.

The bill passes its third reading, by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Parmon, Rabin, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Woodard—44.

Voting in the negative: None.

The bill is ordered enrolled.

**H.B. 195**, AN ACT EXTENDING THE AUTHORITY OF THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS, upon second reading.

The bill passes its second reading (45-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

**H.B. 552**, A BILL TO BE ENTITLED AN ACT TO PROVIDE A PROCEDURE TO REMOVE AN AREA FROM A COUNTY SERVICE DISTRICT, upon third reading, as amended.

The bill, as amended, passes its third reading, by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Parmon, Rabin, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Woodard—45.

Voting in the negative: None.

The bill, with the attached amendment, is ordered sent to the House of Representatives, by special message, for concurrence in Senate Amendment No. 1.

**H.B. 589** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS, upon third reading.

July 25, 2013
Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is temporarily displaced.

**S.B. 547** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS, for concurrence in the House Committee Substitute bill upon third reading.

Upon motion of Senator Hunt, the Senate concurs in the House Committee Substitute bill on its third reading, by roll-call vote, ayes 35, noes 10, as follows:


Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, McKissick, Nesbitt, Parmon, Robinson and Woodard—10.

The bill is ordered enrolled and sent to the Governor.

**MOTION RELATIVE TO THE CALENDAR**

The following change is made to today’s calendar:

**S.B. 315** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3 upon second reading.

Upon motion of Senator Brunstetter, without objection, the House Committee Substitute bill No. 3 is withdrawn from today’s calendar and placed on today’s supplemental calendar.

July 25, 2013
S.B. 18 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LOCKSMITH LICENSING ACT, EXPANDING THE AUTHORITY OF THE LOCKSMITH LICENSING BOARD TO REGULATE INSTITUTIONAL LOCKSMITHS, AND RAISING THE CEILING ON CERTAIN FEES, for concurrence in the House Committee Substitute bill. Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled and sent to the Governor.

S.B. 236 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE OF THIS STATE TO PERFORM MARRIAGE CEREMONIES, for concurrence in the House Committee Substitute bill. The Senate fails to concur in the House Committee Substitute bill (12-32) and the House of Representatives is notified by special message.

S.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION, for concurrence in House Amendment No. 1. Upon motion of Senator Wade, the Senate concurs in House Amendment No. 1 (43-2), which changes the title to read S.B. 470 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION AND AMEND THE DEFINITION OF A CONVENTION CENTER FOR PURPOSES OF THE STATE’S ABC LAWS, and the bill is ordered enrolled and sent to the Governor.

S.B. 480 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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 adoption upon third reading. Upon motion of Senator Brunstetter, the Senate adopts the Conference Report on its third reading, by roll-call vote, ayes 41, noes 4, as follows:

July 25, 2013
Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, J. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, Kinnaird, McKissick, Meredith, Nesbitt, Newton, Parmon, Rabin, Robinson, Rucho, Soucek, Stein, Tarte, Tucker, Wade and Woodard---41.

Voting in the negative: Senators Brock, Randleman, Sanderson and Tillman---4.

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

The Senate recesses at 11:37 a.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene at 1:00 p.m.

RECESS

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 354 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE RESPONSIBILITIES OF THE STATE AUDITOR BY REMOVING THE STATE AUDITOR FROM EX OFFICIO MEMBERSHIP ON THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES’ HEALTH BENEFITS AND BY SOLIDIFYING THE STATE AUDITOR’S ROLE IN AUDITING SCHOOLS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM, for concurrence in the House Committee Substitute bill.

Pursuant to a motion by Senator Brunstetter, the House Committee Substitute bill is placed on today’s supplemental calendar.

S.B. 368 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN-DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL, TO PROVIDE THE PISTOL PERMIT FEE TO BE AN APPLICATION FEE, AND TO MAKE IT A FELONY TO ESCAPE FROM A COUNTY FACILITY WHEN CHARGED WITH AND BEING HELD FOR A FELONY, for concurrence in the House Committee Substitute bill No. 3.

Pursuant to a motion by Senator Brunstetter, the House Committee Substitute bill No. 3 is placed on today’s supplemental calendar.

S.B. 558 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE STATE TREASURER’S INVESTMENT AUTHORITY WITH REGARD TO SPECIAL FUNDS HELD BY THE TREASURER, for concurrence in the House Committee Substitute bill.

July 25, 2013
Pursuant to a motion by Senator Brunstetter, the House Committee Substitute bill is placed on today’s supplemental calendar.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 24, 2013

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 **H.B. 392** (Conference Committee Substitute), **A BILL TO BE ENTITLED AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 25, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute No. 3 for **S.B. 321,** **A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT, FOR MEDICAL**

July 25, 2013
SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT, and requests conferees.

Speaker Tillis appoints:
   Representative Burr, Chair
   Representative Hager
   Representative T. Moore and
   Representative Saine

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

RE-REFERRAL OF A BILL

S.B. 353 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES AND CONDUCT A STUDY PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, TO AMEND THE WOMEN’S RIGHT TO KNOW ACT, AND TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS, referred to the Rules and Operations of the Senate Committee on July 15.

The House Committee Substitute bill is withdrawn from the Rules and Operations of the Senate Committee and placed on today’s supplemental calendar.

The Senate meets pursuant to recess and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

July 25, 2013
MOTION RELATIVE TO THE SUPPLEMENTAL CALENDAR

The following change is made to today’s supplemental calendar:

S.B. 315 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3 upon second reading.

Upon motion of Senator Brunstetter, without objection, the House Committee Substitute bill No. 3 is withdrawn from today’s supplemental calendar and placed on the end of today’s calendar.

MOTION RELATIVE TO THE CALENDAR

The following change is made to today’s calendar:

S.B. 127 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS; (2) MODIFY THE NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY; (3) CREATE COLLABORATION FOR PROSPERITY ZONES; (4) REQUIRE CERTAIN LIAISONS IN EACH COLLABORATION FOR PROSPERITY ZONE; (5) STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY; (6) MODIFY REPEAL OF CERTAIN REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS; (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER JULY 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF

July 25, 2013
HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; AND (8) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES, for adoption upon second reading.

Upon motion of Senator Brunstetter, without objection, the Conference Committee Substitute bill is withdrawn from today’s calendar and placed on today’s supplemental calendar.

**MOTION RELATIVE TO EXCUSED ABSENCES**

Upon motion of Senator Hise, without objection, the rules are suspended to allow Senator Hise to submit today timely requests for excused absences on Thursday, July 18, and Friday, July 19.

Upon the appearance of Senator Pate in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

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

**CALENDAR (continued)**

**H.B. 589** (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS, displaced earlier today upon third reading.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill is again temporarily displaced.

**S.B. 553** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM FOR INDIVIDUALS TRANSITIONING FROM

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INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO CLARIFY HOW FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THIS PROGRAM SHALL BE USED, AND TO CREATE A COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING; AND TO MODIFY ALLOCATION OF STATE’S SHARE IN HOSPITAL PROVIDER ASSESSMENT TAX, for adoption upon second reading.

Upon motion of Senator Hise, the Senate adopts the Conference Committee Substitute bill on its second reading, by roll-call vote ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Bingham, Blue, Brock, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Kinnaird, McKissick, Meredith, Newton, Parmon, Pate, Rabin, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Woodard—40.

Voting in the negative: Senators D. Davis and Nesbitt—2.

The Conference Committee Substitute bill remains on the calendar for Friday, July 26, for adoption upon third reading.

FLOOR PRIVILEGES

Upon motion of Senator Brunstetter, without objection, the rules are suspended to allow Research Division staff to join Senator Jackson on the Senate Chamber floor while H.B. 74 is being considered.

CALENDAR (continued)

H.B. 74 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS, for adoption upon second reading.

Upon the appearance of Senator Rabon in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Upon motion of Senator Jackson, the Senate adopts the Conference Committee Substitute bill on its second reading, by roll-call vote, ayes 29, noes 17, as follows:

Voting in the affirmative: Senators Apodaca, Barefoot, Barringer, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, J. Davis, Goolsby, Gunn,
Harrington, Hartsell, Hunt, Jackson, Meredith, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker and Wade—29.

Voting in the negative: Senators Allran, Blue, Bryant, Clark, Daniel, D. Davis, Ford, Graham, Hise, Kinnaird, McKissick, Nesbitt, Newton, Parmon, Robinson, Stein and Woodard—17.

The Conference Committee Substitute bill remains on the calendar for Friday, July 26, for adoption upon third reading.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the Rules and Operations of the Senate Committee:

H.B. 92 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION AND OTHERS, TO MAKE A TECHNICAL CORRECTION TO THE STATUTE PROVIDING THAT CAR RENTAL AGENCIES ARE INNOCENT OWNERS IF A RENTED VEHICLE BECOMES SUBJECT TO SEIZURE UNDER CHAPTER 20 OF THE GENERAL STATUTES, AND TO ALLOW THE NORTH CAROLINA BOARD OF ARCHITECTURE TO ACQUIRE AND DEAL WITH REAL PROPERTY, 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, 80428, which changes the title to read H.B. 92 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, is adopted and engrossed.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the Senate Committee Substitute bill No. 2 is placed on today’s supplemental calendar.

CALENDAR (continued)

H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO

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PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A
SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT
CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE
WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION
LAWS, displaced earlier today upon third reading.

Upon motion of Senator Brunstetter, without objection, the Senate Committee
Substitute bill is again temporarily displaced.

**H.B. 392** (Conference Committee Substitute), A BILL TO BE ENTITLED
AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES
(DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF
TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS
OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING
Felon OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT
INTERAGENCY Cooperation AND INFORMATION SHARING IN
ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR
RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR
RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE
VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR
CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM
ASSISTANCE, for adoption.

Upon motion of Senator J. Davis, the Senate adopts the Conference
Committee Substitute bill (42-4).

The Chair orders a special message sent to the House of Representatives
informing that honorable body of such action.

**S.B. 315** (House Committee Substitute No. 3), A BILL TO BE ENTITLED
AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED
VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF
THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST
PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED
COSTS, TO LEGISLATELY ANNEX CERTAIN PROPERTY TO THE
CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS
PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE
CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE
DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE
CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR
THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS
AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911
FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO
CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER
TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH
SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE
GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF
TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for
concurrence in the House Committee Substitute bill No. 3 upon second reading.

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Without objection, Senator Blue is excused from voting on the bill due to a possible conflict of interest.

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill No. 3 on its second reading, by roll-call vote, ayes 36, noes 9, as follows:

Voting in the affirmative: Senators Apodaca, Barefoot, Barringer, Berger, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, McKissick, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Tillman, Tucker and Wade---36.

Voting in the negative: Senators Allran, Bingham, J. Davis, Kinnaird, Meredith, Nesbitt, Stein, Tarte and Woodard---9.

The House Committee Substitute bill No. 3 remains on the calendar for Friday, July 26, for concurrence upon third reading.

**APPOINTMENT OF CONFERENCE COMMITTEES**

**S.B. 236** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE OF THIS STATE TO PERFORM MARRIAGE CEREMONIES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 236 earlier today, Senator Louis Pate, Deputy President Pro Tempore, announces the appointment of Senator Apodaca, Chair; Senator Brunstetter, Senator Hunt, and Senator Newton as conferees on the part of the Senate to resolve the differences arising between the two bodies. A special message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

**H.B. 417** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPlicable TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.

Pursuant to the message from the House of Representatives received July 24 that the House fails to concur in Senate Amendments No. 1 and No. 2 to the Committee Substitute bill No. 2 for H.B. 417 and requests conferees, Senator Louis Pate, Deputy President Pro Tempore, announces the appointment of Senator Brock, Chair; Senator J. Davis, Senator Soucek, Senator Tillman, and Senator Tucker as conferees on the part of the Senate to resolve the differences arising between the two bodies. A special message is ordered sent to the House of Representatives informing that honorable body of such action.

The Senate recesses at 2:33 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene at 3:00 p.m.

**RECESS**

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SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 15, 2013

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 S.B. 409 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AMEND PROCEDURES, CLARIFY COSTS AND ATTORNEYS’ FEES PROVISIONS APPLICABLE WHEN RELIEF IS NOT ORDERED IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO CONTACT ORDER CASES, AND TO PROVIDE FOR ATTORNEYS’ FEES UPON THE GRANT OF RELIEF IN CHAPTER 50C CASES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 409 on Monday, July 15, the bill 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
July 25, 2013

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 S.B. 480 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE ACQUISITION OR 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.

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When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Report for S.B. 480 earlier today, the bill is ordered enrolled and sent to the Governor.

MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.B. 618 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO RESTORE THE FIREARMS RIGHTS OF CERTAIN PERSONS WHO WERE CONVICTED OF NONVIOLENT FELONIES BEFORE DECEMBER 1, 1995, AND WHOSE FIREARMS RIGHTS HAD BEEN RESTORED BEFORE DECEMBER 1, 1995, AND TO INCREASE THE FEE TO PETITION FOR THE RESTORATION OF FIREARMS RIGHTS.

Referred to the Rules and Operations of the Senate Committee.

The Senate meets pursuant to recess and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

The Chair extends privileges of the floor to Janelle Simpson from Durham, North Carolina, who is serving the Senate as Nurse of the Day.

CALENDAR (continued)

H.B. 589 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS, displaced earlier today upon third reading.

Upon the appearance of Senator McLaurin in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

Senator Rucho offers Amendment No. 11, which is adopted (47-0).

Senator Blue offers Amendment No. 12, which is subsequently withdrawn.

Senator Blue offers Amendment No. 13, which is adopted (46-0).

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Senator Blue offers Amendment No. 14.

Senator Brunstetter offers a motion that Amendment No. 14 lie upon the table, seconded by Senator Brock, which motion prevails (32-14).

The Senate Committee Substitute bill, as amended, passes its third reading, by roll-call vote, ayes 33, noes 14, as follows:


Voting in the negative: Senators Blue, Bryant, Clark, D. Davis, Ford, Graham, Kinnaird, McKissick, McLaurin, Nesbitt, Parmon, Robinson, Stein and Woodard---14.

The Senate Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special message, for concurrence in the Senate Committee Substitute bill and unengrossed Senate Amendments No. 11 and No. 13.

Upon motion of Senator Bryant, the words of the debate on H.B. 589 and all documents presented during the debate are spread upon the Journal (see Appendix).

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

S.B. 317 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND SUBJECT TO A REFERENDUM, PROVIDE FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the House Committee Substitute bill is placed on today’s supplemental calendar for immediate consideration.

S.B. 287 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the House Committee Substitute bill is placed on today’s supplemental calendar for immediate consideration.

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CONFERENCE REPORT

Senator Brock, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 417 (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, 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 417, A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, Committee Substitute #2 Favorable 5/15/13, submit the following report:

The House concurs in Senate Amendment #A1 and Senate Amendment #A2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 25, 2013.

Conferees for the Senate               Conferees for the House of Representatives
S/Andrew C. Brock, Chair              S/Kelly E. Hastings, Chair
S/Jerry W. Tillman                    S/Tim Moore
S/Dan Soucek                           S/Mike Hager
S/Jim Davis                             S/Tommy Tucker

Upon motion of Senator Brunstetter, without objection, the Conference Report is placed on today’s supplemental calendar for adoption.

CONFERENCE REPORT

Senator Newton, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 321 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT, FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO

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UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC 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 321, A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT, FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT, House Committee Substitute #3 Favorable 7/16/13, Seventh Edition Engrossed 7/18/13, Eighth Edition Engrossed 7/23/13, submit the following report:

The Senate and the House agree to the following amendment to the House Committee Substitute #3 Favorable 7/16/13, Seventh Edition Engrossed 7/18/13, Eighth Edition Engrossed 7/23/13, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute #3 Favorable 7/16/13, Seventh Edition Engrossed 7/18/13, Eighth Edition Engrossed 7/23/13, and substitute the attached Proposed Conference Committee Substitute S321-PCCS35399-ST-1.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 25, 2013.

Conferences for the Senate          Conferences for the House of Representatives
S/Jim Davis, Chair                 S/Justin P. Burr, Chair
S/E. S. (Buck) Newton              S/Mike Hager
S/Thom Goolsby                     S/Tim Moore
S/Thom Goolsby                     S/Jason Saine

The full text of the proposed Conference Committee Substitute can be found in Chapter 387 in the 2013 Session Laws.

Upon motion of Senator Brunstetter, without objection, the proposed Conference Committee Substitute is placed on today’s supplemental calendar for adoption.

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CALEDAR (continued)

**S.B. 287** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES, for concurrence in the House Committee Substitute bill.

*Without objection, Senator Bingham is excused from voting on the bill due to a possible conflict of interest.*

The Senate fails to concur in the House Committee Substitute bill (15-30) and the House of Representatives is notified by special message.

**S.B. 317** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND SUBJECT TO A REFERENDUM, PROVIDE FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION, for concurrence in the House Committee Substitute bill.

The Senate fails to concur in the House Committee Substitute bill (0-45) and the House of Representatives is notified by special message.

CONFERENCE REPORT

Senator Brunstetter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **S.B. 182** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, 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 182, A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO

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MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, House Committee Substitute Favorable 7/18/13, Fifth Edition Engrossed 7/23/13, submit the following report:

The Senate and the House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 7/18/13, Fifth Edition Engrossed 7/23/13, as amended:

on page 3, line 45, through page 4, line 42, by rewriting those lines to read:

“SECTION 4. If Senate Bill 402, 2013 Regular Session, becomes law, then G.S. 20-35, as amended by Section 18B.14(g) of that bill, reads as rewritten:

“§ 20-35. Penalties for violating Article; defense to driving without a license.

(a) Penalty. – Except as otherwise provided in subsection (a1) or (a2) of this section, a violation of this Article is a Class 2 misdemeanor unless a statute in the Article sets a different punishment for the violation. If a statute in this Article sets a different punishment for a violation of the Article, the different punishment applies.

(a1) The following offenses are Class 3 misdemeanors:
   (1) Failure to obtain a license before driving a motor vehicle, in violation of G.S. 20-7(a).
   (2) Failure to carry a valid license while driving a motor vehicle, in violation of G.S. 20-7(a).
   (3) Failure to comply with license restrictions, in violation of G.S. 20-7(e).
   (4) Operation of a motor vehicle with an expired license, in violation of G.S. 20-7(f).
   (5) Failure to notify the Division of Motor Vehicles of an address change for a drivers license within 60 days after the change occurs, in violation of G.S. 20-7.1.
   (6) Permitting a motor vehicle owned by the person to be operated by an unlicensed person, in violation of G.S. 20-34.

(a2) A person who does any of the following is responsible for an infraction:
   (1) Fails to carry a valid license while driving a motor vehicle, in violation of G.S. 20-7(a).
   (2) Operates a motor vehicle with an expired license, in violation of G.S. 20-7(f).
   (3) Fails to notify the Division of an address change for a drivers license within 60 days after the change occurs, in violation of G.S. 20-7.1.

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(b) Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 4.
(c) Defenses. – A person may not be convicted of found responsible for failing to carry a regular drivers license if, when tried for that offense, the person produces in court a regular drivers license issued to the person that was valid when the person was charged with the offense. A person may not be convicted of found responsible for driving a motor vehicle without a regular license if, when tried for that offense, the person shows all the following:

1. That, at the time of the offense, the person had an expired license.
2. The person renewed the expired license within 30 days after it expired and now has a drivers license.
3. The person could not have been charged with driving without a license if the person had the renewed license when charged with the offense.”

SECTION 5. If Senate Bill 402, 2013 Regular Session, becomes law, then G.S. 20-176, as amended by Section 18B-14(h) of that bill, reads as rewritten:

“§ 20-176. Penalty for misdemeanor or infraction.

(a) Violation of a provision of Part 9, 10, 10A, or 11 of this Article is an infraction unless the violation is specifically declared by law to be a misdemeanor or felony. Violation of a provision of Part 9, 10, 10A, or 11 of this Article is an infraction unless the violation is specifically declared by law to be a misdemeanor or felony.

(a1) A person who does any of the following is responsible for an infraction:

1. Fails to carry the registration card in the vehicle, in violation of G.S. 20-57(c).
2. Fails to sign the vehicle registration card, in violation of G.S. 20-57(c).
3. Fails to notify the Division of an address change for a vehicle registration card within 60 days after the change occurs, in violation of G.S. 20-67.

(b) Unless a specific penalty is otherwise provided by law, a person found responsible for an infraction contained in this Article may be ordered to pay a penalty of not more than one hundred dollars ($100.00).

(c) Except as otherwise provided in subsection (c2) of this section, and unless a specific penalty is otherwise provided by law, a person convicted of a misdemeanor contained in this Article is guilty of a Class 2 misdemeanor. A punishment is specific for purposes of this subsection if it contains a quantitative limit on the term of imprisonment or the amount of fine a judge can impose.

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(c1) Notwithstanding any other provision of law, no person convicted of a misdemeanor for the violation of any provision of this Chapter except G.S. 20-28(a) and (b), G.S. 20-141(j), G.S. 20-141.3(b) and (c), G.S. 20-141.4, or a second or subsequent conviction of G.S. 20-138.1 shall be imprisoned in the State prison system unless the person previously has been imprisoned in a local confinement facility, as defined by G.S. 153A-217(5), for a violation of this Chapter.

(c2) A person who does any of the following is guilty of a Class 3 misdemeanor:

(1) Fails to carry the registration card in the vehicle, in violation of G.S. 20-57(c).
(2) Fails to sign the vehicle registration card, in violation of G.S. 20-57(c).
(3) Fails to notify the Division of Motor Vehicles of an address change for a vehicle registration card within 60 days after the change occurs, in violation of G.S. 20-67.

(d) For purposes of determining whether a violation of an offense contained in this Chapter constitutes negligence per se, crimes and infractions shall be treated identically.”

SECTION 6. If Senate Bill 402, 2013 Regular Session, becomes law, then G.S. 113-135(a), as amended by Section 18B-14(m) of that bill, reads as rewritten:

“(a) Any person who violates any provision of this Subchapter or any rule adopted by the Marine Fisheries Commission or the Wildlife Resources Commission, as appropriate, pursuant to the authority of this Subchapter, is guilty of a misdemeanor except that punishment for violation of the rules of the Wildlife Resources Commission is limited as set forth in G.S. 113-135.1. Fishing without a license in violation of G.S. 113-174.1(a) or G.S. 113-270.1B(a) is punishable as a Class 3 misdemeanor, an infraction. Otherwise, unless a different level of punishment is elsewhere set out, anyone convicted of a misdemeanor under this section is punishable as follows:

(1) For a first conviction, as a Class 3 misdemeanor.
(2) For a second or subsequent conviction within three years, as a Class 2 misdemeanor.”

and on page 4, line 45, by adding to the end of that line, following the period, the following new sentence:

“Prosecutions for offenses committed before the effective date of this section are not abated or affected by this section, and the statutes that would be applicable but for this section remain applicable to those prosecutions.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 25, 2013.
Conferees for the Senate: S/Peter S. Brunstetter, Chair  
S/Harry Brown  
S/Thom Goolsby  

Conferees for the House of Representatives: S/ Paul Stam, Chair  
S/Chuck McGrady  
S/Rick Glazier  

Upon motion of Senator Brunstetter, without objection, the Conference Report is placed on today’s supplemental calendar for adoption.

APPOINTMENT OF CONFERENCE COMMITTEES

S.B. 317 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND SUBJECT TO A REFERENDUM, PROVIDE FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 317 earlier today, Senator Louis Pate, Deputy President Pro Tempore, announces the appointment of Senator Wade, Chair; Senator Rucho and Senator Tillman as conferees on the part of the Senate to resolve the differences arising between the two bodies. A special message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

S.B. 287 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES.

Pursuant to the Senate having failed to concur in the House Committee Substitute bill for S.B. 287 earlier today, Senator Louis Pate, Deputy President Pro Tempore, announces the appointment of Senator Wade, Chair; Senator J. Davis and Senator Rucho as conferees on the part of the Senate to resolve the differences arising between the two bodies. A special message is ordered sent to the House of Representatives informing that honorable body of such action and requesting conferees.

ENROLLED BILLS

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

S.B. 18, AN ACT AMENDING THE LOCKSMITH LICENSING ACT, EXPANDING THE AUTHORITY OF THE LOCKSMITH LICENSING BOARD TO REGULATE INSTITUTIONAL LOCKSMITHS, AND RAISING THE CEILING ON CERTAIN FEES.

July 25, 2013
S.B. 470, AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION AND AMEND THE DEFINITION OF A CONVENTION CENTER FOR PURPOSES OF THE STATE’S ABC LAWS.

S.B. 547, AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS.

H.B. 669, AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE.

H.B. 727, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE.

H.B. 834, AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE’S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING AND TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO MAKE IT UNLAWFUL FOR HEALTH CARE PROVIDERS TO CHARGE FOR PROCEDURES OR COMPONENTS OF PROCEDURES THAT WERE NOT PROVIDED OR SUPPLIED; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO PROVIDE THAT HOSPITALS RECEIVING MEDICAID REIMBURSEMENTS PARTICIPATE IN THE NORTH CAROLINA HEALTH INFORMATION EXCHANGE NETWORK.

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

H.B. 195, AN ACT EXTENDING THE AUTHORITY OF THE TOWN OF CORNELIUS TO USE DESIGN-BUILD DELIVERY METHODS.

July 25, 2013
H.B. 1015, AN ACT ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BESSEMER CITY.

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. 491, AN ACT DIRECTING THE LEE COUNTY SHERIFF TO PROVIDE SCHOOL RESOURCE OFFICERS TO THE LEE COUNTY SCHOOLS. (Became law upon ratification, July 25, 2013 - S.L. 2013-350.)

H.B. 493, AN ACT TO AUTHORIZE THE TOWN OF ROBBINSVILLE TO LEVY AN OCCUPANCY TAX. (Became law upon ratification, July 25, 2013 - S.L. 2013-351.)

The Senate recesses at 5:35 p.m. to reconvene at 5:50 p.m.

RECESS

The Senate meets pursuant to recess and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

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

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 25, 2013

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 S.B. 182 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS.

July 25, 2013
When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 25, 2013

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 H.B. 417 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The following messages are received from the House of Representatives:

H.J.R. 1023, A JOINT RESOLUTION ADJOURNING THE 2013 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

Referred to the Rules and Operations of the Senate Committee.

S.B. 71 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES, for concurrence in the House Committee Substitute bill.

July 25, 2013
Upon motion of Senator Brunstetter, without objection, the House Committee Substitute bill is placed on today’s supplemental calendar.

CONFERENCE REPORT

Senator Goolsby, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon H.B. 122 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, 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 122, A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW AND TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, Senate Judiciary I Committee Substitute Adopted 6/13/13, submit the following report:

The House and Senate agree to the following amendment to the Senate Committee Substitute, Senate Judiciary I Committee Substitute Adopted 6/13/13, and the House concurs in the Senate Committee Substitute as amended:

Delete the entire Senate Committee Substitute and substitute the attached proposed Conference Committee Substitute H122-PCCS30600-SA-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 25, 2013.

Conferees for the Senate  Conferees for the House of Representatives
S/Thom Goolsby, Chair      S/Rick Glazier, Chair
S/E. S. (Buck) Newton      S/Sarah Stevens
S/Tamara Barringer        S/Paul Stam
S/Warren Daniel           S/N. Leo Daughtry

The full text of the proposed Conference Committee Substitute can be found in Chapter 411 of the 2013 Session Laws.

Upon motion of Senator Brunstetter, without objection, the proposed Conference Committee Substitute is placed on today’s supplemental calendar for adoption.

July 25, 2013
SUPPLEMENTAL CALENDAR

Bills on today’s supplemental calendar are taken up and disposed of as follows:

**H.B. 92** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, upon second reading.

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill No. 2 is temporarily displaced.

**MOTION RELATIVE TO THE SUPPLEMENTAL CALENDAR**

The following change is made to today’s supplemental calendar:

**S.B. 353** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES AND CONDUCT A STUDY PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, TO AMEND THE WOMEN’S RIGHT TO KNOW ACT, AND TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, without objection, the House Committee Substitute bill is taken up out of its regular order of business and placed before the Senate for immediate consideration.

**SUPPLEMENTAL CALENDAR (continued)**

**S.B. 353** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS
A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES AND CONDUCT A STUDY PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, TO AMEND THE WOMEN’S RIGHT TO KNOW ACT, AND TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Daniel, the Senate concurs in the House Committee Substitute bill (32-13) and the bill is ordered enrolled and sent to the Governor.

WITHDRAWAL FROM COMMITTEE

H.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) CLARIFY THE FUNCTIONAL VALUE OF ISOLATED WETLANDS AND INTERMITTENT STREAMS, (2) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE WATERSHED WHERE DEVELOPMENT WILL OCCUR, AND (3) DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE ENVIRONMENTAL MANAGEMENT COMMISSION TO REVIEW FEES CHARGED BY THE ECOSYSTEM ENHANCEMENT PROGRAM, referred to the Agriculture/Environment/Natural Resources Committee on May 20.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the Committee Substitute 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, and the Chair so orders.

MOTION RELATIVE TO THE SUPPLEMENTAL CALENDAR

Without objection, all bills remaining on today’s supplemental calendar will be placed on today’s supplemental calendar no. 2 as unfinished business.

The Senate recesses at 7:10 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene at 8:30 p.m.

RECESS

July 25, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 25, 2013

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 S.B. 321 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT, FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 25, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 287 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES, and requests conferees,

Speaker Tillis appoints:
Representative Blust, Chair
Representative Hardister and
Representative McGrady

July 25, 2013
on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 25, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 317 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND SUBJECT TO A REFERENDUM, PROVIDE FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION, and requests conferees, Speaker Tillis appoints:

Representative Hardister, Chair
Representative Blust
Representative Faircloth and
Representative Burr

on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

MODIFICATION OF CONFEREES

S.B. 287 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES.

Senator Phil Berger, President Pro Tempore, dismisses Senator J. Davis as a conferee and appoints Senator Tucker as a conferee. A special message is ordered sent to the House of Representatives informing that honorable body of such action.

July 25, 2013
The Senate meets pursuant to recess and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

The Chair grants a leave of absence for the remainder of today’s session to Senator J. Davis.

Upon the appearance of Senator McLaurin in the chamber, the Chair acknowledges his presence and the leave of absence granted previously is withdrawn.

SUPPLEMENTAL CALENDAR NO. 2

The following bills on today’s supplemental calendar no. 2 are taken up as unfinished business and disposed of as follows:

**H.B. 92** (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, displaced earlier today upon second reading.

Senator Hartsell offers Amendment No. 1, which is adopted (43-0).

Senator Hartsell offers Amendment No. 2, which is adopted (42-1).

Senator Hartsell offers Amendment No. 3, which is adopted (43-0).

Upon motion of Senator Brunstetter, without objection, the Senate Committee Substitute bill No. 2, as amended, is temporarily displaced.

**H.B. 786** (Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS, upon second reading.

The Committee Substitute bill No. 2 passes its second reading (43-1) and, without objection, is read a third time and passes its third reading and is ordered enrolled and sent to the Governor.

**S.B. 354** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REVISE THE RESPONSIBILITIES OF THE STATE AUDITOR BY REMOVING THE STATE AUDITOR FROM EX OFFICIO MEMBERSHIP ON THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES’ HEALTH BENEFITS AND BY SOLIDIFYING THE STATE AUDITOR’S ROLE IN AUDITING SCHOOLS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Tucker, the Senate concurs in the House Committee Substitute bill (44-0) and the bill is ordered enrolled and sent to the Governor.

July 25, 2013
S.B. 368 (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE FOR A TEN-DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL, TO PROVIDE THE PISTOL PERMIT FEE TO BE AN APPLICATION FEE, AND TO MAKE IT A FELONY TO ESCAPE FROM A COUNTY FACILITY WHEN CHARGED WITH AND BEING HELD FOR A FELONY, for concurrence in the House Committee Substitute bill No. 3.

Upon motion of Senator Bingham, the Senate concurs in the House Committee Substitute bill No. 3 (44-0) and the bill is ordered enrolled and sent to the Governor.

CONFERENCE REPORT

Senator Brock, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 571 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, 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 571, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, House Committee Substitute #2 Favorable 7/10/13, submit the following report:

The Senate and House agree to the following amendments and the Senate concurs in House Committee Substitute #2 Favorable 7/10/13, as amended:

On page 1, line 9, by inserting the following after that line to read:

“(29) Bronze Star Combat-Valor Recipient. – Issuable to a recipient of the Bronze Star Medal for valor in combat. The plate shall bear the emblem of the Bronze Star with a “Combat V” emblem and the words “Bronze Star.” To be eligible for this plate, the applicant must provide documentation that the medal was issued for valor in combat.

...”,

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And on page 1, line 22, by inserting the following after that line to read:

“(105) Legion of Valor. – Issuable to a recipient of one of the following military decorations: the Congressional Medal of Honor, the Distinguished Service Cross, the Navy Cross, or the Air Force Cross, or the Coast Guard Cross. The plate shall bear the emblem and name of the recipient’s decoration.

…”,

And on page 4, lines 27 through 32, by rewriting the lines to read:

“(a) Fees. Free of Charge. – Upon request, the Division shall annually provide and issue free of charge a single special registration plate listed in this subsection to a person qualified to receive the plate in accordance with G.S. 20-79.4(a2). This subsection does not apply to a special registration plate issued for vehicle that has a registered weight greater than 6,000 pounds. The regular motor vehicle registration fees in G.S. 20-88 apply if the registered weight of the vehicle is greater than 6,000 pounds.

(1) A Legion of Valor, Valor registration plate to a recipient of the Legion of Valor award.

(2) A 100% Disabled Veteran, Veteran registration plate to a 100% disabled veteran.

(3) An and Ex-Prisoner of War registration plate to a recipient of a Legion of Valor award, a 100% disabled veteran, and an ex-prisoner of war each year. The preceding special registration plates are subject to the regular motor vehicle registration fees in G.S. 20-88, if the registered weight of the vehicle is greater than 6,000 pounds.

(4) A Bronze Star Valor registration plate to a recipient of the Bronze Star Medal for valor in combat award.

(5) A Silver Star registration plate to a recipient of the Silver Star award.

(a1) Fees. -- All other special registration plates are subject to the regular motor vehicle registration”;

On page 15, lines 2 through 4, by rewriting the lines to read:

“provided in subsection (b) of this section. The design of the plates that are not "First in Flight" plates must be developed in accordance with G.S. 20-79.4(a3). For special plates authorized in G.S. 20-79.7 on or after July 1, 2013, the Division may not issue the plate on a background under this subsection unless it receives at least 200 applications for the plate in addition to the applications required under G.S. 20-79.4 or G.S. 20-81.12, approved by the Division and the State Highway Patrol for clarity and ease of identification. When the Division registers a vehicle or renews the registration of a vehicle on”;

And on page 16, lines 4 and 5, by inserting the following between those lines to read:

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“SECTION 9.(e) G.S. 20-79.4(a3) reads as rewritten:

‘(a3) The Division shall develop, in consultation with the State Highway Patrol and the Division of Adult Correction, a standardized format for special license plates. The format shall allow for the name of the State and the license plate number to be reflective and to contrast with the background so it may be easily read by the human eye and by cameras installed along roadways as part of tolling and speed enforcement. A designated segment of the plate shall be set aside for unique design representing various groups and interests. Nothing in this subsection shall be construed to require the recall of existing special license plates.’”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 25, 2013.

Conferees for the Senate  Conferees for the House of Representatives
S/Andrew C. Brock, Chair  Sarah Stevens, Chair
S/Ronald J. Rabin  S/Harry Warren
S/Bill Rabon  S/Frank Iler
S/Kathy Harrington  S/John A. Torbett
S/Ralph Hise

Upon motion of Senator Brunstetter, without objection, the Conference Report is placed on today’s supplemental calendar no. 3 for adoption.

SUPPLEMENTAL CALENDAR NO. 2 (continued)

S.B. 558 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAW GOVERNING THE STATE TREASURER’S INVESTMENT AUTHORITY WITH REGARD TO SPECIAL FUNDS HELD BY THE TREASURER, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Hise, the Senate concurs in the House Committee Substitute bill (43-3) and the bill is ordered enrolled and sent to the Governor.

MOTION RELATIVE TO SUPPLEMENTAL CALENDAR NO. 2

The following change is made to today’s supplemental calendar no. 2:

S.B. 127 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS; (2) MODIFY THE NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY; (3) CREATE COLLABORATION FOR PROSPERITY ZONES; (4) REQUIRE CERTAIN LIAISONS IN EACH

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COLLABORATION FOR PROSPERITY ZONE; (5) STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY; (6) MODIFY REPEAL OF CERTAIN REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS; (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER JULY 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; AND (8) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES, for adoption upon second reading.

Upon motion of Senator Brunstetter, without objection, the Conference Committee Substitute bill is withdrawn from today’s supplemental calendar no. 2 and placed on today’s supplemental calendar no. 3.

SUPPLEMENTAL CALENDAR NO. 2 (continued)

H.B. 92 (Senate Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS, displaced earlier today upon second reading, as amended.

Senator D. Davis offers Amendment No. 4, which is adopted (46-0).

The Senate Committee Substitute bill No. 2, as amended, passes its second reading (46-0) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill No. 2 and unengrossed Senate Amendments No. 1, No. 2, No. 3, and No. 4.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the Rules and Operations of the Senate Committee:


Upon motion of Senator Brunstetter, without objection, the rules are suspended and the Joint Resolution is placed on today’s supplemental calendar no. 3.

July 25, 2013
H.B. 938 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO
(1) CLARIFY THE FUNCTIONAL VALUE OF ISOLATED WETLANDS
AND INTERMITTENT STREAMS, (2) DIRECT THE DEPARTMENT
OF ENVIRONMENT AND NATURAL RESOURCES AND THE DEPARTMENT
OF TRANSPORTATION TO JOINTLY PETITION THE WILMINGTON
DISTRICT OF THE UNITED STATES ARMY CORPS OF ENGINEERS TO
ALLOW FOR GREATER FLEXIBILITY AND OPPORTUNITY TO
PERFORM WETLANDS MITIGATION BEYOND THE IMMEDIATE
WATERSHED WHERE DEVELOPMENT WILL OCCUR, AND (3) DIRECT
THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
AND THE ENVIRONMENTAL MANAGEMENT COMMISSION TO
REVIEW FEES CHARGED BY THE ECOSYSTEM ENHANCEMENT
PROGRAM, 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, 90117,
which changes the title to read H.B. 938 (Senate Committee Substitute), A BILL
TO BE ENTITLED AN ACT TO PROVIDE THAT A WATER QUALITY
PERMIT IS NOT REQUIRED FOR ACTIVITIES IN WETLANDS THAT
ARE NOT WATERS OF THE UNITED STATES, is adopted and engrossed.

Upon motion of Senator Brunstetter, without objection, the rules are
suspended and the Senate Committee Substitute bill is placed on today’s
supplemental calendar no. 3.

CONFERENCE REPORT

Senator Wade, for the Conferees appointed to consider the differences arising
between the Senate and the House of Representatives upon S.B. 317 (House
Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE
THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM
ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS
FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND SUBJECT
TO A REFERENDUM, PROVIDE FOR PARTISAN ELECTIONS FOR THAT
BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF
COMMISSIONERS AND THE STANLY COUNTY BOARD OF
EDUCATION, submits for adoption the following report:

To: The President of the Senate
    The Speaker of the House of Representatives

The conferees appointed to resolve the differences between the
Senate and the House of Representatives on Senate Bill 317, A BILL TO BE
ENTITLED AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY
BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO
ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY
BOARD OF EDUCATION, AND SUBJECT TO A REFERENDUM, PROVIDE

July 25, 2013
FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE
STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY
COUNTY BOARD OF EDUCATION, House Committee Substitute Favorable
7/22/13, Fourth Edition Engrossed 7/25/13, submit the following report:

The Senate and the House agree to the following amendment to the
House Committee Substitute Favorable 7/22/13, Fourth Edition Engrossed
7/25/13, and the Senate concurs in the House Committee Substitute as amended:

Delete the entire House Committee Substitute Favorable 7/22/13, Fourth Edition Engrossed
7/25/13, and substitute the attached Proposed Conference Committee

The conferees recommend that the Senate and the House of
Representatives adopt this report.

Date Conferees approved report: July 25, 2013.

Conferees for the Senate         Conferees for the House of Representatives
S/Trudy Wade, Chair             S/Jon Hardister, Chair
S/Bob Rucho                     S/John M. Blust
S/Jerry W. Tillman              S/John Faircloth
                                      S/Justin P. Burr

The full text of the proposed Conference Committee Substitute can be found
in Chapter 361 of the 2013 Session Laws.

Upon motion of Senator Brunstetter, without objection, the proposed
Conference Committee Substitute is placed on today’s supplemental calendar
no. 3 for adoption.

SUPPLEMENTAL CALENDAR NO. 2 (continued)

Bills on today’s supplemental calendar no. 2 are taken up in the regular order
of business and disposed of as follows:

S.B. 71 (House Committee Substitute), A BILL TO BE ENTITLED AN
ACT AMENDING THE LAWS REGULATING IRRIGATION
CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR
LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF
LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE,
AND TO MAKE OTHER CONFORMING CHANGES, for concurrence in the
House Committee Substitute bill.

Upon motion of Senator Tucker, the Senate concurs in the House Committee
Substitute bill (45-0) and the bill is ordered enrolled and sent to the Governor.

July 25, 2013
RE-SUBMISSION OF A CONFERENCE REPORT

Senator Brunstetter, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 182 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, withdraws the Conference Report submitted earlier today and 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 182, A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, House Committee Substitute Favorable 7/18/13, Fifth Edition Engrossed 7/23/13, submit the following report:

The Senate and the House agree to the following amendments and the Senate concurs in House Committee Substitute Favorable 7/18/13, Fifth Edition Engrossed 7/23/13, as amended:

on page 3, line 45, through page 4, line 42, by rewriting those lines to read:

“SECTION 4. If Senate Bill 402, 2013 Regular Session, becomes law, then G.S. 20-35, as amended by Section 18B.14(g) of that bill, reads as rewritten:

§ 20-35. Penalties for violating Article; defense to driving without a license.

(a) Penalty. – Except as otherwise provided in subsection (a1) or (a2) of this section, a violation of this Article is a Class 2 misdemeanor unless a statute in the Article sets a different punishment for the violation. If a statute in this Article sets a different punishment for a violation of the Article, the different punishment applies.

July 25, 2013
The following offenses are Class 3 misdemeanors:

1. Failure to obtain a license before driving a motor vehicle, in violation of G.S. 20-7(a).
2. Failure to carry a valid license while driving a motor vehicle, in violation of G.S. 20-7(a).
3. Failure to comply with license restrictions, in violation of G.S. 20-7(e).
4. Operation of a motor vehicle with an expired license, in violation of G.S. 20-7(f).
5. Failure to notify the Division of Motor Vehicles of an address change for a drivers license within 60 days after the change occurs, in violation of G.S. 20-7.1.
6. Permitting a motor vehicle owned by the person to be operated by an unlicensed person, in violation of G.S. 20-34.

A person who does any of the following is responsible for an infraction:

1. Fails to carry a valid license while driving a motor vehicle, in violation of G.S. 20-7(a).
2. Operates a motor vehicle with an expired license, in violation of G.S. 20-7(f).
3. Fails to notify the Division of an address change for a drivers license within 60 days after the change occurs, in violation of G.S. 20-7.1.


Defenses. – A person may not be convicted of found responsible for failing to carry a regular drivers license if, when tried for that offense, the person produces in court a regular drivers license issued to the person that was valid when the person was charged with the offense. A person may not be convicted of found responsible for driving a motor vehicle without a regular with an expired drivers license if, when tried for that offense, the person shows all the following:

1. That, at the time of the offense, the person had an expired license.
2. The person renewed the expired license within 30 days after it expired and now has a drivers license.
3. The person could not have been charged with driving without a license if the person had the renewed license when charged with the offense.”

SECTION 5. If Senate Bill 402, 2013 Regular Session, becomes law, then G.S. 20-176, as amended by Section 18B-14(h) of that bill, reads as rewritten:

“§ 20-176. Penalty for misdemeanor or infraction.

(a) Violation of a provision of Part 9, 10, 10A, or 11 of this Article is an infraction unless the violation is specifically declared by law to be a misdemeanor or felony. Violation Except as otherwise provided in subsection
(a1) of this section, violation of the remaining Parts of this Article is a misdemeanor unless the violation is specifically declared by law to be an infraction or a felony.

(a1) A person who does any of the following is responsible for an infraction:

1. Fails to carry the registration card in the vehicle, in violation of G.S. 20-57(c).
2. Fails to sign the vehicle registration card, in violation of G.S. 20-57(c).
3. Fails to notify the Division of an address change for a vehicle registration card within 60 days after the change occurs, in violation of G.S. 20-67.

(b) Unless a specific penalty is otherwise provided by law, a person found responsible for an infraction contained in this Article may be ordered to pay a penalty of not more than one hundred dollars ($100.00).

(c) Except as otherwise provided in subsection (c2) of this section, and unless a specific penalty is otherwise provided by law, a person convicted of a misdemeanor contained in this Article is guilty of a Class 2 misdemeanor. A punishment is specific for purposes of this subsection if it contains a quantitative limit on the term of imprisonment or the amount of fine a judge can impose.

(c1) Notwithstanding any other provision of law, no person convicted of a misdemeanor for the violation of any provision of this Chapter except G.S. 20-28(a) and (b), G.S. 20-141(j), G.S. 20-141.3(b) and (c), G.S. 20-141.4, or a second or subsequent conviction of G.S. 20-138.1 shall be imprisoned in the State prison system unless the person previously has been imprisoned in a local confinement facility, as defined by G.S. 153A-217(5), for a violation of this Chapter.

(c2) A person who does any of the following is guilty of a Class 3 misdemeanor:

1. Fails to carry the registration card in the vehicle, in violation of G.S. 20-57(c).
2. Fails to sign the vehicle registration card, in violation of G.S. 20-57(c).
3. Fails to notify the Division of Motor Vehicles of an address change for a vehicle registration card within 60 days after the change occurs, in violation of G.S. 20-67.

(d) For purposes of determining whether a violation of an offense contained in this Chapter constitutes negligence per se, crimes and infractions shall be treated identically.

SECTION 6. If Senate Bill 402, 2013 Regular Session, becomes law, then G.S. 113-135(a), as amended by Section 18B-14(m) of that bill, reads as rewritten:

“(a) Any person who violates any provision of this Subchapter or any rule adopted by the Marine Fisheries Commission or the Wildlife Resources...”
Commission, as appropriate, pursuant to the authority of this Subchapter, is guilty of a misdemeanor except that punishment for violation of the rules of the Wildlife Resources Commission is limited as set forth in G.S. 113-135.1. Fishing without a license in violation of G.S. 113-174.1(a) or G.S. 113-270.1B(a) is punishable as a Class 3 misdemeanor. an infraction. Otherwise, unless a different level of punishment is elsewhere set out, anyone convicted of a misdemeanor under this section is punishable as follows:

(1) For a first conviction, as a Class 3 misdemeanor.
(2) For a second or subsequent conviction within three years, as a Class 2 misdemeanor.”

and on page 4, line 45, by adding to the end of that line, following the period, the following new sentence:

“Prosecutions for offenses committed before the effective date of this section are not abated or affected by this section, and the statutes that would be applicable but for this section remain applicable to those prosecutions.”.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 25, 2013.

Conferees for the Senate                Conferees for the House of Representatives
S/Peter S. Brunstetter, Chair          S/Paul Stam, Chair
S/Harry Brown                         S/Chuck McGrady
S/Thom Goolsby                        S/Rick Glazier

Without objection, the corrected Conference Report takes the place of the original report on today’s supplemental calendar no. 2, for adoption, and is temporarily displaced.

SUPPLEMENTAL CALENDAR NO. 2 (continued)

S.B. 321 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT, for adoption.

Upon motion of Senator Newton, the Senate adopts the Conference Committee Substitute bill (29-16).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

July 25, 2013
H.B. 122 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW, for adoption.

Upon motion of Senator Goolsby, the Senate adopts the Conference Committee Substitute bill (45-0).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

H.B. 417 (Conference Report), A BILL TO BE ENTITLED AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM, for adoption.

Upon motion of Senator Brock, the Senate adopts the Conference Report (39-7).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

CONFERENCE REPORT

Senator Wade, for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon S.B. 287 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES, 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 287, A BILL TO BE ENTITLED AN ACT TO REQUIRE INTERNET WEB SITE PUBLICATION OF LEGAL NOTICES, House Committee Substitute Favorable 7/24/13, Fifth Edition Engrossed 7/25/13, submit the following report:

Delete the entire House Committee Substitute Favorable 7/24/13, Fifth Edition Engrossed 7/25/13, and substitute the attached Proposed Conference Committee Substitute S287-PCCS75386-ST-2.

The conferees recommend that the Senate and the House of Representatives adopt this report.

Date Conferees approved report: July 25, 2013.

Conferees for the Senate    Conferees for the House of Representatives
S/Trudy Wade, Chair        S/John M. Blust, Chair
S/Bob Rucho                S/Jon Hardister
S/Tommy Tucker             S/Chuck McGrady

July 25, 2013
The full text of the proposed Conference Committee Substitute can be found in the Appendix of the 2013 Senate Journal.

Upon motion of Senator Brunstetter, without objection, the proposed Conference Committee Substitute is placed on today’s supplemental calendar no. 3 for adoption.

SUPPLEMENTAL CALENDAR NO. 2 (continued)

S.B. 182 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS, for adoption, displaced earlier today.

Upon motion of Senator Brunstetter, the Senate adopts the Conference Report (46-0).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

The Senate recesses at 9:45 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene at 10:20 p.m.

RECESS

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 25, 2013

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 Conferes on H.B. 122 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW.

July 25, 2013
When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

The Senate meets pursuant to recess and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

The Chair grants leaves of absence for the remainder of today’s session to Senator Bingham and Senator Brock.

SUPPLEMENTAL CALENDAR NO. 3

Bills on today’s supplemental calendar no. 3 are taken up and disposed of as follows:

**S.B. 287** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE GOVERNING BOARDS OF GUILFORD AND MECKLENBURG COUNTIES, AND ALL THE MUNICIPALITIES LOCATED IN THOSE COUNTIES, TO GIVE PUBLIC NOTICES ELECTRONICALLY, for adoption.

Upon motion of Senator Wade, the Senate adopts the Conference Committee Substitute bill (25-16).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

**S.B. 317** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND TO PROVIDE FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION, for adoption.

Upon motion of Senator Wade, the Senate adopts the Conference Committee Substitute bill (30-14).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

**MOTION RELATIVE TO SUPPLEMENTAL CALENDAR NO. 3**

The following change is made to today’s supplemental calendar no. 3:

**S.B. 127** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO (1) PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT

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FUNCTIONS; (2) MODIFY THE NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY; (3) CREATE COLLABORATION FOR PROSPERITY ZONES; (4) REQUIRE CERTAIN LIAISONS IN EACH COLLABORATION FOR PROSPERITY ZONE; (5) STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY; (6) MODIFY REPEAL OF CERTAIN REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS; (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER JULY 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; AND (8) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES, for adoption upon second reading.

Upon motion of Senator Brunstetter, without objection, the Conference Committee Substitute bill is withdrawn from today’s supplemental calendar no. 3 and re-referred to the Rules and Operations of the Senate Committee.

WITHDRAWAL FROM COMMITTEE

H.B. 652 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, referred to the Rules and Operations of the Senate Committee on July 19.

Pursuant to Rule 47(a), Senator Brunstetter offers a motion that the Senate Committee Substitute bill be withdrawn from the Rules and Operations of the Senate Committee and placed on today’s supplemental calendar no. 3, which motion prevails with unanimous consent, and the Chair so orders.

MOTION RELATIVE TO SUPPLEMENTAL CALENDAR NO. 3

The following change is made to today’s supplemental calendar no. 3:


Upon motion of Senator Brunstetter, without objection, the Joint Resolution is taken up out of its regular order of business and placed at the end of today’s supplemental calendar no. 3.

The Chair grants leaves of absence for the remainder of today’s session to Senator Hartsell and Senator Tillman.

July 25, 2013
H.B. 938 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT A WATER QUALITY PERMIT IS NOT REQUIRED FOR ACTIVITIES IN WETLANDS THAT ARE NOT WATERS OF THE UNITED STATES, upon second reading.

The Senate Committee Substitute bill passes its second reading (27-15) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

S.B. 571 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES, for adoption.

Without objection, Senator Rabin is excused from voting on the bill because he has a personal interest in the content.

Upon motion of Senator Hise, the Senate adopts the Conference Report (30-11).

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

H.B. 652 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES, upon second reading.

The Senate Committee Substitute bill passes its second reading (29-13) and, without objection, is read a third time and passes its third reading (28-14) and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill.

REPORT OF COMMITTEE

A standing committee report is submitted as follows:

By Senator Brunstetter for the Rules and Operations of the Senate Committee:

H.B. 112 (Committee Substitute), A BILL TO BE ENTITLED AN ACT REQUIRING THAT THE STATE CONTROLLER, GOVERNMENT BUSINESS INTELLIGENCE COMPETENCY CENTER, ENHANCE THE STATE’S ENTERPRISE-LEVEL BUSINESS INTELLIGENCE THROUGH THE COLLECTION AND ANALYSIS OF DATA FROM VARIOUS STATE AGENCIES RELATED TO WORKERS’ COMPENSATION INSURANCE COVERAGE AND CLAIMS FOR THE PURPOSE OF

July 25, 2013
FRAUD PREVENTION AND DETECTION, AS RECOMMENDED BY THE JOINT LEGISLATIVE COMMITTEE ON WORKERS’ COMPENSATION INSURANCE COVERAGE COMPLIANCE AND FRAUD PREVENTION AND DETECTION, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill, as amended.

Pursuant to Rule 45.1, the proposed Senate Committee Substitute bill, 70503, which changes the title to read H.B. 112 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2013 AND TO RELATED LEGISLATION, is adopted.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the Senate Committee Substitute bill, with the attached amendment, is placed on today’s supplemental calendar no. 3 for immediate consideration.

FLOOR PRIVILEGES

Upon motion of Senator Brunstetter, without objection, the rules are suspended to allow Research Division staff to join Senator Brunstetter on the Senate Chamber floor while H.B. 112 is being considered.

SUPPLEMENTAL CALENDAR NO. 3 (continued)

H.B. 112 (Senate Committee Substitute), A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2013 AND TO RELATED LEGISLATION, upon second reading, as amended in committee.

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

The Senate Committee Substitute bill, as amended in committee, passes its second reading (33-6) and, without objection, is read a third time and passes its third reading and is ordered sent to the House of Representatives, by special message, for concurrence in the Senate Committee Substitute bill and unengrossed Senate Amendment No. 1.

JOURNAL MOTION

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

July 25, 2013
MOTION RELATIVE TO SUPPLEMENTAL CALENDAR NO. 3

Without objection, the resolution (H.J.R. 1023) remaining on today’s supplemental calendar no. 3 will be placed on the calendar of Friday, July 26, as unfinished business.

Upon motion of Senator Berger, seconded by Senator Brunstetter, the Senate adjourns at 11:45 p.m., subject to the appointment of conferees, the ratification of bills, the receipt of conference reports and committee reports, the receipt of messages from the Governor, the receipt of messages from the House of Representatives, and the referral and re-referral of bills and resolutions, to reconvene Friday, July 26, at 12:15 a.m.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives July 25, 2013

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 S.B. 182 (Conference Report), A BILL TO BE ENTITLED AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

July 25, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 25, 2013

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 S.B. 571 (Conference Report), A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

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. 1015, AN ACT ANNEXING CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF BESSEMER CITY. (Became law upon ratification, July 25, 2013 - S.L. 2013-354.)

July 25, 2013
S.B. 337, AN ACT TO CREATE THE NORTH CAROLINA CHARTER SCHOOLS ADVISORY BOARD AND MAKE OTHER CHANGES TO CHARTER SCHOOL LAWS. (Became law upon approval of the Governor, July 25, 2013 - S.L. 2013-355.)

H.B. 194, AN ACT ALLOWING THE NORTH CAROLINA VETERINARY BOARD TO ACCEPT PROGRAM FOR THE ASSESSMENT OF VETERINARY EDUCATION EQUIVALENCE (PAVE) CERTIFICATION TO MEET LICENSURE REQUIREMENTS. (Became law upon approval of the Governor, July 25, 2013 - S.L. 2013-356.)

H.B. 649, AN ACT TO MAKE TECHNICAL CHANGES TO THE SMALL EMPLOYER GROUP HEALTH COVERAGE REFORM ACT TO MITIGATE THE EFFECTS OF THE FEDERAL AFFORDABLE CARE ACT ON NORTH CAROLINA’S SMALL BUSINESSES AND TO INCREASE STOP LOSS INSURANCE OPTIONS FOR SMALL EMPLOYERS. (Became law upon approval of the Governor, July 25, 2013 - S.L. 2013-357.)

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

____________________
ONE HUNDRED FOURTH DAY

Senate Chamber
Friday, July 26, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Tom Apodaca, Chair of the Committee on Rules and Operations of the Senate.

Prayer is offered by The Honorable Norman Sanderson, Senator from Pamlico County, as follows:

“Lord, in the book of Psalm 91 you tell us this, ‘He that dwelleth in the secret place of the most high shall abide forever under the shadow of the almighty. I will say of the Lord, “He is my refuge and my fortress, my God, in Him will I trust.”’* Lord, you are our refuge and our fortress. In you alone do we put our trust. We give you thanks; we sing praises unto your name. You are God alone; there is no other. We will make your name known, and your deeds, among the people. Please receive our prayer through the sacrifice of our Savior, your Son, Jesus. Amen.”

*Psalm 91:1-2, KJV

July 26, 2013
The Chair grants leaves of absence for today to Senator Bingham, Senator Blue, Senator Brock, Senator Clodfelter, Senator J. Davis, Senator Hartsell, Senator Jenkins, Senator Tillman, and Senator Walters.

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

ENROLLED BILLS

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

**S.B. 353**, AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES AND CONDUCT A STUDY PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, TO AMEND THE WOMEN’S RIGHT TO KNOW ACT, AND TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS.

**S.B. 354**, AN ACT TO REVISE THE RESPONSIBILITIES OF THE STATE AUDITOR BY REMOVING THE STATE AUDITOR FROM EX OFFICIO MEMBERSHIP ON THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES’ HEALTH BENEFITS AND BY SOLIDIFYING THE STATE AUDITOR’S ROLE IN AUDITING SCHOOLS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM.

**S.B. 368**, AN ACT TO PROVIDE FOR A TEN-DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL, TO PROVIDE THE PISTOL PERMIT FEE TO BE AN APPLICATION FEE, AND TO MAKE IT A FELONY TO ESCAPE FROM A COUNTY FACILITY WHEN CHARGED WITH AND BEING HELD FOR A FELONY.

**S.B. 409**, AN ACT TO AMEND PROCEDURES, CLARIFY COSTS AND ATTORNEYS’ FEES PROVISIONS APPLICABLE WHEN RELIEF IS NOT ORDERED IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO CONTACT ORDER CASES, AND TO PROVIDE FOR ATTORNEYS’ FEES UPON THE GRANT OF RELIEF IN CHAPTER 50C CASES.

July 26, 2013
**S.B. 480**, AN ACT TO AUTHORIZE THE ACQUISITION OR 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.

**S.B. 558**, AN ACT TO AMEND THE LAW GOVERNING THE STATE TREASURER’S INVESTMENT AUTHORITY WITH REGARD TO SPECIAL FUNDS HELD BY THE TREASURER.

**H.B. 392**, AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE.

**H.B. 552**, AN ACT TO PROVIDE A PROCEDURE TO REMOVE AN AREA FROM A COUNTY SERVICE DISTRICT.

**H.B. 786**, AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS.

**MOTION RELATIVE TO THE CALENDAR**

The following change is made to today’s calendar:


Upon motion of Senator Brunstetter, Vice Chairman of the Rules and Operations of the Senate Committee, without objection, the Joint Resolution is taken up out of its regular order of business and placed at the end of today’s calendar.

July 26, 2013
Bills and a resolution on today’s calendar are taken up and disposed of as follows:

**S.B. 315** (House Committee Substitute No. 3), A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY, for concurrence in the House Committee Substitute bill No. 3 upon third reading.

Upon motion of Senator McKissick, the Senate concurs in the House Committee Substitute bill No. 3 on its third reading, by roll-call vote, ayes 34, noes 7, as follows:

Voting in the affirmative: Senators Apodaca, Barefoot, Barringer, Berger, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, D. Davis, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, McKissick, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Tarte, Tucker and Wade---34.

Voting in the negative: Senators Allran, Kinnaird, McLaurin, Meredith, Nesbitt, Stein and Woodard---7.

The House Committee Substitute bill No. 3 is ordered enrolled and sent to the Governor.

**S.B. 553** (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO CLARIFY HOW FUNDS APPROPRIATED TO THE

July 26, 2013
DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THIS PROGRAM SHALL BE USED, AND TO CREATE A COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING; AND TO MODIFY ALLOCATION OF STATE’S SHARE IN HOSPITAL PROVIDER ASSESSMENT TAX, for adoption upon third reading.

Upon motion of Senator Hise, the Senate adopts the Conference Committee Substitute bill on its third reading, by roll-call vote, ayes 39, noes 2, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, Daniel, Ford, Goolsby, Graham, Gunn, Harrington, Hise, Hunt, Jackson, Kinnaird, McKissick, McLaurin, Meredith, Newton, Parmon, Pate, Rabin, Rabon, Randleman, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tucker, Wade and Woodard---39.

Voting in the negative: Senators D. Davis and Nesbitt---2.

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

H.B. 74 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS, for adoption upon third reading.

Upon motion of Senator Hise, the Senate adopts the Conference Committee Substitute bill on its third reading, by roll-call vote, ayes 27, noes 14, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Barringer, Berger, Brown, Brunstetter, Cook, Curtis, Goolsby, Gunn, Harrington, Hise, Hunt, Jackson, McLaurin, Meredith, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tucker and Wade---27.

Voting in the negative: Senators Bryant, Clark, Daniel, D. Davis, Ford, Graham, Kinnaird, McKissick, Nesbitt, Newton, Parmon, Robinson, Stein and Woodard---14.

The Chair orders a special message sent to the House of Representatives informing that honorable body of such action.

INTRODUCTION OF RESOLUTIONS

Without objection, resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Jackson:

S.R. 727, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF AGRICULTURE.

July 26, 2013
Upon motion of Senator Brunstetter, without objection, the rules are suspended and the resolution is placed on today’s calendar for immediate consideration.

By Senator Apodaca:

**S.R. 728**, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE NORTH CAROLINA TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the resolution is placed on today’s calendar for immediate consideration.

**CALENDAR (continued)**

**S.R. 727**, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF AGRICULTURE, for adoption.

The Senate Resolution is adopted (41-0).

**S.R. 728**, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE NORTH CAROLINA TEACHERS’ AND STATE EMPLOYEES’ RETIREMENT SYSTEM, for adoption.

The Senate Resolution is adopted (41-0).

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

The following messages are received from the House of Representatives:

**S.B. 380** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION UNDER THE CITY OF CHARLOTTE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the House Committee Substitute bill is placed on today’s calendar for immediate consideration.

**S.B. 515** (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY ADDITIONAL IMPLEMENTATION OF THE JORDAN LAKE RULES AND JORDAN LAKE SESSION LAWS AND PROVIDE FOR ALTERNATIVE IMPLEMENTATION OF THE PROTECTION OF EXISTING BUFFERS RULE, for concurrence in the House Committee Substitute bill.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the House Committee Substitute bill is placed on today’s calendar for immediate consideration.

July 26, 2013
S.B. 473 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF HOUSE BILL 834 RELATED TO HEALTH CARE COST REDUCTION AND TRANSPARENCY AND FAIR HEALTH CARE BILLING AND COLLECTIONS PRACTICES; AND TO ALLOW THE SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE OF THE SENATE, AS AGENTS OF THE STATE, TO JOINTLY INTERVENE ON BEHALF OF THE GENERAL ASSEMBLY IN ANY JUDICIAL PROCEEDING CHALLENGING A NORTH CAROLINA STATUTE OR A PROVISION OF THE NORTH CAROLINA CONSTITUTION, for concurrence in the House Committee Substitute bill No. 2 and unengrossed House Amendment No. 1.

Upon motion of Senator Brunstetter, without objection, the rules are suspended and the House Committee Substitute bill No. 2, with House Amendment No. 1, is placed on today’s calendar for immediate consideration.

FLOOR PRIVILEGES

Upon motion of Senator Brunstetter, without objection, the rules are suspended to allow Research Division staff to join Senator Rucho on the Senate Chamber floor while S.B. 380 is being considered.

CALENDAR (continued)

S.B. 380 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION UNDER THE CITY OF CHARLOTTE, for concurrence in the House Committee Substitute.

Upon motion of Senator Rucho, the Senate concurs in the House Committee Substitute bill (27-14) and the bill is ordered enrolled.

S.B. 515 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO DELAY ADDITIONAL IMPLEMENTATION OF THE JORDAN LAKE RULES AND JORDAN LAKE SESSION LAWS AND PROVIDE FOR ALTERNATIVE IMPLEMENTATION OF THE PROTECTION OF EXISTING BUFFERS RULE, for concurrence in the House Committee Substitute.

Upon motion of Senator Goolsby, the Senate concurs in the House Committee Substitute bill (28-13) and the bill is ordered enrolled and sent to the Governor.

ENROLLED BILL

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

S.B. 380, AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION UNDER THE CITY OF CHARLOTTE.

July 26, 2013
S.B. 473 (House Committee Substitute No. 2), A BILL TO BE ENTITLED AN ACT TO AMEND THE PROVISIONS OF HOUSE BILL 834 RELATED TO HEALTH CARE COST REDUCTION AND TRANSPARENCY AND FAIR HEALTH CARE BILLING AND COLLECTIONS PRACTICES; AND TO ALLOW THE SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE OF THE SENATE, AS AGENTS OF THE STATE, TO JOINTLY INTERVENE ON BEHALF OF THE GENERAL ASSEMBLY IN ANY JUDICIAL PROCEEDING CHALLENGING A NORTH CAROLINA STATUTE OR A PROVISION OF THE NORTH CAROLINA CONSTITUTION, for concurrence in the House Committee Substitute bill and unengrossed House Amendment No. 1.

Upon motion of Senator Rucho, the Senate concurs in the House Committee Substitute bill No. 2 and unengrossed House Amendment No. 1 (34-7) and the bill is ordered enrolled and sent to the Governor.


The Joint Resolution passes its second reading (41-0) and, without objection, is read a third time and passes its third reading and is ordered enrolled.

Upon motion of Senator Berger, seconded by Senator Pate, the Senate adjourns at 1:43 a.m., in accordance with H.J.R. 1023, subject to the enrolling and ratification of bills and resolutions and the receipt of messages from the House of Representatives, to reconvene Wednesday, May 14, 2014, at 12:00 p.m.

A SENATORIAL STATEMENT
Submitted by Senator Tamara Barringer and Senator Warren Daniel

Recognizing the American Legion Shelby Post 82 for Hosting the American Legion Baseball World Series

WHEREAS, the American Legion established the first program in the world to provide a national baseball tournament for teenagers; and

WHEREAS, American Legion Baseball has taught hundreds of thousands of young Americans the importance of sportsmanship, good health, and active citizenship; and

WHEREAS, American Legion Baseball registers over 5,400 teams in all 50 states, Canada, and Puerto Rico, resulting in almost 100,000 youth, ages 15 to 19, annually participating in the program for a total of roster of approximately 10 million since its inception; and

WHEREAS, nearly 60 percent of current college baseball players are American Legion Baseball graduates and more than one-half of the current major league baseball (MLB) members played American Legion Baseball, as well as every working MLB manager; and

July 26, 2013
WHEREAS, American Legion Shelby Post 82 is the permanent host of the American Legion Baseball World Series; and

WHEREAS, the 2013 Baseball World Series will be held from August 16 through August 20 at Veteran Field at Keeter Stadium on the campus of Shelby High School; and

WHEREAS, visitors to the Baseball World Series will enjoy some of the world’s best amateur athletes in baseball and have an opportunity to enjoy events honoring military veterans and concerts featuring nationally known artists;

NOW, THEREFORE, the members of the American Legion Shelby Post 82 deserve recognition for their efforts in hosting the American Legion Baseball World Series, which supports amateur baseball athletes, and recognizes the service of our veterans.

IN WITNESS WHEREOF, the undersigned certifies that the foregoing statement was read in the Senate and placed upon the Journal on the twenty-sixth day of July, 2013.

S/Senator Tamara Barringer                  S/Sarah Lang
S/Senator Warren Daniel                    Senate Principal Clerk

BILLS ORDERED ENROLLED AND SENT TO THE GOVERNOR

Pursuant to the Senate and the House of Representatives having adopted the Conference Reports for the following bills on Thursday, July 25, they are ordered enrolled and sent to the Governor:

S.B. 182, AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS.

S.B. 571, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES.

S.B. 321, AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT.

July 26, 2013
ENROLLED BILLS

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

**S.B. 71**, AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES.

**S.B. 182**, AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS.

**S.B. 315**, AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY.

**S.B. 473**, AN ACT TO AMEND THE PROVISIONS OF HOUSE BILL 834 RELATED TO HEALTH CARE COST REDUCTION AND TRANSPARENCY AND FAIR HEALTH CARE BILLING AND COLLECTIONS PRACTICES; AND TO ALLOW THE SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE OF THE SENATE, AS AGENTS OF THE STATE, TO JOINTLY INTERVENE ON BEHALF OF THE GENERAL ASSEMBLY IN ANY JUDICIAL PROCEEDING CHALLENGING A NORTH CAROLINA STATUTE OR A PROVISION OF THE NORTH CAROLINA CONSTITUTION.

July 26, 2013
S.B. 515, AN ACT TO DELAY ADDITIONAL IMPLEMENTATION OF THE JORDAN LAKE RULES AND JORDAN LAKE SESSION LAWS AND PROVIDE FOR ALTERNATIVE IMPLEMENTATION OF THE PROTECTION OF EXISTING BUFFERS RULE.

S.B. 571, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES.

H.B. 122, AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW.

H.B. 417, AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM.

H.B. 589, AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 26, 2013

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 S.B. 317 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND TO PROVIDE FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION.

July 26, 2013
When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Committee Substitute for S.B. 317 on Thursday, July 25, the Senate orders the bill enrolled.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 26, 2013

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 Conferrees on S.B. 553 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO CLARIFY HOW FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THIS PROGRAM SHALL BE USED, AND TO CREATE A COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING; AND TO MODIFY ALLOCATION OF STATE’S SHARE IN HOSPITAL PROVIDER ASSESSMENT TAX.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Pursuant to the Senate having adopted the Conference Committee Substitute for S.B. 553 earlier today, the Senate orders the bill enrolled and sent to the Governor.

July 26, 2013
SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 26, 2013

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 H.B. 74 (Conference Committee Substitute), A BILL TO BE ENTITLED AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

When the appropriate action has been taken by both chambers, the bill will be ordered enrolled.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
July 26, 2013

Mr. President:

Pursuant to the information that your Honorable Body failed to concur in the House Committee Substitute for S.B. 236, A BILL TO BE ENTITLED AN ACT TO ALLOW A SUPERIOR COURT JUDGE OF THIS STATE TO PERFORM MARRIAGE CEREMONIES, and requests conferees.

Speaker Tillis appoints:
Representative Stam, Chair
Representative Malone and
Representative T. Moore

July 26, 2013
on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be resolved.

Respectfully,
S/Denise G. Weeks
Principal Clerk

ENROLLED BILLS

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

H.B. 112. AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2013 AND TO RELATED LEGISLATION.

H.B. 92. AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS.

S.B. 321. AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT.

S.B. 553. AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO ESTABLISH A SUPPORTIVE HOUSING PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO CLARIFY HOW FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THIS PROGRAM SHALL BE USED, AND TO CREATE A COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING; AND TO MODIFY ALLOCATION OF STATE’S SHARE IN HOSPITAL PROVIDER ASSESSMENT TAX.
H.B. 74, AN ACT TO IMPROVE AND STREAMLINE THE REGULATORY PROCESS IN ORDER TO STIMULATE JOB CREATION, TO ELIMINATE UNNECESSARY REGULATION, TO MAKE VARIOUS OTHER STATUTORY CHANGES, AND TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

H.B. 652, AN ACT TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES.

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

S.B. 317, AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND TO PROVIDE FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION.


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. 380, AN ACT TO CREATE THE CHARLOTTE DOUGLAS INTERNATIONAL AIRPORT COMMISSION UNDER THE CITY OF CHARLOTTE. (Became law upon ratification, July 26, 2013 - S.L. 2013-358.)

H.B. 250, AN ACT TO PROVIDE FOR ENROLLMENT PRIORITY AND PROCEDURES FOR CERTAIN STUDENTS APPLYING TO CHARTER SCHOOLS AND TO MAKE CHANGES AS TO WHAT QUALIFIES AS A MATERIAL REVISION TO A CHARTER APPLICATION. (Became law upon approval of the Governor, July 26, 2013 - S.L. 2013-359.)

S.B. 402, AN ACT TO MAKE BASE BUDGET APPROPRIATIONS FOR CURRENT OPERATIONS OF STATE DEPARTMENTS, INSTITUTIONS, AND AGENCIES, AND FOR OTHER PURPOSES. (Became law upon approval of the Governor, July 26, 2013 - S.L. 2013-360.)

July 26, 2013
S.B. 317, AN ACT TO REDUCE THE SIZE OF THE GUILFORD COUNTY BOARD OF EDUCATION FROM ELEVEN TO NINE MEMBERS, TO ESTABLISH REVISED DISTRICTS FOR THE GUILFORD COUNTY BOARD OF EDUCATION, AND TO PROVIDE FOR PARTISAN ELECTIONS FOR THAT BOARD, AND TO DISTRICT THE STANLY COUNTY BOARD OF COMMISSIONERS AND THE STANLY COUNTY BOARD OF EDUCATION. (Became law upon ratification, July 26, 2013 - S.L. 2013-361.)

S.B. 159, AN ACT TO CORRECT GENERAL REAPPRAISALS RESULTING IN PROPERTY VALUES THAT DO NOT COMPLY WITH THE REQUIREMENTS OF NORTH CAROLINA LAW BY SETTING FORTH THE STEPS REQUIRED TO BRING THE GENERAL REAPPRAISAL INTO COMPLIANCE WITH THE APPLICABLE PROPERTY TAX MANDATES. (Became law upon approval of the Governor, July 26, 2013 - S.L. 2013-362.)

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned in accordance with H.J.R. 1023.

DANIEL J. FOREST
President of the Senate

SARAH LANG
Principal Clerk
In accordance with law, as set forth in the Constitution of the State of North Carolina and pursuant to the Proclamation issued by Governor Pat McCrory on August 22, 2013, the Senate of the 2013 Session reconvenes at the hour of 12:00 p.m. in the Senate Chamber in the City of Raleigh.

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“O Lord, you know our thoughts; you can even hear our rehearsals. You are like a father that hears every drop of us. Father, you have raised us up; you have put all these leaders here today, and I pray that they do not fear. Transform them; transform their minds, their hearts. Help us be filled with dignity rather than darkness, filled with joy rather than despair. Take the trumpets out of our hands, and turn us to wash each other’s feet. We pray that you would sort us out only in the way that you can. Sort out these blessed senators, and help us move forward together in service to the common cause. We make these prayers in the name of Jesus Christ. Amen.”

PLEDGE OF ALLEGIANCE

Led by the President, members and guests remain standing and pledge allegiance to the flag of the United States of America.

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

Senator Berger, President Pro Tempore, announces that the Senate Journal of Friday, July 26, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

PROCLAMATION FROM THE GOVERNOR

The Honorable Dan Forest, Lieutenant Governor, instructs the Reading Clerk to read the Proclamation issued by Governor Pat McCrory on August 22, 2013, as follows:

September 3, 2013
PROCLAMATION OF RECONVENED SESSION

Pursuant to the authority vested in the Governor by Article III, Section 5 (11) of the Constitution of North Carolina, and as required by Article II, Section 22 (7), the General Assembly shall reconvene on Tuesday, September 3, 2013, at 12:00 p.m. to reconsider House Bill 786, “An act to require the Department of Public Safety to study measures for addressing the problem of illegal immigration in this state; and to clarify which employers are subject to the State’s E-verify laws,” and House Bill 392, “An act requiring a County Department of Social Services (DSS) to verify whether an applicant for or recipient of Temporary Assistance for Needy Families (TANF) benefits or Food and Nutrition Services (FNS) benefits is a fleeing felon or a probation or parole violator, to direct interagency cooperation and information sharing in order to verify the eligibility status of an applicant or recipient, to deny TANF or FNS benefits to an applicant or recipient who is a fleeing felon or a probation or parole violator, and to require drug screening and testing for certain applicants and recipients of Work First Program Assistance,” which were vetoed on August 15, 2013.

Done in Raleigh, North Carolina, on August 22, 2013.

(Seal) S/Pat McCrory 
Governor

The Chair orders a special message sent to the House of Representatives informing that honorable body that the Senate is organized and is ready to proceed with the business for which it has reconvened.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
September 3, 2013

Mr. President:

It is ordered that a message be sent to the Senate informing your Honorable Body that pursuant to the Proclamation issued by Governor Pat McCrory on August 22, 2013 reconvening the 2013 General Assembly to reconsider H.B. 392, AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEOY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING

September 3, 2013
FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, and H.B. 786, AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS, which were vetoed on August 15, 2013, the House of Representatives is ready to proceed with public business.

Respectfully,
S/Denise G. Weeks
Principal Clerk

Upon motion of Senator Berger, seconded by Senator Gunn, the Senate adjourns at 12:14 p.m., subject to the receipt of messages from the Governor and the receipt of messages from the House of Representatives, to reconvene Wednesday, September 4, at 9:00 a.m.

EXECUTIVE ORDERS

Executive Orders received are presented to the Senate, read, and filed in the Office of the Principal Clerk as follows:

Executive Order No. 18, Statewide Impaired Driving Task Force.

Executive Order No. 19, Disaster Declaration for Catawba County.

Executive Order No. 20, Disaster Declaration for the Town of Bakersville.

Executive Order No. 21, Strengthening Fugitive Apprehension and Protecting Public Benefits.

Executive Order No. 22, To Protect the Public From Solid Waste.

Executive Order No. 23, Limiting Clear Cutting Around Local Billboards.

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
September 3, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has passed H.B. 392, AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY September 3, 2013
ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, notwithstanding the objections of the Governor. Pursuant to Article II, Section 22, of the North Carolina Constitution, the bill together with the objections and veto message are hereby delivered to your Honorable Body for reconsideration.

Respectfully,
S/Denise G. Weeks
Principal Clerk

SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

House of Representatives
September 3, 2013

Mr. President:

It is ordered that a message be sent your Honorable Body with the information that the House has passed **H.B. 786**, AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS, notwithstanding the objections of the Governor. Pursuant to Article II, Section 22, of the North Carolina Constitution, the bill together with the objections and veto message are hereby delivered to your Honorable Body for reconsideration.

Respectfully,
S/Denise G. Weeks
Principal Clerk

September 3, 2013
MESSAGE FROM THE HOUSE OF REPRESENTATIVES

The following message is received from the House of Representatives:

H.J.R. 1024, A JOINT RESOLUTION ADJOURNING THE RECONVENED SESSION.

Referred to the Rules and Operations of the Senate Committee.

Pursuant to Senator Berger’s motion to adjourn having prevailed, the Senate stands adjourned.

ONE HUNDRED SIXTH DAY

Senate Chamber
Wednesday, September 4, 2013

The Senate meets pursuant to adjournment and is called to order by The Honorable Dan Forest, Lieutenant Governor.

Prayer is offered by The Reverend Peter Milner, Senate Chaplain, as follows:

“Lord, thank you for this new day. Thank you for mercy that falls fresh on us with every turning of every day. Give every senator here a glimpse of your mercy. As you move us forward into this day, keep their eyes on you. This we ask in the name of Christ. Amen.”

The Chair grants leaves of absence for today to Senator Barringer, Senator Clodfelter, Senator Daniel, Senator D. Davis, and Senator Woodard.

Senator Berger, President Pro Tempore announces that the Senate Journal of Tuesday, September 3, has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Senate Journal, and it stands approved as written.

GOVERNOR’S OBJECTIONS AND VETO MESSAGE

House Bill 392, “An Act Requiring a County Department of Social Services (DSS) to Verify Whether an Applicant for or Recipient of Temporary Assistance for Needy Families (TANF) Benefits or Food and Nutrition Services (FNS) Benefits is a Fleeing Felon or a Probation or Parole Violator, to Direct Interagency Cooperation and Information Sharing in Order to Verify the Eligibility Status of an Applicant or Recipient, to Deny TANF or FNS Benefits to an Applicant or Recipient Who is a Fleeing Felon or a Probation or Parole Violator, and to Require Drug Screening and Testing for Certain Applicants and Recipients of Work First Program Assistance.”

September 4, 2013
It is critical that funding for public benefits be protected from abuses by felons and those fleeing prosecution. The criminal background requirements make sense in House Bill 392. Therefore under my existing executive authority, I am directing the Department of Health and Human Services and our state Chief Information Officer to develop a plan and recommendations to ensure that fugitive felons and probation or parole violators do not receive these public benefits and that law enforcement has access to the most up to date information.

This Administration believes that there are better ways to fight addiction and prevent criminal drug abuse. However, this is not the best way forward and I must veto this bill because of my concerns about the implementation of the drug testing provisions, which were not thoroughly analyzed prior to passing this legislation.

Additional veto reasons include:

- The changes that would be required are not funded in this bill or the 2013-15 budget.
- The bill is a step backward for DHHS in its efforts to assist people in combating substance abuse. The Department currently screens all adult applicants for substance abuse issues and, as appropriate, facilitates a treatment plan with which the applicant must comply prior to receiving benefits.
- I am concerned that the means for establishing reasonable suspicion, as outlined in the bill, are not sufficient to mandate a drug test under the Fourth Amendment.
- The punitive mandates of this bill go too far in restricting future access to benefits that could have a negative impact on children and families.
- Similar efforts in other states have proven costly for taxpayers and did little to help fight drug addiction.
- There are potential obstacles to consistent application across 100 counties.

I continue to recommend further study on this issue.

S/Pat McCrory
Governor of the State of North Carolina

This bill, having been vetoed, was returned to the Clerk of the North Carolina House of Representatives on August 15, 2013, at 1:00 p.m., for reconsideration by that body.

Upon motion of Senator Apodaca, the bill is placed on today’s calendar.

September 4, 2013
GOVERNOR’S OBJECTIONS AND VETO MESSAGE

House Bill 786, “An Act to Require the Department of Public Safety to Study Measures for Addressing the Problem of Illegal Immigration in This State; and to Clarify Which Employers Are Subject to the State’s E-Verify Laws.”

I am vetoing House Bill 786 because I promised to protect and find jobs for North Carolinians. This bill has been thinly disguised as a measure to help our farming community when in fact it applies to a broad spectrum of other businesses in both urban and rural areas. There is a loophole that would allow businesses to exempt a higher percentage of employees from proving they are legal U.S. citizens or residents.

This legislation increases the seasonal employee 90-day exemption to nearly nine months in a calendar year, and will put our legal residents at a disadvantage in the job market. We must do everything we can to help protect jobs for North Carolinians first and foremost.

This legislation needs further study, as I recommended months ago. However, the bill did not provide funding for a study.

North Carolina has the fifth highest unemployment in the country, and now is not the time to put our citizens at a disadvantage to find jobs. I have remained focused on job growth in North Carolina, and I will continue to do so in the future.

Therefore, I veto this bill.

S/Pat McCrory
Governor of the State of North Carolina

This bill, having been vetoed, was returned to the Clerk of the North Carolina House of Representatives on August 15, 2013, at 1:00 p.m., for reconsideration by that body.

Upon motion of Senator Apodaca, the bill is placed on today’s calendar.

WITHDRAWAL FROM COMMITTEE


Pursuant to Rule 47 (a), Senator Apodaca offers a motion that the Joint Resolution be withdrawn from the Rules and Operations of the Senate Committee and placed on today’s calendar, which motion prevails with unanimous consent, and the Chair so orders.

September 4, 2013
CALENDAR

Bills and a resolution on today’s calendar are taken up and disposed of as follows:

**H.B. 392**, (Ratified) **AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, for reconsideration pursuant to the Governor’s veto.

Senator Apodaca offers a motion that H.B. 392 become law notwithstanding the objections of the Governor. The motion prevails (34-10) by a three-fifths majority of members present and voting, as follows:

Voting in the affirmative: Senators Allran, Apodaca, Barefoot, Berger, Bingham, Brock, Brown, Brunstetter, Cook, Curtis, J. Davis, Goolsby, Gunn, Harrington, Hartsell, Hise, Hunt, Jackson, Jenkins, McLaurin, Meredith, Newton, Pate, Rabin, Rabon, Randleman, Rucho, Sanderson, Soucek, Tarte, Tillman, Tucker, Wade and Walters---34.

Voting in the negative: Senators Blue, Bryant, Clark, Ford, Graham, McKissick, Nesbitt, Parmon, Robinson and Stein---10.

In accordance with Article II, Section 22 (1) of the Constitution of the State of North Carolina, H.B. 392 becomes law, notwithstanding the objections of the Governor, at 9:17 a.m.

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.

**H.B. 786**, (Ratified) **AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS, for reconsideration pursuant to the Governor’s veto.

Senator Apodaca offers a motion that H.B. 786 become law notwithstanding the objections of the Governor. The motion prevails (39-5) by a three-fifths majority of members present and voting, as follows:

Voting in the affirmative: Senators Apodaca, Barefoot, Berger, Bingham, Blue, Brock, Brown, Brunstetter, Bryant, Clark, Cook, Curtis, J. Davis, Ford, Graham, Gunn, Hartsell, Hise, Hunt, Jackson, Jenkins, McKissick, McLaurin, Meredith, Nesbitt, Newton, Parmon, Pate, Rabin, Rabon, Robinson, Rucho, Soucek, Stein, Tarte, Tillman, Tucker, Wade and Walters---39.

September 4, 2013
Voting in the negative: Senators Allran, Goolsby, Harrington, Randleman and Sanderson---5.

In accordance with Article II, Section 22 (1) of the Constitution of the State of North Carolina, H.B. 786 becomes law, notwithstanding the objections of the Governor, at 9:20 a.m.

The Chair orders a message sent to the House of Representatives informing that honorable body of such action.


The Joint Resolution passes its second reading (42-2) and, without objection, is read a third time and passes its third reading and 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:


**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. 392**, **AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE.** (Became law after veto by the Governor overridden, September 4, 2013 - S.L. 2013-417.)

**H.B. 786**, **AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS.** (Became law after veto by the Governor overridden, September 4, 2013 - S.L. 2013-418.)

September 4, 2013
Upon motion of Senator Berger, seconded by Senator Apodaca, the Senate adjourns at 9:35 a.m., in honor of Senator Ellie Kinnaird and her years of service to the North Carolina Senate and in accordance with H.J.R. 1024, to reconvene Wednesday, May 14, 2014, at 12:00 p.m.

Daniel J. Forest
President of the Senate

Sarah Lang
Principal Clerk

September 4, 2013
Pursuant to N.C. Gen. Stat. § 120-11.1, previously amended by Session Law 2012-194, s. 66.5(a), the Senate convened at 9:00 a.m. on January 9, 2013, the second Wednesday in January next after their election, and met solely to elect officers, adopt rules, and otherwise organize the session. When they adjourned that day in accordance with Resolution 2013-1, they stood adjourned until noon on January 30, 2013, at which time the regular business of the Senate began.

A number of bills and resolutions passed second reading and were read a third time on the same day.

Rule 50 states:
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.

In order to comply with this rule, no bill which has passed its second reading is read a third time unless it is ordered by two-thirds of the membership of the Senate present and voting, there is a rule suspension motion which prevails by at least a three-fifths vote of the membership of the Senate present and voting, or the Chair determines that there is no objection, which constitutes unanimous consent.

The phrase “without objection” appears throughout the Senate Journal. Upon a motion offered, this reflects a determination by the Chair that there is no objection from a member present, which constitutes unanimous consent, for the order of the Chair.

When a bill passes its second reading and remains on the calendar for further consideration, unless indicated otherwise, the measure is placed on the calendar for the next legislative day in its regular order of business.
The Presiding Officer rules whether or not individual bills require a call of the roll. The ruling is made pursuant to Rule 25 and the following citation from Article II, Section 23, of the Constitution of North Carolina, which reads:

Sec. 23 - Revenue bills. No laws shall be enacted to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State or to allow the counties, cities, or towns to do so, unless the bill for the purpose shall have been read three several times in each house of the General Assembly and passed three several readings, which readings shall have been on three different days, and shall have been agreed to by each house respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the journal.

The numerical figures which appear in parentheses throughout the Senate Journal represent the affirmative and negative votes cast and recorded electronically, pursuant to Rule 25. Original vote tabulation sheets are deposited in the Division of Archives and History of the Department of Cultural Resources. Voting data may also be obtained at the Legislative Library and on the N.C. General Assembly’s website, www.ncleg.net.

After a successful pilot program during the short session of 2012, the Senate fully implemented the web-based “Chamber Dashboard” in January of 2013. Senators were required to use their General Assembly provided tablet or laptop to examine bill drafts eligible for filing, co-sponsor legislation, and view bills, resolutions and amendments for consideration on the chamber floor. A version of the Chamber Dashboard was made available on the internet for public use through the General Assembly’s website.

Sarah Lang  
Principal Clerk
HOUSE BILLS VETOED BY THE GOVERNOR

H.B. 392, AN ACT REQUIRING A COUNTY DEPARTMENT OF SOCIAL SERVICES (DSS) TO VERIFY WHETHER AN APPLICANT FOR OR RECIPIENT OF TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS OR FOOD AND NUTRITION SERVICES (FNS) BENEFITS IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, TO DIRECT INTERAGENCY COOPERATION AND INFORMATION SHARING IN ORDER TO VERIFY THE ELIGIBILITY STATUS OF AN APPLICANT OR RECIPIENT, TO DENY TANF OR FNS BENEFITS TO AN APPLICANT OR RECIPIENT WHO IS A FLEEING FELON OR A PROBATION OR PAROLE VIOLATOR, AND TO REQUIRE DRUG SCREENING AND TESTING FOR CERTAIN APPLICANTS AND RECIPIENTS OF WORK FIRST PROGRAM ASSISTANCE, was vetoed by the Governor and returned to the House on August 15, 2013.

H.B. 786, AN ACT TO REQUIRE THE DEPARTMENT OF PUBLIC SAFETY TO STUDY MEASURES FOR ADDRESSING THE PROBLEM OF ILLEGAL IMMIGRATION IN THIS STATE; AND TO CLARIFY WHICH EMPLOYERS ARE SUBJECT TO THE STATE’S E-VERIFY LAWS, was vetoed by the Governor and returned to the House on August 15, 2013.
The following bills were properly enrolled, reviewed, and approved by the Governor as indicated, assigned the following Chapter Numbers and presented to the Office of the Secretary of State after the 2013 Session adjourned on July 26, 2013, and before it reconvened for a special session on September 3, 2013.

**H.B. 112**. AN ACT TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2013 AND TO RELATED LEGISLATION. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-363.)

**H.B. 269**. AN ACT TO CREATE SPECIAL EDUCATION SCHOLARSHIP GRANTS FOR CHILDREN WITH DISABILITIES. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-364.)

**S.B. 76**, AN ACT TO (1) PROVIDE FOR AUTOMATIC REVIEW OF MINING AND ENERGY COMMISSION RULES BY THE GENERAL ASSEMBLY; (2) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT; (3) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (4) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (5) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY MATTERS RELATED TO REGISTRATION OF LANDMEN; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (8) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (9)
ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-365.)

S.B. 353, AN ACT TO MODIFY CERTAIN LAWS PERTAINING TO ABORTION, TO LIMIT ABORTION COVERAGE UNDER HEALTH INSURANCE PLANS OFFERED UNDER A HEALTH BENEFIT EXCHANGE OPERATING IN NORTH CAROLINA OR OFFERED BY A COUNTY OR MUNICIPALITY, TO PROHIBIT A PERSON FROM PERFORMING OR ATTEMPTING TO PERFORM AN ABORTION WHEN THE SEX OF THE UNBORN CHILD IS A SIGNIFICANT FACTOR IN SEEKING THE ABORTION, TO DIRECT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO AMEND RULES AND CONDUCT A STUDY PERTAINING TO CLINICS CERTIFIED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO BE SUITABLE FACILITIES FOR THE PERFORMANCE OF ABORTIONS, TO AMEND THE WOMEN'S RIGHT TO KNOW ACT, AND TO INCREASE PENALTIES FOR UNSAFE MOVEMENTS BY DRIVERS THAT THREATEN THE PROPERTY AND SAFETY OF MOTORCYCLISTS. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-366.)

S.B. 379, AN ACT AUTHORIZING ECONOMIC DEVELOPMENT INCENTIVE PROGRAMS TO UTILIZE FUNDS TO SUPPORT NEW AND EXPANDED NATURAL GAS SERVICE AND TO SUPPORT PROPANE GAS SERVICE FOR AGRICULTURAL PROJECTS. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-367.)

S.B. 683, AN ACT TO CREATE A SAFE HARBOR FOR VICTIMS OF HUMAN TRAFFICKING AND FOR PROSTITUTED MINORS, MODIFY THE MEMBERSHIP OF THE NORTH CAROLINA HUMAN TRAFFICKING COMMISSION, AND PROVIDE FOR PAROLE CONSIDERATION OF CERTAIN INMATES SENTENCED UNDER THE FAIR SENTENCING ACT. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-368.)

H.B. 937, AN ACT TO AMEND STATE FIREARMS LAWS. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-369.)
S.B. 18, AN ACT AMENDING THE LOCKSMITH LICENSING ACT, EXPANDING THE AUTHORITY OF THE LOCKSMITH LICENSING BOARD TO REGULATE INSTITUTIONAL LOCKSMITHS, AND RAISING THE CEILING ON CERTAIN FEES. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-370.)

S.B. 103, AN ACT TO EXTEND AND AMEND THE AUTHORITY COUNTIES AND CITIES HAVE TO USE SPECIAL ASSESSMENTS TO ADDRESS CRITICAL INFRASTRUCTURE NEEDS. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-371.)

S.B. 305, AN ACT TO IMPROVE THE PUBLIC/PRIVATE PARTNERSHIP BY WHICH THE DIVISION OF MOTOR VEHICLES ISSUES MOTOR VEHICLE TITLES AND REGISTRATIONS. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-372.)

S.B. 354, AN ACT TO REVISE THE RESPONSIBILITIES OF THE STATE AUDITOR BY REMOVING THE STATE AUDITOR FROM EX OFFICIO MEMBERSHIP ON THE COMMITTEE ON ACTUARIAL VALUATION OF RETIRED EMPLOYEES' HEALTH BENEFITS AND BY SOLIDIFYING THE STATE AUDITOR'S ROLE IN AUDITING SCHOOLS IN THE UNIVERSITY OF NORTH CAROLINA SYSTEM. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-373.)

S.B. 381, AN ACT TO TRANSFER THE GATES CORRECTIONAL FACILITY TO THE GATES COUNTY BOARD OF COMMISSIONERS. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-374.)

S.B. 485, AN ACT TO ELIMINATE A DUPLICATIVE REPORTING REQUIREMENT REGARDING PERSONAL SERVICE CONTRACTS FOR THE UNIVERSITY OF NORTH CAROLINA, TO ALLOW THE BOARD OF GOVERNORS TO PROVIDE FOR THE IMPLEMENTATION AND EXPANSION OF E-COMMERCE INFRASTRUCTURE, AND TO CLARIFY THE PROPERTY TAX STATUS OF CERTAIN IMPROVEMENTS ON UNIVERSITY LANDS THAT ARE OWNED BY CERTAIN SOCIAL ORGANIZATIONS. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-375.)

S.B. 571, AN ACT TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO ISSUE VARIOUS SPECIAL REGISTRATION PLATES AND TO AMEND PROVISIONS FOR VARIOUS SPECIAL REGISTRATION PLATES. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-376.)

S.B. 626, AN ACT TO RECODIFY AND AMEND THE EXISTING LAW ENACTED TO ASSIST OWNERS IN RECOVERING LOST PETS, RELIEVE
OVERCROWDING AT ANIMAL SHELTERS, FACILITATE ADOPTIONS FROM ANIMAL SHELTERS, AND TO PROVIDE FOR IMPROVED ENFORCEMENT OF THAT LAW BY MAKING IT PART OF THE ANIMAL WELFARE ACT; AND TO ESTABLISH A CAP ON THE REIMBURSEMENT AMOUNT AVAILABLE FROM THE SPAY/NEUTER PROGRAM; AND TO PROVIDE FOR THE PROTECTION OF ANIMALS CONFINED IN MOTOR VEHICLES UNDER CIRCUMSTANCES THAT THREATEN THE ANIMALS' HEALTH. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-377.)

H.B. 399, AN ACT TO MAKE CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO LAWS PERTAINING TO CHILD ABUSE, NEGLECT, AND DEPENDENCY; MEDICAID; PUBLIC HEALTH; AND MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-378.)

H.B. 675, AN ACT AMENDING LAWS PERTAINING TO THE REGULATION OF PHARMACY TECHNICIANS, PHARMACY AUDITS, AND PRESCRIPTIONS FOR SCHEDULE II SUBSTANCES. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-379.)

H.B. 936, AN ACT TO ESTABLISH A WILDLIFE POACHER REWARD FUND TO PAY REWARDS TO PERSONS WHO GIVE INFORMATION TO LAW ENFORCEMENT AUTHORITIES THAT RESULTS IN THE ARREST AND CONVICTION OF PERSONS WHO COMMIT SERIOUS WILDLIFE VIOLATIONS, TO AUTHORIZE THE USE OF COMPENSATION PAID TO THE WILDLIFE RESOURCES COMMISSION AS CONDITIONS OF OFFENDERS' PROBATION AS ASSETS OF THE FUND, TO AMEND THE BOATING SAFETY ACT BY INCREASING THE FINES AND OTHERWISE AMENDING THE PENALTY AND OTHER PROVISIONS OF THAT ACT, AND TO AMEND THE PENALTY PROVISIONS FOR SPECIFIC VIOLATIONS OF THE WILDLIFE LAWS. (Became law upon approval of the Governor, July 29, 2013 - S.L. 2013-380.)

H.B. 589, AN ACT TO RESTORE CONFIDENCE IN GOVERNMENT BY ESTABLISHING THE VOTER INFORMATION VERIFICATION ACT TO PROMOTE THE ELECTORAL PROCESS THROUGH EDUCATION AND INCREASED REGISTRATION OF VOTERS AND BY REQUIRING VOTERS TO PROVIDE PHOTO IDENTIFICATION BEFORE VOTING TO PROTECT THE RIGHT OF EACH REGISTERED VOTER TO CAST A SECURE VOTE WITH REASONABLE SECURITY MEASURES THAT CONFIRM VOTER IDENTITY AS ACCURATELY AS POSSIBLE WITHOUT RESTRICTION, AND TO FURTHER REFORM THE ELECTION LAWS. (Became law upon approval of the Governor, August 12, 2013 - S.L. 2013-381.)
H.B. 834, AN ACT ENHANCING THE EFFECTIVENESS AND EFFICIENCY OF STATE GOVERNMENT BY MODERNIZING THE STATE’S SYSTEM OF HUMAN RESOURCES MANAGEMENT AND BY PROVIDING FLEXIBILITY FOR EXECUTIVE BRANCH REORGANIZATION AND RESTRUCTURING AND TO IMPROVE TRANSPARENCY IN THE COST OF HEALTH CARE PROVIDED BY HOSPITALS AND AMBULATORY SURGICAL FACILITIES; TO TERMINATE SET-OFF DEBT COLLECTION BY CERTAIN STATE AGENCIES PROVIDING HEALTH CARE TO THE PUBLIC; TO MAKE IT UNLAWFUL FOR HEALTH CARE PROVIDERS TO CHARGE FOR PROCEDURES OR COMPONENTS OF PROCEDURES THAT WERE NOT PROVIDED OR SUPPLIED; TO PROVIDE FOR FAIR HEALTH CARE FACILITY BILLING AND COLLECTIONS PRACTICES; AND TO PROVIDE THAT HOSPITALS RECEIVING MEDICAID REIMBURSEMENTS PARTICIPATE IN THE NORTH CAROLINA HEALTH INFORMATION EXCHANGE NETWORK. (Became law upon approval of the Governor, August 21, 2013 - S.L. 2013-382.)

S.B. 71, AN ACT AMENDING THE LAWS REGULATING IRRIGATION CONTRACTORS TO PROVIDE SUBSTANTIVE REQUIREMENTS FOR LICENSING CORPORATIONS, TO PROVIDE FOR THE ISSUANCE OF LICENSES TO NONRESIDENTS, TO CLARIFY THE FEE STRUCTURE, AND TO MAKE OTHER CONFORMING CHANGES. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-383.)

S.B. 151, AN ACT TO AMEND MARINE FISHERIES LAWS; AMEND THE LAWS GOVERNING THE CONSTRUCTION OF TERMINAL GROINS; AND CLARIFY THAT CITIES MAY ENFORCE ORDINANCES WITHIN THE STATE’S PUBLIC TRUST AREAS. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-384.)

S.B. 182, AN ACT TO ELIMINATE APPEALS FOR INFRACTIONS, TO MODIFY APPEALS TO THE SUPERIOR COURT IN PROBATION REVOCATIONS IN WHICH THE DEFENDANT HAS WAIVED A HEARING, TO AMEND THE LAW PERTAINING TO RESENTENCING UPON THE REVERSAL OF A SENTENCE ON APPELLATE REVIEW, TO MAKE CHANGES REGARDING THE PROCEDURES FOR A MOTION FOR APPROPRIATE RELIEF, AND TO RECLASSIFY CERTAIN MISDEMEANORS AS INFRACTIONS. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-385.)

S.B. 315, AN ACT TO PROVIDE THAT WHEN A PROPERLY SUBMITTED VOLUNTARY ANNEXATION PETITION IS DEFEATED BY VOTE OF THE MUNICIPAL GOVERNING BODY THE MUNICIPALITY MUST PROVIDE SOME MUNICIPAL SERVICES UPON PAYMENT OF DEFINED COSTS, TO LEGISLATIVELY ANNEX CERTAIN PROPERTY TO THE CORPORATE LIMITS OF THE CITY OF DURHAM THAT WAS PETITIONED FOR ANNEXATION, AMENDING THE CHARTER OF THE
CITY OF DURHAM TO ALLOW THE CITY TO DELAY THE EFFECTIVE DATE OF VOLUNTARY ANNEXATIONS, AND TO AUTHORIZE THE CITY OF DURHAM TO USE DESIGN-BUILD DELIVERY METHODS FOR THE DESIGN AND CONSTRUCTION OF A POLICE HEADQUARTERS AND ANNEX FACILITY, TWO POLICE SERVICE CENTERS, AND A 911 FACILITY, AND AUTHORIZING THE COUNTY OF DURHAM TO CONSTRUCT WATER TREATMENT PLANT AND WASTEWATER TREATMENT PLANT PROJECTS WITHOUT COMPLYING WITH SPECIFIED PROVISIONS OF ARTICLE 8 OF CHAPTER 143 OF THE GENERAL STATUTES, AND CONCERNING NOTES OR DEEDS OF TRUST TO RESERVE WASTEWATER TREATMENT CAPACITY. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-386.)

S.B. 321, AN ACT TO CAP REIMBURSEMENT BY COUNTIES, TO MAKE ADDITIONAL PROVISIONS RELATING TO PAYMENT FOR MEDICAL SERVICES PROVIDED TO INMATES IN COUNTY JAILS, TO ALLOW COUNTIES TO UTILIZE MEDICAID FOR ELIGIBLE PRISONERS, TO PROVIDE THAT VACANCIES IN THE OFFICE OF DISTRICT COURT JUDGE SHALL BE FILLED BY APPOINTMENT OF THE GOVERNOR, AND TO CREATE A PRIVATE RIGHT OF ACTION AGAINST NOTARIES WHO VIOLATE THE NOTARY PUBLIC ACT. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-387.)

S.B. 341, AN ACT TO ESTABLISH AN EXPEDITED PROCESS FOR THE MODIFICATION OF INTERBASIN TRANSFER CERTIFICATES AND FOR THE ISSUANCE OF INTERBASIN TRANSFER CERTIFICATES IN THE CENTRAL COASTAL PLAIN CAPACITY USE AREA AND THE COASTAL AREA COUNTIES AND TO AMEND S.L. 2013-50, AN ACT TO PROMOTE THE PROVISION OF REGIONAL WATER AND SEWER SERVICES BY TRANSFERRING OWNERSHIP AND OPERATION OF CERTAIN PUBLIC WATER AND SEWER SYSTEMS TO A METROPOLITAN WATER AND SEWERAGE DISTRICT. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-388.)

S.B. 368, AN ACT TO PROVIDE FOR A TEN-DOLLAR CO-PAY FOR PRESCRIPTION MEDICATION DISPENSED IN A COUNTY JAIL, TO PROVIDE THE PISTOL PERMIT FEE TO BE AN APPLICATION FEE, AND TO MAKE IT A FELONY TO ESCAPE FROM A COUNTY FACILITY WHEN CHARGED WITH AND BEING HELD FOR A FELONY. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-389.)

S.B. 409, AN ACT TO AMEND PROCEDURES, CLARIFY COSTS AND ATTORNEYS' FEES PROVISIONS APPLICABLE WHEN RELIEF IS NOT ORDERED IN CHAPTER 50B PROTECTIVE ORDER AND CHAPTER 50C NO CONTACT ORDER CASES, AND TO PROVIDE FOR ATTORNEYS' FEES UPON THE GRANT OF RELIEF IN CHAPTER 50C CASES. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-390.)
S.B. 420, AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES TO THE UNEMPLOYMENT INSURANCE LAWS. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-391.)

S.B. 470, AN ACT TO PROHIBIT THE CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE ON THE PREMISES OF ANY BUSINESS DURING THE PERIOD OF TIME WHERE ANY ON-PREMISES PERMIT ISSUED TO THE BUSINESS AUTHORIZING THE SALE AND CONSUMPTION OF MALT BEVERAGES OR UNFORTIFIED WINE IS SUSPENDED OR REVOKED BY THE ALCOHOLIC BEVERAGE CONTROL COMMISSION AND AMEND THE DEFINITION OF A CONVENTION CENTER FOR PURPOSES OF THE STATE’S ABC LAWS. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-392.)

S.B. 473, AN ACT TO AMEND THE PROVISIONS OF HOUSE BILL 834 RELATED TO HEALTH CARE COST REDUCTION AND TRANSPARENCY AND FAIR HEALTH CARE BILLING AND COLLECTIONS PRACTICES; AND TO ALLOW THE SPEAKER OF THE HOUSE AND PRESIDENT PRO TEMPORE OF THE SENATE, AS AGENTS OF THE STATE, TO JOINTLY INTERVENE ON BEHALF OF THE GENERAL ASSEMBLY IN ANY JUDICIAL PROCEEDING CHALLENGING A NORTH CAROLINA STATUTE OR A PROVISION OF THE NORTH CAROLINA CONSTITUTION. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-393.)


S.B. 515, AN ACT TO DELAY ADDITIONAL IMPLEMENTATION OF THE JORDAN LAKE RULES AND JORDAN LAKE SESSION LAWS AND PROVIDE FOR ALTERNATIVE IMPLEMENTATION OF THE PROTECTION OF EXISTING BUFFERS RULE. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-395.)

S.B. 547, AN ACT TO AMEND THE STATUTES GOVERNING GUARANTEED ENERGY SAVINGS CONTRACTS FOR GOVERNMENTAL UNITS. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-396.)

S.B. 553, AN ACT TO ESTABLISH GRIEVANCE AND APPEAL PROCEDURES FOR LOCAL MANAGEMENT ENTITY/MANAGED CARE ORGANIZATION (LME/MCO) MEDICAID ENROLLEES; TO REQUIRE THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO
ESTABLISH A SUPPORTIVE HOUSING PROGRAM FOR INDIVIDUALS TRANSITIONING FROM INSTITUTIONAL SETTINGS TO INTEGRATED COMMUNITY-BASED SETTINGS, TO CLARIFY HOW FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE ESTABLISHMENT AND OPERATION OF THIS PROGRAM SHALL BE USED, AND TO CREATE A COMMUNITY LIVING HOUSING FUND WITHIN THE HOUSING FINANCE AGENCY TO INTEGRATE INDIVIDUALS WITH DISABILITIES INTO COMMUNITY-BASED SUPPORTED HOUSING; AND TO MODIFY ALLOCATION OF STATE’S SHARE IN HOSPITAL PROVIDER ASSESSMENT TAX. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-397.)

S.B. 558, AN ACT TO AMEND THE LAW GOVERNING THE STATE TREASURER’S INVESTMENT AUTHORITY WITH REGARD TO SPECIAL FUNDS HELD BY THE TREASURER. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-398.)

H.B. 692, AN ACT TO AMEND THE NORTH CAROLINA ANTI-PREDATORY LENDING LAW, AND TO LIMIT THE PROVISIONS OF STATE MORTGAGE LENDING LAW TO BEING NO MORE RESTRICTIVE THAN FEDERAL LAW. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-399.)

H.B. 727, AN ACT TO ALLOW THE DIVISION OF MOTOR VEHICLES TO ISSUE A SALVAGE CERTIFICATE OF TITLE TO AN INSURANCE COMPANY OR USED CAR DEALER IN CERTAIN SITUATIONS WHERE THE INSURANCE COMPANY OR USED CAR DEALER IS UNABLE TO OBTAIN THE ORIGINAL CERTIFICATE OF TITLE FROM THE OWNER OF THE MOTOR VEHICLE. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-400.)

H.B. 857, AN ACT AUTHORIZING PUBLIC CONTRACTS TO UTILIZE THE DESIGN-BUILD METHOD OR PUBLIC-PRIVATE PARTNERSHIP CONSTRUCTION CONTRACTS. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-401.)

H.B. 552, AN ACT TO PROVIDE A PROCEDURE TO REMOVE AN AREA FROM A COUNTY SERVICE DISTRICT. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-402.)

H.B. 565, AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-403.)

H.B. 652, AN ACT TO MODIFY THE LAW REGARDING DISCIPLINE FOR JUDGES. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-404.)
H.B. 359, AN ACT TO MAKE CHANGES TO ADMINISTRATION OF THE STATE RETIREMENT SYSTEMS THAT WILL EXTEND THE TRANSFER BENEFIT OPTION TO PARTICIPANTS IN THE 403(B) SUPPLEMENTAL RETIREMENT PLAN, CLARIFY THE TIMING OF THE SOCIAL SECURITY OFFSET FOR LONG-TERM DISABILITY BENEFITS, ESTABLISH A 415(M) BENEFITS PRESERVATION ARRANGEMENT AS ALLOWED UNDER FEDERAL LAW, AND PROVIDE THAT DOMESTIC RELATIONS ORDERS DIVIDING INTERESTS UNDER THE RETIREMENT SYSTEM MUST BE SUBMITTED ON APPROVED FORMS, AND TO CORRECT AN OVERSIGHT IN THE DISABILITY INCOME PLAN, AND TO AMEND THE PROVISIONS FOR ALLOWANCE OF RETROACTIVE MEMBERSHIP SERVICE IN THE TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM AND THE LOCAL GOVERNMENTAL EMPLOYEES' RETIREMENT SYSTEM. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-405.)

H.B. 417, AN ACT TO MODIFY THE INTERNAL AUDITING STATUTES APPLICABLE TO LARGE STATE DEPARTMENTS AND THE UNIVERSITY SYSTEM. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-406.)

H.B. 476, AN ACT REWRITING THE LAWS REGULATING UNDERGROUND UTILITY DAMAGE PREVENTION. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-407.)

H.B. 135, AN ACT TO MAKE ADJUSTMENTS TO THE FEE SCHEDULE FOR PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO REFLECT EXTENSION OF THE DURATION OF THESE PERMITS AS DIRECTED BY S.L. 2012-187, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-408.)

H.B. 321, AN ACT TO REPEAL THE REQUIREMENT THAT LOCAL GOVERNMENTS DEVELOP AND MAINTAIN A SOLID WASTE MANAGEMENT PLAN. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-409.)

H.B. 92, AN ACT TO MAKE TECHNICAL CORRECTIONS TO THE GENERAL STATUTES AND SESSION LAWS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, AND TO MAKE ADDITIONAL TECHNICAL AND OTHER CHANGES TO THE GENERAL STATUTES AND SESSION LAWS. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-410.)

H.B. 122, AN ACT TO AMEND THE LAWS PERTAINING TO INTERLOCUTORY APPEALS AS RELATED TO FAMILY LAW. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-411.)
H.B. **293**, an act amending the Secure and Fair Enforcement Mortgage Licensing Act to reduce regulatory burdens, making clarifying and technical changes, and modifying certain foreclosure proceedings. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-412.)

H.B. **74**, an act to improve and streamline the regulatory process in order to stimulate job creation, to eliminate unnecessary regulation, to make various other statutory changes, and to amend certain environmental and natural resources laws. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-413.)

H.B. **14**, an act to make technical, clarifying, and administrative changes to the revenue laws and related statutes, as recommended by the Revenue Laws Study Committee. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-414.)

H.B. **15**, an act to (1) facilitate the use of vehicles exclusively for law enforcement, firefighting, or other emergency response purposes by the Division of Parks and Recreation of the Department of Environment and Natural Resources and the North Carolina Forest Service of the Department of Agriculture and Consumer Services and (2) direct the Department of Public Safety to study methods of allowing prisoners to contribute to cleanup and mitigation efforts in connection with states of emergency declared in this state. (Became law upon approval of the Governor, August 23, 2013 - S.L. 2013-415.)

H.B. **522**, an act to protect rights and privileges granted under the United States and North Carolina constitutions in the application of foreign law. (Became law without the approval of the Governor, August 26, 2013 - S.L. 2013-416.)
District 1: **BEAUFORT, CAMDEN, CURRITUCK, DARE, GATES, HYDE, PASQUOTANK, PERQUIMANS.**

District 2: **CARTERET, CRAVEN, PAMLICO.**

District 3: **BERTIE, CHOWAN, EDGECOMBE, HERTFORD, MARTIN, NORTHAMPTON, TYRRELL, WASHINGTON.**

| District 10: DUPLIN, JOHNSTON | VTD: PR01: Block(s) 1010412023064, 1010412023065, 1010412023066, 1010412023067, 1010412023068, 1010412023069, 1010412023070, 1010413003005, 1010413003006, 1010413003007, 1010413003008, 1010413003009, 1010413003010, 1010413003011, 1010413003012, 1010413003013, 1010413003014, 1010413003015, 1010413003016, 1010413003017, 1010413003018, 1010413003019, 1010413003020, 1010413003021, 1010413003022, 1010413003023, 1010413003024, 1010413003025, 1010413003026, 1010413003027, 1010413003028, 1010413003029, 1010413003030, 1010413003031, 1010413003032, 1010413003033, 1010413003034, 1010413003035, 1010413003036, 1010413003037, 1010413003038, 1010413003039, 1010413003040, 1010413003041; W8. |
District 22: CASWELL, DURHAM: VTD: 01: Block(s) 0630001021000, 0630001021005, 0630001021006, 0630003021007, 0630003021008, 0630003021009, 0630003021010, 0630003021011, 0630003021012, 0630003021013, 0630003021014, 0630003022003, 0630003022004, 0630003022005, 0630003022006, 0630003022007, 0630003022014, 0630003022015: VTD: 02: 0630003012000, 0630003012013, 0630003013000, 0630003013001, 0630003013008, 0630003013009, 0630003013010, 0630003013011, 0630003013012, 0630003013013, 0630003013014, 0630003013015, 0630003013016, 0630003013017, 0630003023005, 0630003023006, 0630003023009, 0630003023020, 0630003023028, 0630003023029, 0630003023030, 0630003023033, 06300030401000, 06300030401100, 06300030401101, 06300030401102, 06300030401103, 06300030401104, 06300030401105, 06300030401106, 06300030401107, 06300030401108, 06300030401109, 06300030401110, 06300030401111, 06300030401112, 06300030401113, 06300030401114, 06300030401115, 06300030401116, 06300030401117, 06300030401119, 06300030401120, 06300030401121, 06300030401122, 06300030401123, 06300030401124, 06300030401125, 06300030401126, 06300030401127, 06300030401128, 063000304012001, 063000304012002, 063000304012003, 063000304012004, 063000304012005, 063000304012006: VTD: 03: 0630003012000, 0630003012013, 0630003013000, 0630003013001, 0630003013008, 0630003013009, 0630003013010, 0630003013011, 0630003013012, 0630003013013, 0630003013014, 0630003013015, 0630003013016, 0630003013017, 0630003023005, 0630003023006, 0630003023009, 0630003023020, 0630003023028, 0630003023029, 0630003023030, 0630003023033, 06300030401000, 06300030401100, 06300030401101, 06300030401102, 06300030401103, 06300030401104, 06300030401105, 06300030401106, 06300030401107, 06300030401108, 06300030401109, 06300030401110, 06300030401111, 06300030401112, 06300030401113, 06300030401114, 06300030401115, 06300030401116, 06300030401117, 06300030401119, 06300030401120, 06300030401121, 06300030401122, 06300030401123, 06300030401124, 06300030401125, 06300030401126, 06300030401127, 06300030401128, 063000304012001, 063000304012002, 063000304012003, 063000304012004, 063000304012005, 063000304012006: VTD: LR63, VTD: MB62, VTD: MR02: Block(s) 0630003051004, 0630003051010, 0630003051011, 0630003051012, 0630003051013, 0630003051014, 0630003052003, 0630003052004, 0630003052005, 0630003052006, 0630003052007, 0630003052014, 0630003052017, 0630003052018, 0630003091012, 0630003091014, 0630003091018, 0630003091019, 0630003104010, HOKE.
District 23: CHATHAM, ORANGE.


District 26: GUILFORD: VTD: CG1, VTD: CG2, VTD: CG3, VTD: CG3B: Block(s) 081015706109, 081015706110, 081015706112, 081015706113, 081015706116, 081015706118, 081015706120, 081015706120, 081015706121, 081015706122, 081015706123, 081015706124, 081015706125, 081015706126, 081015706128, 081015706129, 081015706130, 081015706131, 081015706132.

PERSON.

District 30: STOKES, SURRY, WILKES.

District 33: DAVIDSON, MONTGOMERY.


District 36: CABARRUS, UNION: VTD: 012, VTD: 032, VTD: 035, VTD: 037B.

District 42: ALEXANDER, CATAWBA.


District 45: ALLEGHANY, ASHE, AVERY, CALDWELL, WATAUGA.

District 46: BURKE, CLEVELAND.

District 47: MADISON, MCDOWELL, MITCHELL, POLK, RUTHERFORD, YANCEY.


District 50: CHEROKEE, CLAY, GRAHAM, HAYWOOD, JACKSON, MACON, SWAIN.
S.R. 41, A SENATE RESOLUTION HONORING THE BOY SCOUTS OF AMERICA.

Whereas, for over 100 years, the Boy Scouts of America have provided training to youth in leadership development, service to others, and civic responsibility; and

Whereas, scouting provides immeasurable benefits to the development of North Carolina's youth; and

Whereas, youth from all over North Carolina have participated in the scouting program through the years, becoming accomplished leaders both past and present; and

Whereas, North Carolina is divided geographically into 11 boy scout councils, including Cape Fear, Central North Carolina, Daniel Boone, East Carolina, Mecklenburg County, Occoneechee, Old Hickory, Old North State, Piedmont, Tidewater, and Tuscarora; and

Whereas, in 2012, North Carolina had 86,766 youths to participate in scouting; and

Whereas, the State's Boy Scout councils encourage each member to perform community service each year; and

Whereas, scouts have performed a variety of valuable service projects throughout our State; and

Whereas, by the end of 2012, scouts in North Carolina had performed more than 500,000 hours of community service, representing millions of dollars in time, talent, and materials to improve the State's parks, schools, retirement centers, and other public areas; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The Senate honors the continuing commitment and dedication of the Boy Scouts of America to the people of North Carolina and their communities and expresses its appreciation to the members of the Boy Scouts of America for their contribution of more than 500,000 hours of community service to this State during 2012.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to each of the 11 Boy Scouts of America councils in North Carolina.

SECTION 3. This resolution is effective upon adoption.

S.R. 46, A SENATE RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.

Be it resolved by the Senate:
SECTION 1. The following procedures for nominating and electing members of the Board of Governors of The University of North Carolina are adopted:

I. COMMITTEE RESPONSIBILITIES.

1. It is the duty of the Senate Select Committee on UNC Board of Governors (hereinafter referred to as the "Senate Committee") to choose nominees for each opening on the Board of Governors of The University of North Carolina to which the Senate is to elect members.

2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina from Monday, February 18, 2013, through Friday, February 22, 2013. In 2013, the total number of positions available for election by the Senate is eight, and each position is for a four-year term. A Senator may propose candidates for nomination only for the openings available for election by the Senate. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally nominated as a candidate by a member of the Senate. Only a written nomination on a form provided by the Chair of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Monday, February 18, 2013, and no later than 5:00 P.M. on Friday, February 22, 2013, shall constitute a formal nomination of a candidate. Delivery to the Office of the Senate Principal Clerk of a nomination form by facsimile transmission or e-mail transmission shall not constitute a formal nomination of a candidate. An individual is not eligible for nomination in the Senate if he or she was nominated and not elected to the Board of Governors by the House of Representatives during the 2013 Session.

3. Notwithstanding G.S. 138A-22, every person who has been formally nominated shall file a completed North Carolina State Ethics Commission Statement of Economic Interest with the North Carolina State Ethics Commission to be received by the North Carolina State Ethics Commission no later than 5:00 P.M. on Friday, February 22, 2013. The Statement of Economic Interest must clearly state that the person is a candidate who has been nominated for the Board of Governors of The University of North Carolina.

4. On or after February 23, 2013, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open.

5. The Chair of the Senate Committee shall ascertain whether the nominees for election by the Senate would serve if elected. Any nominee may withdraw without the approval of the sponsor.

6. Senate Committee nominees shall be placed before and recommended to the Senate for election.
II. ELECTIONS IN THE SENATE.
1. A ballot shall be prepared under the supervision of the Chair of the Senate Committee for the use of the Senate.
2. The ballot shall list only the names of those nominees proposed by the Senate Committee who have consented to run and for whom the Senate is entitled to vote. Their names shall be arranged alphabetically by surname.
3. The Senate shall hold its election no later than Wednesday, March 20, 2013. Before the voting begins, the Chair of the Senate Committee shall explain the voting rules, which are:
   (a) No nomination shall be received from the floor.
   (b) In order to be chosen, a nominee must receive the votes of a majority of all members present and voting.
   (c) Each member present and voting shall vote for as many nominees as there are positions to be filled, and any ballot not so marked shall be deemed void.
   (d) If fewer than eight nominees receive the votes of a majority of all members present and voting, a runoff to fill the open position or positions shall be conducted among the nominees who were not elected but who received the highest numbers of votes cast; and the number of nominees eligible to be voted on in the runoff shall be twice the number of positions to be filled.
   (e) If there is a tie for the last position between two nominees who are eligible for the next runoff, both nominees shall be included in the next runoff balloting, even though there would be more than two nominees per available position, unless the deciding vote is cast in accordance with the North Carolina Constitution, Article II, Section 13.
   (f) If more than eight nominees receive the votes of a majority of all members present and voting, then the eight nominees receiving the highest numbers of votes shall be deemed to have been chosen.
4. The Senators shall proceed to mark their ballots for eight persons, each to serve four-year terms. Every ballot shall be signed by the Senator casting it, and no unsigned ballots shall be counted.
5. The Chair of the Senate Committee shall be responsible for canvassing the vote and declaring the results. All ballots shall be retained by the Principal Clerk as part of the permanent records of the Senate and shall be open for immediate public inspection.
6. When the Chair of the Senate Committee has determined that the Senate has chosen eight persons to serve as members of the Board of Governors for terms of four years, the President of the Senate shall entertain a motion for the simultaneous election of those persons by the Senate to the indicated positions and for the indicated terms. The vote shall then be called electronically. If a majority of those voting shall vote “aye” and the vote is orally confirmed, those eight persons named in the motion shall be declared to have been elected to the Board of Governors by the Senate.
7. The results of the election in the Senate shall then be sent by Special Messenger to the House.
III. NOTIFICATION OF ELECTION RESULTS.
When the election process is complete, the Chair of the Senate Committee shall 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 of the term for which each person was elected.

SECTION 2. As used in this resolution, the term "Chair" means the Chair of the Senate Select Committee on UNC Board of Governors.

SECTION 3. This resolution is effective upon adoption.

Adopted February 12, 2013 (See page 87)

S.R. 66, A SENATE RESOLUTION HONORING THE MEMORY OF THOSE WHO HAVE CONTRIBUTED TO THE STATE'S AGRICULTURAL EDUCATION PROGRAM AND THE FUTURE FARMERS OF AMERICA (FFA) ORGANIZATION WHILE OBSERVING NATIONAL FFA WEEK AND NORTH CAROLINA AGRICULTURAL EDUCATION AND FFA DAY.
Whereas, agricultural education provides a strong foundation for the youth of America and for the future of our food, fiber, and natural resources systems; and
Whereas, agricultural education ensures a steady supply of young professionals to meet the growing demands of agriculture, including the areas of science, business, and technology; and
Whereas, agricultural education is a 12-month educational program providing summer agriculture and agribusiness experiences and leadership training through 23 different career and technical education classes; and
Whereas, North Carolina's agricultural education program is the seventh largest in the United States and has one of the highest high school student retention and graduation rates in the nation; and
Whereas, the Future Farmers of America (FFA) organization is an integral part of the State's agricultural education program; and
Whereas, FFA was founded in 1928 by a group of vocational agriculture students meeting in Kansas City, Missouri; and
Whereas, FFA grew as it merged with other agricultural organizations, including the Young Tarheel Farmers, founded in 1928; the North State Farmers, also founded in 1928; and the New Farmers of America (NFA), founded in 1935; and
Whereas, today, FFA is a national organization of 550,000 students involved with agricultural education in secondary schools, technical colleges, and universities with chapters in all 50 states, Puerto Rico, and the Virgin Islands; and
Whereas, the FFA motto, "learning to do, doing to learn, earning to live, living to serve," gives direction of purpose to the students wanting to succeed in agricultural education; and
Whereas, North Carolina's FFA members are recognized nationally for their quality agricultural training, leadership abilities, academic achievements, and community service; and
Whereas, North Carolina’s agricultural educators are known and respected throughout the nation for their exemplary leadership in planning and implementing superb programs on behalf of FFA members; and

Whereas, since 1929, there has been a succession of outstanding leaders and educators in agricultural education and FFA, including Tom Brown, S.B. Simmons, A.G. Bullard, R.J. Peeler, Vaiden Hairr, C.V. (Vic) Tart, and Charles Keels; and

Whereas, agricultural education programs and FFA organizations are dedicated to making a positive difference in the lives of their members by developing their potential for premier leadership, personal growth, and career success through agricultural education; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The Senate honors the memory of Tom Brown, S.B. Simmons, A.G. Bullard, R.J. Peeler, Vaiden Hairr, C.V. (Vic) Tart, and Charles Keels and expresses its appreciation for their leadership, dedication, and contributions to agricultural education and FFA in North Carolina.

SECTION 2. The Senate recognizes and commends North Carolina’s agricultural education program and the FFA organization and all who support, promote, and encourage the outstanding students of this program and organization.

SECTION 3. The Senate encourages the citizens of this State to observe February 17-23, 2013, as National FFA Week, and February 12, 2013, as Agricultural Education and FFA Day in North Carolina.

SECTION 4. The Principal Clerk shall transmit a certified copy of this resolution to the President of the North Carolina FFA.

SECTION 5. This resolution is effective upon adoption.

Adopted February 21, 2013 (See page 130)

S.R. 110, A SENATE RESOLUTION TO AMEND THE PERMANENT RULES OF THE SENATE CONCERNING CONFIRMATION OF GUBERNATORIAL APPOINTMENTS, REFERRAL OF RESOLUTIONS, AND STANDING COMMITTEES.

Be it resolved by the Senate:

SECTION 1. Senate Rule 40.1(b), as contained in Senate Resolution 1, 2013 Regular Session of the General Assembly, reads as rewritten: "(b) All public bills and resolutions, except those providing for action on gubernatorial nominations or appointments or adjourning the General Assembly, must be filed for introduction not later than Friday, March 15, 2013, provided that any such measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. on that day and filed for introduction in the Senate before 3:00 P.M. on Thursday, March 28, 2013, shall be treated as if it had been filed for introduction under this rule."

SECTION 2. The permanent rules of the Senate as contained in Senate Resolution 1, 2013 Regular Session of the General Assembly, are amended by adding a new rule to read:
"RULE 49. Consideration of Gubernatorial Nominations or Appointments. – When received by the Principal Clerk, written notice of a gubernatorial nomination or appointment that requires confirmation by the General Assembly or the Senate shall be read in session and shall be referred by the Chairman of the Committee on Rules and Operations of the Senate, or in his absence the President Pro Tempore of the Senate, to the appropriate Senate committee. The Chairman of the Committee on Rules and Operations of the Senate may file an appropriate resolution for consideration of the nomination or appointment. For statewide or at-large nominations or appointments, the Principal Clerk shall transmit a copy of the notice of nomination or appointment to the Senator or Senators representing the county in which the nominee or appointee resides. For nominations or appointments of persons to represent a particular district or region of the State, the Principal Clerk shall transmit a copy of the notice of nomination or appointment to the Senator or Senators representing all or a portion of the particular district or region to be represented. The chair of the Senate committee receiving referral of any nomination or appointment shall determine the procedure by which the committee shall consider that nomination or appointment and may make a report of its recommendation to the Senate."

SECTION 3. Senate Rule 40(b1), as contained in Senate Resolution 1, 2013 Regular Session of the General Assembly, reads as rewritten:

"(b1) Simple resolutions conforming to subsection (b) of this section and any Senate or House joint resolutions shall be read for the first time during the Senate's next daily session occurring on a Tuesday, in their regular order. Upon such first reading such resolution the Chairman of the Committee on Rules and Operations of the Senate may either refer the resolution to committee or shall place it at the end of that day's calendar for a Tuesday for consideration and decision without debate. The foregoing requirement of Tuesday consideration shall not apply to second reading of (i) resolutions specifically contemplated by the North Carolina Constitution or statute or (ii) resolutions that pertain to the internal functioning of either or both houses of the General Assembly. This subsection does not apply to third reading of any joint resolution."

SECTION 4. Senate Rule 40(b), as contained in Senate Resolution 1, 2013 Regular Session of the General Assembly, reads as rewritten:

"(b) All memorializing, celebration, commendation, and commemoration resolutions shall be excluded from introduction and consideration in the Senate. Notwithstanding this, a member may file a Senate memorializing, celebration, commendation, or commemoration simple resolution after presenting the draft to the Chairman of the Committee on Rules and Operations of the Senate and receiving the approval of that Chairman, except that the Chairman may refer the request to the full committee for approval. The approval of the Chairman or committee shall be indicated on the Senate e-jacket. Senators should utilize a "Senatorial Statement of Personal Privilege", as provided in Rule 15, as the preferred alternative to Senate simple resolutions that memorialize, celebrate,
commend, and commemorate, other than for those relating to deceased former members of the General Assembly."

SECTION 5. Senate Rule 32, as contained in Senate Resolution 1, 2013 Regular Session of the General Assembly, reads as rewritten:

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

- Agriculture/Environment/Natural Resources
- Appropriations/Base Budget
  - Appropriations on Department of Transportation
  - Appropriations on Education/Higher Education
  - Appropriations on General Government and Information Technology
- Appropriations on Health and Human Services
- Appropriations on Justice and Public Safety
- Appropriations on Natural and Economic Resources
- Commerce
- Committee of the Whole Senate
- Education/Higher Education
- Finance
- Health Care
- Insurance
- Judiciary I
- Judiciary II
- State and Local Government
- Pensions & Retirement and Aging
- Program Evaluation
- Redistricting
- Rules and Operations of the Senate
- Transportation
- Ways & Means"

SECTION 6. This resolution is effective upon adoption.

**Adopted February 28, 2013** (See page 165)

**S.R. 141. A SENATE RESOLUTION TO AMEND THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA.**

Be it resolved by the Senate:

SECTION 1. Section 1.1.2. of Senate Resolution 46, 2013 Regular Session of the General Assembly, reads as rewritten:

"2. The Senate Committee shall receive suggestions of proposed candidates for nomination for election to the Board of Governors of The University of North Carolina from Monday, February 18, 2013, through Friday, February 22, 2013, March 1, 2013. In 2013, the total number of positions available for election by the Senate is eight, and each position is for a four-year term. A Senator may propose candidates for nomination only for the openings
available for election by the Senate. In order for a person to have standing to be considered as a candidate for nomination by the Senate Committee, that person must be formally nominated as a candidate by a member of the Senate. Only a written nomination on a form provided by the Chair of the Senate Committee for that purpose and received in the Office of the Senate Principal Clerk on or after Monday, February 18, 2013, and no later than 5:00 P.M. on Friday, February 22, 2013, March 1, 2013, shall constitute a formal nomination of a candidate. Delivery to the Office of the Senate Principal Clerk of a nomination form by facsimile transmission or e-mail transmission shall not constitute a formal nomination of a candidate. An individual is not eligible for nomination in the Senate if he or she was nominated and not elected to the Board of Governors by the House of Representatives during the 2013 Session."

SECTION 2. Section 1.1.3. of Senate Resolution 46, 2013 Regular Session of the General Assembly, reads as rewritten:

"3. Notwithstanding G.S. 138A-22, every person who has been formally nominated shall file a completed North Carolina State Ethics Commission 2013 Long Form Statement of Economic Interest with the North Carolina State Ethics Commission to be received by the North Carolina State Ethics Commission no later than 5:00 P.M. on Friday, February 22, 2013, March 1, 2013. Submission of a Statement of Economic Interest 2013 No Change Form shall not constitute a complete submission for a formal nomination of a candidate. The 2013 Long Form Statement of Economic Interest must clearly state that the person is a candidate who has been nominated for the Board of Governors of The University of North Carolina."

SECTION 3. Section 1.1.4. of Senate Resolution 46, 2013 Regular Session of the General Assembly, reads as rewritten:

"4. On or after February 23, 2013, March 4, 2013, the Senate Committee shall list all proposed candidates for nomination. The Senate Committee shall screen the proposed candidates for nomination as to their qualifications and background and may interview each one to make sure that suitable persons are nominated. The Senate Committee shall ascertain that each candidate for nomination is willing and able to serve and has no statutory disability. On completion of the screening process, the Senate Committee shall conduct a vote to ensure that the slate of legally qualified candidates lists no more than twice the number of candidates for the total seats open."

SECTION 4. This resolution is effective upon adoption.

Adopted April 10, 2013 (See page 397)

S.R. 196, A SENATE RESOLUTION HONORING THE MEMORY OF RUTH BELL GRAHAM AND NAMING BILLY GRAHAM NORTH CAROLINA'S FAVORITE SON.

Whereas, Billy Graham was born William Franklin Graham, Jr., on November 7, 1918, to William Franklin Graham and Morrow Coffey Graham and was reared on a dairy farm in Charlotte; and
Whereas, Ruth McCue Bell was born on June 10, 1920, to Dr. and Mrs. Nelson Bell in Qingjiang, Kiangsu, China, where her parents were serving as medical missionaries at the Presbyterian Hospital; and

Whereas, Billy Graham attended the Florida Bible Institute from 1937 to 1940, graduating in 1940, and was ordained to the ministry in 1939 by a church in the Southern Baptist Convention; and

Whereas, Billy Graham and Ruth McCue Bell met while attending Wheaton College in Illinois and were married shortly after their graduation on August 13, 1943; and

Whereas, after a few years, Billy and Ruth Graham moved to Montreat, North Carolina, where they raised five children, Virginia, Anne, Ruth, Franklin, and Nelson; and

Whereas, Billy Graham served as pastor of The Village Church in Western Springs, Illinois, from 1943 to 1945; as a member of Youth for Christ International, where he ministered to young people and military personnel from 1945 to 1950; and as President of Northwestern Schools, a liberal arts college, Bible school, and theological seminary, from 1947 to 1952; and

Whereas, after World War II, Billy Graham preached throughout the United States and Europe and attained international prominence as an evangelist through a series of Crusades that began in 1949; and

Whereas, since 1950, Billy Graham has conducted his ministry through the Billy Graham Evangelistic Association (BGEA), reaching multitudes of people by means of a weekly radio program, "Hour of Decision"; a newspaper column, "My Answer"; televised Crusades; articles published in "Decision" magazine; and evangelistic films produced and distributed by World Wide Pictures and now reaching millions through the BGEA Web site and the Billy Graham Library in Charlotte; and

Whereas, over the years, Billy Graham has preached to live audiences of nearly 215 million people in more than 185 countries and territories and has preached to an estimated 2.2 billion people through television and technology; and

Whereas, a renowned humanitarian and philanthropist, Billy Graham has tried to help those in need through his work with the World Emergency Relief Fund, which gives financial assistance to disaster victims, and the "Love in Action" committees, which collected and distributed food and clothing in BGEA crusade cities; and

Whereas, Billy Graham has received numerous awards and honorary degrees, including the North Carolina Award for Public Service in 1986 and the Presidential Medal of Freedom in 1983; and Honorary Knighthood (KBE) from Her Majesty the Queen of England in 2001 for his international contribution to civic and religious life over 60 years; and

Whereas, Billy and Ruth Graham were both awarded the Congressional Gold Medal for "outstanding and lasting contributions to morality, racial equality, family, philanthropy, and religion" in 1996; and

Whereas, Billy Graham received the Big Brother of the Year Award in 1966 for his work on behalf of the welfare of children and the Ronald Reagan
Presidential Foundation Freedom Award in 2000 for monumental and lasting contributions to the cause of freedom; and

Whereas, Billy Graham has opposed racial discrimination and, in the 1950s and 1960s, never held a segregated meeting but conducted fully integrated Crusades; and

Whereas, Billy Graham was cited by the George Washington Carver Memorial Institute for his contributions to race relations in 1964 and was recognized by the Anti-Defamation League of the B’nai B’rith in 1969 and the National Conference of Christians and Jews in 1971 for his efforts to foster a better understanding among all faiths; and

Whereas, Billy Graham has counseled 12 Presidents beginning with President Harry S. Truman through President Barack Obama and has participated in nine Presidential inaugurations, more than any man in American history; and

Whereas, Billy Graham has been referred to as the "Pastor of Presidents"; and

Whereas, Billy Graham has also counseled world leaders and has participated in many historic occasions; and

Whereas, Billy Graham has been called upon as the "nation's pastor" during times of national crisis. He spoke at the National Cathedral service in Washington, DC, three days after the 9/11 attack in 2001, as the nation and world watched and listened. Five Presidents, including George W. Bush, Bill Clinton, George H. W. Bush, Jimmy Carter, and Gerald Ford, and their wives were in the audience; and

Whereas, Billy Graham has written more than 31 books, all of which have become best sellers, including his books, "Just As I Am," an autobiography published in 1997, and "Nearing Home" published in 2011; and

Whereas, Ruth Graham was also an author, writing or cowriting over 14 books, including "Sitting By My Laughing Fire," "Legacy of a Pack Rat," and "Prodigals and Those Who Love Them"; and

Whereas, Ruth Graham helped to establish the Ruth and Billy Graham Children's Health Center in Asheville; and

Whereas, on June 14, 2007, Billy Graham lost his partner and closest confidante, Ruth Bell Graham, who died at the age of 87; and

Whereas, in 2012, Billy Graham was listed on "The Ten Most Admired Men in the World" for the 56th time. He was first selected in 1955. According to the latest list, Reverend Graham was tied as Number 3 with Mitt Romney, George W. Bush, and Pope Benedict XVI, behind President Barack Obama and Nelson Mandela; and

Whereas, admired and beloved by both Christians and non-Christians, Billy Graham continues to inspire the world with his good works; and

Whereas, there have been many great North Carolinians, but few have impacted the world more than Billy Graham; and

Whereas, Billy Graham, having served in all the aforementioned ways for more than 70 years in our State, our country, and throughout the world, is proud to call himself a Tar Heel and to make North Carolina his home; Now, therefore,

Be it resolved by the Senate:
SECTION 1. The Senate honors the memory of Ruth Bell Graham, who made significant contributions to our State and nation through her partnership with her husband in marriage and ministry.

SECTION 2. The Senate honors and names Billy Graham as North Carolina's Favorite Son.

SECTION 3. The Senate requests the Governor to set a day to recognize and honor Billy Graham as North Carolina's Favorite Son.

SECTION 4. This resolution is effective upon adoption.

Adopted March 12, 2013 (See page 213)

S.R. 251, A SENATE RESOLUTION HONORING THE GIRL SCOUTS OF THE USA.
Whereas, March 12 marks the 101st anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia; and
Whereas, throughout its distinguished history, Girl Scouting has inspired millions of girls and women with the highest ideals of courage, confidence, and character; and
Whereas, through the Girl Scout leadership experience, girls develop the skills and lessons that will serve them a lifetime so that they may contribute to their communities; and
Whereas, Girl Scouting takes an active role in increasing girls' awareness of the opportunities available to them today in math, science, sports, technology, and other fields that can expand their horizons; and
Whereas, Girl Scouts has shaped the lives of 53% of female senior executives and business owners, 60% of women in Congress, and virtually every female astronaut; and
Whereas, more than 3,000,000 current Girl Scout members nationwide will be celebrating 101 years of this American tradition, with nearly 50,000,000 women who are former Girl Scouts and living proof of the impact of this amazing movement; and
Whereas, in partnership with tens of thousands of adult volunteers, Girl Scouts of North Carolina serves more than 67,000 girl members in all 100 North Carolina counties; Now, therefore,
Be it resolved by the Senate:

SECTION 1. The Senate honors the memory of Juliette Gordon Low for her role in founding the Girl Scouts of the USA and expresses appreciation to the members of the Girl Scouts for their commitment to building girls of courage, confidence, and character who make the world a better place.

SECTION 2. The Principal Clerk shall transmit a certified copy of this resolution to the Girl Scouts of the USA national headquarters.

SECTION 3. This resolution is effective upon adoption.

Adopted March 18, 2013 (See page 235)

S.R. 262, A SENATE RESOLUTION COMMEMORATING THE RECOVERY OF NORTH CAROLINA'S BILL OF RIGHTS.
Whereas, in 1787, delegates met during a Constitutional Convention held in Philadelphia to adopt a proposed Constitution; and
Whereas, North Carolina's delegates to the Convention included William Blount of Pitt County, Richard Dobbs Spaight, Sr. of Craven County, and Hugh Williamson of Chowan County, all of whom signed the Constitution; and
Whereas, after the Constitutional Convention, state conventions were called to vote on the ratification of the proposed United States Constitution; and
Whereas, in 1788, North Carolina assembled a State convention in Hillsborough to consider ratification of the Constitution; and
Whereas, Willie Jones, a delegate to the State convention helped to persuade the other delegates to oppose ratification of the Constitution because the document did not contain sufficient protections for individual rights and, on August 2, 1788, the delegates at the Convention declined to ratify the proposed Constitution; and
Whereas, on June 8, 1789, James Madison introduced to the first United States Congress amendments to the Constitution that would result in a Bill of Rights; and
Whereas, on October 2, 1789, President George Washington sent to all the states an original copy of the 12 proposed constitutional amendments adopted by Congress; and
Whereas, on November 21, 1789, in a second convention held in Fayetteville, North Carolina became the 12th state to ratify the Constitution and, on December 22, 1789, the General Assembly voted to ratify all 12 proposed amendments; and
Whereas, three-fourths of the state legislatures ratified 10 of the 12 proposed amendments to the Constitution, known as the Bill of Rights; and
Whereas, in April 1865, during the occupation of Raleigh by Union forces, North Carolina's copy of the Bill of Rights was stolen from the Capitol; and
Whereas, over the ensuing years, several attempts were made to sell the copy of the Bill of Rights back to North Carolina, but the State steadfastly refused to buy back what rightfully belonged to its citizens; and
Whereas, on March 18, 2003, when the document was offered for sale in Philadelphia, North Carolina's Bill of Rights was seized by federal authorities in a joint federal and State effort; and
Whereas, on March 24, 2008, after five years of litigation in federal and state courts and 143 years of being out of the custody of the State, the Wake County Superior Court declared North Carolina to be the rightful owner of the copy of the Bill of Rights; and
Whereas, the Bill of Rights is the cornerstone of the freedoms we cherish as American citizens; Now, therefore,

Be it resolved by the Senate:

SECTION 1. That, on this day, March 18, 2013, the 10th anniversary of the joint federal and State effort to return to North Carolina its copy of the Bill of Rights, we take note of the milestone and commend the efforts of those involved in the pursuit and recovery of the document.
SECTION 2. That the Senate honors the memory of the early founders of this country, including those named in this resolution, for their role in helping to guarantee the citizens of this country the freedoms enshrined in the Bill of Rights.

SECTION 3. This resolution is effective upon adoption.

Adopted May 14, 2013 (See page 595)

S.R. 432, A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO THE MEN AND WOMEN OF THE UNITED STATES ARMED FORCES.

Whereas, the month of May is National Military Appreciation Month and honors, remembers, recognizes, and appreciates all military personnel; those men and women who have served throughout our history, and all who now serve in uniform and their families, as well as those Americans who have given their lives in defense of our freedoms we all enjoy today; and

Whereas, North Carolina is the home of six major Department of Defense (DOD)/Department of Homeland Security (DHS) installations: Coast Guard Station, Elizabeth City; Fort Bragg; Marine Corps Air Station Cherry Point; Marine Corps Air Station New River; Marine Corps Base Camp Lejeune; and Seymour Johnson Air Force Base, as well as the North Carolina National Guard and other DOD/DHS activities and organizations; and

Whereas, the United States military is the second largest sector of North Carolina's economy, accounting for 8% of North Carolina's gross State product, worth $23.4 billion, and more than 416,000 individuals are either directly employed by the military or working in jobs providing goods or services that support the military's presence in North Carolina; and

Whereas, defense procurement contracts in North Carolina exceeded $4.1 billion in 2011, and businesses with defense-related contracts operate in 87 of North Carolina's 100 counties; and

Whereas, North Carolina is committed to supporting and promoting the military within the State; and

Whereas, the continued long-term military presence in North Carolina is directly dependent on DOD/DHS's ability to operate not only its installations but also its training and other readiness functions critical to national defense; and

Whereas, it is therefore of paramount importance to the future of North Carolina to maintain the best possible relationship with all branches of the United States military and to promote practices that maintain North Carolina's preeminent position as the best location for military bases and training installations; and

Whereas, to those ends, it is critical for all North Carolinians, all North Carolina businesses, all sectors of North Carolina's economy, and especially all branches and agencies of North Carolina's State and local governments to be knowledgeable about not only the military's presence and contributions to our State but also of the military's special and unique requirements that are critical to carrying out its national defense mission; and
Whereas, North Carolina also seeks to promote the economic development, growth, and expansion of other industries within the State, such as the agriculture/agribusiness industry, the renewable energy industry, the tourism/outdoor recreation industry, and the fisheries industries; and

Whereas, North Carolina has a vested economic interest in the preservation and enhancement of land uses that are compatible with military activities; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The Senate expresses its profound gratitude and appreciation to all the men and women of the United States Armed Forces for their selfless service and pays tribute to those who paid the ultimate sacrifice.

SECTION 2. This resolution is effective upon adoption.

Adopted April 2, 2013 (See page 324)

S.R. 543, A SENATE RESOLUTION EXPRESSING GRATITUDE AND APPRECIATION TO OUR VETERANS.

Whereas, throughout our country's history, generations of men and women have worn the uniform of the United States and have valiantly defended our nation and its inalienable rights; and

Whereas, our veterans have personally sacrificed so much for the greater good of our nation; some of these brave men and women made the ultimate sacrifice in protecting our country and the freedoms enjoyed by our citizens and all Americans; and

Whereas, six major Department of Defense (DOD)/Department of Homeland Security (DHS) installations are located in North Carolina: Coast Guard Station, Elizabeth City; Fort Bragg; Marine Corps Air Station Cherry Point; Marine Corps Air Station New River; Marine Corps Base Camp Lejeune; and Seymour Johnson Air Force Base, as well as the North Carolina National Guard and other DOD/DHS activities and organizations; and

Whereas, more than 771,000 veterans of our nation's Armed Forces live in North Carolina and about 147,000 active-duty guard and reserve military personnel reside in the State, making North Carolina one of the largest active-duty military populations in our entire country; and

Whereas, the people of North Carolina are grateful and appreciative to all of our veterans for their selfless service to this State and the United States; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The Senate expresses its profound gratitude and appreciation to all the men and women who served in the United States Armed Forces.

SECTION 2. The Senate wishes to honor the memory of all the North Carolinians who gave their lives while serving in the United States Armed Forces.

SECTION 3. This resolution is effective upon adoption.
S.R. 726, A SENATE RESOLUTION HONORING EAST CAROLINA UNIVERSITY MEN'S BASKETBALL TEAM ON WINNING THE 2013 COLLEGEINSIDERS.COM POSTSEASON TOURNAMENT.

Whereas, on April 2, 2013, East Carolina University men's basketball team captured the 2013 CollegeInsiders.com Postseason Tournament (CIT) Championship; and

Whereas, with only seconds left in the game, East Carolina scored a three-point goal to defeat Webber State University by a score of 77-74; and

Whereas, this victory over the Wildcats gave the Pirates their first postseason tournament championship; and

Whereas, the Pirates ended the season with a record of 23-12, tying the university's record for the most wins in a season as a Division I team; and

Whereas, during the university's 80-year basketball history, the men's basketball team has had only seven 18-win seasons, including two of the last three seasons with 18 or more wins; and

Whereas, the Pirates finished conference play in 2013 with a record of 9-7, posting the team's first winning record during its 12-year membership in Conference USA; and

Whereas, Head Coach Jeff Lebo took over the team in 2010 and became the first coach in the university's history to win 50 games in his first three seasons; and

Whereas, Coach Lebo has helped the Pirates win 56 games in three seasons, earning the men's basketball program its most successful three-year run in the university's history; and

Whereas, several individual team members were recognized for their efforts during the 2012-2013 season, including senior Maurice Kemp, who was named the CIT Most Valuable Player and the first ECU player to be named First-Team All-Conference USA; and

Whereas, senior Miguel Paul earned CIT All-Tournament team honors, along with junior Robert Sampson, and was also named Second-Team All-Conference USA for the second straight season, becoming the first Pirate to earn All-Conference USA honors in multiple seasons; and

Whereas, junior Akeem Richmond scored the winning goal during the CIT championship game and led Conference USA in three-point field goals per game; and

Whereas, these extraordinary accomplishments of the players and coaches of the ECU men's basketball program bring great honor and distinction to the State of North Carolina and deserve recognition; Now, therefore,

Be it resolved by the Senate:

SECTION 1. The Senate expresses the appreciation and admiration of the people of North Carolina to the men's basketball team at East Carolina University for winning the 2013 CollegeInsiders.com Postseason Tournament Championship and recognizes the achievements of team members Ty Armstrong, Shamarr Bowden, Francis Edosomwan, Corvonn Gaines, Marshall Guilmette, Maurice Kemp, Yasin Kolo, Miguel Paul, Akeem Richmond, Peyton
Robbins, Paris Roberts-Campbell, Robert Sampson, Erin Straughn, Petar Tornak, Prince Williams, and Michael Zangari; Head Coach Jeff Lebo; Assistant Coaches Tim Craft, Michael Perry, and Ken Potosnak; and Director of Basketball Operations Kyle Robinson.

**SECTION 2.** The Principal Clerk shall transmit a certified copy of this resolution to Chancellor Steve Ballard, Athletics Director Jeff Compher, and Head Coach Jeff Lebo.

**SECTION 3.** This resolution is effective upon adoption.

*Adopted July 26, 2013* (See page 1253)

**S.R. 727, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF AGRICULTURE.**

Whereas, the provisions of G.S. 106-2 require that appointees to the Board of Agriculture be confirmed by the North Carolina Senate; and

Whereas, the Governor has submitted to the presiding officer of the Senate the names of his appointees; Now, therefore,

Be it resolved by the Senate:

**SECTION 1.** The appointments of Anne Faircloth of Sampson County, dairy livestock farmer; Bob Sutter of Nash County, peanut grower; Doug Boyd of Washington County, cotton grower; Tom Burleson of Avery County, forestry representative; William "Billy" Carter of Moore County, general farmer; and Faylene Whitaker of Randolph County, nursery representative, to the Board of Agriculture for terms to expire May 1, 2019, are confirmed.

**SECTION 2.** Effective September 1, 2013, the appointment of Jeff Turner of Duplin County, pork representative, to the Board of Agriculture for a term to expire May 1, 2019, is confirmed.

**SECTION 3.** This resolution is effective upon adoption.

*Adopted July 26, 2013* (See page 1253)

**S.R. 728, A SENATE RESOLUTION PROVIDING FOR THE CONFIRMATION OF APPOINTMENTS MADE BY THE GOVERNOR TO THE BOARD OF TRUSTEES OF THE NORTH CAROLINA TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM.**

Whereas, the provisions of G.S. 135–6 require that appointees to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System be confirmed by the North Carolina Senate; and

Whereas, the Governor has submitted to the presiding officer of the Senate the names of his appointees; Now, therefore,

Be it resolved by the Senate:

**SECTION 1.** The appointments of Michael Mebane of Forsyth County, at large; John Aneralla of Mecklenburg County, at large; Alberta Hall of Wake County, active State employee; William Grey of Wake County, active State law
enforcement officer; and Greg Grantham of Onslow County, active teacher, to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System for a term to expire March 31, 2017, are confirmed.

SECTION 2. The appointments of Grace Mynatt of Cabarrus County, retired teacher; Michael Jacobs of Orange County, higher education; Jack Brooks of Mitchell County, retired State employee; and Hollis Dowdy III of Lee County, National Guard member, to the Board of Trustees of the North Carolina Teachers' and State Employees' Retirement System for terms to expire June 30, 2017, are confirmed.

SECTION 3. This resolution is effective upon adoption.
EXECUTIVE ORDERS
of the
GOVERNOR OF THE STATE
OF NORTH CAROLINA

In compliance with G.S. 147-16.1, the Office of the Governor of the State of North Carolina has filed with the Senate Principal Clerk a copy of all Executive Orders issued during the 2013 Legislative Session. The full text of Executive Orders 122 through 139 issued by Governor Beverly Eaves Perdue and Executive Orders 1 through 23 issued by Governor Pat McCrory can be found in the Session Laws of the 2013 General Assembly.

<table>
<thead>
<tr>
<th>Executive Order</th>
<th>Title</th>
<th>Date of Issuance</th>
</tr>
</thead>
<tbody>
<tr>
<td>122</td>
<td>State Transportation Logistics Coordinating Council</td>
<td>July 23, 2012</td>
</tr>
<tr>
<td>124</td>
<td>Protecting Military Installations by Ensuring the Compatibility of State Action with Military Needs</td>
<td>August 18, 2012</td>
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<tr>
<td>125</td>
<td>Establishing the Governor’s Task Force on Employee Misclassification</td>
<td>August 22, 2012</td>
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<tr>
<td>126</td>
<td>Declaration of a State of Disaster for Halifax and Northampton Counties</td>
<td>August 31, 2012</td>
</tr>
<tr>
<td>127</td>
<td>Declaration of a State of Disaster for the Town of Murphy</td>
<td>August 31, 2012</td>
</tr>
<tr>
<td>128</td>
<td>Expanding Opportunities for At-Risk Four-Year-Olds to Achieve Academic Success through North Carolina’s Pre-Kindergarten Program</td>
<td>October 18, 2012</td>
</tr>
<tr>
<td>129</td>
<td>Declaration of a State of Emergency by the Governor of the State of North Carolina</td>
<td>October 26, 2012</td>
</tr>
</tbody>
</table>

The following Executive Orders were issued by Governor Beverly Eaves Perdue from July 23, 2012 – December 21, 2012:
The following Executive Orders were issued by Governor Pat McCrory:

1. Establishing a Procedure for the Appointment of Justices and Judges
   - January 7, 2013

2. Declaration of a State of Emergency by the Governor of the State of North Carolina
   - January 23, 2013
Disaster Declaration for the Town of Kitty Hawk

Temporary Employment Services

Emergency Relief for the Areas Impacted by the Mid-Atlantic Winter Storm

Declaration of a State of Emergency by the Governor of the State of North Carolina

Notice of Termination of the States of Emergency Declared by Executive Orders 2 and 5

Declaration of a State of Emergency by the Governor of the State of North Carolina

Reauthorizing the North Carolina Motorsports Advisory Council

Disaster Declaration for the Towns of Murphy and Robbinsville

Promulgation and Implementation of the North Carolina Emergency Operations Plan

Amending the State E-Mail Retention and Archiving Policy

Health and Safety Leadership Team

Governor’s Advisory Council on Hispanic/Latino Affairs

Temporary Suspension of Motor Vehicle Regulations to Ensure Restoration of Utility Services Throughout the State

Disaster Declaration for Stanly County
<table>
<thead>
<tr>
<th></th>
<th>Disaster Declaration for Orange County</th>
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<td>Statewide Impaired Driving Task Force</td>
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<td>Disaster Declaration for Catawba County</td>
<td>August 7, 2013</td>
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<td>20</td>
<td>Disaster Declaration for the Town of Bakersville</td>
<td>August 13, 2013</td>
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<td>21</td>
<td>Strengthening Fugitive Apprehension and Protecting Public Benefits</td>
<td>August 14, 2013</td>
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<td>22</td>
<td>To Protect the Public From Solid Waste</td>
<td>August 22, 2013</td>
</tr>
<tr>
<td>23</td>
<td>Limiting Clear Cutting Around Local Billboards</td>
<td>August 23, 2013</td>
</tr>
</tbody>
</table>
SENATE COMMITTEE ASSIGNMENTS 2013-2014

COMMITTEE   STANDING MEETING TIME/ROOM

AGRICULTURE/ENVIRONMENT/NATURAL RESOURCES
Tues at 11:00 a.m./Thurs at 9:00 a.m. (544 LOB)
Co-Chairman  Senator Brock
Co-Chairman  Senator Jackson
Vice Chairman  Senator Cook
Members  Senators Allran, Barefoot, Bingham, Bryant, Clodfelter, Ford, Hartsell, Kinnaird, McLaurin, Rabin, Rabon, Randleman, Tucker, Wade, Walters

APPROPRIATIONS/BASE BUDGET
Tues/Wed/Thurs at 8:30 a.m. (643 LOB)
Co-Chairman  Senator Brown
Co-Chairman  Senator Brunstetter
Co-Chairman  Senator Hunt
Members  Senators Apodaca, Blue, Brock, Bryant, D. Davis, Ford, Goolsby, Harrington, Jackson, Nesbitt, Parmon, Pate, Rabon, Robinson, Rucho, Tillman, Tucker

APPROPRIATIONS ON DEPARTMENT OF TRANSPORTATION
Tues/Wed/Thurs at 8:30 a.m. (1027 LB)
Co-Chairman  Senator Harrington
Co-Chairman  Senator Rabon
Vice Chairman  Senator Daniel
Members  Senators Blue, D. Davis, Ford, Gunn, Meredith

APPROPRIATIONS ON EDUCATION/HIGHER EDUCATION
Tues/Wed/Thurs at 8:30 a.m. (421 LOB)
Co-Chairman  Senator Apodaca
Co-Chairman  Senator Soucek
Co-Chairman  Senator Tillman
Members  Senators Barefoot, Curtis, Graham, Hartsell, Jenkins, Parmon, Rucho, Wade

APPROPRIATIONS ON GENERAL GOVERNMENT AND INFO. TECH.
Tues/Wed/Thurs at 8:30 a.m. (1425 LB)
Co-Chairman  Senator J. Davis
Co-Chairman  Senator Tucker
Members  Senators Clark, Sanderson, Tarte, Woodard
APPROPRIATIONS ON HEALTH AND HUMAN SERVICES
Tues/Wed/Thurs at 8:30 a.m. (422 LOB)
Co-Chairman  Senator Pate
Co-Chairman  Senator Hise
Members  Senators Allran, Barringer, McKissick, Nesbitt, Robinson

APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY
Tues/Wed/Thurs at 8:30 a.m. (415 LOB)
Co-Chairman  Senator Bingham
Co-Chairman  Senator Goolsby
Co-Chairman  Senator Newton
Vice Chairman  Senator Apodaca
Members  Senators Clodfelter, Daniel, Kinniard, Randleman

APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES
Tues/Wed/Thurs at 8:30 a.m. (423 LOB)
Co-Chairman  Senator Brock
Co-Chairman  Senator Jackson
Members  Senators Bryant, Cook, McLaurin, Rabin, Tarte, Walters

COMMERCE
Tues/Thurs at 11:00 a.m. (1027 LB)
Co-Chairman  Senator Gunn
Co-Chairman  Senator Meredith
Vice Chairman  Senator Barringer
Vice Chairman  Senator Brown
Members  Senators Apodaca, Blue, Brunstetter, Bryant, Clark, Curtis, D. Davis, J. Davis, Goolsby, Graham, Harrington, Hunt, Jenkins, McLaurin, McKissick, Nesbitt, Newton, Robinson, Rucho, Sanderson, Soucek, Stein, Tarte, Tillman, Tucker, Woodard

EDUCATION/HIGHER EDUCATION
Wed at 10:00 a.m. (544 LOB)
Co-Chairman  Senator Soucek
Co-Chairman  Senator Tillman
Vice Chairman  Senator Barefoot
Members  Senators Allran, Apodaca, Barringer, Brown, Brunstetter, Bryant, Cook, Curtis, Daniel, D. Davis, Graham,
EDUCATION/HIGHER EDUCATION (cont.)
Members (cont.)
Hartsell, Jenkins, Nesbitt, Newton,
Parmon, Pate, Rabin, Robinson,
Rucho, Stein, Tarte, Wade,
Woodard

FINANCE
Tues/Wed at 1:00 p.m. (544 LOB)
Co-Chairman Senator Rabon
Co-Chairman Senator Rucho
Vice Chairman Senator Curtis
Vice Chairman Senator Rabin
Members Senators Allran, Apodaca, Barefoot,
Barringer, Blue, Brock, Brown,
Brunstetter, Clark, Clodfelter,
Cook, Daniel, Ford, Goolsby,
Harrington, Hartsell, Hise, Hunt,
Jackson, Jenkins, McLaurin,
McKissick, Meredith, Nesbitt,
Newton, Sanderson, Soucek, Stein,
Tarte, Tillman, Tucker, Wade,
Walters, Woodard

HEALTH CARE
Wed at 11:00 a.m. (544 LOB)
Co-Chairman Senator Hise
Co-Chairman Senator Pate
Vice Chairman Senator Tarte
Members Senators Allran, Barefoot, Bingham,
Curtis, D. Davis, J. Davis, Hartsell,
Hunt, Kinniard, McKissick,
Parmon, Rabin, Randleman,
Robinson, Rucho, Stein, Tucker,
Wade, Woodard

INSURANCE
Wed at 10:00 a.m. (1027 LB)
Co-Chairman Senator Apodaca
Co-Chairman Senator Meredith
Vice Chairman Senator Sanderson
Members Senators Allran, J. Davis, Ford, Gunn,
Hise, McKissick, McLaurin,
Rucho, Walters
JUDICIARY I
Tues/Thurs at 10:00 a.m. (1027 LB)
Co-Chairman  Senator Goolsby
Co-Chairman  Senator Newton
Vice Chairman  Senator Brunstetter
Members  Senators Apodaca, Barringer, Blue,
Brown, Clodfelter, Harrington,
Jenkins, Nesbitt, Parmon, Rucho,
Sanderson, Soucek, Stein, Tillman,
Wade

JUDICIARY II
Tues/Thurs at 10:00 a.m. (1124 LB)
Co-Chairman  Senator Allran
Co-Chairman  Senator Daniel
Vice Chairman  Senator Randleman
Members  Senators Bingham, Bryant, Clark,
Cook, J. Davis, Graham, Hartsell,
Kinniard, McKissick, Tucker

PENSIONS & RETIREMENT AND AGING
Upon Call of Chairman
Co-Chairman  Senator Apodaca
Co-Chairman  Senator Hise
Members  Senators Curtis, Graham, Gunn,
McLaurin, Pate, Rabin,
Randleman, Walters

PROGRAM EVALUATION
Tues at 12:00 p.m. (421 LOB)
Chairman  Senator Hartsell
Members  Senators Bingham, Brock, Clark,
Clodfelter, Cook, Gunn, Hunt,
McKissick, Nesbitt, Randleman,
Sanderson, Woodard

REDISTRICTING
Upon Call of Chairman
Chairman  Senator Rucho
Vice Chairman  Senator Brock
Vice Chairman  Senator Brown
Members  Senators Apodaca, Brunstetter, Clark,
Graham, Harrington, Hise, Hunt,
McKissick, Nesbitt, Soucek,
Walters
RULES AND OPERATIONS OF THE SENATE

Upon Call of Chairman

Chairman          Senator Apodaca
Vice Chairman     Senator Brunstetter
Members           Senators Barefoot, Blue, Brock, Brown, Clark, Harrington, Hise, Jackson, Jenkins, Meredith, Nesbitt, Newton, Rabon, Stein

STATE AND LOCAL GOVERNMENT

Tues at 12:00 p.m. (1124 LB)

Co-Chairman       Senator J. Davis
Co-Chairman       Senator Tucker
Vice Chairman     Senator Wade
Members           Senators Barringer, Bingham, D. Davis, Goolsby, Hartsell, Jackson, Kinniard, McLaurin, Nesbitt, Pate, Tarte, Walters

TRANSPORTATION

Wed at 11:00 a.m. (1027 LB)

Co-Chairman       Senator Daniel
Co-Chairman       Senator Harrington
Vice Chairman     Senator Rabon
Members           Senators Ford, Graham, Gunn, Hise, Hunt, McKissick, Meredith, Robinson, Soucek, Walters

WAYS & MEANS

Upon Call of Chairman

Chairman          Senator Apodaca
Members           Senators Brock, Clodfelter

SELECT COMMITTEE

SELECT COMMITTEE ON UNC BOARD OF GOVERNORS

Upon Call of Chairman

Chairman          Senator Apodaca
Members           Senators Blue, Brown, Soucek, Tillman, Walters
### Senate Staff

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- **Lieutenant Governor**: Daniel J. Forest
- **Chief of Staff**: Hal Weatherman
- **Director of Operations**: Jamey Falkenbury
- **Constituent Services**: Kelsey Crum

#### Office of the President Pro Tempore
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- **Chief of Staff**: Jim Blaine
- **General Counsel**: Tracy Kimbrell
- **Deputy Chief of Staff for Policy**: Grant Brooks
- **Deputy Chief of Staff for Communications & Operations**: Amy Auth
- **Director of Boards and Commissions/Communications & Operations**: Darrell Malcolm
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- **Senior Policy Advisor, Environmental and Regulatory Transportation**: Jeff Warren
- **Senior Policy Advisor, Transportation**: Beau Memory
- **Policy Advisor/Committee Liaison**: Skylar Adams
- **Policy Advisor, Education**: Sara Riggins
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- **Legislative Assistant**: Peggy Halifax
- **Executive Assistant/Scheduler**: Will Tomlinson
- **Press Secretary**: Shelly Carver
- **Constituent Liaison**: Kolt Ulm

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- **Deputy President Pro Tempore**: Louis Pate
- **Administrative Assistant**: Edna Pearce

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- **Majority Leader**: Harry Brown
- **Administrative Assistant**: Elise McDowell
- **Legislative Assistant**: Darryl Black
- **Finance Committee Assistant**: DeAnne Mangum
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Legislative Assistant Evelyn Costello
Legislative Assistant Jan Lee
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Director of Communications Ford Porter

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Administrative Clerks Paul Curry
Leigh Gipple
Alissa Whatley
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Charlotte Johnston
Shirley Parker
Bing Ruiter
Mary Elizabeth Smith
Peggy Telfair
Page Coordinator Michael Perdue

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Robert B. Myrick
Assistants Donna Blake Justin Owens
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Ed Kesler Ernie Sherrell
Ken Kirby Ronald Spann
Canton Lewis Steve Wilson
Charles Marsalis Graham Witaker
Steve McKaig Leslie Witaker
Anderson Meadows Robert Young

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Administrative Assistant Sherry Pearson
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Gail Bishop
Darryl Black
Beth Braswell*
Phyllis Cameron
Suzanne Castleberry
Judy Chriscoe
Patricia Christmas
Phillip Christofferson
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Judy Edwards
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Paola Fields
Candace Finley
Carolyn Gooden
Susanne Gunter
Peggy Halifax
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Amber Harris
Ted Harrison
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Robb Jansen
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Gerry Johnson
Jimmy Johnson
Jeb Kelly
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Lori Kroll*
Joseph Kyzer
David Larson
Jan Lee
Rosita Littlejohn
Helen Long
Debbie Lown
Deanne Mangum

Senator Nesbitt
Senator Jenkins
Senator Brown
Senator Nesbitt
Senator Robinson
Senator Tillman
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Senator Parmon
Senator Jackson
Senator Soucek
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Senator Meredith
Senator Brown
Mary Marchman  Senator Brunstetter
Elise McDowell  Senator Brown
Bonnie McNeil  Senator Blue
Towers Mingleford  Senator Jackson
Brian Mooney  Senator Daniel
Leslie Murray  Senator Cook
Steve Ogden  Senator Brunstetter
Edna Pearce  Senator Pate
Andy Perrigo  Senator Daniel
Blake Perry  Senator Barefoot
Ford Porter  Senator Nesbitt
Jackie Ray  Senator Ford
Carol Resar  Senator Woodard
Paul Rucho  Senator Rucho
Hannah Salem  Senator Rabin
Linda Sanderson  Senator Sanderson
Mark Shiver  Senator Tillman
Amanda Shreve  Senator Cook
Vickie Spears  Senator Walters
Katie Stanley  Senator McLaurin
Joey Stansbury  Senator Tucker
Lynn Tennant  Senator Curtis
Andrew Tripp  Senator Apodaca
Kathy Voss  Senator Sanderson
Carole Walker  Senator Allran
Acy Watson  Senator Jackson
Gloria Whitehead  Senator Barringer
Loleta Wilkerson  Senator Clark
Carol Wilson  Senator Newton
Brent Woodcox  Senator Rucho
Kathie Young  Senator Kinnaird

*Research Assistant
*Legal Counsel

SENATE ASSISTANTS (SUBSTITUTES)

Sarah Murphy  Becky Hedspeth
Cindy Davis  Anna Kidd
Mary Watson Cannon  Anne Misenheimer
Devon Davis  Jan Sommer
Belle Fite  Chaz Offenburg
Gayle Gunn
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<th>SENATE INTERNS</th>
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<td>Josh Arant</td>
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Brian Mooney  Senator Daniel
Seth Nobel  Senator Sanderson
Chaz Offenburg  Senator Kinnaird
Andrew Pate  Senator Brunstetter
Richard Peterson  Senator Pate
Javier Pico  Senator Berger
Christopher Pittman  Senator Tucker
Maria Quinonez  Senator Barringer
Paula Quinonez  Senator Cook
Chris Sigmann  Senator Kinnaird
Gabriel Snyder  Senator Rabin
Haley Spalding  Senator Harrington
Eric Spitler  Senator D. Davis
Kermit Stancil  Senator Jackson
James Stephens  Senator Newton
Jessica Stevens-Tuttle  Senator Clark
Joshua Strachan  Senator Tarte
Kay Tembo  Senator Robinson
Joseph Thelen  Senator Brunstetter
Ben Tobey  Senator Cook
William Verbiest  Senator Hunt
Casey Wentz  Senator Barringer
David Whitaker  Senator Berger
Rob Williams  Senator Barefoot
Hallie Willis  Senator McLaurin
Candace Wright  Senator Berger
Jacob Yaniero  Senator Brown
Anuraag Agarwal, Morrisville
Kayla Alderman, Lewisville
Kristen Alderman, Lewisville
Marcus Alexander, Stanley
Quawn Anderson, Wilson
Bradley Anderton, Wake Forest
David Andrews, Morrisville
Kendall Andrews, New Bern
Dee Dee Anthony, Wake Forest
Conor Applegate, Mooresville
McKenzie Armes, Raleigh
Milledge Armes, Raleigh
Haley Ashley, Burlington
James Averette, Henderson
Warren Babb, Charlotte
Cameron Bailey, Wilmington
Courtney Baptiste, Chapel Hill
Garrett Barlow, Boone
Eva Barlowe, Wilmington
J.C. Barringer, Cary
Jake Barton, Stella
Morgan Bass, Farmville
Madison Bell, Louisburg
Shantel Bennett, Sanford
Allison Berger, Raleigh
Regan Booth, Fairview
Garrett Boyd, Pinetown
Chandria Boykin, Winterville
Austin Bright, Morrisville
Eli Brightbill, Sanford
Sterrett Brook, Raleigh
Logan Brooks, Pittsboro
Mary Ann Broughton, Winston-Salem
Kianna Brower, Rural Hall
Alex Brown, Cary
Candace Brown, Raleigh
Katie Brown, Fayetteville
Natalie Brown, Mount Olive
Cassie Burk, Cornelius
Jacob Burnette, Canton
Emma Burri, Charlotte
Riana Burton, Raleigh
Thomas Byrd, Turkey
Haley Cagle, Clayton
Shyheem Carmon, Hookerton
Nic Carroll, Wilmington
Andrew Cavari, Garner
Garrett Chavis, Raleigh
William Cheung, Taylorsville
Rebecca Chisholm, Jacksonville
Allison Clark, Raleigh
Desmond Clark, Raeford
Grimes Clark V, Tarboro
Ali Clary, Battleboro
Jonathan Coby, Wake Forest
Lauren Coker, Garner
Faith Coleman, Wake Forest
Nicholas Couchell, Matthews
Meredith Criner, Wilmington
Davis Culton, Durham
Audra Daniel, Morganton
Ron Davenport III, Clayton
Amanda Davis, Red Oak
Tim Daye, Jr., Henderson
Olivia de Araujo, Goldsboro
Henry de St. Aubin, Siler City
Nicole Defreitas, State Road
Elia Dew, Delco
Andrew Distell, Fayetteville
Kaitlynn Divine, Waxhaw
Libby Dotson, Clayton
Taylor Dozier, Raleigh
Jacob Dubois, Hendersonville
Antoinette Dyer, Raleigh
John Easterling III, Laurinburg
Caitlyn Ebert, Hickory
Emily Edwards, Clinton
Trevor Edwards, Goldsboro
Zack Eliason, Clinton
Sam Ess, Rocky Mount
Paul Estes, Matthews
Austin Ettefagh, Greensboro
Bobby Evans, Snow Hill
Chandler Evans, Goldsboro
Griffin Evans, Wilmington
Victoria Fahnstock, Rocky Mount
Treston Farrington, Holly Springs
Emma Feichter, Raleigh
Isabel Ferguson, Raleigh
William Finch, Reidsville
Sarah Finney, Monroe
Maya Finoh, Durham
Elizabeth Fisher, Charlotte
Robert Fleming, Elon
Daniel Folger, Elon
Emma Fowler, Nakina
Harrison Froelich, Greensboro
Melissa Fu, Waxhaw
Jacob Fuqua, Hendersonville
Lillie Gardner, Stantonsburg
Ryan Glennon, Holly Springs
Tyler Goldbach, Raleigh
Gabi Gordon, Summerfield
Tristan Gordon, Monroe
Elliott Graves, Reidsville
Justin Graves, Wilmington
Jacqlyn Grilli, Marshallville
Ava Gruchacz, Oxford
Alex Hale, Eden
Madison Hall, Morganton
Elijah Hamilton, Apex
Mary Hanna, Sanford
Evano Harakas, Gastonia
Alec Harbin, Gastonia
Hannah Hardy, Whiteville
Erial Harris, Weldon
Rodney Harrison II, Huntersville
Cole Hartsell, Winston-Salem
Evans Haynes, Raleigh
Spencer Hazel, Greensboro
Ben Hedgepeth, Fayetteville
Hayden Hemphill, Raleigh
Tyler Hendricks, Greensboro
Gina Higgins, Wendell
Keegan Hines, Cary
Katelyn Hinson, Youngsville
Cammie Holland, Greensboro
Taylon Holland, Raleigh
Gabbie Holmes, Sanford
Katie Honaker, Raleigh

Reaves Houston, Dunn
Rebekah Howard, Garner
Alli Howell, Cherryville
Hannah Hudson, Cary
Lance Hunter, Cary
Spence Hutcheson, Durham
Grace Isley, Raleigh
Tori Jackson, Denver
Katy Jarema, Raleigh
Rob Jarrell, High Point
Austin Jeffreys, Goldsboro
Annie Linn Johnson, Fayetteville
Jenna Johnson, Benson
Kateleigh Johnson, Kipling
Abby Jones, Boiling Springs Lake
Austin Jones, Clinton
Danielle Jones, Clinton
Jamar Jones, Snow Hill
Jazmyn Jones, Knightdale
Sam Jones, Winston-Salem
Kira Jordan, Rutherfordton
Tim Jordan, Jr., Winston-Salem
Jessica Joyner, Raleigh
Maranda Judd, Holly Springs
Divya Juneja, Cary
Prakash Kadiri, Concord
Elaine Kearney, Pinehurst
Tripp Kelly III, Advance
John Ange Kernodle, Burlington
Donald Kernodle II, Burlington
Caroline Kerns, Burlington
McCain Kerr, Monroe
Kyler Ketner, Durham
Jordan Keyes, Raleigh
Ashley King, Sneads Ferry
Lilly Kinney, Reidsville
Austin Kirley, Apex
David Kostenberger, Wake Forest
Lucas Krenitsky, Chapel Hill
Nicholas Kroll, Holly Springs
Victoria Kroll, Holly Springs
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Lydia Kuehnert, Morganton
Maria Kunath, Apex
Emma Labovitz, Salisbury
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<td>Caleb Sanders</td>
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<td>Anjan Sapasetty</td>
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Maddie Schulz, Weldon
Carol Ann Schwarzenbach, Jacksonville
Andrew Scott, Raleigh
Justin Scott, Raleigh
Brett Shackleford, Snow Hill
Max Shafer, Warsaw
Bailey Sherrill, Hiddenite
Andy Shiver, Knightdale
Laura Shumate, Eden
Janna Sims, Autryville
Kayla Sloan, Raleigh
Andrew Smith, Greensboro
Jordan Smith, Henderson
Kenzie Smith, Kernersville
Krystle Smith, Cooleemee
Ruth Smith, Wilmington
Steve Smith, Cooleemee
A.J. Smith IV, Concord
Dani Solovay, Raleigh
Sami Sparks, Southport
Addison Starnes, Morganton
Mary Catherine Starnes, Hickory
Katie Steg, Henderson
Greg Stewart, Garner
Sophia Stoddard, Rolesville
Alyssa Stoldt, Matthews
Christina Stone, Cary
Sawyer Strand, Faison
Ross Strickland, Salemburg
Alex Stroud, Aberdeen
Hannah Stutts, Youngsville
Tharon Suggs, Garner
Lizzie Tart, Clayton
Mattie Tart, Benson
Cody Tatum, Yanceyville
Matt Taylor, Wilson
Zachary Taylor, Raleigh
Kennedy Terrell, Matthews
Elissa Tew, Dunn
Brandon Thibaudeau, Burlington
Jordan Thomas, Garner
Nick Thomas, Gastonia
Bryanna Thompson, Knightdale
Parker Tilley, Winston-Salem
Max Toney, Reidsville
Katherine Treacy, Oxford
Kevin Treacy, Oxford
Lillie Turlington, Clinton
Kevin Upadhaya, Durham
Jackson Valentine, Nashville
Ty Van de Zande, Raleigh
Nathaniel Vang, Charlotte
Joseph Vuke, Raleigh
Chance Wade, Fayetteville
Dana Walker, Chapel Hill
Michael Walker, Jr., Huntersville
Renee Ward, Garner
Roslyn Ward, Garner
Ryan Warren, Snow Hill
Trevis Watts II, Brown Summit
Haley Webb, Summerfield
Morgan Welge, Chapel Hill
Ian West, Wilson
Aja White, Carrboro
Jessica White, Mocksville
Laura Whittington, Chocowinity
Cole Wicker, Bear Creek
Jackson Widener, Charlotte
Miles Wiggins, Nashville
Sierra Wiley, Charlotte
Becca Wilkins, Clayton
Cole Williams, Greensboro
Jamario Williams, Henderson
Kayla Williams, Raleigh
Odom Williford, Chapel Hill
Leah Wills, Burlington
Sarah Grace Wilson, Greensboro
James Yates, Holly Springs
Allyson Yelton, Rutherfordton
Jackson Yelverton II, Eureka
Chris Yerton, Waxhaw
Spencer Zachary, Taylorsville
Annissa Zak, Fuquay-Varina
Jimmy Zak, Fuquay-Varina
Tarek M. Zikry, Chapel Hill
PRESIDENT OF THE SENATE APPOINTMENTS

The following appointments to boards and commissions were made during 2013 by The Honorable Dan Forest, Lieutenant Governor and President of the Senate.

<table>
<thead>
<tr>
<th>President of the Senate Appointments</th>
<th>Appointed</th>
<th>Expires</th>
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<tbody>
<tr>
<td>BIOTECHNOLOGY CENTER, BOARD OF DIRECTORS, NORTH CAROLINA</td>
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<td>Bylaws-10/17/2000</td>
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<td>Mr. Frank Grainger</td>
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<tr>
<td>Mr. Joshua Price</td>
<td>06/30/2013</td>
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<td>Mr. John Rabby</td>
<td>06/30/2013</td>
<td>06/30/2015</td>
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<td>BLUMENTHAL CENTER FOR PERFORMING ARTS FOUNDATION, BOARD OF TRUSTEES, NORTH CAROLINA</td>
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<tr>
<td>Mr. Jeffrey S. Hay</td>
<td>07/01/2013</td>
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<td>BOXING ADVISORY COMMISSION</td>
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<td>G.S. 143-652.2 (a) (5)</td>
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<td>Dr. Robert Clinton</td>
<td>06/30/2013</td>
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<td>PUBLIC SCHOOL FORUM BOARD OF DIRECTORS</td>
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<td>Dr. Kaye McGarry</td>
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<td>RURAL ECONOMIC DEVELOPMENT CENTER, BOARD OF DIRECTORS, NORTH CAROLINA</td>
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<td>Mr. Brenden Jones</td>
<td>03/01/2013</td>
<td>at the pleasure*</td>
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<tr>
<td>Ms. Cicely McCulloch</td>
<td>03/01/2013</td>
<td>at the pleasure*</td>
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<tr>
<td>Mr. Rocky Proffit</td>
<td>03/01/2013</td>
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<td>SENTENCING AND POLICY ADVISORY COMMISSION, NORTH CAROLINA</td>
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<td>G.S. 164-37 (18)</td>
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<td>Mr. Arthur Beeler</td>
<td>06/30/2013</td>
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<td>G.S. 158-8.3 (b) (2)</td>
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<td>Mr. Alex Dale</td>
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<td>Dr. Jane Norwood</td>
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<td>G.S. 158-8.1 (b) (2)</td>
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<tr>
<td>Mr. Robert Thomas Sofield</td>
<td>06/30/2013</td>
<td>06/30/2017</td>
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</table>

*Members shall serve at the pleasure of the original appointing authority and until their successors are appointed
## SENATE PRESIDENT PRO TEMPORE APPOINTMENTS

The following appointments and recommendations to Boards and Commissions were made during 2013 by the Honorable Phil Berger, President Pro Tempore.

<table>
<thead>
<tr>
<th>President Pro Tempore Appointments</th>
<th>Appointed</th>
<th>Expires</th>
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| **ACUPUNCTURE LICENSING BOARD, NORTH CAROLINA**  
G.S. 90-453 (a) | | |
| Ms. Nancy A. Fuller 07/30/2013 | 06/30/2016 |
| Ms. Emmylou Norfleet 07/30/2013 | 06/30/2016 |

| **ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE, JOINT LEGISLATIVE**  
G.S. 120-70.100 (a) (1), G.S. 120-70.102 | | |
| Sen. Dan Blue 09/03/2013 | 01/15/2015 |
| Sen. Harry Brown 09/03/2013 | 01/15/2015 |
| Sen. Peter Brustetter 09/03/2013 | 12/15/2013 |
| Sen. Warren Daniel 09/03/2013 | 01/15/2015 |
| Sen. Fletcher Hartsell (CC) 09/03/2013 | 01/15/2015 |
| Sen. Brent Jackson 09/03/2013 | 01/15/2015 |
| Sen. Martin Nesbitt 09/03/2013 | 01/15/2015 |
| Sen. Fletcher Hartsell 09/03/2013 | 01/15/2015 |
| Sen. Clark Jenkins 10/29/2013 | 01/15/2015 |
| Sen. Buck Newton (replacing Bingham) 11/21/2013 | 01/15/2015 |

| **AFRICAN-AMERICAN HERITAGE COMMISSION, NORTH CAROLINA**  
G.S. 143B-135 (b) (2) | | |
| Ms. Belinda Ann Tate 07/30/2013 | 06/30/2016 |

| **AGRICULTURE FINANCE AUTHORITY, NORTH CAROLINA**  
G.S. 122D-4 (b) (5) | | |
| Dr. Charles B. Williams 07/30/2013 | 06/30/2016 |

| **ASSESSMENT OF REGULATED AND NON-REGULATED INDUSTRY UTILITY FEES, LRC STUDY COMMITTEE ON**  
G.S. 120-30.10 (a), G.S. 120-30.10 (b) | | |
| Sen. Tom Apodaca (Ex-Officio) 10/29/2013 | 01/15/2015 |
| Sen. Harry Brown (CC) 10/29/2013 | 01/15/2015 |
| Sen. Kathy Harrington 10/29/2013 | 01/15/2015 |
| Sen. Fletcher Hartsell 10/29/2013 | 01/15/2015 |
| Sen. Clark Jenkins 10/29/2013 | 01/15/2015 |
| Sen. Buck Newton (replacing Bingham) 11/21/2013 | 01/15/2015 |

| **BLIND, NORTH CAROLINA CONSUMER ADVOCACY COMMITTEE FOR THE**  
G.S. 143B-164 (a) (1) | | |
| Sen. Austin Allran (RA) 07/01/2013 | 06/30/2017 |

| **BUILDING COMMISSION, NORTH CAROLINA STATE**  
G.S. 143-135.25 (c) (5), G.S. 143-135.25 (c) (8) | | |
<p>| Ms. Susan B. Lewis 07/30/2013 | 06/30/2016 |
| Mr. Aaron K. Thomas 07/30/2013 | 06/30/2015 |</p>
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<thead>
<tr>
<th>Advisory Committee Name</th>
<th>G.S. Section(s)</th>
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<th>Expires</th>
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<td>CANCER COORDINATION AND CONTROL, ADVISORY COMMITTEE ON</td>
<td>G.S. 130A-33.50 (b)</td>
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President *Pro Tempore* Appointments | Appointed | Expires
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**ELECTIONS OVERSIGHT COMMITTEE, JOINT LEGISLATIVE**
G.S. 120-70.140 (1), G.S. 120-70.142 (a)
- Sen. Tom Apodaca 09/03/2013 01/15/2015
- Sen. Dan Blue 09/03/2013 01/15/2015
- Sen. Harry Brown 09/03/2013 01/15/2015
- Sen. Angela Bryant 09/03/2013 01/15/2015
- Sen. Thom Goolsby 09/03/2013 01/15/2015
- Sen. Kathy Harrington 09/03/2013 01/15/2015
- Sen. Clark Jenkins 09/03/2013 01/15/2015
- Sen. Martin Nesbitt 09/03/2013 01/15/2015
- Sen. Bob Rucho (CC) 09/03/2013 01/15/2015

**EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE, JOINT LEGISLATIVE**
G.S. 120-70.150 (1), G.S. 120-70.152 (a)
- Sen. Andrew Brock 09/03/2013 01/09/2015
- Sen. Kathy Harrington 09/03/2013 01/09/2015
- Sen. Ronald J. Rabin 09/03/2013 01/09/2015
- Sen. Norman Sanderson 09/03/2013 01/09/2015
- Sen. Dan Soucek (CC) 09/03/2013 01/09/2015

**EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL, NORTH CAROLINA**
G.S. 143-510 (a) (3)
- Mr. James R. Gusler, Jr. 07/30/2013 12/31/2015
- Ms. Traci M. Little 01/01/2014 12/31/2017

**ENERGY BOARD, SOUTHERN STATES**
G.S. 104D-2 (c)
- Sen. Buck Newton (alternate member) 09/10/2013 at the pleasure

**ENERGY POLICY, JOINT LEGISLATIVE COMMISSION ON**
G.S. 120-285 (b) (1), G.S. 120-287 (a)
- Sen. Andrew Brock 09/03/2013 01/09/2015
- Sen. Kathy Harrington 09/03/2013 01/09/2015
- Sen. Gene McLaurin 09/03/2013 01/09/2015
- Sen. Buck Newton 09/03/2013 01/09/2015
- Sen. Bob Rucho (CC) 09/03/2013 01/09/2015
- Sen. Trudy Wade (advisory member) 10/01/2013 01/09/2015

**ENERGY POLICY COUNCIL**
G.S. 113B-3 (c) (4), G.S. 113B-3 (c) (5), G.S. 113B-3 (c) (10), G.S. 113B-3 (c) (12)
- Mr. Robert F. Caldwell 10/01/2013 06/30/2017
- Mr. Paolo Carollo 10/01/2013 06/30/2016
- Mr. Marshall Cohen 10/01/2013 06/30/2015
- Mr. Richard G. Newell 10/01/2013 06/30/2015

**ENVIRONMENTAL MANAGEMENT COMMISSION**
G.S. 143B-283 (a1) (13), G.S. 143B-283 (a1) (14), G.S. 143B-283 (a1) (15)
- Mr. David W. Anderson 07/30/2013 06/30/2015
- Mr. Steve Keen (RA) 07/30/2013 06/30/2015
- Mr. Steve Tedder (RA) 07/30/2013 06/30/2017
### SENATE JOURNAL

#### Appointments

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<td>Sen. Ronald J. Rabin</td>
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<td>01/09/2015</td>
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<td>Sen. Michael P. Walters</td>
<td>09/03/2013</td>
<td>01/09/2015</td>
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<td>FIRE AND RESCUE COMMISSION, STATE</td>
<td>G.S. 58-78-1 (a) (3)</td>
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<td>Mr. Ronnie R. Griffin (RA)</td>
<td>07/30/2013</td>
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<td>FORESTRY COUNCIL, NORTH CAROLINA</td>
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<td>Mr. Lynn T. Garner, Jr.</td>
<td>07/01/2013</td>
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<td>Mr. Charles F. McDowell IV</td>
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<td>Mr. Dale Thrash</td>
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<td>NORTH CAROLINA</td>
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<td>Mr. John M. Gillis, Jr. (RA)</td>
<td>06/27/2013</td>
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<td>Mr. Matthew J. Helms</td>
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<td>Mr. Richard Taylor (RA)</td>
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<td>Mr. Danny Barwick Smith (RA)</td>
<td>07/30/2013</td>
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<td>Mr. Donald E. Flow</td>
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<td>Mr. David L. Rose</td>
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<td>Mr. Edwin J. Vick</td>
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<td>JOINT LEGISLATIVE COMMISSION ON</td>
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<td>President</td>
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### GOVERNMENTAL OPERATIONS, JOINT LEGISLATIVE COMMISSION ON (continued)

| Sen. Andrew Brock | 09/03/2013 | 01/15/2015 |
| Sen. Harry Brown (Ex Officio) | 09/03/2013 | 01/15/2015 |
| Sen. Peter Brustetter | 09/03/2013 | 12/15/2013 |
| Sen. Daniel G. Clodfelter | 09/03/2013 | 01/15/2015 |
| Sen. Rick Gunn | 09/03/2013 | 01/15/2015 |
| Sen. Kathy Harrington | 09/03/2013 | 01/15/2015 |
| Sen. Fletcher Hartsell | 09/03/2013 | 01/15/2015 |
| Sen. Ralph Hise | 09/03/2013 | 01/15/2015 |
| Sen. Neal Hunt | 09/03/2013 | 01/15/2015 |
| Sen. Brent Jackson | 09/03/2013 | 01/15/2015 |
| Sen. Floyd McKissick | 09/03/2013 | 01/15/2015 |
| Sen. Martin Nesbitt | 09/03/2013 | 01/15/2015 |
| Sen. Buck Newton | 09/03/2013 | 01/15/2015 |
| Sen. Louis Pate (Ex Officio) | 09/03/2013 | 01/15/2015 |
| Sen. Bill Rabon | 09/03/2013 | 01/15/2015 |
| Sen. Bob Rucho | 09/03/2013 | 01/15/2015 |
| Sen. Josh Stein | 09/03/2013 | 01/15/2015 |
| Sen. Jerry Tillman | 09/03/2013 | 01/15/2015 |
| Sen. Trudy Wade | 09/03/2013 | 01/15/2015 |

### HEALTH AND HUMAN SERVICES, JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON

G.S. 120-208 (a) (1), G.S. 120-208.2 (a)

| Sen. Austin Allran | 09/03/2013 | 01/09/2015 |
| Sen. Chad Barefoot | 09/03/2013 | 01/09/2015 |
| Sen. Tamara Barringer | 09/03/2013 | 01/09/2015 |
| Sen. Don Davis | 09/03/2013 | 01/09/2015 |
| Sen. Fletcher Hartsell (advisory member) | 09/11/2013 | 01/09/2015 |
| Sen. Ralph Hise (CC) | 09/03/2013 | 01/09/2015 |
| Sen. Floyd McKissick (advisory member) | 09/11/2013 | 01/09/2015 |
| Sen. Martin Nesbitt (advisory member) | 07/30/2013 | 01/09/2015 |
| Sen. Earline Parmon | 09/03/2013 | 01/09/2015 |
| Sen. Louis Pate | 09/03/2013 | 01/09/2015 |
| Sen. Shirley B. Randleman (advisory member) | 11/06/2013 | 01/09/2015 |
| Sen. Gladys A. Robinson | 09/03/2013 | 01/09/2015 |
| Sen. Jeff Tarte | 09/03/2013 | 01/09/2015 |
| Sen. Tommy Tucker | 09/03/2013 | 01/09/2015 |
| Sen. Mike Woodard | 09/03/2013 | 01/09/2015 |

### HEALTH CARE PROVIDER PRACTICE SUSTAINABILITY AND TRAINING/ADDITIONAL TRANSPARENCY IN HEALTH CARE, LRC STUDY COMMITTEE ON

G.S. 120-30.10 (a), G.S. 120-30.10 (b)

<p>| Sen. Tom Apodaca (Ex-Officio) | 10/29/2013 | 01/15/2015 |
| Sen. David L. Curtis | 10/29/2013 | 01/15/2015 |
| Sen. Ralph Hise (CC) | 10/29/2013 | 01/15/2015 |
| Sen. Gene McLaurin | 10/29/2013 | 01/15/2015 |
| Sen. Jeff Tarte | 10/29/2013 | 01/15/2015 |
| Sen. Tommy Tucker | 10/29/2013 | 01/15/2015 |</p>
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<td>G.S. 135-48.20 (h)</td>
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<td>Mr. Charles T. Johnson</td>
<td>07/30/2013</td>
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| HIGH-SPEED RAIL COMPACT COMMISSION, VIRGINIA-NORTH CAROLINA |                 |              |
| G.S. 136-222 (b); S.L. 2013-353 section 2.51 |                 |              |
| Sen. Kathy Harrington             | 07/25/2013      | 06/30/2015   |
| Sen. Bill Rabon                   | 07/25/2013      | 06/30/2015   |

| HOLOCAUST, NORTH CAROLINA COUNCIL ON THE |                 |              |
| G.S. 143A-48.1 (b)                    |                 |              |
| Dr. Rennie W. Brantz (RA)             | 07/01/2013      | 06/30/2015   |
| Ms. Marcia E. Jarrell (RA)            | 07/01/2013      | 06/30/2015   |
| Ms. Angela J. Perry (RA)              | 07/01/2013      | 06/30/2015   |
| Mr. Robert M. Pittenger, Jr. (RA)     | 07/01/2013      | 06/30/2015   |
| Mr. Richard Schwartz (RA)             | 07/01/2013      | 06/30/2015   |
| Ms. Marianne D. Wason (RA)            | 07/01/2013      | 06/30/2015   |

| HOUSING FINANCE AGENCY BOARD OF DIRECTORS, NORTH CAROLINA |                 |              |
| G.S. 122A-4 (c)                                           |                 |              |
| Mr. Stancil Barnes (RA)                                  | 07/30/2013      | 06/30/2015   |
| Mr. J. Dean Carpenter (RA)                               | 07/30/2013      | 06/30/2015   |
| Mr. Paul Kennedy                                          | 07/30/2013      | 06/30/2017   |
| Mr. Charles Mullen                                        | 07/30/2013      | 06/30/2017   |

| INDIAN AFFAIRS, NORTH CAROLINA STATE COMMISSION OF |                 |              |
| G.S. 143B-407 (a)                                        |                 |              |
| Mr. Daniel Locklear                                       | 07/30/2013      | 06/30/2015   |

| INFORMATION TECHNOLOGY, JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON |                 |              |
| G.S. 120-232 (a) (1), G.S. 120-232 (d)                     |                 |              |
| Sen. Chad Barefoot                                         | 09/03/2013      | 01/09/2015   |
| Sen. Andrew Brock (CC)                                     | 09/03/2013      | 01/09/2015   |
| Sen. Ben Clark                                             | 09/03/2013      | 01/09/2015   |
| Sen. Ralph Hise                                            | 09/03/2013      | 01/09/2015   |
| Sen. Dan Soucek                                            | 09/03/2013      | 01/09/2015   |
| Sen. Josh Stein                                            | 09/03/2013      | 01/09/2015   |
| Sen. Jeff Tarte                                            | 09/03/2013      | 01/09/2015   |
| Sen. Mike Woodard                                          | 09/03/2013      | 01/09/2015   |

<p>| IRRIGATION CONTRACTOR’S LICENSING BOARD, NORTH CAROLINA |                 |              |
| G.S. 89G-4 (a) (3)                                        |                 |              |
| Mr. Charles A. Allen IV (RA)                              | 07/30/2013      | 09/30/2015   |
| Mr. Lindsey R. Griffin (RA)                               | 07/30/2013      | 09/30/2016   |</p>
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<td>JORDAN LAKE, LRC STUDY COMMITTEE ON</td>
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<td>Sen. Tom Apodaca (Ex-Officio)</td>
<td>10/29/2013</td>
<td>01/15/2015</td>
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<td>Sen. Thom Goolsby</td>
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<td>01/15/2015</td>
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<td>Sen. Rick Gunn (CC)</td>
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<td>01/15/2015</td>
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<tr>
<td>Sen. Neal Hunt</td>
<td>10/29/2013</td>
<td>01/15/2015</td>
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<td>Sen. Floyd McKissick</td>
<td>10/29/2013</td>
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<td>Sen. Trudy Wade</td>
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<td>JUSTICE AND PUBLIC SAFETY, JOINT LEGISLATIVE COMMITTEE ON</td>
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President *Pro Tempore* Appointments | Appointed | Expires
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**LEGISLATIVE SERVICES COMMISSION**
G.S. 120-31 (a)
- Sen. Tom Apodaca 09/03/2013 01/09/2015
- Sen. Harry Brown 09/03/2013 01/09/2015
- Sen. Martin Nesbitt 09/03/2013 01/09/2015
- Sen. Bob Rucho 09/03/2013 01/09/2015

**LIBRARY COMMISSION, STATE**
G.S. 143B-91 (a)
- Ms. Lisa A. Duncan 05/30/2013 06/30/2016

**LICENSE TO GIVE TRUST FUND COMMISSION**
G.S. 20-7.5 (a) (1)
- Mr. Ken Burkel (RA) 01/01/2014 12/31/2015
- Mr. Lloyd Jordan, Jr. (RA) 01/01/2014 12/31/2015
- Ms. Lisa B. McCanna 01/01/2014 12/31/2015
- Mr. Arthur Totillo (RA) 01/01/2014 12/31/2015

**LOCAL GOVERNMENT COMMISSION**
G.S. 159-3 (a)
- Mr. W. A. Rodda (RA) 07/30/2013 06/30/2017

**LOCAL GOVERNMENT, JOINT LEGISLATIVE COMMITTEE ON**
G.S. 120-157.3 (a); G.S. 120-157.1 (a) (1)
- Sen. Don Davis 09/03/2013 01/09/2015
- Sen. Jim Davis (CC) 09/03/2013 01/09/2015
- Sen. Fletcher Hartsell 09/03/2013 01/09/2015
- Sen. Tommy Tucker 09/03/2013 01/09/2015
- Sen. Trudy Wade 09/03/2013 01/09/2015
- Sen. Michael P. Walters 09/03/2013 01/09/2015
- Sen. Mike Woodard 09/03/2013 01/09/2015

**LOCKSMITH LICENSING BOARD, NORTH CAROLINA**
G.S. 74F-5 (a) (1)
- Mr. Steve Stroud (RA) 01/01/2014 12/31/2016

**LOTTERY COMMISSION, NORTH CAROLINA STATE**
G.S. 18C-111 (a)
- Mr. Barry Dodson (RA) 09/01/2013 08/31/2018

**LOTTERY OVERSIGHT COMMITTEE**
G.S. 18C-172 (a) (2)
- Mr. Richard N. Fisher, Jr. 06/27/2013 12/31/2015
- Ms. Livia Paige Freeman 06/27/2013 12/31/2015
- Dr. David W. Jones 06/27/2013 12/31/2015

**MANUFACTURED HOUSING BOARD, NORTH CAROLINA**
G.S. 143-143.10 (a)
- Mr. Clifford W. DeSpain (RA) 07/30/2013 06/30/2016
- Mr. David Cranfield (RA) 07/30/2013 06/30/2016
### MARKET BASED SOLUTIONS AND ELIMINATION OF ANTI-COMPETITIVE PRACTICES IN HEALTH CARE, LRC STUDY COMMITTEE ON
G.S. 120-30.10 (a), G.S. 120-30.10 (b)

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<td>Sen. Tom Apodaca (CC), (Ex-Officio)</td>
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<td>Sen. Ralph Hise</td>
<td>10/29/2013</td>
<td>01/15/2015</td>
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<tr>
<td>Sen. Louis Pate</td>
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<td>Sen. Bob Rucho</td>
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### MEDICAID REFORM ADVISORY GROUP
S.L. 2013-360 section 12H.1 (e) (2)

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### MENTAL HEALTH, DEVELOPMENTAL DISABILITIES, AND SUBSTANCE ABUSE SERVICES, COMMISSION ON
G.S. 143B-148 (a) (1)

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<td>Ms. Pamela B. Poteat</td>
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<td>Dr. Brian B. Sheitman</td>
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### MILITARY AFFAIRS COMMISSION, NORTH CAROLINA
G.S. 127C-2 (b) (3)

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<td>Lt. Col. Robert C. Anderson</td>
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<td>07/31/2015</td>
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<tr>
<td>Sen. Harry Brown</td>
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<td>07/31/2015</td>
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<td>Col. Walter J. Marm, Jr.</td>
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<td>Sen. Wesley Meredith</td>
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<td>07/31/2015</td>
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<tr>
<td>Mr. Dan M. Roberts</td>
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### MINORITY HEALTH ADVISORY COUNCIL
G.S. 130A-33.44 (a) (3)

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<tr>
<td>Sen. Floyd McKissick</td>
<td>06/28/2013</td>
<td>06/30/2014</td>
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<tr>
<td>Ms. Olga C. Perkins</td>
<td>12/10/2013</td>
<td>06/30/2015</td>
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<tr>
<td>Sen. Gladys A. Robinson</td>
<td>06/28/2013</td>
<td>06/30/2014</td>
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<td>Ms. Brenda J. Smith</td>
<td>12/10/2013</td>
<td>06/30/2016</td>
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<tr>
<td>Dr. Rosemary Fernandez Stein</td>
<td>12/10/2013</td>
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### MUNICIPAL INCORPORATIONS SUBCOMMITTEE OF THE JOINT LEGISLATIVE COMMITTEE ON LOCAL GOVERNMENT
G.S. 120-158 (b) (1)

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<tr>
<td>Sen. Jim Davis</td>
<td>09/03/2013</td>
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<td>Sen. Tommy Tucker</td>
<td>09/03/2013</td>
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<tr>
<td>Sen. Michael P. Walters</td>
<td>09/03/2013</td>
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### MUSEUM OF ART BOARD OF TRUSTEES, NORTH CAROLINA
G.S. 140-5.13 (b) (5)

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<th>Name</th>
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<tr>
<td>Ms. Carol Carstarphen (RA)</td>
<td>07/30/2013</td>
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<tr>
<td>Ms. Becki Gray (RA)</td>
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<td><strong>OMNIBUS FOSTER CARE AND DEPENDENCY, LRC STUDY COMMITTEE</strong></td>
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<td>Sen. Tom Apodaca (Ex-Officio)</td>
<td>10/29/2013</td>
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<td>Sen. Austin Allran</td>
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<td>Sen. Dan Blue</td>
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<td>Mr. Westin Bordeaux</td>
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<td>Ms. Lisa Wolff</td>
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<td>11/21/2013</td>
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<td>Mr. Rhett N. Mabry</td>
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<td>Ms. Kristin C. O’Connor</td>
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<td>09/03/2013</td>
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<td>Sen. Daniel G. Clodfelter</td>
<td>09/03/2013</td>
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<tr>
<td>Sen. Rick Gunn</td>
<td>09/03/2013</td>
<td>01/15/2015</td>
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<td>Sen. Fletcher Hartsell (CC)</td>
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<td>Sen. Ralph Hise</td>
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<td>Sen. Martin Nesbitt</td>
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<td>Sen. Shirley B. Randleman</td>
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<td>Sen. Jeff Tarte (advisory member)</td>
<td>11/04/2013</td>
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President Pro Tempore Appointments  |  Appointed  |  Expires
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PUBLIC SCHOOL FORUM OF NORTH CAROLINA, BOARD OF DIRECTORS
Bylaws of the Public School Forum of North Carolina

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<tbody>
<tr>
<td>Sen. Chad Barefoot</td>
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<td>01/01/2014</td>
</tr>
<tr>
<td>Sen. David L. Curtis</td>
<td>06/28/2013</td>
<td>01/01/2014</td>
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<td>Sen. Gladys A. Robinson</td>
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<td>Sen. Trudy Wade</td>
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PUBLIC TELEVISION, BOARD OF TRUSTEES OF THE UNIVERSITY OF NORTH CAROLINA CENTER FOR
G.S. 116-37.1 (b) (1)

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<td>Mr. Orson Scott Card</td>
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PURCHASE AND CONTRACT STUDY COMMITTEE
S.L. 2013-401 section 8 (b)

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<td>The Honorable Paul Coble</td>
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<td>Sen. Rick Gunn</td>
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<td>Mr. Keith Harrod</td>
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RAILROAD BOARD OF DIRECTORS, NORTH CAROLINA
G.S. 124-15 (a)

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RECREATIONAL THERAPY LICENSING BOARD, NORTH CAROLINA
G.S. 90C-23 (b) (5)

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<tr>
<td>Mr. J. Michael Atkins (RA)</td>
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RESPIRATORY CARE BOARD, NORTH CAROLINA
G.S. 90-650 (a) (3)

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<td>Ms. Robin L. Ross</td>
<td>07/30/2013</td>
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REVENUE LAWS STUDY COMMITTEE
G.S. 120-70.105 (a) (1), G.S. 120-70.107 (a)

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<td>Sen. Peter Brunstetter</td>
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<tr>
<td>Sen. David L. Curtis</td>
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<td>01/15/2015</td>
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<td>01/15/2015</td>
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<td>Sen. Rick Gunn</td>
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<td>Sen. Fletcher Hartsell</td>
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<td>Sen. Floyd McKissick</td>
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<td>Sen. Bob Rucho</td>
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<tr>
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ROANOKE ISLAND COMMISSION
G.S. 143B-131.6 (a) (2)

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<td>Mr. Robert Quinn (RA)</td>
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<td>Rules Review Commission</td>
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<td>Ms. Margaret Currin (RA)</td>
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<td>Mr. John R. Hemphill</td>
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<td>Mr. Jeffery T. Hyde</td>
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<tr>
<td>Mr. Thomas G. Taylor</td>
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<td>Ms. Faylene Whitaker (RA)</td>
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<th>Rural Infrastructure Authority</th>
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<td>Mr. Tracy L. Philbeck</td>
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<th>School of Science and Mathematics, Board of Trustees, North Carolina</th>
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<tr>
<td>Ms. Paula T. Benson</td>
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<td>Mr. Eric R. Hall</td>
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<td>Mr. William H. Teague (RA)</td>
<td>06/27/2013</td>
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<td>Sen. Kathy Harrington (CC)</td>
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<td>Sen. Neal Hunt</td>
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<td>Sen. Brent Jackson (advisory member)</td>
<td>09/11/2013</td>
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<td>Sen. Wesley Meredith</td>
<td>04/04/2013</td>
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<td>Sen. Bill Rabon</td>
<td>04/04/2013</td>
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<td>Sen. Dan Soucek- (replacing Tillman)</td>
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<td>Mr. Robert Danos</td>
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<td>Sen. Ralph Hise (RA)</td>
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<tr>
<td>Mr. Christopher Humphrey</td>
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<td>Sen. Norman Sanderson</td>
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<td>Mr. Perry R. Safran</td>
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<td>Mr. Thomas Berry (RA)</td>
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(C) Chairman
(CC) Co-Chair
(RA) Re-appointment
(VC) Vice Chair
WORDS SPREAD UPON THE JOURNAL

Pursuant to a motion prevailing on July 24, 2013, that the words spoken and documents submitted during the Senate’s consideration of H.B. 589, VIVA/Election Reform, be spread upon the Senate Journal, Notary and Court Reporter David L. Overby was employed to transcribe the recorded audio of second and third reading of the bill. Mr. Overby’s certification of his transcription follows each day’s reading.

Senate Session · Wednesday, July 24, 2013

HB 589 · 2nd Reading
Senator Louis Pate, Deputy President Pro Tempore, Presiding

PROCEEDINGS 3:13 P.M.

House Bill 589; clerk

will read.

Reading Clerk: House Bill 589

VIVA/Election Reform:
Senator Apodaca: Mr. President.
Senator Pate: Senator Apodaca, for what

purpose do you rise?

Senator Apodaca: Mr. President, I move the
rules be suspended to the end

of that staff may join

Senator Rucho on the floor.

Senator Pate: Without objection, so

ordered.

Senator Rucho: Mr. President --
Senator Pate: Senator Rucho, you are

cleared to speak on the motion.

Senator Rucho: Thank you, sir; and

members of the Senate, this election reform bill is

something that is going to work to bring up to date an

outdated archaic state election code that has long been

in need of repair to improve the election landscape in

the State of North Carolina, but more importantly what

it does is it re-establishes a level of confidence in the

electoral process and also in our state government.

The electoral process, there are a lot of questions as to experience and honesty and what we hope to do with this bill and what we will do with this bill actually is re-establish that element of confidence and certainty. It restores transparency of the election process, creates clear guidelines that everyone can understand, follow and reduce the opportunity for any type of political gamesmanship by any group. Part of the bill, and again we discussed this at length during the Finance Committee. A lot of good questions were asked. I’ll go over briefly with it and then we’ll respond to any questions that may come about. In the photo ID portion of it, and this is a voter ID.

Approximately 70 percent of the people in North Carolina, actually over that, are in support of the fact that a photo ID is critical to an honest election process. And what our bill guarantees is that any North Carolina citizen that wants to vote will have the opportunity to vote. It establishes a list of valid government-issued ID’s including driver’s licenses, non-operator ID’s to military ID’s, travel ID’s, passports, which will be presented at the polling booth at the time of voting. The -- in an effort to try to make this an easy transition, this bill over the next year and a half allows for that transition. In 2014
the requirement of a voter ID will not be there. The people that do go vote will be told that it will be necessary in 2016 so that we can have a voter ID process in place to help guarantee the fact that all the votes matter equally. There are thirty states which currently have voter ID. North Carolina is one of the last in the Southeast to introduce this measure for honesty and integrity in the electoral process and we believe it will go a long way to building confidence back in our voters and our citizens. The second part of it is going into early voting which our bill streamlines early voting to a process of ten days rather than seventeen while providing counties the flexibility to increase the overall number of early voting hours, ensuring ample time for voters to make their choices or voices heard. This also gives the flexibility for the Boards of Election to expand the number of available sites, and as they do that, it makes it -- provides more access to the voters in early voting to go to those sites and reducing the long lines by expanding the number of locations. And this can be done by narrowing the numbers of hours -- excuse me, ten days from seventeen. You can actually have more polling sites opened for about the same amount of money, so that works in a very beneficial way in providing access to the voters to be able to go and vote. What it does do is it also sets standards as to the voting hours across the 100 counties. Everyone will be treated the same way. Lack of consistency has been a problem. People say, well, why am I not voting or why don't I have the same amount of time? We want consistency throughout the entire 100 counties in the state to do so. It also allows time for -- to verify voters' information by repealing same day registration and which will ensure accuracy. It's been a challenge for the Board of Elections to be able to identify and validate everyone that has come there on the basis of one-day registration and what this does is it just strengthens the requirements for also absentee ballots. It also has a situation where we talk about campaign finance. Our bill takes public money out of politics. Funding campaign is not prudent or appropriate for the use of tax dollars. There are a lot of folks that say, hey, I never wanted my money spent for that, and therefore that is out of the game. The current program requires candidates to participate and adhere to a relatively low spending threshold in the campaign finance reform and/or in the government supported funding. There is also a provision, and I'll mention the fact, it was reported that there will be an increase from the $4,000.00 to a $5,000.00 maximum. I
believe it was 1982 that $4,000.00 maximum was established. And if you just do the CPI from then to now, that $4,000.00 would be really $16,000.00. But what we're trying to say is that there will be a $5,000.00 limit. It will be adjusted I think every two years by using the CPI index. I know everybody in this room fully understands that the money is less, but the cost of campaigning, whether you use TV, media, direct mail or whatever, constantly goes up. And so what this does is it helps eliminate some of those problems. We have a situation where the bill reduces the opportunity to gain shift in the timing of candidate withdrawal. What that does is it ensures that all parties will have a fair notice on open seats. We eliminate straight ticket voting allowing voters to choose the person, not the party, and it also allows and helps each of the voter pay close attention to the nonpartisan elections which at this point, the judicial elections and a lot of other elections, some county commissioner elections, and those down-ballot races and initiatives do deserve the scrutiny and the vote of the individuals that are voting. It also provides that the earliest someone can register is on their eighteenth birthday. There is a lot of confusion. In my own son's situation, he had pre-registered and then got a letter, wasn't quite eighteen, thought he was supposed to vote. The bottom line is, everyone that turns eighteen will know it's time to go vote and therefore will get registered appropriately. And finally, the bill restores North Carolina's voice in a presidential election by moving up the date of the North Carolina primary. That will be a primary election for a presidential preference. Many times having an election in May, primary election, we in North Carolina don't have very much say in the selection of a presidential candidate in the parties. This thus gives us an opportunity to become active in that process and allow our citizens to act accordingly. I will comment about one report that was on WRAL. They commented about the fact that when someone is at the polls at the time, let's say, 7:30 when the polls close, anybody in line, the same way the law exists today, at 7:30 if that line goes well beyond that, everybody votes. WRAL should be sure their facts are accurate before they make a misstatement like that. Mr. President, I believe I've gone over the list. I'll be delighted to attempt to answer any questions on this and I would urge that everyone take advantage of this election reform and give us an opportunity to pass this good election and put some confidence and honesty and integrity back in the electoral process; thank you.

Senator Pate: Further discussion,
further debate.

Senator Blue: Mr. President.
Senator Pate: Senator Blue, for what purpose do you rise?
Senator Blue: Will Representative Rucho yield for a question?
Senator Pate: Senator Rucho.
Senator Blue: I’m sorry; Senator Rucho.
Senator Pate: Will you yield for a question?
Senator Rucho: Yes, sir.
Senator Blue: Senator, will you recognize over here.
Senator Rucho: Excuse me.
Senator Blue: Thank you.
Senator Rucho: Representative Blue.
Senator Blue: Just a quick question because it’s something that we had wrestled with and talked about and considered in the past, but with this two primary system that you’re setting up, who’s going to pay for those two primaries? Is it going to be the state paying for it or our local governments, counties going to have to pay for them, because I think each costs in excess of $5 million to $10 million?
Senator Rucho: Yeah, the counties will be paying for that, yes, sir.
Senator Blue: Follow-up?
Senator Pate: Do you yield to a follow-up?
Senator Rucho: Yes.
Senator Pate: Go ahead, sir.
Senator Blue: So in presidential years, counties will pay for the primaries, both primaries as well as the primary in May which would be for statewide and state officials as well as any run-off as well as the same thing in November. Do you have any idea of how much additional money that’s going to cost counties if you have a two primary system?
Senator Rucho: Well, Senator Blue, I would assume -- I don’t have the actual dollar figure, but I’m assuming that that would be well absorbed by the fact that we would have similar to South Carolina where they have a significant increase in resources coming into that area that those resources can be adjusted accordingly by the state to the county.
Senator Blue: Follow-up?
Senator Pate: Does the gentleman yield?
Senator Rucho: Yes.
Senator Blue: But as you conceive it right now, this will be an additional cost to the counties --
Senator Rucho: Yes.
Senator Blue: -- and the state is not doing anything to offset those additional costs?
Senator Rucho: There's nothing in the bill that offsets it.

Senator Bryant: Mr. President.
Senator Pate: Senator Bryant, for what purpose do you rise?
Senator Bryant: To ask Senator Rucho a question.
Senator Pate: Senator Rucho, do you yield?
Senator Rucho: Yes.
Senator Bryant: Senator Rucho, in your preliminary remarks, you mentioned that you were -- there would be more voting sites under early voting as the time has been shortened. And I was wondering is there some provision in the bill that would provide for more sites or any number of sites, because I didn't see that and I just wanted to make sure I haven't missed something.

Senator Rucho: Thank you; yes, I do. I will say to you, Senator Bryant, the bottom line is -- and just to use an example, let's say it cost $1 million in Mecklenburg County to run this early voting for seventeen days. It will be less for seven days, but you can use that same amount of money to expand the number of locations, have more access throughout the entire county and therefore we believe that will solve the problem that has been questioned about voter lines. I know we in Mecklenburg County can use that because many times during presidential years we have two and three hour waits, so we would welcome that and I'm sure every other county would enjoy that same opportunity.

Senator Bryant: Follow-up, Mr. President.
Senator Pate: Does the gentleman yield?
Senator Rucho: Yes.
Senator Bryant: That decision, though, is left to the county boards of commissions and they could decide to have one site, would that be true? Is that correct?

Senator Rucho: Yes, that flexibility is there and what they will do is meet the needs of their citizens. And if they don't meet the needs of their citizens, the wrath of the citizens will be put upon them.

Senator Brock: Mr. President.
Senator Pate: Senator Brock, for what purpose do you rise?
Senator Brock: Speak to the bill.
Senator Pate: You're recognized. Go
Senator Brock: Let me just address a few of the concerns about the presidential primary which will be in 2016. The -- looking at some older numbers, the economic impact survey on New Hampshire in 2000, the economic impact of their early primary was $264 million to the state. Iowa was over $60 million. And looking at recent numbers for our neighbor South Carolina in 2012, which is interesting if you live in the Asheville market, the Charlotte market or the Wilmington market, media market, you already see the ads for the campaigns in that area. So the campaigns are already spending money in this state that would just have to pick up the Greensboro, Winston-Salem market and the Raleigh market. Looking at some numbers for South Carolina, when they had their election in 2012, they had over 600,000 people voting in their election. North Carolina is about twice the size, so you’re looking at an election of 1.2 million people. North Carolina had five presidential debates. Now I’m talking to a friend of mine from New Hampshire, in New Hampshire they believe that they will speak personally with the next President of the United States. When they’re talking about snow removal in New Hampshire or corn subsidies in Iowa, I wish they were talking about our issues. I’ve worked on this issue for a long time. When we were leading the nation in job loss in the recession, I wish they’d talked about North Carolina issues on the national scene. And of one of those debates in Myrtle Beach, there was a $14 million economic impact to Myrtle Beach, $14 million. I don’t think South Carolina has seen any type of impact like that since South of the Border opened. And in the weekend right before, Charleston, they saw a $500,000.00 increase in the tourism just in Charleston. We already share the media market with South Carolina. North Carolina will make it more attractive for the campaigns to come here. The New Bern market is one of the cheapest on the East Coast. It’s close to Washington, D.C. We already see the presidential candidates coming into our areas to raise money. Now some people may be able to go to it and wave as the candidates come by those expensive dinners. But the ordinary people, the everyday people can’t. And I think people in North Carolina should have the same type of experience of those people in New Hampshire and Iowa and row South Carolina, that we get a chance to talk to the presidential candidates one on one, to talk to them when they come to our small towns. And I’ll say this; North Carolina is a lot better place to visit than any other state in the Union. I urge you to vote
for the bill.

Senator Ford: Mr. President.

Senator Pate: Senator Ford, for what purpose do you rise?

Senator Ford: To debate the bill.

Senator Pate: You have the floor.

Senator Ford: Thank you, Mr. President and ladies and gentlemen of the Senate; as a freshman in the minority party, when I came to Raleigh I came up here with an open mind. Everything that I am learning about the state legislative process I am learning from you. Voter ID has been very unpopular among many. I am one of three Democrats in this chamber that put their name on a voter identification bill, a bill that would have guaranteed that no registered voter is denied the right to vote and to prevent the unauthorised use of a registered voter’s voting privilege through the fraudulent mis-use of a voter’s -- registered voter’s identity, Senate Bill 235. I believe that we should protect the integrity of the voting process and I understand the arguments against that. However, for me, whether it is one person or 10,000, one is one too many. But this bill goes beyond protecting, Senator Rucho, the integrity of the process. But it restricts access to voting. To me, this is un-American and it does a disservice to North Carolinians. I cannot support a bill that restricts democracy. Number one, it eliminates same-day voting registration. Number two, it eliminates pre-registration for teens. In 2012 nearly 50,000 teenagers pre-registered, most as unaffiliates with any particular party. And last, it reduces early voting. Folks, we should be expanding the voting process for all while protecting the integrity of the voting process. This is not voter reform. This is voter suppression. I cannot support the bill.

Senator Stein: Mr. President.

Senator Pate: Senator Stein, for what purpose do you rise?

Senator Stein: Send forth an amendment.

Senator Pate: The gentleman may send forth his amendment. The clerk will read.

Reading Clerk: Senator Stein moves to amend the bill.

Senator Pate: Senator Stein, you’re recognized to speak on the amendment.

Senator Stein: Thank you, Mr. President, members of the Senate; I’d like to follow up on this point on early voting that Senator Ford just raised. This bill shrinks from seventeen days to ten days the number of early voting days. In the 2012 election,
general election presidential year, general election, 900,000 people voted in that first week of early voting, 900,000, nearly a million people. Two and a half million people voted early. In fact, a majority of North Carolinian voters, 56 percent, voted early in 2012. This is one of the most wildly popular pro-citizen initiatives this state government has ever taken. In fact, there was a poll, 85 percent of the people of this state support early voting, because 75 percent of the people have early voting. You all are reducing the number of days. You are reducing the availability of early voting. Senator Bryant asked Senator Rucho, well, how do we know that we’re not going to lose the number of hours of early voting that’s available to the people. There’s nothing in the bill that will ensure that the people have access, the same number of hours of early voting, over that ten-day window as they do over a seventeen-day window. The amendment I send forward addresses that point and it’s pretty straightforward. All it says is however many hours you as a county had early voting in the primary over seventeen days, have the same number of hours available over ten days. And if you need more sites to get to the total number of aggregate hours, do that. If you need to have it open longer in the day, do that. It has a standard for the off-year election where fewer people vote. It has a standard for the primary when fewer people vote and then it has a standard for the general election of the presidential year when the most people vote to ensure, as Senator Rucho has assured us with his ever confidence, that the counties will not end up shrinking the availability of early vote. So if you all want to ensure that the citizens of this state have the same access to early voting that they have today with ten days as they have for seventeen days, you will support this amendment and I encourage you to do so. I have put up on the dashboard something interesting. It’s the chart, four-page chart, and what it does is it shows a couple of interesting things. One is it shows how many people vote early and you can see as Senator Rucho said in committee yesterday, that there’s a big number of people vote the first day and then it drops off to the end. The data shows something else. What you see is a fairly stable number of people vote on every weekday. There’s a drop-off on the Sunday vote, but it’s still an important time for people to vote. The next page of that chart actually shows who votes and what you’ll see is that in the first seven days in North Carolina, the experience has been that African-Americans disproportionately vote on the first seven days of early voting which
coincidentally are the days that you all are stripping out of the early vote process. Also I'd like to put a note on the dashboard, there's a study in the Election Law Journal by Michael Herron and Daniel A. Smith entitled Souls to the Polls: Early Voting in Florida in the Shadow of House Bill 1355. This describes the experience -- it's also on the dashboard. Do you have that one; thank you. It shows the experience of what happened in Florida. It shows it empirically. It shows it -- who is disadvantaged when you make this change. You all would be shocked to know that it's African-Americans, Hispanic, younger and first-time voters who are disproportionately affected by a reduction in early voting. I'm sure you all are shocked of that reality. I encourage you to support this amendment; thank you.

Senator Rucho: Mr. President.
Senator Pate: Senator Rucho, for what purpose do you arise?
Senator Rucho: To speak on the amendment.
Senator Pate: The Senator has the floor.

Senator Rucho: You know, Senator Stein rambles on with his charts and talks about a bunch of other things, but the reality is the first seven days of early voting can still be voted on by anybody no matter whether they're African-American, White, Latino, whatever. Nothing prohibits that except there's a very good possibility, especially in the bill, Senator Bryant, that says that each county board of elections must have their plan approved by the State Board of Elections, and if there are some counties that aren't meeting the needs, that will be addressed by that portion of the bill. So in reality, what this does is the early voting portion of this is mandated, is taken care of by the State Board of Elections to ensure that everybody is being treated the same and treated fairly. We're actually offering more opportunity for other locations. It isn't a matter of how many sites. It's a matter of how many voting booths you have at your site. And if you can spread out more voting booths across more sites, that will help alleviate any of those problems. So with that being said, you know, they talk about some of the issues, but -- let's see if I've got this right -- eighteen states do not currently offer in-person early voting like North Carolina does and, Senator Stein, I will remind you when I came here in 1997, one of my first bills was early voting. Senator Nesbitt was engaged in that same time and Senator Kinnaird. I'm a full supporter of early
voting. I believe in this society we must offer some options, because we’re just a lot busier than we were forty and fifty years ago. So I’m a strong supporter of early voting and I believe in it, but I also believe that everyone should be treated the exact same way in all 100 counties. There shouldn’t be any special preferences or special treatments. And with that being said, I urge that you oppose Amendment 1.

Senator Blue: Mr. President.
Senator Pate: Senator Blue, for what purpose do you rise?
Senator Blue: To debate the amendment.
Senator Pate: You have the floor.
Senator Blue: Mr. President and ladies and gentlemen of the Senate, I’m concerned about this bill as much from the standpoint of its fiscal impact as many of the other issues that are raised. My question to Senator Rucho was a legitimate one about the additional cost to counties for having a system of duplicate or multiple primaries. Let me tell you a quick story about Wake County, and Wake County has a woman named Cherie Foucher as our Supervisor of Elections. She’s a Republican. She worked here in the General Assembly for the Republican Minority Leader in the House, and I respect her as much as you can respect any individual, and she is respected by most of the elected officials in this county because she runs fair elections. But if you were to ask Cherie about this bill and this amendment, she would tell you that in Wake County where we have over 600,000 registered voters, where we have somewhere approaching 200 precincts or polling places, that early voting and having the number of hours basically that we’ve had has saved Wake County tremendous collars because we haven’t had to open new polling places. My precinct has over 6,000 people in it and yet we don’t have lines on election day. My precinct is a precinct that looks like Wake County. We don’t have lines on election day because of early voting. It has saved the county commissioners and the Board of Elections at least two or three extra polling places because of the number of hours that are available. Now if you start restricting hours, we’re going to have to have new polling sites to accommodate these 6,000-plus voters — I said people — 6,000-plus voters. And if we had 200 precincts in Wake County, each precinct would have upwards to 3,000 people in it to vote on the same day. So we can’t go back, Senator Rucho is absolutely right, to where we were in 1997. But on these rapidly growing counties, if you start cutting back on the number of hours for early voting, not only are you creating more polling --
requirements for more polling places, and they’re
tougher to find now. You can’t use schools when
they’re in session because you’re interrupting the
kids. You’re not using churches and stuff as much as
you used to. You’re not using rec centers. They’re
tougher places to find. And we ought to sort of get
with it with the new technology and the ability to
determine whether somebody who says they are who they
are should show up early to vote and that’s what early
voting does. It moves us from the 20th century I think
reasonably into the 21st. Senator Stein’s amendment
that there would be the same number of hours as we
already have at least serves as a finger in the dike,
at least as a finger in the dike. The fact of the
matter is in these rapidly growing counties you need
more hours of early voting to keep from spending more
money to open more polling places, having to buy more
voting machines. You know, these machines are used
once a year, twice a year on however many days we’re
voting. We ought to be aimed at buying as few of them
as possible. You know, we can’t create more days we
don’t have to pay for the extra days. There’s 365 in a
year. We don’t buy new days. But we have to buy new
machines when you start compressing this voting time.
So not only the cost of the new machines, the cost of
the new polling places, you’re adding additional costs
for the election process. So I would urge that you
would support this amendment.

Senator Tate: Further discussion;
further debate?

Senator Ford: Mr. President.

Senator Tate: Senator Ford, for what

purpose do you rise?

Senator Ford: See if the distinguished
Senator Rucho would yield to a question.

Senator Tate: Senator Rucho, do you

yield?

Senator Rucho: Yes, sir.

Senator Ford: Can you explain to me
again who would bear the costs of these expanded voting
sites?

Senator Rucho: The voting sites would be
borne by the county boards. Let me just clarify that
too so that we understand. When Senator Blue was
talking about the precincts and he’s got 6,000 members
or people in his precinct, this also as part of Section 24,
also requires a study so that we evaluate the mega-
precincts like in Cumberland County or like in his
county with 6,000 voters and the General Assembly will
come back with recommendations on size, border,
population and the like to help eliminate some of his
concerns regarding the size of the precincts. And also you're not buying new equipment. The Board of Elections is using the same equipment that's on general election day, moving it to the location so it's not purchasing new equipment. It's utilizing it more efficiently.

Senator Ford: Follow-up, Mr. President.
Senator Rucho: Yes, sir, I do.
Senator Pate: Yes; go ahead, sir.
Senator Ford: Thank you; would you consider this to be an unfunded mandate from the state to the counties?
Senator Rucho: From what Senator Brock said, I probably would say not.
Senator Pate: Further discussion;

further debate; Senator Tucker, for what purpose do you rise?
Senator Tucker: To debate the bill.
Senator Pate: You have the floor.
Senator Tucker: Excuse me, debate the amendment. I'm sorry.
Senator Pate: Okay.
Senator Tucker: Mr. President, may I ask Senator Rucho a question?
Senator Pate: Senator Rucho, do you yield?
Senator Rucho: Yes, sir.
Senator Pate: Senator Tucker, go ahead.
Senator Tucker: Senator Rucho, in the new tax plan, are there not unencumbered dollars that will be coming to the counties in the new tax plan?
Senator Rucho: Yes, sir; the way the tax plan and the county and the municipal tax returns will -- they will be greater than they presently are now, yes, sir.

Senator Tucker: Okay, thank you, sir; just a comment, Mr. President, if I may.
Senator Pate: You are recognized to speak on the amendment.
Senator Tucker: Yes, sir, on page J-6 in the budget, the Help America Vote Act, which is commonly known as the HAVA funds, we appropriate in general government about $400,000.00 and for that $400,000.00 that we appropriated, these additional funds will allow the state to access $4 million of HAVA federal funds for information technology in state elections. So there is some money so that I don't think, Senator Ford, that it's justified to say it's an unfunded mandate. They do have dollars coming their way; thank you.
Senator Pate: Further discussion;
further debate?

Senator Meredith: Mr. President.

Senator Pate: Senator Meredith, for what reason do you rise?

Senator Meredith: To see if Senator Stein would yield to a question.

Senator Pate: Senator Stein, do you yield?

Senator Stein: I do yield.

Senator Meredith: Thank you; Senator Stein, I have one question about eliminating the -- the days we're eliminating we're disenfranchising certain voting demographics. The first day of early voting is the first day of early voting, so I'm a little confused how the first -- we're eliminating -- the first seven days being eliminated when the first day of early voting is the first day of early voting. Can you explain that?

Senator Stein: I'd be happy to. If we got rid of early voting altogether, then the first day of early voting would be election day.

Senator Meredith: Yes, sir.

Senator Stein: And what has proven to be the case is that if we had everybody come out on election day, we would have to have massive expansion of the number of precincts which would entail having more money on the county's part. You'd have to train many more people, buy more machines. So every day you compress the schedule, you're pushing it toward election day. What has happened historically and I don't know why, but African-Americans have voted at the very beginning of the process. The fact that you would be moving it back, yes, there's always going to be a first day, but you're going to reduce the number of days in which people can vote. And furthermore, African-Americans vote disproportionately in the entire early voting process. So if you're restricting the opportunity to vote early voting, then you are reducing their opportunity to exercise the franchise in the way that they have -- factually empirically have done. My amendment will mitigate the damage of reducing early voting by ensuring the same number of hours. My amendment will mitigate the damage by reducing the number of hours. The key is to make sure you have the same number of poll hours available to voters. I agree with you that if you do that, then the damage is going to be less so, but if you just shrink early voting without a guarantee, the counties are going to offer voting to people, pushing people to election day which is a work day which can impact on people's ability to participate.

Senator Meredith: Thank you.
Senator Hise: Mr. President.
Senator Pate: Senator Bryant, for what reason -- for what purpose do you rise? Senator Hise, for what purpose do you rise?
Senator Hise: See if Senator Stein will yield for a question.
Senator Pate: Senator Stein, do you yield?
Senator Stein: I yield.
Senator Hise: Senator Stein, just to clarify from what I heard you say; if counties under their choice maintain the number of poll hours that they currently have, they open additional sites and maintain them, that they have mitigated the impact to minority communities from reducing the days by seven?
Senator Stein: They have not -- I'll answer. They've not eliminated it, but surely the impact will be less if there are more hours. But what we have seen in experience, we've had two general elections where we've had this number of early voting days, actually three or four general elections, it just continues to increase, is that more and more people are availing themselves of early voting. If you shrink it, you're not only going to hurt African-Americans, you're hurting everybody. In fact, Republicans are participating in early voting at an increasing clip faster than are Democrats. What you're doing is you are inconveniencing the people of North Carolina from their ability to participate in the election of their representatives. And we should make voting as convenient as possible.
Senator Hise: Follow-up.
Senator Pate: Senator Hise asks another question. Senator Stein, do you yield?
Senator Stein: I do yield.
Senator Hise: Back to the point we were getting to originally, so it is your claim that any effect that you believe could be perceived can be mitigated by the decisions the counties make?
Senator Stein: It is conceivable if the counties expand the number of early vote sites and increase the number of hours it would mitigate the damage. That doesn't mean that there would not be damage, but it would be mitigated.
Senator Apodaca: Mr. President.
Senator Pate: Let me make one housekeeping notice. Senator Jenkins is excused for the rest of the evening. Senator Apodaca, for what purpose do you rise?
Senator Apodaca: See if Senator Stein will yield to a question, please.
yield?

Senator Stein: I’d be happy to.

Senator Apodaca: Senator Stein, I’m intrigued by your amendment.

Senator Stein: And I think it might be something we can work with. Would you be willing to displace it a moment so we can huddle up and maybe make this work? I think it really has some good points in it.

Senator Stein: I’d be happy to displace this amendment.

Senator Apodaca: Thank you.

Senator Pate: The bill is back before us.

Senator McKissick: Mr. President.

Senator Pate: Senator McKissick, for what purpose do you rise?

Senator McKissick: Send forth an amendment.

Senator Pate: Senator McKissick, you may send forth your amendment. The clerk will read.

Reading Clerk: Senator McKissick moves to amend the bill.

Senator McKissick: We’ve heard quite a bit of discussion -- Senator Pate: Senator McKissick, you’re recognized to explain the amendment.

Senator McKissick: Sure, you’ve heard quite a bit of discussion about how early voting has been something that people have enjoyed exercising as a privilege. And the thing that I’d like to point out is that right now in North Carolina we have 6.6 million voters, 6.6 million. And if we go back to the year 2008, we had a record turnout. Back then during the first week of early voting, and right now I’m focusing on that first week of early voting, we had 705,751 people exercise that right to vote early. What did we see happen in 2012, four years later? We had 903,503 people vote early during the first week of early voting. What does that tell us? If we go back 2012, roughly one-sixth of the registered voters in this state came out and voted during that first week. They did it because it’s convenient. They did it because it’s a time that they can focus on the candidates, focus on the issues, get out there and exercise that privilege the way we should want them to. That’s the right thing to do. So what this amendment would do, it would say that when we have our presidential elections, which is going to be every four years, we will go back to allowing the additional week for early voting,
because during that additional week, people are more likely to get out there, vote early, do what they'd like to do in terms of voting for candidates of choice. Regardless of whether they are Republicans, Democrats, unaffiliated, they can do it at their convenience. We want to avoid the long lines on election day. I can remember years in Durham where they had to end up having matters go before the court so that they could extend voting to 10:00 P.M. because people were in line waiting to vote. We don't want those types of days. We don't want lines wrapped around buildings, lasting two or three hours because not everybody can wait two or three hours to vote. And we've seen that in other states. We need to be encouraging early voting to the maximum extent feasible and possible. I guarantee you today that if you were to take a survey or poll of registered voters and ask them what their thoughts are about whether you need to contract that period by a week or expand it by an additional week, I guarantee you overwhelmingly they'd want to see that timeframe expanded. Now the only thing I'm asking us to do is every four years when those presidential election cycles come, that we go back to the type of voting that we are doing right now that resulted in roughly one-sixth of registered voters turning out to vote, over 900,000 people. That's something we should all be in favor of, so I ask for your support.

Senator Pate: Further discussion and debate; Senator Rucho, for what purpose do you rise?

Senator Rucho: Mr. President, to debate the amendment.

Senator Pate: Senator Rucho, you are recognized.

Senator Rucho: You know, again, Senator McKissick is absolutely correct about the fact that we will try to do everything we can to reduce the lines so that everyone will have a good opportunity to go to the polls. If we work with Senator Stein on this issue, we're not just interested in the presidential years, we're interested in all and if there's an expansion and if you go from -- I use my county, we have ten locations to twenty locations, that gives a better opportunity for people without having to travel across the county to be able to go vote. And that being said, and if we work with Senator Stein on this issue, this amendment will not be needed and I urge you to vote no on Amendment Number 2.

Senator McLaurin: Mr. President.

Senator Pate: Senator McLaurin, for what purpose do you rise?

Senator McLaurin: To speak on the
amendment.

Senator Pate: Gentleman has the floor.

Senator McLaurin: Thank you so much, Mr. President, members of the Senate; I’m thinking about this from my perspective as a business person that employs about thirty people in my community and business people all over North Carolina, small business people who want their employees to get to the polls and vote. And what Senator Stein has put forth is I think a very pro-business friendly pro-employee amendment that will enable us as employers to encourage people to get out and vote early. And I think that’s positive. It’s something that we should all be able to feel good about and it would be positive for our workforce; thank you.

Senator Pate: Let me see if I have my order right. Senator Stein has an amendment that has been displaced and we are now discussing Senator McKissick’s amendment; any further discussion?

Senator McKissick: Mr. President.

Senator Pate: Senator McKissick, you’re recognized.

Senator McKissick: What I will do in the interest of trying to see if we can work something out on these issues relating to early voting, I will ask that it be displaced temporarily as well because they address in many respects the same issue. But this is uniquely different because we’re asking about doing this on presidential elections years. So I really do believe that in presidential election years we ought to approach this in a way that allows people to vote as freely and openly as possible, notwithstanding what we may do on the other off years. So I don’t mind displacing it temporarily to see if we can address some issues in their totality, but I do believe it addresses something that deals uniquely with what occurs in presidential election years.

Senator Tillman: Mr. President.

Senator Pate: Senator Tillman, for what purpose do you rise?

Senator Tillman: Ask Senator McKissick a question.

Senator Pate: Senator McKissick, do you yield?

Senator McKissick: I do.

Senator Tillman: Are we displacing your bill or are we still talking about it?

Senator McKissick: What I’ve asked is that we displace it temporarily so we can see if we can work out something in its totality.

Senator Pate: Senator McKissick has
displaced his amendment; further discussion and debate on the bill.

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what reason do you rise?

Senator Rucho: Mr. President, to debate the bill and also to send forward an amendment; members of the Senate, let me just bring you up to date on a few facts about elections. One of them, there are thirty states which currently have a voter ID in place and thirty-three states have passed voter ID laws. Forty-one states do not currently have same day registration. Thirty-eight states do not currently offer pre-registration for teenagers younger than eighteen years old. Thirty-five states do not currently offer straight ticket voting. These are all the facts and these are working in other states. We’ve taken a good step forward with the early voting as we’ve described if we include Senator Stein’s suggestions. You know, we already anticipate the Board of Elections will increase -- the State Board of Elections will in essence mandate an increase in the number of locations and probably in the hours which will surpass what presently is occurring. We would anticipate that this will solve all of the problems that are being addressed and I think they will prove to be a non-issue. That being said, Mr. President, I’d like to send forward an amendment.

Senator Pate: Gentleman may send forward his amendment. Clerk will read.

Reading Clerk: Senator Rucho moves to amend the bill.

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, is this bill on the dashboard? It is. You’re cleared to debate your amendment.

Senator Rucho: Thank you, sir; this amendment makes a number of various technical and clarifying changes after yesterday’s meeting regarding absentee ballots and timing for special elections. And we also move to study the issue of defining political committees that prove to be a question as to what it really constitutes. There are other parts of the bill clarifying the process for a county to confirm voter registration for a voter who requests an absentee ballot, clarifying the absentee ballots must be receive by the Board of Elections. If the ballots are not received by the election day, the absentee ballot must be postmarked by election day, received within three days of that date. Technical changes to correct statutory placement of provisions authorizing voter
registrations at senior centers, applies changes 
requiring special elections to be held at a time of a 
primary or general election, special elections for bond 
referendums in 2013; removes new language regarding 
poll observers and instead requires election oversight 
to study the bill. That was brought up yesterday as to 
questions about the observers and we tried to address 
that and we'll continue doing so; clarifying changes to 
retain language allowing registered voters to update 
registration information at one-stop sites. Mr. 
President, there are a lot of technical changes in 
there. I'll do my best to respond to any of the 
questions, but I urge you to move forward. This was a 
result of yesterday's discussion during the rules 
committee and also a number of questions that were 
brought up by members trying to get some clarifying 
language and that's exactly what this tries to address. 
I urge you to pass amendment.
Senator Blue: Mr. President.
Senator Pate: Senator Blue, for what 
purpose do you rise?
Senator Blue: Representative -- Senator 
Rucho yield for a question.
Senator Pate: Senator Rucho, we're 
going to get you over here yet. Would you yield to a 
question?
Senator Rucho: Yes, sir.
Senator Blue: Senator Rucho, I -- and 
I'm sorry because we don't have a split screen so I 
don't see exactly what's being changed with the 
amendment, but I do think that we are sort of adjusting 
one of the most fundamental rights, if not the most, in 
a free society. I'm just trying to figure out -- 
Senator Rucho: What are you alluding to, 
so I can try to identify the spot?
Senator Blue: I'm trying to figure out 
what we're really changing. I've read the amendment 
and in certain places it says that you're repealing 
sections and I'm just trying to follow it since I don't 
have the bill. And before it goes to a vote, I want to 
understand it. And so if you would, bear with me.
Senator Rucho: Okay.
Senator Blue: You described three or 
four things that this amendment does and I was trying 
to follow it in the bill. If you have in some 
synopsis from the five or six things that this 
amendment does, I'll try to follow it. I simply didn't 
follow you when you were explaining it. I was trying 
to match it to the bill and I couldn't do it because I 
don't have a split screen.
Senator Rucho: Yes, sir, we'll share
that with you.

Senator Blue: Okay.
Senator Rucho: Right now.
Senator Tillman: Mr. President.
Senator Pate: Senator Tillman, for what purpose do you rise?

Senator Tillman: Thank you, Mr. President; are we still on the amendment or are we back to the bill?
Senator Pate: We’re on the -- Senator Rucho’s amendment, Amendment Number 3; Senator Nesbitt, for what purpose do you rise?
Senator Nesbitt: Thank you, Mr. President, and I don’t know who to address this to. Let me ask Senator Apodaca.
Senator Pate: Senator Apodaca, do you yield?

Senator Apodaca: Yes.

Senator Nesbitt: Senator Apodaca, this is extremely difficult to try to digest and listen to the debate on this bill. Can we displace this and I’m thinking that in a little while -- I know you all are working on something on this other thing. Maybe we can caucus for a little while and everybody can go over this and figure out how it fits. It’s very hard on the dashboard to fit it into the bill and see where it is. And a lot of this just deletes things.

Senator Apodaca: About 4:30, Senator Nesbitt, does that work?

Senator Nesbitt: That would be fine. And if there are others, I mean, we may want to go ahead with the amendment process so we know what all is out there, but at some point I think it would do well for both of us to go look at some of this stuff.

Senator Apodaca: I don’t know of any others. I mean, I’ve got one, Senator Nesbitt.
Senator Nesbitt: We have several.

Senator Apodaca: Good to know; yeah, send them on over. We’ll look at.

Senator Nesbitt: I didn’t want to surprise you.

Senator Apodaca: Okay, I’ll give you mine, too, okay; thirty minutes or 4:30?

Senator Nesbitt: We’ll try that.

(Recess at 4:04 P.M. with Amendments 1, 2 and 3 pending.)
PROCEDINGS

5:20 P.M.

Senator Pate: The Senate will come to order. Please take your seats. The chair understands that House Bill 589, Amendments Number 1, Number 2 and Number 3 have been displaced and the bill is before us, House Bill 589.

Senator Stein: Mr. President.

Senator Pate: Senator Stein, for what purpose do you rise?

Senator Stein: I would like to withdraw Amendment 1 and submit a new amendment.

Senator Pate: Amendment 1 is withdrawn and you are recognized to submit your new amendment which will be Amendment 4. The clerk will read.

Reading Clerk: Senator Stein moves to amend the bill.

Senator Pate: Senator Stein, you are recognized to explain the amendment.

Senator Stein: Thank you, members, this amendment does three things. One, it says that as many -- whatever sites you open have to be open for all during early voting. You can't stagger them in. And they have to be open the same number of hours, although you can stagger the hours so some could be open earlier, some later. That's up to the county boards. It also says that the county boards, if they can't find public facilities to site early voting sites, they can go to private facilities if necessary. And the more important part is, as we discussed earlier, that at a minimum the counties have to offer the same number of hours to early voters that there were in 2010 if it's an off-year election and 2012 if it was a presidential election. And I commend the bill -- commend the amendment to you.

Senator Pate: Further discussion?

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what purpose do you rise?

Senator Rucho: Mr. President, Senator Stein was so persuasive and convinced us that it was a good thing to do and we fully agreed because we're all involved and interested in making sure that we have access to our citizens to have their voice heard, I will ask that the Senate will support Amendment Number 4.

Senator Brock: Mr. President.
Senator Pate: Senator Brock, for what purpose do you rise?

Senator Brock: See if Senator Stein will yield for a question.

Senator Pate: Senator Stein, do you yield?

Senator Stein: I yield.

Senator Brock: Senator Stein, I want to say this is a fair question to you or anyone no matter which side we are on election day voting, but one concern I’ve had for a long time on this is some of our workers that we have are -- I would say this. They’re overworked. On election day they’re there from 5:30 until. They cannot leave and, you know, with the people that are volunteering this is a great civic service. But I’m just wondering about having these amount of hours as the prolonged early voting cycle. Are we going to look at making it even tougher for people to commit 12, 13 hours per day during the early election cycle?

Senator Stein: I do not believe that we will. The number of hours are the same so that if you have X number of hours being worked in 2012, you’ll have the same number of hours. My understanding is that there is no continuous work requirement of anyone who works at a poll for early voting so that you can actually substitute people out during the day.

Senator Brock: So it’s not cumulative; follow-up?

Senator Pate: Yes, go ahead.

Senator Brock: So it’s not cumulative hours of 2012. It’s just the same hours a day from 9:00 to 5:00. It’s not cumulative hours from 9:00 to 5:00 for the numerous days before, but now since we’re using a shorter period, you’re not trying to add starting early election voting earlier in the day and extending it later into the afternoon?

Senator Stein: I think that a county board can deal with the problem in a couple of different ways. If they have fewer sites, they’re going to have to leave them open longer because you’re losing seven days of early voting. And all the hours that were available to the people to vote in those seven days are no longer available to people for their convenience to vote. So those hours need to be added somewhere in the last ten days of early voting. If the county adds more sites, those hours can be applied to that site. If they keep the same number of sites, they will have to extend the number of hours, but you can have different people work shifts during that period of early voting.
Senator Brock: Mr. President, just to speak to the amendment.
Senator Pate: You have the floor,
Senator Brock: I think it shows an issue that we have no matter if we have a longer period of time or a longer day, an issue that we have in the state is finding the good people to work and it becomes a tougher and tougher burden to find those people to work in the precinct and I think that’s one thing we have to look. It’s on both sides. It’s not a partisan issue. It’s really tough for the Board of Elections to find good people to work these hours and we might want to take a look at that during the interim, some way to be able to spell a lot of these people because we have a lot of good senior citizens, but sometimes it’s pretty tough to ask somebody to work a 12 or 14 hour day during the election cycle where when we had a longer cycle we could set an extra day. That’s a long time to commit for our election workers. And now we’re looking at additional hours which makes for a longer day. So, you know, it’s a Catch 22 and I would hope during the interim we can take a look at it and find a way where we can spell some of our elections workers to make sure we don’t overwork our best people; thank you.
Senator Pate: Senator Bryant, for what purpose do you rise?
Senator Bryant: To ask Senator Stein a question.
Senator Pate: Senator Stein, do you yield?
Senator Stein: I yield.
Senator Bryant: Senator Stein, looking at your amendment, tell me if I’m correct in the way it works; that you will have each county to calculate the number of hours they provided early voting in those respective years, ‘10 or ‘12, by multiplying the number of hours their sites were open times the number of sites to get a total number of hours and then that just creates a floor for the number -- a numerical floor for the number of hours and sites they will have ongoing and they can apportion that by sites and times as they would deem appropriate. So it just creates some kind of boundary and standard across the state. Is that what -- am I understanding this?
Senator Stein: I think your understanding is perfect. It’s precise. My hope is that county boards of election recognize this is a floor because the percentage of people who are voting early has increased each and every election and the population of our state is increasing each and every
year. And so my hope is that they will offer more
sites because the more sites they offer the people the
more convenience they’re giving their citizens and
that’s what we really should be about here.

Senator Pate: Further discussion;
further debate on the amendment; hearing none, the
question before the Senate is the passage of the
amendment to House Bill 589, Amendment Number 4. All
in favor will vote aye; all opposed will vote no. Five
seconds will be allowed for voting and the clerk will
record the vote. Forty-seven voting in the affirmative
and one in the negative. The amendment passes and the
bill is back before us.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what
purpose do you rise?

Senator Apodaca: I need to send forth an
amendment that was sent forth earlier. It was probably
Number 3 if I had to guess, or whatever. My amendment,
I’d like to send it forth.

Senator Pate: Senator Apodaca is
recognized to send forth his amendment. The clerk will
read.

Reading Clerk: Senator Apodaca moves to
amend the bill.

Senator Apodaca: Thank you, Mr. President,
members; I’ll explain the amendment.

Senator Pate: Yes.

Senator Apodaca: Thank you; this amendment
was brought forth by various groups dealing with the
disability folks and handicapped folks and trying to
get it as accommodating as we can at the polls. So
what we have done is agreed to study this and bring it
back to us next year so we can implement strategies to
help these folks get to the polls and accommodate them
best we can. That’s all this does. It says they’ll
present to the 2000 -- regular session in 2014, make
the final report and hopefully be ready by the major
election in ’16. I ask for your support.

Senator Pate: Further discussion;
further debate; Senator Nesbitt, for what reason do you
rise?

Senator Nesbitt: Thank you, Mr. President;
to speak on the amendment.

Senator Pate: You have the floor, sir.

Senator Nesbitt: This is the one that
we’ve reviewed and it’s appropriate.

Senator Pate: Further discussion;
further debate; hearing none, all those in favor of the
passage of Amendment Number 5 to House Bill 589 will
please vote aye, all those in favor. And all those
opposed will vote no. Five seconds will be allowed for voting and the clerk will record the vote. Forty-eight having voted in the affirmative and none in the negative. The amendment passes. The bill is back before you.

Senator Rucho: Mr. President.
Senator Pate: Senator Rucho, for what purpose do you rise?
Senator Rucho: I would like to withdraw Amendment Number 3 and forward a new amendment, please.
Senator Pate: Amendment 3 is withdrawn and Senator Rucho may present his new amendment. The clerk will read.
Reading Clerk: Senator Rucho moves to amend the bill.
Senator Pate: Senator Rucho you're recognized to explain the amendment.
Senator Rucho: Thank you, Mr. President, ladies and gentlemen of the Senate; this is pretty much the same as we discussed minus some cleanup in this bill that took care of this language that Senator Stein managed so that it wouldn't be redundant. And then secondly there was an issue dealing with bond referendum dates that has been eliminated. I urge that you to pass this amendment.
Senator Pate: Further discussion and debate on the amendment; Senator Nesbitt, for what purpose do you rise?
Senator Nesbitt: Question for Senator Apodaca.
Senator Pate: Senator Apodaca, do you yield?
Senator Apodaca: Yes, sir.
Senator Nesbitt: Senator Apodaca, I apologize to you. I thought we were going to do a perfecting amendment, but since it's a new amendment, we need to review it if we can have an opportunity to do that.
Senator Apodaca: Okay.
Senator Nesbitt: Just displace it for ten minutes and I'll have our staff read it and just make sure we know what we're doing.
Senator Apodaca: That's fine with me; ten minute recess, Mr. President?
Senator Nesbitt: Well, we can move on with other amendments if we can just displace this one.
Senator Apodaca: Sure, is that all right, Senator Rucho? Let's displace that amendment and we'll move forward on the bill.
Senator Pate: Amendment 6 is displaced.
The bill is back before you.
Senator McKissick: Mr. President.
Senator Pate: Senator McKissick, for what purpose do you rise?
Senator McKissick: To bring back that displaced amendment from earlier, I believe it probably would have been perhaps Amendment Number 2.
Senator Pate: Number 2, I’m not sure that we had it displaced. I thought you were contemplating that, but at any rate it’s back before us at this time.
Senator McKissick: Okay, as indicated earlier, what this particular amendment would do, it’s separate and distinct from what Senator Stein had suggested. I think that in off years what his recommendation is certainly would make sense, off-year elections. But in presidential years, we have unprecedented turnouts. As indicated, right now we have over 6.4 million voters here in North Carolina. We know that if we go back to 2008, we had about 705,000 who participated in voting in the first week of the early vote period. That’s simply in the first week alone. We know that this past year, in 2012, we had over 900,000 -- 903,000 to be exact, who were participating in the early vote period during the very first week of early voting. So what this amendment would do would simply say that when we’re having those presidential elections, where there’s unprecedented turnout and we want to avoid those long lines on election days, we want to convenience voters as much as we can. We want to increase participation in the process, that we will restore the one week that would otherwise have been cut simply in the years where there are presidential elections. So I ask for your support because I think all voters, regardless of their party affiliations, enjoy voting early. We see that there was a 200 person increase simply between 2008 and 2012 where 200,000 voters additionally participated. And I feel certain that if you were to ask today, all of them who participated early before in that first week of early voting would want to see that restored certainly in our presidential election years or general elections.

Senator Rucho: Mr. President.
Senator Pate: Senator Rucho, for what purpose do you rise?
Senator Rucho: To debate Amendment Number 2.

Senator Pate: You have the floor.
Senator Rucho: Mr. President, members of the Senate, I thank Senator McKissick for his willingness to step forward and do something to help.
I think based on Senator Stein’s amendment when we put a floor or there of the number of hours that existed in ’12 and in ’08, this really is addressed and what it does is it doesn’t prohibit the county boards and/or the state board from increasing the hours if the need arises. That gives them the flexibility, so I urge that since we’ve already addressed this issue, we vote no on Amendment 2.

Senator Clark: Mr. President.
Senator Pate: Senator Clark, for what purpose do you rise?
Senator Clark: Speak to the amendment.
Senator Pate: Senator Clark you have the floor.
Senator Clark: Before I speak to the amendment, I ask Senator Brown to yield for a question if that’s okay.
Senator Pate: Senator Brown, do you yield?
Senator Brown: I will.
Senator Clark: Senator Brown, if I remember correctly, you do have some military installations in your district, right?
Senator Brown: Yes.
Senator Clark: Is it Seymour and --
Senator Brown: Camp Lejeune, New River Station.
Senator Clark: They have a very large military population, right? And it’s probably not uncommon that throughout the year they have training activities. Sometimes they go maybe a week, sometimes ten days where they’re working 24/7.
Senator Brown: That is true.
Senator Clark: Thank you; Mr. President, I have a concern with our veterans because also I’m from Fort Bragg where we have a large military population and throughout the year they’re engaged in training events. Sometimes they go for weeks, sometimes up to ten days 24/7. So I’m concerned about making sure that we have a wide enough span of time so that we can accommodate our military members who might potentially be engaged in training activities. I mean, when they’re engaged in those 24/7 training activities, they can’t just up and go and run to a polling place and vote. So I think it’s probably during those presidential elections for our veterans, let’s have an expanded time period so that they can take advantage of the opportunity to vote as well.
Senator Tillman: Mr. President.
Senator Pate: Senator Tillman, for what purpose do you rise?
Senator Tillman:  Ask Senator Clark a
question.

Senator Pate:  Senator Clark, do you
yield?

Senator Clark:  Yes, I do.

Senator Tillman:  We treasure the military
vote very much as all of you do and especially those
who represent them.  We have absentee ballots that are
available to the military including everyone else and
they're always going on training sessions and sometimes
they're not convenient and they are around election
time.  But in anticipation of that, each and every one
of them could do an absentee ballot without I don't
think a lot of problem.  They've been doing that in the
past.

Senator Clark:  Well, actually, that's --
it's not that simple, because I'm talking about for
instance like at Fort Bragg where it's a mission
training complex, a lot of time the rank and file folks
don't even know they're going to be engaged in training
at any particular time.  So if all of a sudden we tell
them they're going to have to participate in a MRX,
they won't know that so they're not going to be
submitting or requesting an absentee ballot in advance.

Senator Rabin:  Mr. President.

Senator Pate:  Senator Rabin, for what
purpose do you rise?

Senator Rabin:  I have a little bit of
experience with the military.  I think the amendment in
the bill as therein stated right now is just fine.  It
will work out fine.  In my experience, it's never been
an issue.  They can get the absentee ballot if they
work on 1: if the system would work better.  And I've
never known a commander who would deny the soldiers the
right to vote and give them part time off.  It just
doesn't happen; hasn't happened in my experience.  I
won't say it won't happen once in a while, but in
general, smoke and mirrors; thank you.

Senator Pate:  Further discussion;
further debate?

Senator Stein:  Mr. President.

Senator Pate:  Senator Stein, for what
purpose do you rise?

Senator Stein:  To debate the amendment.

Senator Pate:  You have the floor.

Senator Stein:  Thank you; this isn't
smoke and mirrors.  This is about people being able to
vote in the election that they care about the most more
than any other, the general election and a presidential
election is the one where we have the greatest turnout
because i't's what resonates with people the most.  We
all know that all elections are important and we wish people would participate in all elections. But in the last presidential election, we had 900,000 people come in that first seven days. And yes, we’ve mitigated the problem with the amendment and I appreciate your support of the amendment, but Senator McKissick’s idea just says on one election, one time every four years let’s keep it at seventeen days. It is an absolutely sensible amendment and I support it and encourage you to vote for it as well.

Senator Clark:  Mr. President.

Senator Pate:  Senator Clark, for what purpose do you rise?

Senator Clark:  Speak to the amendment a second time.

Senator Pate:  You have the floor.

Senator Clark:  I served in the military for twenty years as well and in my experience it has been a problem. Matter of fact, I can remember during the last presidential election when I was actually at a polling site seeing a few troops show up there being escorted by one of their leaders and I guess they felt pressure because they needed to get back to the post and I can remember hearing one say, well, I’d like to get to vote and he says, well, we have to get back to the post. We just don’t have time. It doesn’t matter as long as we have elected the president you shouldn’t be concerned with that. So time pressures can have an impact on our military troops and I’m certain that probably the Major or the Lieutenant Colonel or the Full Bird Colonel certainly wouldn’t cotton at such, but when you have those troops down there that maybe are the rank of Sergeants, Staff Sergeant, something like that, they’re tending to try to please their leadership, so sometimes they do things that they probably should not do. So I think it’s probably in the best interest that we try to look out for those soldiers who may be lower down on the totem pole to make sure that they are given as much time as possible to go to vote.

Senator Pate:  Further discussion; further debate?

Senator Hise:  Mr. President.

Senator Pate:  Senator Hise, for what purpose do you rise?

Senator Hise:  Speak on the amendment.

Senator Pate:  You have the floor.

Senator Hise:  Thank you, Mr. President, members of the Senate; we set forth an election process and we worked, county commissioners and other plan for elections that are coming each year so that we elect
everyone from Soil and Water Conservation to President. It is not the purpose of our elections to provide a different system and a different timetable depending on which elections happen to be on the table that year. This is about consistency, that we will do our elections and provide people the equal opportunities when they are electing county commissioners as when they’re electing the president. This amendment changes that. This amendment says that when we’re fortunate enough to choose the electorates for our president that we open the system up in different areas differently than we do it at other times. It’s time that we put consistency, that’s what this bill is about, across the state so that people cannot continue to use the election policies to advantage themselves. So I ask that you oppose this amendment.

Senator McKissick: Mr. President.

Sen. Pate: Senator McKissick, for what purpose do you rise?

Senator McKissick: Speak on the amendment a second time.

Sen. Pate: You have the floor.

Senator McKissick: To be completely and totally consistent, it would be best not to change existing law, but that’s not what this bill does. This bill radically changes existing law. It’s a voter suppression act. We don’t even want the kids in high school in their civics classes to get pre-registered to vote.

Sen. Pate: Senator McKissick, will you stick to the amendment that’s before us?

Senator McKissick: Absolutely, but I want to be very clear, based upon Senator Hise’s comment, that we are doing something that is different because what we are doing is changing existing law. I would be very happy if we did allow the additional week in every election year in every election cycle. I think that would be the right thing to do. But since this bill is proposing to decrease it and because it is decreasing it, I’m simply asking that as a convenience to voters, those voters who came out en masse in 2008, those that came out en masse in 2012, those that will come out en masse again in 2016, that we respect the fact that they don’t want to wait in very long lines, that they don’t want to sit there and have to wait for some court to enter an order so all the people waiting in line can possibly vote, because when we have those two and three hour lines, a lot of people don’t stay there. They don’t get a chance to exercise that constitutional privilege. So this is simply as an accommodation to voters regardless of whether they’re Republican,
Democrat or unaffiliated, but simply as an accommodation to voters to give them that extra week. Yes, it would be better if it was consistent every year, but I’m taking for granted the fact that that’s -- my best wish will not be realized. So I’m simply saying to be fair and reasonable to those voters who we know will go back. Those voters, a sixth of whom in this state came out and voted in the first week this past year in 2012, those voters who will come out again at the next presidential general election, that they get that privilege.

Senator Pate: Senator Ford, for what purpose do you rise?
Senator Ford: Mr. President, to speak to the amendment.

Senator Pate: You have the floor.
Senator Ford: Just briefly, and I want to be real consistent here. For me it’s about expanding the voting opportunity process. We just heard from one of our members talking about the military. Why would we not want to accommodate our military? We’re talking about voting here, folks, voting. Give people the opportunity to vote. Regardless of how they vote, I just want them to vote. I cannot believe that I’m listening to you talk about limiting a voting process. This is extremely disturbing to me. Can we please move on and support this amendment?

Senator Pate: Further discussion; further debate; hearing none, all those -- the question before the Senate is the passage of Amendment 2. All in favor will vote aye. All opposed will vote no. Five seconds will be allowed for voting and the clerk will record the vote. 17 having voted in the affirmative and 31 in the negative, the amendment fails. The bill is back before the Senate.

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what purpose do you rise?

Senator Rucho: I think we’re all set to take back the amendment that was put aside. I think it was Amendment Number 6.

Senator Pate: Amendment 6 is back before us. Senator Rucho, you are recognized to speak on the amendment.

Senator Rucho: Thank you, sir; I think we’ve already explained it and I believe Senator Nesbitt has had a chance to review it and I think we’re ready for vote. I urge you to vote for this amendment.

Senator Pate: Senator Nesbitt, for what purpose do you rise?
Senator Nesbitt: To speak on the amendment.

Senator Pate: You have the floor, sir.

Senator Nesbitt: Thank you, Mr. President; and in order to be reciprocal here, Senator Rucho was so persuasive and he amended his amendment that we now support the amendment and I urge everyone to support it.

Senator Pate: Further discussion; further debate; hearing none, the question before the Senate is the passage of Amendment Number 6. All in favor will vote aye. All opposed vote no. Five seconds will be allowed for voting and the clerk will record the vote. 45 having voted in the affirmative -- I'm sorry. We have some more who haven't checked in just yet. 47 having voted in the affirmative and 1 in the negative, Amendment 6 passes and the bill is back before us.

Senator Kinnaird: Mr. President.

Senator Pate: Senator Kinnaird, for what purpose do you rise?

Senator Kinnaird: To debate the bill.

Senator Pate: You have the floor.

Senator Kinnaird: Senator Rucho has quoted a poll that says that 70 percent of the population supports voter ID. But there is a great deal in this bill beyond voter ID that people simply do not support. Straight party voting, 500,000 more Democrats voted in the last election than Republicans. And now we're removing straight party voting. That's a little odd to my way of thinking. But what is really popular with the public is early voting. Well over 75 percent of people very much like and participate in early voting. So it is very odd to me that we would limit the most popular part of voting. And in addition, I have a personal interest in this, because like Senator Nesbitt and Senator Rucho, I introduced a bill on the behest of the students of the University of North Carolina at Chapel Hill. They were looking for a place where they could vote on campus, all of them at once. And what we came up with, working with Senator Nesbitt, was actually early voting. So my students had asked me and I was very glad to introduce that, and when it became early voting, everybody won. And we were all very pleased about that. And this will have an impact, this bill, in addition to these other parts in early voting, because 25,200 UNC students just at Chapel Hill alone will be disadvantaged and 12,500 in just my community college in Durham, in Chapel Hill, in Orange County will be disadvantaged. And why would we want to disadvantage our young voters, those who are going to
be sitting here some day, those who are going to be making the public policy that we are making? Why we would want to disadvantage them by making it harder for them? So to that end, Mr. President, I am sending forth an amendment.

Senator Pate: Senator Kinnaird, you may send forward your amendment. The clerk will read.

Reading Clerk: Senator Kinnaird moves to amend the bill.

Senator Pate: Senator Kinnaird, you are recognized to debate the bill -- your amendment.

Senator Kinnaird: Thank you, Mr. President; what we are going to do is restore this to where we were before so that we’re back to the second Tuesday before an election so that we have again enough time that these students and all students across the state, in the military and everybody else has enough time, because we know that it has worked and over 75 percent of the population would like to have that advantage.

So I urge your support of this amendment; thank you.

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what purpose do you rise?

Senator Rucho: Debate Amendment Number 7.

Senator Pate: Senator Rucho, you have the floor.

Senator Rucho: Thank you, Senator Kinnaird. for bringing forth your amendment; this issue has been addressed in providing additional hours under Senator Stein’s amendment in actually offering some additional time based on the flexibility in the county and on the State Board of Elections to provide the opportunity for more satellite locations to meet the needs of every one of the 100 counties and the population with in those counties. There’s no need to change what we’ve already got. We’ve got a good plan in this bill and I urge you to oppose Amendment 7.

Senator Kinnaird: Mr. President.

Senator Pate: Senator Kinnaird, for what purpose do you rise?

Senator Kinnaird: To speak a second time because I wasn’t clear what this does; when it sunsets, which we would say, well, let’s find out what works in your bill, we’re thinking that we’re putting a sunset on it so that we can find how this would work and then it comes back to where it was.

Senator Pate: Further discussion and further debate; hearing none, the question before the Senate is the passage of Amendment 7. All in favor will vote aye. All opposed will vote no. Five seconds
will be allowed for voting and the clerk will record
the vote. 16 having voted in the affirmative and 32 in
the negative, the amendment fails. The bill is back
before the Senate.

Senator Graham: Mr. President.
Senator Pate: Senator Graham, for what
purpose do you rise?
Senator Graham: Speak to the bill.
Senator Pate: You have the floor.
Senator Graham: Voting is one of the most
fundamental and cherished rights for all citizens. For
me it is intellectually dishonest to say that this bill
is about election reform. It’s not about restoring
integrity to the voting place in North Carolina.
Integrity has already been established. It’s not about
providing voting transparency. Transparency has been
established. It’s not about making sure that we don’t
have any political games being played. Games are being
played as we speak. It’s not about providing
confidence, honesty, integrity and trust in government.
Trust is being lost as we speak. It’s not about what
other states are doing across the country. They’re
doing the same thing that we are doing, denying access
for people to vote. It’s not about students not
knowing that if they pre-registered at sixteen, they
can’t vote until eighteen. It’s about hurting and
taking away the right to vote for the elderly across
North Carolina, for those who are poor, people of color
and students. It’s about impacting urban communities
throughout North Carolina, whether it’s in Mecklenburg
or Guilford or Forsyth or Wake or New Hanover County
where a lot of people go to vote on election day. They
will be severely impacted. For an example, last year
in Mecklenburg County 280,000 citizens or 62 percent of
the voters early voted. On election day only 170,000
folks voted. To cut back early voting on election day
will severely impact Mecklenburg County. It will cost
money. It will require additional voting sites and
locations and it will disrupt voting on that day. I
predict it will happen in all urban counties across
North Carolina many of whom by coincidence just happen
to be Democratic, probably just a coincidence. It’s
about creating longer lines, buying new equipment,
Section 2 claims, and other things that will happen
because of this bill. Why in the world would we want
to end straight party voting? By coincidence maybe
because Democratic voters do that, I don’t know. Why
would we want to cut down the length of time for people
to vote? Senator Ford is correct. We should be -- we
should be expanding opportunities for people to vote.
Why in the world do we want to end same day
registration and voting? And why are we picking on the kids? Pages in this body come every week since January. They’re fifteen and sixteen years old. They’re seeing government in action. They can get a driver’s license. They could get a probational driver’s license for graduating privileges. But yet they can’t pre-register to vote because somehow it gets confused — gets confusing between sixteen and eighteen. They just can’t figure it out. Why in the world will we not allow college students in North Carolina to show their college ID’s? We’re talking about accredited universities. We’re talking about Wake Forest, Duke, Johnston C. Smith, Winston Salem State. Why can’t these college students use their ID’s to be eligible to vote? They’re raising more money by this bill. Major corporations, others can contribute more money, but the people get less access. This bill goes against everything that we should stand for.

Senator Brock: Mr. President, Senator Pate: Senator Brock, for what purpose do you rise?
Senator Brock: Will Senator Graham yield for a question?
Senator Graham: Not at this time, thank you, sir.
Senator Pate: Senator Graham does not yield. Senator Graham, you have the floor.
Senator Graham: This bill goes against everything that we should stand for as Americans, as North Carolinians. The basic right to wake up whether it’s two weeks before election day or on election day and not have to worry about artificial barriers in my way to vote. Now the Supreme Court recently made a decision and they moved the speed bump along the way to slow states like North Carolina down and now you’ve got that sucker in fifth gear and you’re moving it; no speed bumps in the way you think. But I predict this, this body has talked a lot about creating jobs in North Carolina, and we have for the legal community. Lots of jobs, bad bills, going to court; this bill is yet another example. I met a couple of students today at a press conference discussing this issue, students in North Carolina that attend our public and private institutions, many of whom were former pages in this building, coming to their state capitol saying why are you doing this. Why is this bill punishing me and impairing my right to vote? One student even said, asked the question to Senator Berger about it, I’ll just ask it out loud and he can answer it if he wants to. Question by William Barber, III, North Carolina State Youth College Division of the NAACP, why, Senator
Berger, do you wish to eliminate pre-registration for sixteen and seventeen year olds who will soon be future participating citizens? He asked me. I told him I didn’t know, that I want to create access, that in Charlotte we have kids voting program and we kind of take our children to the polls with us and we go vote one way and the kids will go vote in another location where they can practice participating in democracy. But yet we are eliminating that today. Now I understand that we are one of fifty states and I understand that, you know, just like movies, you know, you want — you make a movie and you get a hit and all of a sudden six months later someone else has the same movie with a different title trying to get a hit too. So I understand, you know, Pennsylvania passed this law and Florida passed this law, but it was bad in Florida and the guys from Pennsylvania basically said it, we are passing this bill to assure that Romney wins Pennsylvania. They said it. It wasn’t about electoral reform. It wasn’t about honesty and integrity in government. It was about winning. He lost that state. This is about winning, putting in place artificial barriers, denying students the right to vote; college ID’s, can’t use that? Mr. President, I’d like to send forth an amendment.

Senator Pate: Senator Graham is recognized to send forward his amendment. The clerk will read.

Reading Clerk: Senator Graham moves to amend the bill.

Senator Pate: Senator Graham, you have the floor to explain your amendment.

Senator Graham: Thank you, Mr. President; members of the Senate, this amendment does three basic things. One, it restores pre-registration for high school students. It is not difficult. It is not cumbersome and in fact I have an experience too, my daughters said the same thing too. They didn’t have any trouble getting it done and they clearly understood that they couldn’t vote until eighteen, but they were eager to register when they got their license. And when they turned eighteen, they were eager to vote for their daddy. This amendment also restores same day registration and it makes sure that if you are from an accredited college or university, you can use your college ID, Duke, Wake Forest, Chapel Hill, Elizabeth City, Winston-Salem State, Livingstone. I think this is -- if we really want election reform, I think this amendment at least moves us in the right direction. I hope you’ll accept it.

Senator Apodaca: Mr. President.
Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Motion, please.

Senator Pate: Senator Apodaca, you’re recognized for a motion.

Senator Apodaca: Thank you, Mr. President; I move that Amendment 8 be laid upon the table.

Senator Brunstetter: Mr. President.

Senator Pate: Senator Brunstetter, for what purpose do you rise?

Senator Brunstetter: Second the motion.

Senator Pate: The motion is to table Amendment 8.

Senator Graham: Mr. President, nullify.

Senator Apodaca: Mr. President, this is a non-debatable motion.

Senator Pate: All those in favor of the motion proposed by Senator Apodaca will vote aye. All those opposed will vote no. Five seconds will be timed and the clerk will open the vote.

Senator Tillman: Mr. President.

Senator Pate: 34 having voted in the affirmative and 14 in the negative, the amendment passes. The bill is back before us. Senator Tillman, for what --

Senator Tillman: We’re back on the bill.

I believe, Mr. President, we’re back on the bill.

Senator Pate: The amendment lies on the table. Now we’re back on the bill.

Senator Tillman: Thank you, Mr. President; Senators and -- Senator Graham, you’re long on oratory and short on facts. You need to take a look at what Georgia did when they passed -- they’re demographically a lot like North Carolina, have a higher minority population than we do. Otherwise, the demographics are about the like; right, Senator Goolsby? Check what happened after that 2012 voter ID law; see if it didn’t go up, more so for minorities even than the Whites. It’s a fact. That’s not rhetoric. That’s not playing to the crowd and the TV cameras. That’s a fact. An overwhelming majority of minority voters favor voter ID. That is a fact. Overwhelming majority of voters in general favor voter ID. Voter ID, you’re wanting to know why we’re doing this bill. And the people that I talk to say why in the world haven’t you done this bill. Thirty-five other states have and they’re getting good results. You named a couple of states and I just ask you to check the one closest to us with the demographics most like us and see what the results are. Voting increased in all sectors, all races greatly ever since then. That’s a fact. And if anyone thinks that
proving who you are is going to disenfranchise anybody and we’re going to give them an ID -- no, Senator, I won’t yield. If someone is going to give them an ID and they still say that they can’t vote, that’s foolishness.

Senator Stein: Mr. President.
Senator Pate: Senator Stein.
Senator Tillman: I will not yield for a question.

Senator Pate: He does not yield.
Senator Tillman: When I finish, you can ask all you want to, Senator Stein. I’ve heard about 15 minutes of it and I’m going to give you only five. The people I hear from want to know why in the world we haven’t done this to get voter integrity out there. And you say, well, there’s only a couple of cases, Senator Stein. If you don’t check it, you ain’t going to detect it. We don’t know how many thousands of cases. And one-day registration, you think it’s such a great idea to have mobs and mobs of people up there that have never bothered to register in a huge election and they want to come in on election day and register to vote and then you’ve got to deal with that provision and check all those out. That creates havoc. That creates the opportunity for fraud and everything else. If you don’t think enough about voting to make sure you’re registered -- it used to be 30 days in advance, Senators, until recently. This is good common sense voter integrity election law and I’m proud that we can offer this bill and not a single soul will be disenfranchised. What it does, it does disenfranchise fraud. And a lot of people don’t like it, but, folks, the people I’ve talked to, minorities as well as Whites, say sure, it’s common sense and we ought to be able to prove who we are, and anybody that would say that we shouldn’t have to do that, to me don’t want election free and election with integrity. I think that’s what this bill does and I’m proud that we could offer this legislation.

Senator Parmon: Mr. President.
Senator Pate: Senator Parmon, for what purpose do you rise?

Senator Parmon: Thank you, Mr. President; to speak on the bill.

Senator Pate: You have the floor.
Senator Parmon: As I sit here and listen at this debate, I reflect on the number of years as a young woman helping to prepare African-Americans to vote. So as I sit here, this is very disheartening for me. And as I listen to us talk about photo ID, that’s no longer an issue in this bill. House Bill 589 is
purely and simply a voter suppression bill. And as we celebrated and thought about Representative Womble came today to celebrate on the House side the good deed -- a good deed we thought, but us justly compensating victims we created with sterilization. I thought about how closely we are coming to doing that again today. As elected officials and policy makers, we are taking it upon ourselves to pick winners and losers in this state by creating barriers to voting and to the constitutional rights of the citizens of this state. I’ve heard us compared to Georgia. I’ve heard us compared to Florida, Pennsylvania. But I want to remind every one of us that we are North Carolinians. And one young lady sent me a text to say that I am not from Georgia. I’m not from Florida. I’m from North Carolina and I want my constitutional right to be recognized. I do not want you all to give barriers and put up barriers that will make it difficult for me to vote in the state of North Carolina. And I will tell you as an African-American, as a woman, I fit most of the categories that people talk about when we talk about the barriers. And I remember too many African-Americans that I’ve had to work with to encourage, elderly people that have -- for years were afraid to vote. And now we’re here again creating confusion and chaos about a constitutional right. This is immoral. It’s evil and it’s unnecessary. And I tell you I am offended as a North Carolinian and as an African-American woman to be discussing here today on this floor barriers to suppress the vote; thank you.

Senator Pate: Further discussion?

Senator Robinson: Mr. President.

Senator Pate: Senator Robinson, for what purpose do you rise?

Senator Robinson: To speak to the bill.

Senator Pate: You have the floor.

Senator Robinson: Voting is a constitutional right and anyone anything that stands in the way of that suppresses that right. It is my position that House Bill 589 stands in the way of many who exercise or want to exercise their right to vote. Different from you, Senator Tillman, a large majority of my constituents are African-Americans and I would say that 99.9 percent oppose this bill. I also came from Georgia forty-five years ago and I came out of a segregated South that denied my mother, my father, my grandparents and everyone else the opportunity to vote. That is a treasured and a precious right that in this bill you’re trying to take from people. I want all of you to get a copy of the recent biography of former
Supreme Court Justice Henry Frye, the first African-American elected to the North Carolina House of Representatives in the 20th century who served in this Senate from '81 to '82 and in 1999 became the Chief Justice of the Supreme Court in North Carolina, the first African-American. Justice Frye is one of my constituencies, one of my friends and he’s a church member where I’ve been a member for forty years or more. In Justice Frye’s own words he talks of how he was denied the right to vote in Ellerbe, North Carolina. After graduating as the Valedictorian from Mineral Springs High School, he moved to Greensboro to attend North Carolina A&T State University where he graduated Summa Cum Laude. He was a Second Lieutenant in the United States Air Force and rose to the rank of Captain. When Frye returned to Ellerbe, North Carolina to vote, he was required to pass a written test to register to vote. They did not approve his right to vote. He had to return, but his failure of the test motivated Justice Frye to become an attorney so that he could prevent others from enduring the same humiliation. Why, you say, do I recite this? First, so some of you understand some of the history, the bad history of this state in terms of voter suppression and the struggle that many of my predecessors had in obtaining that right; secondly to accentuate the fact that voting rights have been denied for centuries in this country; and thirdly to say that years ago the right to vote, the right to deny anyone’s right to vote was based on the color of one’s skin under the guise of literacy. I want you to read Justice Frye’s biography so you too will learn and understand one of the ugly parts of history -- one of the uglier parts of North Carolina’s history. But hopefully you’ll understand the mistakes that you’re repeating in this legislation. This legislative year becomes a new day in the history of North Carolina. House Bill 589 denies the right to vote based on a valid photo ID, based on your acceptable standards. Probably one of the most appalling is Section 2.2, the reasonable resemblance determination, which says if the election official determines the voter’s photo ID does not bear any resemblance to the voter, the judges of election precincts would be required to rule on the matter. Now I’ve been a chief judge, one for about ten years. Now Senator Clark the other day showed me his acceptable photo ID and I would say as a previous chief judge that his former appearance, still, dark skin, young, long -- elongated face with a beard of black hair does not really look like him today. He has a bit of aging in his face and a little gray on that head. So an
election person in his precinct might determine that Senator Clark is just another young Black man in Fayetteville perpetrating someone who desires to vote. As a matter of fact, Senator Clark might say that my gray hair does not resemble my photo some years back at Bennett College. How appalling this is, you say, but how appalling is this legislation that takes this great state of North Carolina back to the days when voting was denied to my parents, grandparents and many of your parents and even when I fought for the rights of my people to vote and to register them. Do you want to return to the Jim Crow South? Recent data shows that more than 319,000 registered voters in North Carolina lack a photo ID. It is no surprise that the photo requirement disproportionately affects African-Americans. We are 23 percent of all registered voters, but 34 percent of those without a North Carolina photo ID. We too as women are disproportionately affected. We make up 54 percent of voters, but 64 percent of those without a state issued photo ID. Democrats, of course you know this, are nearly three times as likely not to have a photo ID as Republicans. Nowhere in this bill is a photo ID required for an absentee ballot, however. Mr. President, I'd like to send forth an amendment.

Senator Pate: Senator Robinson, you may send forth your amendment. Clerk will read.

Reading Clerk: Senator Robinson moves to amend the bill.

Senator Robinson: This amendment --

Senator Pate: Senator Robinson, you may explain the amendment.

Senator Robinson: Yes, thank you, Mr. President; this amendment would assure that anyone who shows up at the polls without one of the approved state photo ID's or whatever those requirements are and has to leave to go downtown somewhere or to a DMV and get a photo ID, and I know a lot of elderly people that I served as a Chief Judge in my precinct who would have to do that because all they have is a Bible with their names on it and birth date. But this would mean that they would have the same opportunity as anyone using an absentee ballot, the same opportunity. It means that they wouldn't have to go down and try to come back again and vote. Instead, they could use one of the same items that absentee ballots are able to use. And you see those listed here and I don't have to recite those to you. But if it's good enough for people to use who are sending in absentee ballots to get counted, it ought to be good enough for people who come to voting sites without their photo ID's and they can vote.
that same day. I commend the amendment to you.

Senator Goolsby: Mr. President.

Senator Pate: Senator Goolsby, for what purpose do you rise?

Senator Goolsby: Will Senator Robinson yield for a question?

Senator Pate: Senator Robinson, do you yield?

Senator Robinson: Yes.

Senator Pate: The lady yields.

Senator Goolsby: Thank you, Mr. President; how many North Carolinians did you say are without ID's and would require them from the state?

Senator Robinson: The data that I received says -- let's see, 318,000 registered voters lack ID. And that came from a Charlotte Observer article.

Senator Goolsby: Yes, ma'am; would she yield for another question?

Senator Pate: Senator Robinson, do you yield?

Senator Robinson: Yes.

Senator Goolsby: Do you know that back in 2005 when Georgia went through this same exercise, the liberal newspaper said that there would be 600,000 voters that would be disenfranchised and require ID's? Are you aware of that, Senator?

Senator Robinson: Sure, I am.

Senator Goolsby: And are you aware also, ma'am -- further question?

Senator Pate: Yes, go ahead, sir.

Senator Goolsby: That when the facts came in, since 2007 when Georgia actually cleared this law through the courts that 29,611 ID's over the last seven years have actually been issued. Are you aware of that?

Senator Robinson: Yes; as a matter of fact, Senator Goolsby, my sister is the manager of one of those precincts. And are you aware also, as I answer you, that a lot of those folks who actually did not vote are not being counted?

Senator Goolsby: Yes, ma'am, and would you agree with me that 600,000 which was originally alleged versus the 29,611 is a far cry from the initial number put out by the liberal press?

Senator Robinson: Are you aware -- yes, but are you aware also of what the current number of unregistered voters there are in Georgia and registered voters as opposed to those who have photo ID's?

Senator Goolsby: I'll yield for a question. Yes, ma'am, go ahead.

Senator Robinson: I already --
Senator Goolsby: No, I am not.
Senator Robinson: -- asked you the question. You're not. Okay, do you have another question?
Senator Goolsby: I do, one more. Will she yield for one more question?
Senator Pate: Can we go through the chair to ask and answer questions?
Senator Robinson: I apologize, Mr. Chair. Senator Goolsby, you have a question of Senator Robinson?
Senator Goolsby: I do.
Senator Pate: Senator Robinson, do you yield?
Senator Robinson: Yes.
Senator Goolsby: Are you aware, ma'am, that from 2006 before voter ID was implemented in Georgia through 2010 that Black voter participation rose by 44 percent and that Hispanic voter participation rose by 67 percent and White participation rose by only 12 once photo ID in Georgia was actually established, my home state?
Senator Robinson: Yes, I am aware and now you're aware that -- may I ask him a question too?
Senator Pate: Senator?
Senator Goolsby: I yield.
Senator Pate: Senator Goolsby yields, yes.
Senator Robinson: Okay, are you aware that Georgia is Republican controlled, and prior to the 2000 years, the majority of the voters in Georgia were White Americans?
Senator Goolsby: Yes, ma'am, I'm only --
yes, I am. Will you yield for a question?
Senator Pate: Senator Robinson, do you yield?
Senator Robinson: Yes.
Senator Goolsby: Ma'am, the years I'm talking about are actually 2006, the year before voter ID was implemented in Georgia through 2010. We're talking both the 2008 and the 2010 election. That is the first year that President Obama ran and then the off year, that voter participation in Georgia with minorities, Blacks rose 44 percent, Hispanics rose 67 percent. White voter participation only went up 12 percent. Aren't those good numbers for minorities? Would you at least agree with that, Senator?
Senator Robinson: You know, Senator Goolsby, I don't agree with you because it ought to be 100 percent.
Senator Pate: Let's --
Senator Robinson: I’m answering, Mr. Chair. It really should be 100 percent participation by minorities because minorities are the ones who are denied the right to vote for centuries in this county and their rights were suppressed. And you again are doing the very same thing so that you will not have the turnout of minorities in the next election.

Senator Graham: Mr. President. Why do you rise?

Senator Pate: Senator Graham, for what purpose do you rise?

Senator Graham: Ask Senator Robinson a question.

Senator Pate: Senator Robinson, do you yield?

Senator Robinson: Yes.

Senator Graham: Do you represent anybody in Georgia?

Senator Robinson: No, my mother still lives there, but I represent North Carolinians.

Senator Hise: Mr. President.

Senator Pate: Senator Hise, for what purpose do you rise?

Senator Hise: Speak on the bill.

Senator Pate: You have the floor.

Senator Hise: Thank you, Mr. President, members of the Senate, we’ve heard a lot of numbers tossed out there today. I guess it’s a good start. 300,000 individuals don’t have ID’s issued in the state, particularly state issued ID’s from the DMV. I think we’re missing out -- the first fact is that when you look at identification cards and driver’s licenses, first the DMV issues more than the adult population of the State of North Carolina. So there are more out there than the census say we have people over sixteen in the State of North Carolina that exist. Now there is a question as to whether or not those match up with the state voter database. The state voter database would also indicate that in 2012 8,241 people voted who were 112 years old. It’s called legacy data in the system. Everyone who is registered to vote prior to my Junior year of high school, ’93 is a legacy system and we’re not required to have full data in order to be registered to vote, so therefore they put in blank data systems such as 1-1-1900 as their date of birth when they upgraded the system. When those do not match with the DMV numbers now, i.e. the person was not born in 1900, it is showing that there is not a match in the database. That person doesn’t have an ID. That’s simply not the case. The numbers are vastly inflated. And we’ll talk about ID’s. I know this has kind of been here. I brought my community college ID where I
reach. I just ask the first question for anyone here, what does Mayland Community College ID look like? What does a Western Carolina ID look like? What does East Carolina's look like? Now if you were to add all that's been proposed previously to 55 community colleges, 16 universities, 36 independent colleges, 107 ID's that you're asking every precinct worker to be able to identify if they come through. That's why we've limited this. The individuals know what a passport looks like or a driver's license in the State of North Carolina. I also say that this same ID says nothing --

Senator Stein: Mr. President.
Senator Hise: Sure, I'll yield.
Senator Pate: Senator Stein, for what purpose do you rise?
Senator Stein: To see if Senator Hise will yield for a question.
Senator Pate: Senator Stein -- Senator Hise, do you yield? Senator Stein, go ahead with your question.
Senator Stein: Does your community college ID have the name of your community college on it?
Senator Hise: Senator, it is emboldened in the logo, but other than that, it does not.
Senator Stein: Follow-up question, Mr. President.
Senator Pate: Do you yield, Senator Hise?
Senator Hise: I yield.
Senator Stein: We talked a lot about Georgia. Are you familiar that no fewer than 50 Georgia universities, colleges and community college ID's are a valid form of photo ID in order to vote in Georgia?
Senator Hise: I am not aware. I have not mentioned Georgia and am not aware of where they -- what their laws are. I can -- I am aware of North Carolina's community college and university system and the types of ID's that they issue.
Senator Stein: One final follow-up question.
Senator Pate: Do you yield?
Senator Hise: I yield.
Senator Pate: Yes.
Senator Stein: Thank you, Mr. President; Senator Hise, do you think that if somebody goes to the trouble to make a fake ID with your community college on it it might also be able to go to the trouble of making a fake ID that looks like a driver's license in North
Carolina?

Senator Hise: Mr. President, and I think some of our transportation people may respond better to this. Actually if I look at my driver's license and from identifying holographic images, reproduction things that are available on this that make it I would say at least exceptionally difficult, I will say that spending several years working as a hall director as well, I didn't have a lot of trouble identifying what was a false identification that I was handed for someone claiming to be over twenty-one years of age on several occasions that we're going through. That's not a difficult determination in looking through these. But we also have a few other things, if I may continue, that would come through that are also important for voting. This also indicates an address, so when you show up at the voting polls and you have to give your name and address, this indicates an address. The key thing to a passport and a driver's license now in the State of North Carolina and I believe many of you were responsible for this change, is that when a driver's license is issued from the DMV it is not handed to you. It is actually mailed to the address on the license. So it's a further verification that you receive mail at that address that is going forward. So we have not only verified that you are a resident, that you claim to be who you are, that the address you have claims to match more than we've handed something that looks like your picture moving forward. It's quite simple. Voting is a right. Voting is a right worth protecting in the State of North Carolina. I do come from an area in the state that's probably got more stories on voter fraud than you'll ever hear. I can go to areas and show you ballot boxes from the '50's and '60's that were fished out of the river because they were replaced with ballot boxes. I can tell you the names of individuals at other times who I was told that members of the other party could just hand a couple of hundred dollars to and they could predict election results within a hundred votes because that's how they filled them out moving forward. We haven't suddenly changed as a society so that doesn't occur. It's gone underground. Several of these individuals that I'm aware of all these accusations still hold very -- or until recently held very high positions in the board of elections across the state. But I'm here to tell you that voter fraud is still real in this state. There were times that were epidemic. And whatever we can do to protect the integrity of that system and today we're taking steps in doing that and requiring a valid ID issued and verified by the state when a person shows up
to vote is a common sense measure and I’m confident the voters of North Carolina see it that way as well.

Senator Clark: Mr. President.

Senator Pate: Senator Clark, for what purpose do you rise?

Senator Clark: Ask Senator Hise to yield for a question.

Senator Pate: Senator Hise, do you yield?

Senator Hise: I yield.

Senator Clark: Senator Hise, when it comes to statistics, we often forget our basic statistics that we had in college. It’s accurate that the correlation does not necessarily imply causality, is that correct?

Senator Hise: That is correct.

Senator Clark: Okay, so oftentimes we want to say, well, in Georgia from 2006 to 2010 they implemented voter ID and the voter population -- or at least Senator voting by African-Americans went up; therefore, one caused the other. But we can’t really say that, right?

Senator Hise: I yield, Mr. President.

Senator Pate: Yes.

Senator Hise: I think that you have shown -- it is different to say there is a cause, but I have seen no other explanation for the correlation.

Senator Clark: Okay, well, I’ll give you that then. Okay, Georgia, the increase was 17 percent, okay, from 2006 to 2008 -- I mean, from 2006 to 2010 in terms of African-American voting. In North Carolina, the same time frame we didn’t have voter ID, the percentage of African-American voting went up 40 percent. That’s 23 percent more. So what’s the cause for that?

Senator Hise: There is a correlation when you look simply at the State of Georgia between they increased these and the time period they had passed voter ID. In the State of North Carolina, we had no such stimulus. So if there’s an increase that is attributable to that, that 40 percent had we passed this at that time could have been 60 percent, 65 percent. Correlations do have a direction and a positive correlation would indicate a positive correlation.

Senator Clark: Mr. President.

Senator Pate: Senator Clark, for what purpose do you rise?

Senator Clark: To speak to the amendment.

Senator Pate: Yes.
Senator Clark: Okay, we have just seen in the State of North Carolina voter participation by African-Americans in 2006, 2010 went up by 23 percent more than it did in the State of Georgia because North Carolina did not have the voter ID. So if we’re going to say the correlations does imply causality, I would say that the reason it went up so much more in North Carolina was because we did not have the voter ID.

Senator Pate: Senator Davis from Greene, for what purpose do you rise?

Senator Davis: To see if Senator Hise would yield for a question.

Senator Pate: Senator Hise, do you yield?

Senator Hise: I will yield.

Senator Davis: Thanks, Senator Hise; what I would like to do is just shine some light perhaps and just get your response. Outside of serving here, I’ve actually been in education, higher education for fifteen years actually as a Sociologist. The first thing I would like to clearly clarify in terms of methodology in the past conversation, correlation and causation are two different methodologies. So I would like to establish that. Correlation is the relationship. Causation is cause and effect. Even though this has been part of the conversation, it’s come up a couple of times in this chamber and I’ve heard it before, when we look at the results in Georgia, I would concede, based on the facts as reported, a 44 percent increase amongst the minority community. However, it would appear to be a loose use of the data to draw a conclusion of causation, the cause being a law was passed and the effect being more minorities therefore voted. There is in the world of research what’s called the Hawthorne Effect. When a subject may be aware that they’re actually being under investigation, they may perform differently.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Are we going to have a question sometime or are we going to have a dissertation?

Senator Pate: Senator Davis, please get to your question.

Senator Davis: I will, Mr. President. Long story short, what we don’t know in terms of the intensity is were they responding because of their opposition to the law because advocates rally or are they opposition because they favor the law. And my question is, would you not agree that a more
longitudinal study examining this over time would be a
more concise way of drawing a conclusion of causation?
Senator Hise: There’s some absolute --
Senator Bryant: Mr. President; excuse me.
Senator Pate: Senator Hise, you’re
allowed to answer the question.
Senator Hise: There’s some absolutes in
studies. First of all, one of those is more data and a
longitudinal study always leads to better conclusions.
That’s the nature of it, although at some point you get
diminishing returns. Causality is not provable by
data. You cannot prove causality. It’s impossible.
You can however prove that a correlation exists. In
this study to be reported as a correlazation, you are
in the probability that it’s less than one in 1,000
that it could not have occurred.
Senator Bryant: Mr. President.
Senator Pate: Senator Clark, you have
your microphone on. Do you wish to speak? Senator
Bryant, for what purpose do you rise?
Senator Bryant: I’d like to send forward
an amendment, Mr. President.
Senator Pate: I believe -- we have an
amendment on the floor we’re going to get around to in
a little bit.
Senator Bryant: Excuse me, Mr. President.
Senator Rucho: Mr. President.
Senator Pate: Senator Rucho, for what
reason do you rise?
Senator Rucho: We’ve had a lot of great
debate, probably a good time to vote on this amendment
and I urge you to vote no.
Senator Pate: Is there further
discussion or debate? Hearing none, the question
before the Senate is the passage of Amendment Number 9.
Senator Stein: Mr. President.
Senator Pate: Senator Stein, for what
purpose do you rise?
Senator Stein: To see if Senator
Robinson will yield to a question.
Senator Apodaca: Mr. President.
Senator Pate: Senator Apodaca.
Senator Apodaca: You were calling the
vote. Continue.
Senator Pate: I agree.
Senator Stein: Mr. President, point of
order.
Senator Pate: State your point of
order.
Senator Stein: I was recognized to ask a
question and you recognized me. I’d like to ask my
question, please.
Senator Apodaca: Mr. President.
Senator Pate: Senator Apodaca, for what purpose do you rise?
Senator Apodaca: Point of order.
Senator Pate: State your point of order.
Senator Apodaca: Senator is out of order.
He shouldn’t have set up when you were calling the vote.
Senator Pate: The chair rules that Senator Apodaca is correct. I was calling the vote. I mistakenly recognized you. Forgive me. The question before the Senate is --
Senator Nesbitt: Mr. President.
Senator Pate: Senator Nesbitt, for what purpose do you rise?
Senator Nesbitt: Point of order.
Senator Pate: State your point of order.
Senator Nesbitt: Thank you, Mr. President; just for the group in here, I’m as tired as everybody else is in here. But we’re always interrupting the president when he’s getting ready to do something else. And the president always recognizes anybody. This thing’s going to be over shortly if we can just have enough patience to get to the end of it. And I wanted to raise that because I hope we’re not going to be out of order forever if somebody gets up and gets your attention that you missed.
Senator Pate: Thank you for that; I’m going to stick with the decision that has been made that the -- we’re going to go ahead and vote on this amendment and then I’ll recognize Senator Stein to speak after the amendment has been taken care of. Question before the Senate is the passage of Amendment Number 9 to House Bill 589. All in favor will vote aye. All opposed will vote no. Five seconds will be allowed for voting and the clerk will record the vote. Before we announce the vote, Senator Walters and Senator Curtis have both been excused for the rest of the session. 14 voting in the affirmative and 32 voting in the negative, the amendment fails. Senator Stein, I’ll recognize you for your question.
Senator Stein: Mr. President, thank you; as my question concerned Amendment 9, I no longer seek to be recognized.
Senator Pate: Thank you.
Senator Barringer: Mr. President; Mr. President.
Senator Pate: Senator Barringer, for
what purpose do you rise?

Senator Barringer: To change my vote on Amendment 7; I should have voted no. I apologize.

Senator Pate: Senator Barringer changes her vote on Amendment 7. 15 to 33 is the final tally; any other amendments that haven’t been taken care of yet?

Senator Bryant: Mr. President.

Senator Pate: Senator Bryant, for what purpose do you rise?

Senator Bryant: To send forward an amendment now at the appropriate time.

Senator Pate: Now is the appropriate time. You may send your amendment forward. The clerk will read.

Reading Clerk: Senator Bryant moves to amend the bill.

Senator Pate: Senator Bryant has the floor to explain the amendment.

Senator Bryant: Colleagues, this amendment would impact Part 32, vote the person, not the party, Section 32.1 by deleting that section and maintaining for us the right to vote a straight party vote. Since 1925 North Carolina has had straight party voting and is one of twelve states to still do so. In 2012, 1.4 million Democrats, 1.1 million Republicans and 25,000 Libertarians voted a straight party ticket. 56 percent of the voters voting in that election, 2.6 million almost of a 4.5 million turnout voted a straight party ticket. Contrary to the description of these voters as low information voters, these voters are often supporting the candidate slate of their respective parties. In addition, this is a major convenience to our voters. 80 percent of Black voters and 45 percent of White voters, approximately, vote -- used straight party voting in 2012. In a local election year where there is a partisan election, it will take the voters almost seven times longer to mark on average seven races that would be on those ballots and during state election years it will take these voters seventeen times longer. North Carolina is amongst the third or fourth -- three to four states with the longest ballots and the longest number of elected offices on our ballot. We are making it take longer to vote at the same time that we are cutting the early voting period and we have new election officials all over the state due to the changes in the party of the Governor and when we don’t really know yet how these early voting locations will be expanded and to what extent. There are two documents on the dashboard that will show the racial disparity involved in
eliminating state party voting and the diversity involved in the use of state party voting. If we could have the first -- the scatter shot graph on the dashboard, please, for the members; if you would look at this scatter shot graph, and you may have to scroll it up to see, the dots on the graph indicate the numbers of Black voters turning out in the 2012 election. The left axis is the number of -- is the percentage of Black voters in each precinct. The horizontal axis at the bottom goes up to 100 percent. That would be the percent of straight party voting. You would see the significant trend of the graph to the right indicating the large number of Black voters who vote a straight party ticket. And also it indicates some 40 percent on average, 40 to 45 percent of White voters who mark a straight party ticket. So both -- there's a racial disparity involved and also significant diversity involved at the same time. The major thing to note is that this -- eliminating straight party voting will result in longer lines and voting time in precincts across the board, first of all, and aggressively so -- egregiously so in predominately Black precincts. Can we see the next chart, please? The next chart on pages 1 through 3, and you can just scroll it. If you look at this chart first, the first several pages are the high number, the top number of precincts, top 100 precincts with the highest percentage of straight party voting. If you look at the last two columns, it says percent SP, that's the percent of straight party voting and then the final column is the percent of Black turnout; again correlation. You can see the high correlation between straight party voting and the percent of Black turnout in the top 100 precincts. And that would be in pages 1 through 3, I think it is. You scroll through pages 1 through 3. Those would be the top 100 precincts. You see the high correlation, even at the end of the first 100 precincts you're just getting to some 60 and 70 percent numbers, mostly in the 80 percent range. Then pages 4 through 6 you see the precincts with the lowest, the lowest 100 precincts where straight party voting occurs, those percentages; again, even those percentages in the 38 percent range and going down; and then the low, in some instances almost no percentage of Black voter turnout in those precincts. So there is a high correlation between straight party voting and the participation of Black voters and eliminating straight party voting will result in a significant racial disparity. Mr. President, may I ask -- I'd like to ask Senator Rucho a question.

Senator Pate: Senator Rucho, do you
yield?
    Senator Rucho: Yes.
    Senator Pate: He yields.
    Senator Bryant: Senator Rucho, my question is, were you aware of the disproportionate use of straight party voting by Black voters as you were considering this provision in the bill?
    Senator Rucho: I was never aware of the chart that you have before you. I have confidence in every voter in the State of North Carolina to choose people that they believe are the ones they wish to vote for regardless of party and also I’m very concerned about the fact that a lot of the nonpartisan and down-ballot candidates are ignored and that really is not the way we would like to have democracy occur in North Carolina.
    Senator Bryant: Follow-up, Mr. President?
    Senator Pate: Senator Rucho, do you yield to another question?
    Senator Rucho: Yes.
    Senator Bryant: I was wondering, given this information and there’s probably even more information available about this correlation, are you willing to reconsider the elimination of straight party voting as you see the significant negative racial impact it may have and then the resulting longer voting time in these precincts where 80-some percent of the people in the precincts will be taking seventeen times longer in the state elections to vote than would currently be the case in our present voting situation?
    Senator Rucho: I don’t agree with your premise and secondly I don’t look at race as who’s going to vote. What we’re trying to do is make sure that we have an equal opportunity for every single person to vote and it’s not designed on race in any manner and, you know, that’s not even what we’re even talking about here. What we’re saying is this is a fair, honest way to provide everyone an opportunity to vote and that’s exactly what it’s all about.
    Senator Bryant: I’d like to finish my explanation of the amendment, Mr. President.
    Senator Pate: Go ahead, Senator Bryant.
    Senator Bryant: In wrapping up, I think it is important for you to see that there is a significant negative racial impact in the elimination of straight party voting under the Voting Rights Act, even though we don’t have to have pre-clearance in our targeted counties any more under Section 2, the issue of a disproportionate impact on Black voters is still going to be an important issue that has to be reviewed and would still provide some constitutional concerns.
And so I’m asking the members to please vote to adopt this amendment because of the negative racial impact and the constitutional and voting rights issues implicated in that, but also because of the efficiency for all voters, 45 percent of White voters who will have to take seven times or seventeen times longer to mark a ballot, requiring more time, et cetera. And then the 80-some percent of Black voters in particularly significantly Black precincts that will be taking seventeen times and seven times longer. So for those reasons, I would ask that you please vote to adopt this amendment; thank you.

Senator Newton: Mr. President.

Senator Pate: Senator Newton, for what purpose do you rise?

Senator Newton: To see if Senator Rucho would yield for a question.

Senator Pate: Senator Rucho, do you yield?

Senator Rucho: Yes, sir, I do.

Senator Newton: Thank you, Senator Rucho, Senator Bryant just gave us a lot of hyperbole about straight party voting and minorities and so forth, and I wanted to ask you, as I read the section on straight party voting being eliminated, is there anything in there that says minorities can’t vote in the election?

Senator Rucho: No, sir, and there’s nowhere throughout the entire bill. It is an opportunity for every single person in the State of North Carolina that is registered to do so.

Senator Newton: Follow-up?

Senator Pate: Does the gentleman yield?

Senator Rucho: Yes, I do.

Senator Newton: As I read the bill, Senator Rucho, aren’t there a total of eleven different days that a registered voter, especially a minority voter, could go to vote? Did I count that right? Ten days of early voting and one day on election day?

Senator Rucho: That is accurate, yes, sir.

Senator Newton: Is there anything in the bill that says that a minority voter can’t vote on those eleven days?

Senator Rucho: No, sir, there is an equal opportunity for every single voter to vote during any of those eleven days.

Senator Pate: Would the gentleman like to ask another question?

Senator Newton: Yes, Mr. President.

Senator Pate: Do you yield, Senator Rucho?
Senator Rucho: I do.
Senator Newton: Thank you, Senator Rucho; on the straight party voting, is there anything in this bill on eroding the straight party voting that eliminates the party label for a partisan election? In other words, if it's a partisan election, like say a state senator's race or, you know, Governor's race or something like that, if there is a Democratic nominee, wouldn't it be denominated as a Democratic nominee?
Senator Rucho: Just like it's always been, R's, D's, L's and the like.
Senator Newton: Follow-up?
Senator Pate: Does the gentleman yield?
Senator Rucho: Yes, I do.
Senator Newton: Is there anything in the bill that would prevent a minority voter from being able to identify which party they wanted to vote for on any one of these individual elections?
Senator Rucho: Not a thing; same as it is today.
Senator Newton: One last follow-up?
Senator Pate: Does the gentleman yield?
Senator Rucho: I do.
Senator Newton: Thank you, Senator Rucho; so if a minority voter wanted to vote for all of one party, would they still be able to identify all those candidates and check or punch the button for each one of those candidates?
Senator Rucho: They would be able to identify the party affiliation of every one of the candidates and vote accordingly on their wish.
Senator Newton: Thank you, Mr. President; may I speak to the amendment?
Senator Pate: You have the floor.
Senator Newton: Thank you, Mr. President; Senator Bryant, I know that you weren't suggesting that the fact that I filed a bill identical to this language for the last two years to eliminate straight party voting, I know that you and I know each other well, so I know that you weren't suggesting that I would do that for a reason of suppressing minority votes because I certainly would never do such a thing. I certainly was not aware of any data, even if it's accurate, that would somehow keep a minority voter from voting for whoever they chose to vote. The reason I filed legislation in the past which your amendment would essentially take out of this bill that exact same language. The reason I did is because I think people should vote for the person and not the party. You and I come from the same neck of the woods. The Democratic party has been very dominant in our neck of
the woods. Wouldn’t you agree to that? I mean, I think you would agree to that. It’s the home of -- the area of two Governors. Jim Hunt was there, four-time Governor from my -- I guess what you’d say my back yard or maybe I’m in his back yard, depending on how you want to look at it; pretty dominant. In fact, back in the day Republicans used to get dragged away from the polls and get beat up pretty good if they dared to show their face to vote back in the day. So -- I mean, some people back in the day other than minorities also know about voter suppression. I mean, that’s a real recorded fact. I know people that that happened to back in the day. And that’s not right. Voter suppression is wrong. I’ll be the first one to say that. Republican, Democrat, Black, White, Male, Female, whatever, if you’re registered voter, you’re legal, you’re entitled to vote. Nobody should be intimidated. There shouldn’t be any thugs there at the polls, you know, whether they be Black Panthers or anybody else, keeping people from voting. Nobody should be suppressed from voting, but it boggles my mind how in the world we can take the idea that if you’re not allowed to punch one button and vote for all one party, regardless of how qualified or unqualified some of those nominees are, that somehow you’re suppressing minority votes. And I take umbrage to that.

Senator Parmon: Mr. President.
Senator Pate: Senator --
Senator Newton: And I don’t yield for a question at this time, but afterwards, Senator Parmon, out of respect for you, I’ll certainly yield for a question.

Senator Pate: Senator does not yield.
Senator Newton: I take umbrage to that.
I hope Senator Bryant understands why I might get my hackles up a little bit about that. I think people should vote for the person and not the party. Now everybody that knows me in this chamber knows I’m a loyal Republican. I fight hard for my party just like all the good Democrats do. But there has hardly been -- I’ll admit it. There has hardly been an election to go by that there hasn’t been at least one Democrat that I voted for, at least one. I don’t need a straight party vote to pick out my candidates. And we’re going to try to slap a racist label on the idea that people ought to vote for the person and not the party? We’ve heard a lot of that today. We’ve heard too much of that today. The idea that we’re going to keep our elections honest and fair and that we might actually ask people to think about who they’re voting for
instead of what party, it somehow amounts to racism. We hear a lot of stuff in this chamber. We hear a lot of stuff in this chamber. It’s probably time for us to tamp down the rhetoric and get real about all this. I urge my colleagues to defeat this amendment.

Senator Parmon: Mr. President. I believe that Senator Parmon had a question for Senator Newton. Senator Newton, do you yield?

Senator Newton: I do.

Senator Parmon: Thank you, Mr. President; Senator Newton, I heard you talk about racism and certainly I know how you feel, because I’ve lived it, worked to try to reverse it. But my question is if you don’t want to deal with the fact that the amendment deals with African-American -- other people, not only African-American, but other people being impeded in their voting by having to go down and select by name, the time element. I heard Senator Bryant say seventeen times as long to vote in the state election. Does that cause you concern? Forget about race. Just think about the time. Does that cause you concern?

Senator Newton: Thank you, Mr. President; no, it actually doesn’t because there are so many different ways that we can vote. We can vote by absentee and sit at home and take our time and pick all these candidates out. I worked many polls. I’ve seen many people walk in with the sample ballot and work through it very quickly and I’ve seen other people with the same sample ballot who sat there for 15 minutes trying to make sure they had it exactly the way they wanted. I think -- that gives me no concern at all.

Senator Parmon: Follow-up?

Senator Pate: Follow-up, do you --

Senator Newton: Yes.

Senator Parmon: Senator, I just want to say to you why we come in here and we think we act with authority of all knowledge, in different cultures and in different incidents, I know many people in my community, seventy, eighty, ninety years old, cannot read the complete ballot. And that’s no fault of their own, because it was a time that they couldn’t read. It was against the law. And here again, we’re talking about elderly people. I remember just last election taking a 103 year old woman to the polls who was frightened to death to vote for her first time. So when we come in and think that we have all the answers, we need to consider all the facts. So when you say someone that’s elderly that’s got to take time and go down a ballot, that’s inconsiderate and it’s suppressing that voter, because I’m going to tell you,
many elderly folk will not be able to do it.

Senator Graham: Mr. President.
Senator Newton: I'm sorry. I thought there was a question.
Senator Pate: I did, too. Senator Graham, you're recognized.
Senator Graham: Speak to the amendment; drive away to the polls, poll taxes, African-Americans were beaten for wanting to vote. They were discouraged by various tactics and means not to vote. So I'm just a little maybe sensitive based on history that we have to protect today. Representative Butterfield said earlier today about her ninety-one year old mother that she had to be able to read the Preamble to vote. Today you can go through the ballot and vote for the man and not the party without changing a thing if you want to do that. You could do it today. I choose to do that myself, because there are some people at the local level on the other side that I've voted for before. I want good government, Democrat, Republican or Independent. So you can vote for the man today and not the party. But I think it is intellectually dishonest to say when you look at the facts as she's brought out that African-Americans don't vote in high proportions straight ballot voting and that won't impact their vote. I think to say that that should be discounted or that doesn't exist or it's just hyperbole, it's just intellectually dishonest. I think it's -- and again, this is nothing new. All we have to do is look throughout the country and see some of the other proposals --

Senator Rucho: Mr. President; point of order.
Senator Pate: Senator Apodaca --
Senator Rucho, what is your question?
Senator Rucho: Please don't call me Apodaca.
Senator Pate: It's been a long day.
Senator Rucho, please state your --
Senator Rucho: When is Senator Graham going to get off the speech for Congress and actually talk about this amendment.
Senator Nesbitt: Mr. President.
Senator Pate: Let me answer that question. I'll be right with you, Senator Nesbitt. Senator, will you stick to the amendment that's before us today?
Senator Graham: Mr. President, I am speaking to the amendment on the floor. I do not need to be reminded about doing that.
Senator Pate: Continue your remarks.
Senator Graham: And if anyone is out of order, it's Senator Rucho. That's who needs to be reminded about order in the chamber, not me.

Senator Pate: Please continue with your remarks or the amendment.

Senator Graham: I treat everybody in this chamber with respect. Even if I disagree with you, I respect you and respect your opinion and I expect nothing less from anybody here. It is a fact based on what was presented by Senator Bryant that African-Americans indeed, Senator Apodaca, vote in high proportions more -- just I'm looking at you, you're a friend. You give good gifts.

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Will Mr. Graham yield to a quick question? He may want to on this one.

Senator Graham: Yes, sir.

Senator Apodaca: Senator Graham, I heard you in your opening remarks, sir, when you were talking about this amendment, you talked about voting for the man. You never once mentioned voting for a woman and I just wanted to mention that.

Senator Graham: Man in the universal term.

Senator Apodaca: Okay.

Senator Graham: And woman.

Senator Pate: Continue, Senator Graham.

Senator Graham: It's late, Mr. President.

Senator Pate: Amen.

Senator Graham: The point I'm trying to make is this, is that straight party voting does provide yet another artificial barrier for African-Americans who choose not, Senator Newton, to take the time as I do and kind of go through the ballot, but want to go in there, pull the lever, Democratic or Republican, to vote and get out of the way and allow the next person in line to do the same.

Senator Bryant: Mr. President.

Senator Pate: Senator Bryant, for what purpose do you rise?

Senator Bryant: To speak on the amendment a second time.

Senator Pate: Senator Bryant, you have the floor.

Senator Bryant: Thank you, Mr. President; I just wanted to be -- clarify one thing. I was very -- worked to be very careful and I always work to be very careful when I'm talking to you all here about issues of racial and cultural difference because I know
how easy it is to -- for it to be taken personally or taken in the wrong way. But I was very careful to use the words disproportionate use, negative racial impact, disparity, racial disparity. And the reason I went to the trouble to present the charts and the tables was because I knew it was possible that it was not a conscious intention of everybody in here to propose a policy that would have a negative impact on purpose. So with that in mind, I presented the data. So I'm not suggesting that this is a racist in the I-S-T sense and that word proposal, that's not what I'm trying to suggest. I'm trying to make it clear that it has a negative racial impact, so everyone can keep that in mind and it is the impact that would have legal and constitutional consequences, not whether somebody intended purposely to do it or not. So I'm just wanting to make that clear and also to make it clear that under current law you can vote for the straight party ticket and then select any individual by name of the other party that you want to vote for and have both those votes count. So that process is currently available under our current system of straight party voting. I just wanted to clarify those two things and ask please that you would vote to adopt this amendment; thank you.

Senator Pate: Further discussion or debate?

Senator Rucho: Mr. President.

Senator Pate: Senator Rucho, for what purpose do you rise?

Senator Rucho: Just to debate the amendment. The -- we've heard a lot of good discussion and just to remind everybody that I would urge you to vote no against Amendment Number 10.

Senator Pate: Senator Nesbitt, I believe I owe you a return visit. Did you have remarks to make?

Senator Nesbitt: I think Senator Graham expressed it better than I could.

Senator Pate: Thank you.

Senator Clark: Mr. President.

Senator Pate: Yes.

Senator Clark: I ask Senator Rucho to yield for a question.

Senator Pate: Senator Clark asks Senator Rucho to yield for a question.

Senator Rucho: Yes, sir, Senator Clark.

Senator Clark: I don't want to belabor. It's too long here, but currently it is correct that we can vote or choose to vote for any candidate we want and we don't have to choose to vote just checking one
box, right? We don’t have to do straight party. I’m sorry.
Senator Rucho: I’m sorry. Repeat that again.
Senator Clark: Currently we can choose to vote for any candidate on the ballot without choosing the straight party ballot option?
Senator Rucho: That’s correct. Everyone, partisan, nonpartisan and everything, you get a chance to vote for every one of them up and down the ballot.
Senator Clark: Okay, we have that choice; okay, follow-up?
Senator Rucho: Yes, sir.
Senator Pate: Do you yield?
Senator Clark: I’m getting confused on the choice question because I’m wondering what’s wrong with having a choice because we also want to have choice to where we send our children to school, is that correct?
Senator Rucho: I’m not sure what this is relevant to.
Senator Clark: I’m trying to determine when is it good to have choice and when is it not good to have choice. What’s wrong with having choice on the ballot box like we have or we want choice when it comes to sending our kids to a particular school?
Senator Pate: Senator Rucho, do you yield to that question?
Senator Rucho: No, it’s not relevant.
Senator Pate: Further discussion, further debate on the amendment?
Senator Stein: Mr. President.
Senator Pate: Senator Stein, for what purpose do you rise?
Senator Stein: Thank you; to debate the amendment.
Senator Pate: You have the floor.
Senator Stein: Just as a preliminary matter; Senator Bryant was just pointing out a factual matter about the use of this convenience and it is a factual matter that approximately 80 percent of African-Americans use it, approximately 40, 45 percent of Whites use it. That’s just a fact and it’s a racial impact to change it. That -- you can have the most innocent purpose intent in the world to change this, but it is having a racial impact. But where I wanted to go with my comments is to remind people how many people use straight party voting in North Carolina. It’s 2.5 million North Carolinians, 56 percent. The majority of people in this state choose the convenience
of straight party voting. What you all are saying is we want to deny the people, two and a half million, the convenience they choose to utilize. My wife and I tend to vote together. She likes to fill in every bubble. I don’t. What I do, Senator Newton, because I occasionally split my ballot too is I will go straight party Democrat and every time I want to vote Republican, I mark Republican. My wife takes about ten minutes longer than I do. What you all are consigning to the people of North Carolina, two and a half million, take ten minutes more. That’s 416,000 extra hours it’s going to take the same number of people to vote in the booth and it’s going to back up that line out the back of the voting area. So we’ve compressed early voting. We’re taking away a convenience which 2.5 million North Carolinians choose to exercise. By the way, 1.1 million Republicans appreciate the opportunity to do a straight ticket for you all. I encourage you to support this amendment.

Senator Pate: Further discussion or debate on the amendment?
Senator Robinson: Mr. President.
Senator Robinson, for what purpose do you rise?
Senator Pate: Senator Robinson, you may debate the amendment.
Senator Robinson: I, too, appreciate the data that Senator Bryant shared. It is factual data. Regardless of how you take it, it’s factual data. And I would say as well, based on my own family history. I have an aunt who’s ninety-eight; one, ninety-five; my mother’s ninety-one; and then my experience at the precinct where I worked that a lot of the folk who vote straight ticket are elderly, Black and White. And a lot of those same people have to use their Bibles for identification, Black and White. And so even though I don’t have the statistics to support it right now, I would go as far to say that those are the same folks who could not read. I know that historically for African-Americans, like Senator Parmon said, they were denied the right to read and to write, different from my own grandparents who set up schools and taught a lot of people, there were still a lot of folks who couldn’t write and who had to mark that X and they were excited about exercising their right. So whether the voter is Republican or Democrat and they’re elderly, when they come to the polls to vote, if they have to check every box, you are suppressing their right as well, too. And I don’t think that’s what you intend to do, but there are a lot of older people who want to vote, but will be
frightened, who will be scared away and who will be intimidated when you tell them they don’t have a choice to vote straight ticket but that they have to vote by selecting every box. It becomes a long day for them. It’s tiring. It’s trying. And as you get older, you will see what the situation becomes as your body begins to break down as well, too. It becomes really a challenge to you being able to get out and to exercise your right.

Senator Tillman:  Mr. President.
Senator Pate:  Senator Tillman, for what purpose do you rise?
Senator Tillman:  To ask Senator Apodaca a question.
Senator Pate:  Senator Apodaca, do you yield?
Senator Apodaca:  I do.
Senator Tillman:  I don’t know that we’ve ever cut off debate. I do know that I’ve heard the same issue debated on each one of these fourteen times over tonight. I’ve not heard a new issue since the first 30 minutes of this. Of course, the call is up to you, Senator. I can stay here all night. I’ve got some peanuts over here I can eat.

Senator Kinnaird:  Mr. President.
Senator Apodaca:  Senator Kinnaird, I have the floor; thank you. Mr. President, I never got a question; thank you.
Senator Pate:  Senator Kinnaird?
Senator Kinnaird:  I have a new issue. It’s one sentence long.
Senator Pate:  You’re recognized. You have the floor.
Senator Kinnaird:  Actually, we’re on the amendment. I’m sorry.
Senator Pate:  That’s correct. Further discussion and debate on the amendment; hearing none, the question before the Senate is the passage of Amendment Number 10. All in favor will vote aye. All opposed will vote no. Five seconds will be allowed for voting and the clerk will record the vote. 15 voting in the affirmative and 30 in the negative, the amendment fails. The bill is back before you.

Senator McKissick:  Mr. President.
Senator Pate:  Senator McKissick, for what reason do you rise?
Senator McKissick:  To debate the bill.
Senator Pate:  Senator McKissick, you have the floor.

Senator McKissick:  I’ve listened to a lot of discussion over the last hours or so about voting
rights here in North Carolina. But one thing I think back about was my childhood growing up over in Durham where I saw so many people who were never registered to vote before, become registered to vote. I'd assist them, knocking on their doors some days, make sure they got a ride to the polls because the only place you could register to vote back then was at the precinct itself so people came into the precinct. There were situations where people had to recite a provision of the constitution or prove a certain degree of literacy before they could vote. But one thing which I saw that I was always very impressed with was the fact that after they voted for the first time, after they had exercised that very sacred constitutional right, a sense of ownership in our election system, a sense of pride, that they would almost boast about having the right to vote and being able to exercise that privilege. The thing that we should be about as a General Assembly is expanding that right, expanding that privilege as much as possible. That’s why this bill deeply, deeply concerns me, because I do see it as a voter suppression act when we cut back early voting by a week when we see unprecedented number of voters going out in that first week of early voting. That’s something that reduces the potential for people to get out there and vote. When we look at the fact that there can’t be same day voter registration, something that many people exercise during that early vote period, that’s something that we should be deeply, deeply concerned about because there will be people who don’t think about it, may not have it foremost in their minds, that would come in there during that early vote period and they would register and vote the same day and vote for that candidate of choice. If we look at the fact that, yes, we’re getting rid of straight party line voting, regardless of what your party affiliation is, that’s something that many should be concerned about why. Unfortunately, there’s frequently somebody at the top of that ballot, maybe it’s somebody running for President, maybe it’s somebody running for Governor, whatever that position might be, it draws people to the polls, that they can identify with that party affiliation. And, yes, because of that party affiliation, they choose to vote a straight party ticket line. That’s something that we should be concerned about because people will be denied that privilege from this point forward. And when we look at what’s happened -- what’s going on with the contributions, we now see that people will be able to contribute not $4,000.00, but $5,000.00. When we look at what’s being able to be contributed by corporations
that can donate to parties that can be used for operational expenses, it appears that the effort of what we’re doing here is not only to suppress votes, but to suppress a certain section of the population from voting and perhaps it’s that segment of the population that didn’t get the extended unemployment benefits. Perhaps it’s that segment of the population that didn’t get Medicaid coverage. Perhaps it’s that segment of the population that’s going to be disproportionately impacted by tax reform. That’s what we’re looking at; in some respects hurting an awful, awful lot of people, but yet allowing those corporations to give unlimited contributions to these parties. The totality of what we’re looking at today is something that I wish we were not having to vote upon at all. And certainly the voter ID issue as it first emerged, well, we now have a compilation of what I think are some of the worst tactics that we could put together in one bill during elections. Voter ID is where this all started. Well, yeah, we can go back to 2008 and what do we know? There were forty-nine cases of fraud in this state and we had four million people out there voting; forty-nine cases. That’s it, forty-nine. Go to the State Board of Elections. They’ll send you over the data. And if we look at the number of people who don’t have voter ID’s today, yes, there are approximately 318,000 people, and that will come from your State Board of Elections. If you want exact numbers, I can give them to you. So there are people who will be potentially disenfranchised who are unable to exercise that privilege in voting and it will become more challenging. It doesn’t disguise the fact that in many respects with the redistricting that has occurred, with the new districts that are upon us today, with the fact that when Obama ran in North Carolina back in 2008 and won by about 12,000, 13,000 votes, this past year 2012 he lost by about 100,000. We’re not a blue state. We’re not a red state. We’re a state of people who are independently minded. But we do know that when you deliberately manipulate the voting rights of people in this state so that a certain segment of the population might be disproportionately impacted, that might swing the election one way or the other, in my mind that’s the wrong thing to do. We need a level playing field and this bill doesn’t provide it. And I don’t plan to vote for it and I would encourage all others not to.

Senator Rabin: Mr. President.

Senator Pate: Senator Rabin, for what purpose do you rise?

Senator Rabin: To speak on the bill.

Senator Pate: You have the floor.
Senator Rabin: When we talk a little bit about constitutional rights, I have, like you have, sworn to support and defend at least two times and at least once for this state. I enjoy my constitutional rights and I want my constitutional right to vote to be sure that my vote counts 100 percent and is not diluted. That dilution to me is what causes some of the suppression of votes that I've heard so much about. The second thing I'd like to say is I also recall not too long ago in this chamber we passed a bill, we've been talking about voter ID and photo ID and how hard it is to get, yet we passed a bill in here that said in order to pick up your pet at the shelter, you had to have government photo ID. I think that that's the least we could ask of ourselves when we go to the polls and we put in a -- sort of a grandfather clause to ensure that people would not be inconvenienced in the next election, but in the one after that, they were given the opportunity to be informed. I think this is a good bill. It does not suppress anybody's vote and it certainly gives me my constitutional rights in full or comes closer to it; thank you. I encourage you to support the vote, by the way.

Senator Pate: Senator Nesbitt, for what purpose do you rise?

Senator Nesbitt: Thank you, Mr. President; to speak on the bill.

Senator Pate: You have the floor.

Senator Nesbitt: Thank you, Mr. President and members of the Senate; this reminds me of something a fellow said over in the House years ago. He said we've missed two or three good opportunities to stop. And I'm going to give you another opportunity to stop. I'm going to try to bring this thing to a close so we can end this round of debate. I think it's been healthy. It's been good. And I would say to the members -- and it's been heated. And I think that's healthy and good. And I would say to the members that we've all got to be tolerant and understand that we all don't have the same life experience and we all haven't heard the same things all of our lives. And we haven't heard the experiences that people have had in this world that other members may have heard. I come from a county that elected the first woman to the General Assembly, Lillian Exum Clement. She was elected -- a single female trial attorney in Buncombe County in the '20's. She was elected to come down here the year before women had the right to vote in a state that voted not to give women the right to vote. The '20's, women couldn't vote. This is fairly modern history and women that sit here today have heard that history. We
all know the problem that minorities have had forever. It resulted in the Voting Rights Act to try to straighten out some of the problems we had here in North Carolina. And those problems are not imagined. They’re real. They’re very real. Lots of people have been disenfranchised from voting intentionally in this state, so we can’t pretend that there’s not this history and that there’s not this problem. And when somebody points out to you that you’re hurting a group of people, it doesn’t mean that you’ve got a bad heart. It means that you’ve got bad facts and they’re trying to tell you that and they’re just trying to say you need to pay attention to this, because up here we have unintended consequences all the time. There were two of them in this bill that we fixed and one in the amendment. So with that said, laying the groundwork a little bit, I want to do a little revisionist history on this. I haven’t engaged when we’re accused of mucking up the state all this time. I will before the session’s over. But we started out today when we said that the system is broken. Now that’s how the leadership in this state prefaces everything. The Governor, everything he touches is broken and he’s got to fix it. And then he proceeds to come up with some, to me, what are pretty exotic ideas on how to do that. I think some of you all agree with that in some cases. But he declares it broken and says we’re going to fix it. This system isn’t broken. North Carolina’s not a bad state. I will go that far on the big debate. But this system, for goodness sakes, of all the things we’ve got, we’re not Florida. We haven’t had hanging chads. We haven’t had problems and we have been proactive in trying to solve the problems we have had; long lines at the polls. Back in the early ’90’s, we were having three and four hour lines at our polls and we were proactive about that and we created early voting. It was bipartisan when we created it. It was a good thing. It solved the problem and voters are better off for it. And we’ve done other things to make it easier for people to vote. Now the problem you’ve got with this bill, and I’m going to run through these things with you. I cannot find anything in here that makes it easier for anyone to vote. Everything you’re doing in this bill makes it harder for people to vote and when you do that, we know that will suppress the vote. You make them stand in line four hours. Some of them are going to go home. They aren’t going to do it. You fix it to where they can’t register close to the election, some of them are not going to think about it in time and they aren’t going to get registered, so they won’t vote. Same day registration, I don’t know
of a single problem we’ve had with that and it allows somebody who gets interested in the election to come in there and vote and that’s a good thing. If there were fraud and people were coming in there that weren’t — but I don’t think there’s been any. I have not heard it if there has. The program where we went into the schools and taught civics and registered young kids to vote, that’s a good thing. You’re teaching them about government and about civics and their responsibility and voting is part of that. Let’s get you signed up and then you’ll be ready to vote when you turn eighteen. We’re not going to do that anymore. We’re just -- we did financial literacy in here and I supported us doing that to teach kids how to balance a checkbook, how to do basic things, but we aren’t going to go in and get them ready to vote now. We were. Early voting I touched on awhile ago. That is not broken. It just isn’t broken. The people -- what little capacity is cut there in early voting they’re going to find because they’re accelerating the number of people that use it. And it’s a relatively new thing. I can’t remember the first election we had, but it was around 2000. It hasn’t been around that long and people that try it like it. Not using student ID’s; I’ve got to tell you, when I was listening to the debate about student ID’s and how, well, there’re fifty of these colleges and I was looking and in his hand was a photo ID. But it may not be right and it may be fraud and it may be that somebody didn’t do it and it’s not protected. I don’t know how to tell you this, but that sounds like big brotherism to me. Everybody out there is not a thief and a crook and nobody’s trying to break in a polling place and if somebody shows you a photo ID to vote, it’s probably accurate. So if we’re trying to identify people, make it as easy as possible to identify them and get that out of the way and then let them vote. Straight party voting; you heard it awhile ago -- by the way, Senator Stein, I don’t believe I’d have told that if I was you about splitting your ticket. That is a convenience for the voters. That’s all that is. And you’ve heard how many people use it. Lots of people use it. Now you make it seventeen times longer to vote when you get there. I think and we think that you’re going to create lines by limiting early voting like you’re doing. We think it’s going to be difficult for young people to vote under this bill. We think that you will make it much more difficult for minorities and seniors to vote under this bill. And all of these things will suppress the vote. And I don’t know in this state, once again I take everybody at their word, but in other states these same
tactics have been used to suppress the vote. They caught that one guy on TV saying we got voter ID passed and that’s going to elect George -- that’s going to elect somebody. I’ve forgotten who it was. It was a Republican he thought he was electing; Mitt Romney I think, yeah. And we’ve had ideas like tax parents if their kids vote someplace else. More corporate money being able to flow in without being disclosed, I’ve even heard arguments that voter ID will increase voter participation. Now I want somebody to give me the -- I want somebody to diagram that for me and show me how that happens; that creating voter ID is going to increase voter participation. It just won’t do that.

Now it might stop some fraud or it might do some other things, but it’s not going to encourage people to get out and vote. And when you shake all this down and you put all this together in one bill like we’ve got in front of us here, it kind of packs on to what I mentioned to you all one time before, big government conservatism. We’re going to get in here and we’re going to invade space and we’re going to regulate it to pieces and fix it to pieces and the net effect is going to be voter suppression. It can’t be anything else. And the best thing we can do is stop and start over and I urge you to vote against this bill.

Senator Pate: Further discussion and further debate; hearing none, the question before the Senate is the passage of House Bill 589 on its second reading. All in favor will vote aye. All opposed will vote no. Five seconds will be allowed for voting and the clerk will report the vote. 32 having voted in the affirmative and 14 having voted in the negative, House Bill 589 --

Senator Apodaca: Mr. President.

Senator Pate: Senator Apodaca, for what purpose do you rise?

Senator Apodaca: Object to third reading.

Senator Pate: Senate Bill 589 passes its second reading with objection to the third reading from Senator Apodaca, will remain on the calendar.

Senator Bryant: Mr. President.

Senator Pate: Senator Bryant, for what purpose do you rise?

Senator Bryant: I want to ask that the words of the debate for today and the words of the documents submitted be spread upon the journal.

Senator Pate: Without objection, so ordered.

(The second reading was concluded at 7:37 P.M.)
NORTH CAROLINA
WAKE COUNTY

CERTIFICATE

I, David L. Overby, Notary/Reporter, do hereby certify that this Senate Session was transcribed under my direction and that the one hundred forty-three pages which constitute this Senate Session are a true and accurate transcript to the best of my ability from the audio CD's provided to me.

I certify that I am not counsel for, or employed by any party in this action, nor am I interested in the outcome of this action.

IN WITNESS THEREOF, I have hereunto set my hand this 12th day of December, 2013.

David L. Overby
Notary Public
Certificate No.: 19930120037
PROCEEDINGS 1:13 P.M.

Senator Apodaca: Let’s start with 3rd reading of House Bill 589, clerk.

Reading Clerk: House Bill 589, VIVA/Election Reform.

Senator Apodaca: Senator Rucho, explain the bill.

Senator Rucho: Yes, sir, thank you, Mr. President and members of the Senate; we had a very robust discussion yesterday, and talked about a lot of different subjects. We do have, Mr. President, an amendment talking about some points of clarification, and I will at this moment submit the amendment to you and to the Senate for discussion and it should be on the dashboard.

Senator Apodaca: Send forth your amendment. Senator, it is my understanding, too, we need to place it on the dashboard. I don’t believe they have it. Senator Rucho, do you have the gray copy, please, of the amendment?

Senator Rucho: Mr. President.

Senator Apodaca: Senator Rucho.

Senator Rucho: We just found a little glitch in the amendment and we may need to displace this -- the bill.

Senator Apodaca: Senator Brunstetter, do you have your hearing aids back in?

Senator Brunstetter: I just did, Mr. President, and I’d like to move that we temporarily displace this bill and move on with the rest of the calendar.

Senator Apodaca: Okay, without objection, so ordered. (This portion of the proceedings were concluded at 1:14 P.M.)
PROCEEDINGS

1:45 P.M.

Senator Apodaca: Bring back up House Bill 589; Senator Rucho.

Senator Rucho: Mr. President, thank you, members of the Senate; sorry for the delay earlier; again, we had a good discussion yesterday regarding all aspects of this bill. It will -- as mentioned earlier, it will go a long way to providing some certainty, integrity into the electoral process and therefore making our government more acceptable and appreciated by our voters and our citizens. I'd like to just send forward, Mr. President, an amendment and --

Senator Apodaca: Send forth your amendment, Senator.

Senator Rucho: It should be on the dashboard, sir.

Senator Apodaca: I'm seeing a no sign from the clerk. Let's get it up; if you'll hold your remarks a moment.

Senator Stein: Mr. President.

Senator Apodaca: Yes, sir, Senator Stein: you have the floor.

Senator Stein: To see if Senator Rucho will yield for a question.

Senator Apodaca: Senator Rucho, do you yield?

Senator Rucho: Yes, sir.

Senator Stein: Senator Rucho has been generous to share this with me and I was three-quarters of the way through and there is one piece I would like to talk to him about. So could you withdraw your amendment for the moment so we can talk briefly?

Senator Rucho: Okay; Mr. President?

Senator Apodaca: Okay, so ordered; Senator Brunstetter?

Senator Brunstetter: Mr. President, I'd like to go ahead and temporarily displace 589 and continue with the calendar.

Senator Apodaca: Without objection, so ordered.

(This portion of the proceedings was concluded at 1:47 P.M.)
PROCEEDINGS 3:03 P.M.
Senator Apodaca: House Bill 589; clerk will reac.
Reading Clerk: VIVA/Election Reform,
House Bill 589.
Senator Brunstetter: Mr. President.
Senator Apodaca: Senator Brunstetter, for what purpose do you rise?
Senator Brunstetter: You seem to have everything but Senator Rucho now. Can we stand at ease at our desks here for just a moment?
Senator Apodaca: Yes; Sergeant-at-Arms, anybody seen Senator Rucho; Senator Rucho; Senator Rucho, are you ready with your amendment?
Senator Rucho: Yes, sir.
Senator Apodaca: Send your amendment forth.
Senator Rucho: Send amendment forward and, sir, it should be on the dashboard.
Senator Apodaca: Is it on the dashboard, Madam Clerk?
Reading Clerk: Senator Rucho moves to amend the bill.
Senator Apodaca: Senator Rucho has the floor to explain his amendment.
Senator Rucho: Thank you, Mr. President; I think everyone has it before them. We’ve shared it earlier with Senator Nesbitt and Senator Stein and other members. And what it does in this amendment is, one, it re-establishes the criteria per request of the Cherokee as far as their ID is concerned, complying with the law. It has a couple of technical clarifications requested by the Wake Board -- Wake County Board of Elections. There was a change we discussed with Senator Stein. The formula that we used yesterday on that bipartisan amendment dealing with the number of hours has been clarified and I think is now clearly delineated and will be better understood by the boards of elections. There is also a provision, some boards had asked us, you know, we are holding to the 2012 hours or 2010 hours, based on which day election is, and that might be more than we actually need, so we offered them an opportunity to change the number of hours by a unanimous decision of every member of the local or the county board and once that is done, a request to the state board for full approval by the majority of the -- excuse me, full unanimous approval by the State Board of Elections. And then there was a change in the issue of how the check-off funds were utilized. As you all know, the check-off funds are there, but the money comes from the state general fund
to the different parties. We are eliminating that, but we felt there was a commitment made since an amount is due on August of 2013 and we -- and that means half of that money goes to the parties based on a pro rata share. And we decided the best thing to do, to live up to our obligation and let half that money go and be paid as of August 2013 and then the remainder of it, once this fund is eliminated, will go into the general fund and there's no guarantee but there's a good possibility that some of that money could be utilized for the presidential preference primary. Mr. Chairman, I'll respond to any questions.

Senator Apodaca: Senator Nesbitt, for what purpose do you rise?

Senator Nesbitt: To see if the gentleman will yield to a question.

Senator Apodaca: Senator Rucho, do you yield?

Senator Rucho: I do.

Senator Nesbitt: And I apologize to you for not raising this earlier, but I just realized what we were doing here on this last one about the tax check-off money. Isn't that money that people checked off out of their money?

Senator Rucho: That's not how the --

I'll answer that question.

Senator Apodaca: Sure, Senator Rucho.

Senator Rucho: That's not -- it's not like you and I when we check it off, that's not our money or our preference. What that is is that money belongs and then it goes in to just say the state will spend this much money towards the parties on a pro rata share. So it's not a direct link.

Senator Nesbitt: If you would yield to another question.

Senator Rucho: I will.

Senator Apodaca: The Senator yields.

Senator Nesbitt: The question that I'm asking is, though, they -- when they check off, they aren't saying give some of my state dollars to somebody else. They're saying give some of my personal dollars to this fund.

Senator Rucho: No, sir, what they're saying by check-off is I would not want you to use this much tax dollars out of the general fund to do that.

Senator Nesbitt: All right, thank you.

Senator Rucho: Okay.

Senator Apodaca: Other discussions or debate on Amendment 11; hearing none, the question before the Senate --

Senator Bryant: Mr. President.
Senator Apodaca:  Senator Bryant, for what purpose do you rise?
Senator Bryant:  You’re a little quick to the trigger.  I didn’t know it was going -- I don’t want Mr. --
Senator Apodaca:  Senator Bryant, for what purpose do you rise?
Senator Bryant:  To ask a question, Mr. President. sorry.
Senator Apodaca:  Of Senator Rucho, Senator Bryant?
Senator Bryant:  No, Senator Stein.
Senator Apodaca:  Senator Stein, do you yield?
Senator Stein:  I yield.
Senator Bryant:  Senator Stein, I don’t understand this amendment.  I’m trying to read it. This is my first time seeing it.
Senator Stein:  Uh-huh.  Senator Bryant:  I see that there will be a cumulative number, you look at the total number of hours during the 2012 primary in general elections and then it says something about during a presidential year you would offer the same amount.  But then it says something in 2010 and during a presidential year.  I just don’t understand it.  Can you help me understand -- can you explain it?
Senator Stein:  I can try.
Senator Apodaca:  Senator Stein, please.
Senator Stein:  Thank you; what the language does is it sets a baseline minimum for the number of hours of early voting that is going to be required.  And it sets two standards because the turnout is so different in an off-year election from a presidential year.  So it sets the standard for the off-year and then minimum, however many hours cumulatively sites were open early in 2010, that’s what you’ll have in 2014 and 2016.  Counties can clearly offer more, and as population grows, I surely hope they offer more, because not only are there more people, but more people are choosing to vote early.  And so it’s a trend.  They need to keep opening up more sites.  And then the same thing on the President; for presidential years, they set as a baseline minimum 2012 which was a big turnout year in North Carolina.  So it says however many hours there were early voting sites over seventeen days, you have to have the same number of hours over ten days.
Senator Bryant:  Follow-up, Mr. President?  Senator Apodaca:  Senator Stein, do you yield?
Senator Stein: I yield.

Senator Bryant: Why does it repeat this language — because it’s hard for me to compare and correlate to the original bill at this point. Just quickly, why does it repeat the language about the presidential candidate in both of those subsections? That’s what is confusing to me.

Senator Stein: 20 --

Senator Bryant: In the 2012 section, it talks about the presidential election, and in the 2010 section, it talks about the presidential election. Why would it do that? It talks about elections including a presidential candidate in both subsections. I’m sure that wiser minds can answer that, but. Do you -- I’m sorry, Mr. Chair. I’m just following up the question.

Senator Apodaca: Yeah, just give him a second, Senator. I think he’s trying to find your answer.

Senator Stein: Not having been the author of these words on this page.

Senator Apodaca: Sure, take your time,

Senator Stein: no problem.

Senator Stein: I’m not sure. I mean, I think -- if I can have Mr. Tripp join me, I’d appreciate that.

Senator Apodaca: That would be fine.

We’ll stand at ease just a second and let them get the info.

Senator Stein: Thank you, Mr. President.

Senator Apodaca: Thank you.

Senator Bryant: Mr. President.

Senator Apodaca: Yes, ma’am.

Senator Bryant: Senator Rucho asked me to repeat the question.

Senator Apodaca: Yeah, go ahead.

Senator Bryant: Is that --

Senator Apodaca: Yes, Senator, go ahead

and repeat the question.

Senator Bryant: The question is that on page 1 in the section regarding the formula of cumulative hours and on page 1 in lines 27 through 32, it talks about at elections which include a presidential candidate they shall ensure that at least the same number of hours is offered for absentee ballots, and then when you go to page 2 where you talk about the cumulative number of hours during 2010, it still says, line 5 or so down, for elections which include a presidential candidate the county shall ensure that at least the same number of hours offered in 2012. Do we need to say that twice or is it something I’m missing?
Senator Stein: Mr. President, are you ready for the answer?
Senator Stein: I am.
Senator Apodaca: Senator Stein has the floor.
Senator Stein: Senator Bryant is correct and there needs to be a perfecting amendment which I understand Senator Rucho will be working on.
Senator Apodaca: Okie dokie, let’s stand at ease a moment.
Members, let’s come back to order. The corrected amendment has been placed on the dashboard. We are still on Amendment Number 11 as corrected; further discussion or debate on Amendment 11?
Senator Bryant: Mr. President, if we could just have a few minutes for it to --
Senator Apodaca: Senator Bryant.
Senator Bryant: -- do it’s thing.
Senator Apodaca: Yes, ma’am.
Senator Bryant: I mean, I don’t have it on my thing.
Senator Apodaca: I have it now, Senator Bryant. Do you have it?
Senator Bryant: No, I’ve just got a circle turning, you know, white screen, circle turning.
Senator Apodaca: Still turning, Senator Ford, do you have it?
Senator Bryant: Mr. President, can someone who’s -- somebody -- could we have the amendment explained?
Senator Apodaca: Senator Rucho, would you explain your amendment -- the change you made in the amendment, please?
Senator Rucho: Yes, I will, sir; thank you.
Senator Apodaca: The Senator has the floor.
Senator Rucho: It reads for elections which do not -- well, let’s -- is that the part you want to clarify? For elections which -- it should have said do not include presidential candidates. Okay, that’s why we go the county shall ensure that at least the same number of hours offered in the 2010, which was a non-presidential year, so therefore -- and then it offers that ballot and so forth. So that clarifies the concern, correct? Mr. President.
Senator Apodaca: Further discussion or debate on Amendment 11 for House Bill 589; seeing none, the question before the Senate is amendment to House
Bill 589, Amendment 11. All those in favor will vote aye. All those opposed will vote no. You have five seconds for the vote. The clerk will record the vote. Senator Woodard, Apodaca aye; okay, Amendment 11 passes by 46 in favor, zero in the negative. House Bill 589 as amended is back before the body; further discussion or debate?

Senator Blue: Mr. President.
Senator Apodaca: Senator Blue, for what purpose do you rise?
Senator Blue: Will Senator Rucho yield for a question?
Senator Apodaca: Senator Rucho, do you yield?
Senator Rucho: Yes, sir.
Senator Blue: Senator Rucho, so that I clearly understand this, the -- if I could call your attention to the actual version 7 of the bill; page 50, lines 20 through 21 relate to corporate money to political parties and in looking at that, under the current law you can actually take corporate money for buildings. Am I correct that this changes it so that you can also take corporate money to provide for personnel as well as operating expenses for parties?
Senator Rucho: Sir, our understanding of that is that what we're saying, and primarily because of the fact that by eliminating the check-off money, we're trying to not injure any groups. So what we're saying is that you can use the money you described for building funds and/or non-political activities.
Senator Blue: Follow-up?
Senator Apodaca: Senator Rucho?
Senator Rucho: Yes, sir.
Senator Blue: But this is allowing corporate money to be used in a way that it is not currently not allowed?
Senator Rucho: Corporate money was always allowed to be used in building funds, but now it does allow it to be non -- other non-political activities.
Senator Blue: Follow-up?
Senator Apodaca: Senator Rucho, follow-up?
Senator Rucho: Yes, sir.
Senator Blue: And as I understand it, actually you can use corporate money directly to hire up to three people in the campaign or in the party headquarters, is that correct?
Senator Rucho: Primarily non-political, but yes.
Senator Blue: Another question, Mr. President?
Senator Apodaca: Senator Rucho, do you yield?

Senator Rucho: Yes, sir.

Senator Blue: And on page 52, lines -- I think it's page 52. It's page 53, lines 5 through 50 -- page 53, lines 5 through page 53, line 24. That has to do with the electioneering communication period?

Senator Rucho: Yes, what that is is a date certain for when the electioneering communication window starts. Rather than trying to go back and say we'll look at 60 days, what we're trying to do is make it simple and say from that day forward. That's what it means. There's a lot of confusion by having people subtract from a number, so we're trying to lay it out there so that no one can potentially get into some problems.

Senator Blue: Okay, follow-up?

Senator Apodaca: Follow-up, Senator Rucho?

Senator Rucho: Yes, sir.

Senator Blue: And is it fair to say that when you choose the specific date, I think here it's September 15th, you actually enlarge the amount of blackout time? That is when you don't have to have an accounting of contributions or expenditures.

Senator Apodaca: Senator Rucho?

Senator Rucho: Senator Blue, we picked September 15th as the day. You can pick any day you want on that one, but what we were trying to do is have a definitive date to say that's when that next cycle begins.

Senator Blue: And one follow-up.

Senator Apodaca: Senator Rucho, follow-up?

Senator Rucho: Yes, sir.

Senator Blue: Logically then, September 1st would be as good a date as September 15th?

Senator Rucho: Yes, sir.

Senator Blue: Okay, one other area I'd like to ask you a question about, if I may, Mr. President?

Senator Apodaca: Senator Rucho, do you yield?

Senator Rucho: I do.

Senator Blue: The provision on page 54, line 50, relating again to independent expenditures and electioneering communications; that eliminates the requirement that the top five contributors be disclosed -- the top five donors be disclosed, does it not?

Senator Rucho: No, sir, not completely, because it just -- doesn't require it to be on the media; they are still available and documented accordingly. It's just not on the piece of media.
Senator Blue:   Follow-up?
Senator Apodaca: Follow-up, Senator Rucho?
Senator Rucho:  Yes, sir.
Senator Blue:   But if you pair that with

the last question I just asked you about, the
electioneering period change, doesn’t it create a
period in the Summer that is from the end of the
primary until the beginning of the next electioneering
period which in this case would be September 15th, that
there is no tracking and there is no direct reporting
of either funding or expenditures against a candidate
or for a candidate?
Senator Apodaca: Senator Rucho.
Senator Rucho:  Yes, sir; our
understanding and what we believe is the Independent
Expenditure Committee will still have to make a
disclosure and that same information will be readily
available.
Senator Blue:   Follow-up?
Senator Apodaca: Senator Rucho, follow-up?
Senator Rucho:  Yes, sir.
Senator Blue:   As I understand it, Part

48 which is Candidates Specific Communication, that’s
on page 51, that is the section that requires that
during a certain period that you list people who give
you over a certain amount of money, so -- for example,
so that you could know who is spending $10,000.00
against you during the Summer lull. Is that not what
that section does, repeals the current ability to know
who’s spending against you between those periods?
Senator Rucho:  My understanding is that

the -- we’re repealing that because that information is
superfluous for Independent Expenditures Committees
for Political Committees and Independent Expenditures
Committees. So I don’t see that being a problem or any
type of contradiction.
Senator Blue:   Last follow-up.
Senator Apodaca: Senator Rucho, follow-up?
Senator Rucho:  Yes, sir.
Senator Apodaca: Senator Blue.
Senator Blue:   Do -- so you’re saying

it’s not your intention to create a dead period, that
is, between the primary and until the next
electioneering cycle begins -- electioneering
communications begins, so that somebody could spend an
unlimited amount of money, anybody, no restriction on
the source, could spend an unlimited amount of money
against you and you not know who it is that’s spending
the money against you?
Senator Apodaca: Senator Rucho?
Senator Rucho:  Yes, sir; Senator Blue,
that was not the intention. And if it is, and if it
does, we’re not sure we see it that way, but if there
is, we surely would be, you know, delighted to sit with
you and talk if you have a solution to what your
concerns.

Senator Blue: Okay; Mr. President.
Senator Apodaca: Senator Blue.
Senator Blue: I’d like to send forth an
amendment.
Senator Apodaca: Send forth your
amendment. Senator Blue sends forth his amendment.
Read the amendment.
Reading Clark: Senator Blue moves to
amend the bill.
Senator Apodaca: Everybody have it on the
dashboard; Senator Blue is recognized to explain his
amendment.
Senator Blue: Thank you, Mr. President;
I’ll start in reverse order. I had asked Senator Rucho
about the changes in the independent expenditures and
electioneering communication and the disclosures that
are required. I’ve been informed that if in fact we
leave it as it is in the current bill that from the end
of the primary period until, in this case it would be
the middle of September, that there could be a barrage
of spending against you, and this applies to all of us
regardless of what party you may belong to. A barrage
of spending against you, unlimited, no restriction on
the source and you wouldn’t know who is laying all of
this stuff on you. And so this amendment would
basically return the law to its current form so that
there would still be a requirement that people who
contribute up to these amounts, generally it’s your top
two contributors, or expenditures would in fact have
to disclose it and you would know who’s spending money
against you. I think those who’ve been in competitive
races would be best served by knowing who it is that’s
aiming at you and who’s starting to spend huge amounts
of money against you. And it would be helpful to know
that before you’re 60 days from the actual election.
That’s the third part of the amendment. The second
part of the amendment would basically take us back to
the electioneering communication period. Senator Rucho
said it wouldn’t matter if it was September 1st and I
agree. I think that the earlier you do it the better
off we are. The current rule changes it to September
15th. I think the general practice is now it happens
somewhere around September 7th. But we’re shortening
the period and what concerns me is when you shorten --
you’re lengthening the period rather that somebody can
spend between the primary and when the electioneering
communications kicks in again that you make yourself vulnerable -- not that you make yourself vulnerable, but you make candidates vulnerable, unreasonably so. And the last portion of that is simply saying that corporate contributions can be used to build buildings for headquarters, but it would restore it so that it can't be used for operating funds. The bill that is before you would allow direct corporate contributions to be used for three employees in the headquarters, for operating funds, for supplies, for all other things relating to operations rather than capital projects. That's what it does. And lastly, it does have a provision too that says if you really want to sling something at a candidate and you're a candidate, you've got to let folk know who you are. You've got to stand by your ad. You know, if you want to say bad things, you ought to be willing to let folk know that you're the one who's sanctioning these bad things against other candidates. I vote the adoption of the amendment.

Senator Rucho: Mr. President.
Senator Apodaca: Senator Rucho, for what purpose do you rise?
Senator Rucho: Would Senator Blue yield for a question?
Senator Apodaca: Senator Blue, do you yield?
Senator Blue: Surely.
Senator Rucho: Senator Blue, we had a chance to discuss this earlier. There were a couple of areas that we -- you've got three parts to your amendment. We may feel that you have some validity on one part of it. Would you withdraw your amendment for the moment to have a chance to speak with us about it, specifically on the one section that is the blackout time? And then the others we're not too distressed over and I think you probably aren't bent out of shape over them either. But would you be willing to withdraw your amendment and have a chance to speak with us on it?

Senator Blue: Sure, I'm an accommodating fellow; Mr. President.
Senator Apodaca: Senator Blue has the floor.
Senator Blue: Based on the request from Senator Rucho, I would temporarily withdraw the amendment.
Senator Apodaca: Okay, Senator Blue withdraws his amendment. Senator Stein, for what purpose do you rise?
Senator Stein: To debate the bill.
Senator Apodaca:  Senator has the floor.
Senator Stein:  Thank you, Mr. President, members of the Senate; the core value of America is freedom. The original immigrants who came to our shore came because they wanted to exercise their freedom of conscience. The sons and daughters of liberty who declared their independence from the Crown, they did so because of a simple proposition, that to secure our inalienable rights, governments are instituted among men deriving their just powers from the consent of the governed. They risked everything for their right to vote for their government and we in the world are forever grateful. Voting is our most fundamental freedom. It is the basis of our representative democracy and much of our political history has been struggling over expanding that right to suffrage to more and more people. The post Civil War 14th and 15th Amendments, they guaranteed the right to vote to all men above the age of twenty-one, including African-Americans, a right that they had for about a quarter of a century. Women achieved their hard-earned right to vote with the passage of the 19th Amendment in 1920. In the 1960's with both the 24th Amendment eliminating the poll tax and the Voting Rights Act, the right to vote that existed on paper for African-Americans became real. Finally, in 1971 we guaranteed the right to every young adult of age eighteen or more. Yet even with all these developments, because of our state's legacy of disenfranchisement and discrimination, North Carolina ranked among the worst states in civic participation throughout the entire 20th Century. The General Assembly addressed this deficiency with a number of reforms to remove obstacles and barriers to participation. We passed laws to allow absentee ballot voting for people who couldn't be there on election day and have continually made that process easier. In 2010 -- I mean, in 2012, 218,000 people voted in North Carolina absentee. Early voting was enacted in 1997 providing more people more convenient times to cast their votes because some people were working on Tuesday. Last election, 2.5 million North Carolinians voted early. North Carolina enacted same day registration because they knew that some people weren't registered and may not have it on the top of mind to register in advance before election day. In 2012, 100,000 people in North Carolina voted registering the same day. We as a legislature passed pre-registration for sixteen and seventeen year olds so that they could pre-register, and when they turned eighteen, they automatically got their card. Last year, 50,000 kids have pre-registered so that they can participate in the
democratic process. These reforms have benefitted the people of North Carolina and here’s a fact. In 1988 only 45 percent of voting age adults cast a ballot for President. North Carolina ranked 48th in the nation in civic participation. Just twenty-four years later in 2012, 65 percent of the voting age people in North Carolina voted for President and now we’re ranked 11th in the nation in terms of people participation in choosing their government. Do I have to tell you all that that is a good thing? When people vote, they take greater ownership of their government. They become invested in their society. The more people who vote, the greater legitimacy of that government because everybody has voted and no one can complain that the government is not truly representative of the people. To impinge on people’s right to vote, to limit their liberty, is to undermine government and it is wrong. Yet this bill does precisely that in a host of ways. It started out as a six-section bill. On Monday night, we got it overnight, it had grown into a 60-page election bill monstrosity. Senator Nesbitt talked about the bill yesterday and he actually said something where I disagree. He said he couldn’t find a single provision that actually made it easier for people to vote. I went through the bill, counted about twenty provisions that affect people’s right to vote in more small. I actually came up with one. You all make it easier for people to vote absentee and that’s a good thing. I support it. But every other provision in this bill has the effect of reducing people’s participation in choosing their government. The bill eliminates pre-registration of young people. As I said, 50,000 people a year are doing this. The idea is they have Civics class in high school. They get excited about government and they pre-register. We want kids to take Civics, but when 50,000 of them want to exercise and put into practice their civic obligation, we’re saying to them you can’t do that anymore. I asked senator kucho why are we doing that to our young people. His answer was that he and his son were confused by a letter they had received. I am sorry, but that is a sorry reason to keep young people from registering to vote. We gave you a chance to fix this yesterday and you voted on party lines to keep -- to eliminate pre-registration, denying young people an easy opportunity in Civics class to become civic participants. The bill ends same-day registration. In the last election, 100,000 people did this. That is fantastic. You know why we instituted registration before the election? It was done by Democrats in the late 1900's to minimize the participation of African-
Americans in the election. By eliminating same-day registration, you all are going back to the sorry old history that we should not embrace. It also hurts young people because young people are the ones who are as a cohort coming into the election process. They go to a college town and they can’t pre-register. They’re worrying about settling into their dorm rooms, not going to the county board of elections. We should help young people participate. The bill shortens early voting by a week. 900,000 people vote in that first week. Two and a half million vote early. We discussed this yesterday and I think the amendment we passed and perfected today mitigates the damage, but it is still a bad idea because we had an amendment by Senator McKissick that would have ensured that on the presidential general election let’s keep it seventeen days. But you all voted that down, thereby creating problems — potential problems for election lines. Those problems are going to be dramatically expanded because you all are taking away from the citizens of North Carolina their option to vote straight ticket. It is an option. Nobody has to vote straight ticket if they don’t want, and yet the majority of the people of North Carolina, including more than a million Republicans, said that’s an option I want to exercise. Two and a half million people vote straight ticket. If you estimate that it takes about ten minutes more to complete the entire ballot rather than straight ticket, by the two and a half million people who vote straight ticket, divided by the 60 minutes in an hour, that’s 460,000 hours more collectively that will be spent in the polling booths as a result of this elimination of straight ticket option. You all are substituting your judgment for that of the people and that is a convenience you should not deny the people of North Carolina. I asked Senator Rucho what analysis have you all done to analyze the impact on election administration by the combination of eliminating straight ticket and shortening election period early vote; none; none. We will see what happens and when there are long lines that have the effect of deterring participation in the election, you all own that. According to the State Board of Elections, which cross checked its database with DMV, there are more than 300,000 registered voters who do not have a driver’s license. 138,000 of them voted in the last election. Because of this bill, tens of thousands of North Carolinians who have participated in our elections likely will not. Your extreme version of voter ID means that people who have a driver’s license but have forgotten the driver’s license when they go to vote
have to do one of two things. Either they have to go home and come back, which if they do, a number of people won’t make it back, or they have to vote that day and then after the election then go to the courthouse to cast that ballot. That happened in Indiana and an analysis I saw of certain precincts, one out of thirty-two, one out of thirty-six of the people who cast those provisional ballots ever made it back to the courthouse. Why if somebody goes to the trouble of casting a vote do we want to make it harder and create another barrier for them to actually get their vote to be counted. Senator Robinson offered an amendment that would have made it absolutely parallel, the same process for identifying who you are as an absentee voter, that’s what we will put in place for in-person voters. The number of -- the number of instances of absentee fraud is something like a factor of 17 more for absentee fraud than in-person fraud when the number of people who vote absentee is a minuscule percentage of those who vote in person. And yet you all are making it easier to vote absentee, but making it harder for people to have their vote count, people who go to the polls to vote. That is wrong for the people of North Carolina. Your restrictions will disproportionately affect certain people. It will disproportionately affect seniors. You make it more difficult to site satellite sites for disabled and the elderly. Seniors are less likely to have driver’s licenses. The length of time that you’re going to require everybody to vote will make it longer to vote and longer to wait in line, will have a disproportionate effect on seniors and disabled. Young people we’re losing eliminating same day registration. You all are eliminating pre-registration. Young people are less likely to have a driver’s license. And you, unlike Georgia which we spent a lot of time talking about yesterday, will not permit them to use their state issued college ID. They have an ID, but it’s not good enough. No, we have to make you go to the DMV and get another document. We’re trying to create a step and then a step and then a step knowing you know that at every step people will fall out of the process. That’s not democracy. That is not freedom. It will disproportionately affect minorities. Minorities take advantage of early vote, and in particular the first week of early vote, more than the general population. They take advantage of same day registration, like college students do, more than the general population. They disproportionately don’t have driver’s licenses. And the biggest instance where they do things disproportionately as Senator Bryant talked about
yesterday was straight party voting. You wrap all these election changes into one. In fact, it was in today’s Washington Post that the Department of Justice is readying their Complaint to file against North Carolina when this gets enacted because of its impact on the participation of minorities in North Carolina and the electoral process and that is wrong. The only good news about this bill is that when Congress revisits Section 4 which the Supreme Court ordered them to do when they struck down the coverage jurisdictions in Section 4, is you’re giving them a poster child for what state -- and not just 40 counties in North Carolina, the whole State of North Carolina will be subject to Section 5 in the future. Why are you making it harder for seniors, young people and minorities to vote? Might it be because these folks disproportionately vote Democratic? Might it be that? Yesterday Senator Tillman informed us how more people voted in Georgia in 2010 than they did in 2006 after the voter ID law went into effect in Georgia. What he didn’t tell us was that in 2006 there was no Senate race and it was an incumbent Governor running for re-election. In 2010 there was an open Governor seat and a U.S. Senate seat. No one is saying that the changes you all are making are going to overwhelm or underwhelm what happens in the main. But in the margin it will affect the outcome of elections.

Senator Tillman: Mr. President.
Senator Apodaca: Senator Tillman, what
purpose do you rise?
Senator Tillman: To see if Senator Stein will answer a question.
Senator Stein: I will be happy to when
I’m finished with my remarks.
Senator Apodaca: Continue, Senator Stein.
Senator Stein: Thank you, Mr. President.

I know you all like governing by anecdote, but I prefer a broader view. In states with voter ID, there has been a resulting decline in the registered population of about 2 percent. In states with voter ID, Republicans have done better by about up to 1.2 percent than if they didn’t have voter ID. And Senator Graham gave us some quotes yesterday from some Republican officials in other states who are a little more frank in the way they spoke about election law changes than perhaps they should have been. They said it was going to deliver the state of Pennsylvania to Romney. It of course did not. I expect many of you, my colleagues, are sitting there thinking, well, you know, frankly that might be true, but heck, the Democrats they just made civic participation easier because it helped them
in elections. My predecessors made these reforms because it is the right thing to do for the people of North Carolina to make it easier for them to participate in the political process. They did so even when it was to their electoral disadvantage. The one area where Republicans vote more than Democrats is absentee voting. You represent about 31 percent of the registered voters, but you are half, 50 percent, of all absentee ballots cast. Democrats have repeatedly over the last twenty years made it easier and less onerous to cast an absentee ballot, not because it was going to help you, but because it was going to help the people, the people who have a right to participate in this political process, a right that you are impinging. This last couple of weeks it has become clear as day that we have different agendas, different views for what’s right for the State of North Carolina. Your budget cut education in order to finance tax breaks for the wealthiest 1 percent and corporations. You are pushing legislation that will restrict --

Senator Rucho: Mr. President.

Senator Stein: That will restrict a woman’s right to choose.

Senator Apodaca: Senator Rucho, for what purpose do you rise?

Senator Rucho: Question of the chair.

Senator Apodaca: State your question.

Senator Rucho: What bill is Senator Stein talking about?

Senator Apodaca: Senator Stein, I’m going to ask you to stay on this bill, not on others, please; thank you. Continue.

Senator Stein: I am debating House Bill 589, which is about participating in a political process. If you all had self-confidence that your agenda was the right agenda for the State of North Carolina, then let’s open the doors to the polling place for as many people as we can and the people will ratify it. But if what you’re doing is limiting who can vote in elections, what you’re telling me is that you don’t have self-confidence. What you are doing is shameful, un-American and shows clearly to every person in the State of North Carolina whose side you’re on and it’s not theirs. I urge you to vote against this legislation.

Senator Kinnaird: Mr. President.

Senator Apodaca: Senator Kinnaird, for what purpose do you rise?

Senator Kinnaird: To debate the bill.

Senator Apodaca: Senator has the floor.

Senator Kinnaird: We’ve got this bill which
came to us purportedly because voter ID was necessary
to prevent fraud. So what do we have? We have three
pages about voter ID and 53 pages, 53 pages, about
reducing access and subtracting options, making it
harder for people to vote, 53 pages. Early voting
decreased even though 10 million people used it and 75
percent of the voters used it and 66 percent of people
approve of early voting; straight party voting
eliminated; same day registration eliminated; all those
requirements for obtaining an ID for those without
driver’s licenses or other listed acceptable documents;
eliminating the opportunity of young people to register
early; not accepting university or college ID’s;
repealing judicial public campaigns even though
fourteen appeals court judges asked you to keep it;
repealing your stand by your ad for transparency;
impeding satellite sites; 53 pages, when all you said
you wanted to do was prevent fraud through voter ID.
So why didn’t you just stick with the three pages of
voter ID instead of making it harder for everybody in
North Carolina to vote?

Senator McKissick: Mr. President.

Senator Apodaca: Senator McKissick, what
purpose do you rise?

Senator McKissick: Speak on the conference
report.

Senator Apodaca: Senator has the floor.

Senator McKissick: This bill greatly,
greatly concerns me and disappoints me. This bill
basically reverses decades of progressive legislation
that we’ve had here in North Carolina that have
increased voter participation. I spoke yesterday about
the early vote period. It greatly concerns me that
we’re now decreasing it by a week. I respect the fact
that we adopted Senator Stein’s amendment, but at the
same time it doesn’t solve the problem. There are
900,000 people that won’t be able to vote in that early
vote period. And we look at the increase in 2008 and
2012, 200,000 additional people were voting. We look
at the fact and when it comes to early registration and
being able to go there and vote the same day, same day
registration, same day registration is completely
prohibited. We need to be encouraging people to get
out there and vote during that early vote period with
same day registration. We look at our students. We
get them all actively involved in our schools through
civic programs and other programs, through our PTA’s or
parent organizations, get them involved in student
voting and we encourage them at sixteen, seventeen
years old to go ahead and pre-register. We’re stopping
that. We want to use that opportunity, use those
classrooms as a tool to get them involved in the political process. We need to be encouraging all our high school students to be able to get pre-registered to vote. If we look at the fact that now once they get out of school, they get student ID’s, they can’t use them to go out there and vote and prove who they are. That doesn’t make any sense to me. We need to make certain that we enhance their ability to participate in the political process. There’s no straight party ticket voting. It’s being done away with. Right now I guarantee you that the vast majority of people don’t know all the candidates running for public office. They may come out to vote for one or two particular candidates that they identify with, that they support, maybe a Republican, maybe a Democrat. But what do they do? They identify with one of the parties and they may vote that straight party line. They don’t know all the down-ballot candidates. Now we’re stopping them from doing so. That’s not a good idea. A lot of people need that additional guidance that can come from that identification with a party. That impacts all of us in North Carolina. And then the voter ID’s themselves; an unnecessary tool, an unnecessary obstacle that many people are now going to have to overcome. You can say, yeah, they can go out and get a birth certificate and do it, but now they’ve got to make two trips and go out there and get that birth certificate. Now they’ve got to get that voter ID. It’s doing nothing but suppressing the vote. If we look at this bill in its totality, it’s all about suppressing the vote, trying to make certain that those who we may not want to see come out and vote do not have an opportunity to do so. And when I look at it in its totality, and I’d like to think that its design is somehow to enhance integrity in this process, but I’m reminded of the fact that North Carolina is really not a red state or a blue state. We’re kind of a gray state. And I’m reminded of the fact that Obama won in this state by about 12,000, 13,000 votes back in ’08 and he lost by about 100,000 votes in 2012 and I’m also reminded by the fact that there are about 318,000 people that do not have ID’s that are government issued that may be adversely impacted and not be able to vote. And I look at all of these measures in their totality, I can’t help but wonder if the goal is simply to maintain political power for those that are in power today, notwithstanding the fact that we’re stepping upon the constitutional rights of people by not enabling and enhancing their ability to participate in this process as opposed to decreasing that opportunity.

Senator Tillman: Mr. President.
Senator Apodaca: Senator Tillman, for what purpose do you rise?

Senator Tillman: To speak briefly on the bill.

Senator Apodaca: Senator has the floor.

Senator Tillman: Senator Stein reminded us that in Georgia an off-year election that the vote was not that much significant. If you’re going to compare off years, Senator, you ought to take off year prior to off year before. And the increase was 44 percent among minorities, 67 percent increase among Hispanics and 12 percent among Whites. Then if you want to take the next year, which you conveniently forgot, 2012, you mentioned 2010 which was a national election, how about checking those results and then you’ll have the whole picture. You gave us a partial picture which you’re good at. But if all the Democrat talking points are the same, we’ve heard the same thing and not anything different, that we’re suppressing votes. Folks, we’re trying to guarantee that your vote counts and I don’t think there’s anything more important that we can do to make sure that my vote and your vote counts the way it’s intended to count. No, sir, I will not yield.

Senator Stein: Mr. President.

Senator Apodaca: Senator Stein, for what purpose do you rise?

Senator Stein: I’d like to see if Senator Tillman will yield to a question.

Senator Tillman: I’m going to yield just like you did, Senator, when I finish.

Senator Apodaca: Senator Tillman has the floor.

Senator Stein: I’d be happy to wait.

Senator Apodaca: Senator Tillman has the floor.

Senator Tillman: We’ve got a good bill. We’ve got a bill that ensures integrity at the voting place. It increases voter turnout and it increases voter integrity. And you keep bringing up voter ID as if it’s going to suppress votes. The fact is it increases votes in nearly every state that’s done it. And I don’t know anyone, even minorities, that when they look at this thing and say yes, I ought to be able to identify myself if I’m going to vote. Even that polls in the positive for minorities and about 80 percent of the other voters say we ought to have photo ID, so you’ve got a lame argument there.

Senator Stein: Mr. President.

Senator Apodaca: Senator Stein, what purpose do you rise?

Senator Stein: To see if Senator Tillman
will yield to a question. Senator Apodaca: Senator Tillman, do you yield? Senator Tillman: I'm going to give you one chance. Senator Apodaca: Senator Tillman yields. Senator Stein: I guess I'll have to make it a compound question. Senator Tillman, you talk about this is about integrity of elections. I would like to know how telling people that they no longer have the choice to shorten their time in the ballot box and do straight ticket voting, going to pick -- you know, you can go and pick any one race you want opposite anytime, just speeds up the process. How that and how denying high school kids the opportunity to participate in their democracy and pre-register so that when they're eighteen they get a card, how do either of those have anything to do with integrity of elections?

Senator Tillman: They all have something to do about the -- reforming the electoral process and in doing that, the rules are going to be the same for everyone and we've set the rules in place. But if we voted for over 200 years on one day and now we can't vote in a week, there's something wrong with that. And if you don't think enough about voting and wait to register until you get there on election day, folks, you've not thought very much about the election and it doesn't mean very much to you to say, oh, I didn't register. We normally had -- we used to have to wait 30 days and now you want to crowd everybody in there on election day and vote them and that's where you have all kind of confusion, all kinds of provisional ballots that's got to be verified and that's what leads to confusion and that's what leads to potential fraud. We're going to try to eliminate that.

Senator Apodaca: Thank you, Senator Tillman; let me take care of a couple of housekeeping matters quickly. Number one, Senator McLaurin is back in the chamber. Also, I believe you were here for the vote on Amendment Number -- what was it, 11 or 12? 11; and I believe you voted aye and you were not recorded. Your machine was locked. So we're going to record it voting aye; 47 to 0. Also, just in time, the nurse of the day is here, Jenelle Simpson from my hometown of Durham; welcome and thank you; further discussion or debate on House Bill 589; Senator Graham.

Senator Graham: Mr. President.

Senator Apodaca: Senator Graham, what purpose do you rise?

Senator Graham: Speak to the bill.

Senator Apodaca: Senator has the floor.
Senator Graham: Thank you, Mr. President; on yesterday I went home after session, reflected on yesterday’s debate and one thing that I realized that I know that every Senator here has a different background, different perspective, different viewpoint, different constituents, and I realized that two Senators can take a look at the same bill, read every word that are the same and interpret it differently. I stand here today and share my comments on this bill from my life experience as an African-American male raised in Charleston, South Carolina, a mother who worked, was a domestic worker working in the big houses on Calhoun Street in Charleston, and from a father who was a truck driver. My perspective is from going to the country as we would call it and listening to stories from my grandparents about their experience growing up as an African-American in the South. Hearing stories from their perspective about doing something as simple as voting could be deadly. That is the perspective that I bring. I also bring the perspective of someone who is fascinated with history, who loves to read and watch the old black and white films about World War I and II and the Civil Rights Movement and a number of other historical facts throughout the world, but particularly interested in African-American history. So I stand here today with that perspective on this bill. And this bill to me, it’s not about election reform. It is not. It’s really not about voter ID. If it was about voter ID, you know, I might could stomach it. But what it’s about is about systematically creating artificial barriers for those who are elderly, those who are people of color, those who are students, creating artificial barriers impeding their right to vote. Senator Stein did a great, great job today outlining whole series of reasons why this bill is bad and I agree with him. And from my perspective, when you eliminate straight party voting, it disenfranchises African-American voters who customarily vote straight parties. Now there was a debate yesterday about vote for the man and not the party. You can do that today. You can walk into the voting booth, take as much time as allowed and go down every race on the ballot and vote for the candidate of your choice. You can do that today without a change in the law. But to change this provision systematically disenfranchises Democrats and the African-American community. Early voting is wildly popular, wildly popular. That has enhanced voter turnout in major urban areas throughout this state and in small towns and communities, but it has been very successful in the African-American community; souls to
the polls. Folks who work different shifts, no one -- not everyone has a job like I do at 8:00 to 5:00. Some folks work from 5:00 to Midnight, all type of hours, and the convenience of having a two-week period to vote and cast their ballot is significant to them and important. And again, African-Americans and students and those who have trouble getting to the polls use this time frame to exercise their constitutional right to vote. By eliminating it and shortening it, it disenfranchises those individuals in those particular groups. The pages in the room today, many are fifteen and sixteen year olds who are here because they care about their government and want to see their government in action. As Senator Stein said earlier that no, no, no, they can come here and work, but they dare not pre-register to vote because somehow that’s a little too complicated for them and their parents. North Carolina has sixteen outstanding public universities, Chapel Hill, East Carolina, UNC-Greensboro, UNC-Charlotte, A&T, Winston-Salem State. They all have college ID’s. They may be different, but I’m pretty sure that they all have a picture. They all have the student’s name. They all have the address of that student and they all are a legitimate form of ID and should be used in this process. But you say no. Not only do we have fine public institutions, but we have flagship private institutions, Duke, Elon, Wake Forest, Johnson C. Smith, Bennett College for Women. They all have ID’s. They all have pictures on them. They all are eligible to be used, but you say no. This disenfranchises students, college students and high school students. This bill is bad. This bill is not about voter identification or voter fraud or bringing integrity back to the voting booth. It’s about limiting access, creating artificial barriers, disenfranchising minorities and the elderly and students and providing a competitive advantage for the GOP; shame on you.

Senator Apodaca: Further discussion or debate; Senator Goolsby, for what purpose do you rise?

Senator Goolsby: Speak on the bill.

Senator Apodaca: The Senator has the floor.

Senator Goolsby: One thing that we’ve not discussed and I found an old article I wrote back about the beginning of the session. It was revealed to us in the press that there were 11,000 voters that registered during the last election through a system paid for by the Obama campaign. They paid about $25,000.00 and they had the help of the Democrat appointee to the State Board of Elections who thankfully has since been replaced. 11,000 votes possibly came in through the
people that registered through all points. Let me tell you how this worked. People went online with their cell phone, their Smart phone or their computer and they were able to take their finger and sign a voter registration card and mail it in. When these started showing up at the Board of Elections around the counties, a large number of them came in right after training and a number of the county board of election members called the State Board of Elections and said what’s going on; we got all these cards and they look like they were signed by exactly the same person, according to Mr. Bartlett and his counsel at the time, and only one member of the State Board of Elections, the other four didn’t know about it until about the time we found out about it after the election. They were told, oh, no, you can take those. But wait a minute. We just went through election training and we were told you can’t take computer online registration in our state. There’s a lot of problems with that. We don’t know who these people are. No, it’s okay. It’s been approved. That’s 11,000 right there that we caught after the fact. How could that have been stopped? Well, it’s something called photo voter ID which thirty states have in the United States. Almost every other state here in the South has it and the Democrats sure don’t want it and they’re using the same talking points that were used in Georgia back in 2005; voter suppression, Jim Crow era, going to reduce the vote. And we’ve seen from Georgia that it’s not done that at all and we’ve even seen polls done by Elon College recently on how many North Carolinians think it’s reasonable to have to show an ID when you go into the election booth. 72 percent of North Carolinians, over half the Democrats in our state polled said they’d like it. And the people when they were polled, 97 percent of those said they already had an acceptable form of ID. Now, folks, those of you who were here the last time, you remember when we passed this bill. We passed it. It went to Governor Perdue. What did she do? She vetoed it. And do you guys remember, the same night after she vetoed our bill, she had a party at the Governor’s Mansion. Guess what you had to have in order to go in; a photo ID. It’s not a constitutional right to see Beverly Perdue. It is a constitutional right to vote and to reasonably expect people to identify themselves is not ridiculous. It’s reasonable. It’s what the people agree on and it’s what we should do. And I just wonder why the other party is so against making sure that legal authorized North Carolinians are voting. That’s a question we should all ask because they sure are fighting us
awfully hard on what the large majority of North Carolinians believe in. Think about it, folks. What's reasonable? What do the people want and why do all these Democrat politicians not want it? I wonder. I just wonder.

Senator Scouck: Mr. President.
Senator Berger: Senator Scouck, for what purpose do you rise?
Senator Scouck: Thank you, Mr. President and members of the Senate; yesterday we heard -- to speak on the bill. I'm sorry.

Senator Berger: You have the floor.
Senator Scouck: Yesterday we heard Senator Nesbitt say he couldn't find anything that would help encourage participation. Senator Stein went and scoured pages and found one. Well, let me give you two more. Senator Tillman alluded to this idea. I talked to people. I know you have as well. You talked to them on the campaign trail. You've talked to them in your community and you asked -- that's great; it's nice to meet you, but I really don't intend to vote. You ask why and they say I don't think my vote's going to count; why should I spend the time doing it. When we increase the integrity of the election, when people say, you know, I've got an ID; I go in; it is who I say I am and the person in front of me and behind me and everywhere else, the person voting is who it says it is, that gives them confidence. It gives them the encouragement to go and vote. I say you disenfranchise people by the discouragement of saying we have an electoral process that has a lack of integrity. I say that this encourages people to vote. We see the evidence in other states with photo ID and it encourages people to vote. The second thing, a term I'll call fractional disenfranchisement, what happens here is, I'll give you an example, every time you have someone who votes fraudulently, you diminish everybody else's vote who voted. You believe in one person, one vote. A fraudulent vote makes your vote less than one person. I'll give you a small statistical example to illustrate the point. You have ten people voting; each person has 10 percent participation. If one person votes twice or fraudulently, you go now eleven people. That gives you a 9 percent participation. Every fraudulent vote, which we hear dismissively there's only forty or fifty, that's kind of like blindfolding someone in a crowd, then swinging their arms around saying, hey, there's only five people in this crowd. That's all there is. That's what happens when you don't have an open process, when you don't have something to be able to look at and say here's how we
I have integrity in our electoral process. I say let’s encourage people to vote with integrity with voter ID and I say let every vote count because they’re not being fractionally disenfranchised with fraudulent votes; thank you.

Senator Hise: Mr. President.
Senator Apodaca: Senator Hise, what purpose do you rise?
Senator Hise: To speak to the bill.
Senator Apodaca: Senator has the floor.
Senator Hise: Thank you, Mr. President, members of the Senate; you know, I’ve heard a lot from the minority party about how much they expanded early voting and how they allowed opportunities. I want to let you know that they did that in a period in which they also controlled all the election boards in the state. So I stand here and tell you about the counties I represent that out of the entire early voting time period had four hours of early voting that did not occur between 9:00 A.M. and 5:00 P.M. Monday through Friday, did not occur during working hours. They systematically put it together and I will tell you that thanks to the changes in this bill and some to the amendment that came forward, individuals working a full-time job for the -- now will have for the first time the ability to early vote in my area because it’s forcing them to look at hours outside of 9:00 to 5:00 and the last Saturday of the election to put it forward. We’ve heard a lot about these straight ticket voting numbers. I just want everybody to know that that encourage -- they are counting every individual who checks the party Republican or Democrat, not excluding the individuals who still go through the rest of the ballot and mark every other election. They’re counting anyone who marks within the party affiliation straight ticket voting. I think you will look and you will see most of the blue or yellow or red handouts that are given out at poll locations all over the state indicating a party’s nominee encourages individuals to not only vote the party affiliation but vote each and every race that is coming forward. That’s what’s handed out. That’s what’s printed and given out, so of course a lot of individuals vote in that manner. A lot of people believe that it’s asking which party they’re in. Those results exist for why people fill that out. It is not the extensive time change that’s going to happen by not having people come in and just press a button because you’ll find most people don’t just press a button. What I have looked for in this bill as far as election regulations is it is time we begin to add uniformity to the system across this state, that we are
starting to move to a time that based on which county you’re in doesn’t mean what access you have to the polls. And I think we have done great steps in moving forward to make it more uniform across this state for how early voting exists and where early voting sites are in doing this and I continue to ask for your support.

Senator Apodaca: Senator Blue, what purpose do you rise?
Senator Blue: To debate the bill.
Senator Apodaca: Senator has the floor.
Senator Blue: Thank you, Mr. President, ladies and gentlemen of the Senate; I’d like to take a different approach to this bill. First, I think all of you know and to some degree subscribe to the golden rule regardless of your religion. The seven major religions in the world all have some version of it. And I mention that to you because you learned it when you were young. And it was sort of emphasized to me when I got to law school. One of my property — real property law professors said, you know, the way that you can tell whether somebody is really fair in the way they go about doing things, if you want to divide land or if you want to do anything else. He said you let them divide the land and then you let the people who are going to receive it, including the one who divides it, choose first. That will keep them honest and it will keep them fair because you don’t know which side you’re going to end up on at any given time. And so I warn you about this kind of bill. Be careful of how you stack things because you don’t know whether it’s going to be stacked against you. And if you were really interested, and I think observing the fundamental — I think the most fundamental of the fundamental rights in this country and that is the right to vote, you would first set out by devising or creating a system that is absolutely fair. Wouldn’t matter which side of the political spectrum you’re on, it would be a system that if you were the last one to choose, you’d still get a fair shot out of it. Now this bill, and I don’t think that any of you can really argue it seriously, makes it harder for legal registered North Carolinians, legally registered North Carolinians to vote. Now I don’t know what you’re going to do when you come back and start changing the requirements for registration. You know we have a registration system that has evolved over time. And I say evolved because when I was in college, the only way you could register was to go to the courthouse or a specific person at a designated time, had fixed registrars. Then we came up with a system of floating
registrars who could register people within their precinct and they would get the ID’s and they would register them. And then we came up with a system of floating registrars that could register people anywhere in the county and we realized that if we truly believed in this democracy and full participation, we needed to make it easier for folk to get registered. And so we eventually evolved so that you could register with any ID and send in your registration. I don’t know what you’re going to do about having people legally register. Are you going to require the same strenuous system of ID before they register, because if you’re not, you’re creating a system of legally registered voters having greater difficulty to vote than is justified. Now I say that it’s the most fundamental of all of our basic constitutional rights. You know, the interesting thing is North Carolina joined the union after eleven other states, but after the Bill of Rights was ratified. And I believe that we still place importance on the Bill of Rights and I believe in every single one of them, whether it’s the Second Amendment or whether it’s the First Amendment, Fourth Amendment or the Fifth Amendment, Senator Goolsby, but you know the interesting thing about it is that we make certain presumptions about these other fundamental rights in our constitution. We presume that you’re innocent until you’re proven guilty. Most famous quote, the most famous quote by one of the most famous jurists in our country’s history, Oliver Wendell Holmes, is it’s better for 99 men to go free than for one innocent man to be convicted. We have a system that believes in these basic core fundamental rights. We believe in the First Amendment, that you should publish anything you want to unless you come back and show by hard, empirical evidence that somebody’s going to cause harm. You can’t yell fire in a crowded theater, but otherwise you can pretty much exercise your First Amendment rights, establishment, religion, speech and all of the others. The presumption is that you’re properly exercising that right. Here in the most fundamental of all of the rights, you are adopting a presumption that everybody who wants to exercise it is somewhere rather crooked or somebody who’s looking to break the law. I ask you, what parent is going to spend $12,000.00, $15,000.00, or more than that now probably, sending somebody to one of the state universities to get a false ID card. In fact, that ID card is probably more reliable than any of the other ID cards that you can come up with because people are paying so much to get it. Some schools you’re spending $50,000.00 a year to get that ID card. If somebody’s going to forge that
card, what are they going to forge it for, to go in the cafeteria and get a free meal? Are they going to forge it to go vote? They may as well forge a legitimate card that you’ve got here. It’s crazy to think that these forms of ID’s are not legitimate. But let’s get back to the fundamental issue. This bill I believe goes further toward undermining these fundamental rights and it’s counter to what we are and who we are as North Carolinians. But you know, the amazing thing is we do adapt as North Carolinians. We adapted when you had to go all the way down to the courthouse regardless of where you lived to register. We adapted with all of the other impediments that have been imposed on voters, not just Black voters, but we put impediments in the way of average working people that we ought not have to do. And, you know, it’s convenient for people to vote at different times and it’s convenient to assume that when you take your kids -- kids voting is one of the most popular things that happens here in Wake County, where you take ten, eleven, eight, nine year old kids, show them what the process is. Many of us on the national level have been involved in the Democracy Project and other things where we get legislators to go into classrooms to talk to people to encourage them to participate. Some of you have done it over the years. And if we encourage them, it makes sense that we encourage them to participate and believe in this democracy of ours and that what they do makes it stronger. I believe this bill undermines the democratic process and it flies in the face of the most basic, most basic of our fundamental values and that is government by the people. And that means the more people who participate in government, the better that government is. That’s why we want people to participate, not to cheat, not to do anything else. And the presumption ought to be that those who participate are rightfully participating. And the burden ought to be on the government to show that they’ve done it wrongly. And if they’ve done it wrongly, then let’s do the same way that we do when somebody has used a firearm that they’re exercising their Second Amendment rights by owning. Let’s punish the person very severely who uses it the wrong way. But don’t take away the right. I hope you see how inconsistent this is with the way that we’re dealing with our other fundamental rights. Now one of the things that I’m concerned about, and that’s why I was trying to amend some of these corporate positions out of this bill, because what we do is as much governed by perception as reality. Perception plays a big role in political leadership and in politics. And people
perceive that special interests, big corporations, wealthy people, have a special sway with elected officials. That’s why many of these laws that we have here evolved the way that they have. And when we put provisions in that makes it seem like government is going to the highest corporate bidder, that’s what eliminates belief and faith and confidence in our government. That’s what we ought to be concerned about, not just how it is, but how it is perceived. And I will tell you when you start allowing additional contributions, corporate contributions in any form, then you are letting people perceive that their government is open to the highest and wealthiest bidders. I want you to look around the globe. Just look around this earth of ours. Every day almost you see where somebody is moving toward freedom because that’s the natural order of things. People overturned the government again in Egypt because they didn’t like the suppression that was happening. Every day people are marching toward freedom. And who’s the greatest example on the face of the earth for what freedom is and who has been for almost 200 years or longer and more so in the last fifty years; the United States of America. We are the model across the country for participatory democracy. That’s why it was so important to increase the number of people participating in elections so that it wouldn’t be something that seemed but something that is. And here we are. Here we are now flying in the face of that in North Carolina, making it more difficult to participate in this democracy of ours, not giving the presumption of legitimacy to what we do with our most fundamental rights. I say to you that, you know, and I’ve said before that arrogance and hubris is what destroys great nations. It will destroy a great state. If we think we’ve got all the answers and we think we know it all and are not willing to listen at other opinions and other viewpoints because we know it all, it is the recipe for the beginning of the decline of this state and our democracy. I have you know that I’ve given you the benefit of the promises that you made because you’re my colleagues and if you say that the major thing that we’re going to do is create jobs and expand opportunities, then I take your word that that’s what we intended to do. But I will tell you, when you look at perception and you look at how people are talking about what happens down here, you have to take a moment to pause to think that you don’t believe that you’ve kept your promise. And somewhere or other you believe that you have to do something out of the ordinary to make people believe what you say. Let me remind you,
because nobody has mentioned it, you have absolute control of the election machinery. The Republican Party controls the election machinery in North Carolina. It's designed that way. If you think that something is going wrong at precincts and polling places, you control all the judges, all of the judges at polling places who can put an end to it. You control registrars. You control every State Board of Elections -- I mean, every county board of elections. You control the State Board of Elections. They're the ones who have expertise in this stuff and can tell you what ought to happen to make sure that it still has the integrity. What I want to believe, my friends, is that articles that I read and things that I hear aren't necessarily so, because as you get painted, so do all of us get painted. I will close my comments by sharing with you an editorial that many of you may have seen this morning because it has a bearing on how people perceive you're behaving when you try to enact a bill like this. And it talks about pay cuts for teachers or cuts of teachers in the classroom. It talks about the tax breaks to the wealthy and special corporations getting special treatment, but then it says with these approaches to taxing and spending, North Carolinians will be motivated to vote in 2014, but Republicans have a plan for that too. Those are not my words. On Wednesday the General Assembly was on the verge on approving and on today approving the strictest voter ID requirements in the nation. And it didn't even go on to talk about not just the voter ID requirements, but these ways that you're rolling back the evolution of voting rights in North Carolina and voting opportunity and opportunities to participate; does not talk about the way that you're rolling back and putting barriers to the elections participatory process, but it says the requirements are supposed to protect the voting process, but their real intent is to protect Republican office holders. If there were any doubt, Senate amendments to the House Voter ID bill make it clear and it delineates the ways that you have not only dealt with voter ID, but all of these other things that we've been talking about. That's what we've been trying to tell you about. You know, you come to us. We could reach an agreement on an acceptable voter ID bill. All of us want integrity in who votes. We could reach agreement on something like that, but these other things are things that have evolved to make this democracy be a richer, more meaningful and fuller democracy that gives great justification for our Bill of Rights, our Constitution and even our Declaration of Independence. So I say to you that I don't want to
believe necessarily what newspaper editors around the state are writing. I don’t know whether the Wall Street Journal will write one or not, Mr. President, but I do want to believe that as we go about this process, that we have integrity, that we’re not taking steps to enshrine ourselves to ensure that we stay in office, but that we’re taking steps to ensure that this democracy which we all profess to love so much gets strengthened over time and it gets strengthened by ensuring that everybody, 100 percent of eligible Americans or North Carolinians can participate. So I hope -- I hope that some of the amendments to come will improve this bill, but I hope that when you take it to conference with the House after you’ve passed it here, that you’ll consider some of these things to strengthen this bill so that you’ll strengthen our democracy.

Senator Apodaca: Senator Blue, for the record, where was the editorial from, please, so we can put it in the record?

Senator Blue: Dated Thursday, July 25th, and it says Our Views, Scary Ending. It’s the lead editorial in the Raleigh News and Observer this morning.

Senator Apodaca: Thank you, Senator; further discussion and debate; Senator Robinson, for what purpose do you rise?

Senator Robinson: To speak to the bill.

Senator Apodaca: Senator has the floor.

Senator Robinson: Thank you, Mr. Chair -- Mr. President and members of this body; another headline this morning and I can’t tell you where it came from, Senator Apodaca. I’d have to look for it. But it says what’s the matter with North Carolina? The statement, the state has gone from a beacon of tolerance to a bastion of voter suppression in one month. And then it goes on to say that North Carolina is proving itself to be the poster child for all that is wrong with modern American democracy. Maybe Senator Stein can help me find that. But I thought it was so poignant because North Carolina to me has been the place that we could see progress and we could expect progress because it did begin to value all of its citizens and what they could put in. And I learned that as a student at Bennett College. It wasn’t Bennett College for Women then, but when I came to North Carolina in the mid ‘60’s. But then I also know the history and I want to share with you the history of voting and most of you know it too because you know that in 1848 there was the Woman’s Suffrage Movement and it was Black women who actually propelled the efforts of White women to get the right to vote,
because women at that time did not have the right to vote and men thought that they should be at home taking care of the children and all the other things and you ought not to be out there voting. There were some Black women who came in who helped. And later on it was Black men that got the right to vote and it took to 1920 for women to get the right to vote. I say all of that because the history of voting has been something about struggle the whole time and especially for African-Americans. Part of history says that in 1898 there was voting during pre-construction era in North Carolina. You know that because we did have legislators here. We had African-Americans who were legislators. But that was a smart White young lawyer who came from North and said these Black folks don't have any right to vote down here. You all need to change this. And so it started in Wilmington and they began to change that because they did not feel that people had the right to vote. So the issues about suppression then went all the way from skin color to then poll tax and literacy and all of the other issues we've heard about. But North Carolina has made tremendous progress and I have been proud of this state. And you talk about Georgia. Well, I'm from Georgia and I don't know if anybody else in here is from Georgia, but I don't live there. And I was proud to come to North Carolina in the '60's and I was proud to help to be a part of the changes that occurred. Registering people to vote and it wasn't just Black folks, it was Black and White folks and everybody else who believed that folk have a right, they had a right to vote, a right to select the people to represent them. And so we worked through and we began to do that and we got it where folk could vote and it became a society. And I always said to people that said, well, why is it different. I said because we respect education and the educational institutions. We've propelled them. We've supported and, yes, we may not be the highest in public education, but we've worked on it and we've worked on it collectively to make sure children have opportunity. And our universities are some of the best in the country and they've helped with that too. But now what we see in the headlines is we've come full circle and we are dipping all of the way back. You know, they say that when people are afraid, they do strange things. Well, I don't understand what you're afraid of, because the redistricting process made sure that the districts were drawn in your favor and you can elect the people you want. So what are you afraid of? What is the reason for voter suppression? Why not allow people to
exercise their right to vote? Why make it difficult? Voting for us, for the people I represent, it's been a struggle all of our lives, all the time. And it ought to be a time at which you don't have to do that. If we have to fight for it, we'll fight. But it ought not to be like that in this state and this country. It ought to be that everybody who wants to vote -- and you know, everybody doesn't want to vote anyway. So I don't know what you're worried about other folk who don't want to anyway. But the people who want to vote want to do it because they understand it is a constitutional right and it's a responsibility. Voting is a responsibility. It says that I'm responsible for electing people to represent me. I'm responsible for the laws those people are going to make. I'm responsible for what's going to happen in my community, what's going to happen at the state and even at the national level. And if I don't like it, I can vote and change it. And people have done that and they will continue to do that. So I don't understand your rationale and I think there's probably no real rationale. It's probably about power more than anything else, but whatever the rationale is, it ought to be that people are given a level playing field, are given whatever support it is, whether elderly people need to be able to come in on a walker and punch one button as opposed to twenty-five. That would send a person like my mother back home, or someone else and people in my community, even in Pleasant Garden, asked about it the other day: why do we have to do it? A lot of them are Republicans and they vote for you. But they're used to coming in there and punching that one button. Why make it difficult for them to do that? You talk about we've decreased times that they can vote, all kinds of things against photo ID's. When I was a student at Bennett, my photo ID was as good as anybody else's in North Carolina. Yes, a lot of my constituents are Bennett students and it's a private college, but they have valid college photo ID's and it's a college recognized in this state, produces some of the greatest women leaders like me. And so we have plenty of those and it makes our state rich. Our colleges and our universities, our community colleges make our state rich and they propel economic development, so these students should have the right to exercise their voting privileges. Elderly people should have the right without barriers. People of color, if they are registered voters, should have the right to exercise that. North Carolina is becoming a place -- and I guess it's your desire to add to whatever is going on in the South. You talk about Georgia. Well, I'm glad I was ever in Georgia right
now, but soon I’ll try to find somewhere else maybe; not really, Senator Tillman, because North Carolina wants to be like the other Southern states that denies opportunity for people and North Carolina’s not been like that. And I really think that there are some of you in here who don’t really want North Carolina to be like that. You genuinely love this state like I do and you genuinely believe that people ought to have opportunities. But there is something that is almost dark in the air, very dark, that is turning the sunshine in this state from the mountains we talk about to the coast that makes this a beautiful state and a wonderful state that people want to live in and want to come to. This whole issue of voter suppression is making it a state that, folks, our students will not want to come to. I don’t understand what you’re doing. You’re going to do it, but I agree with Senator Blue. It may backfire on you.

Senator Brock: Mr. President.
Senator Apodaca: Senator Brock, what purpose do you rise?
Senator Brock: To speak, hopefully briefly, on the bill.
Senator Apodaca: Senator has the floor.
Senator Brock: And also to help Senator Robinson; that article you wrote was found in an online magazine called The Slate by a Canadian, a left leaning Canadian, just to let you know. Senator Blue talking about control, this bill will put the control back into the hands of the people by equality. With extended hours that extend for voting for those that work third shift like my brother, that when the normal voting hours, especially under the Democrat regime, was during his nighttime; would wake up, go vote, to him in the middle of the night. My sister-in-law is a med tech in a hospital also working those hours. She’s a Democrat, but this helps her vote, those extended hours. And looking at opening up the polling places across the counties in rural areas, not looking at targeting certain precincts that benefitted the party that was in control of the elections board, which were the Democrats. And this will secure elections. Senator Blue, when you made a comment about cutting up some land and then letting the people look at it, Mama taught that to me and my brother when I was little. My brother’s five years older. It was a cookie. She asked Neil to cut the cookie and he did. One piece was bigger than the other. I thought to myself, oh, boy, I get a piece of that cookie. My brother grabbed both pieces, put them in his mouth and took off running. And that’s exactly the safety and security this bill
will bring, because you said, well, let things happen after the fact. Elections are on a schedule, on a time line, and when you allow people to break the law, bend the rules, break the rules, election day comes and goes and it’s over. What can you do to try to go back? We saw the issues we had in Florida in 2000. And that’s just not Florida. It happened in Chicago many times. That decided the fate of the nation because of who was going to be President. They had evidence. But Nixon decided not to challenge it for what it would put the nation through. It happens in Iredell County, in Statesville, city councilmen, numerous people trying to break the rules for their own benefit. We are a beacon to all other countries in this world and the thing we have is to allow the people the chance to vote. It is our most sacred right we have as this nation to vote. I mean, people have died for this, to get that chance. I mean, Americans died on our own land for that vote, of all colors, men and women to get that chance. And whatever we can do to protect that from people that would subvert that for their own cause, it happens now. It happened in my own district and it wasn’t right. This will help protect the process. It’s fair. It’s equal and I urge you to support the bill.

Senator Bryant: Mr. President.

Senator Apodaca: Senator Bryant, what purpose do you rise?

Senator Bryant: To debate the bill.

Senator Apodaca: Is this the second time, Senator, I believe?

Senator Bryant: I haven’t debated the bill. I asked a question.

Senator Apodaca: Okay, Senator has the floor.

Senator Bryant: I asked a couple of questions.

Senator Apodaca: You’re good.

Senator Bryant: Thank you; I just want to make three points, not to try your patience. The first is in relation to straight party voting. My precinct I think is Number 7 on this list of the top 100 and I have worked in GOTV since I was a teenager and in my precinct and in the others and in the work and training I do, we never instruct people to mark -- we never have it on our flyers or instruct people to mark the straight party ticket and every candidate because that can set them up for errors. You can easily, you know, mark a candidate of the other party. We instruct them to mark the straight party ticket, only mark a candidate if you want to vote for a candidate of a different party, and then vote for the judges or the
referendums or whatever else is on the ballot. So we never have instructed people in my fifty years of working in getting out the vote to mark the straight party ticket and also every candidate. So I just wanted to clarify that in my area in Eastern North Carolina where I’m familiar with getting out the vote. Second thing, I just wanted to respond to the notion that people who do same day registration somehow don’t care enough about voting to have registered early to vote, because in many instances people are registered but they’ve moved or there’s some other situation that has their registration be out of date. And in my particular town, we are in Rocky Mount. It’s in two counties. You can move a block away and be in another county and if you’re busy and not paying attention, you can easily then be in the wrong county when the time comes for you to vote and our ability to change address only applies if you are registered to vote if you move within the same county, not from another county. And I run into so many people who have moved. They’re working two or three jobs, got childcare issues or other issues and didn’t meet that registration day — same day registration allowed them to vote. So they care about voting. It’s just the things they do every day in their life kept them from meeting that particular cut-off date. And thirdly, just to make the point that Senator Tillman referenced, well, we’ve been voting this way for 200 years on one day, so what’s wrong with it now? Well, most of us are from groups and most of the people in the voting electorate are from groups that haven’t been voting for 200 years. For some of us, fifty years is about as long as we’re from groups who have a history of voting. And our electorate has tremendously expanded and rightfully so if everybody is exercising their right to vote. So that is the reason we need these multiple strategies for people to vote. And I just wanted to emphasize those three points; thank you.

Senator Parmon: Mr. President.

Senator Apodaca: Senator Parmon, for what purpose do you rise?

Senator Parmon: To speak on the bill.

Senator Apodaca: Senator has the floor.

Senator Parmon: Thank you, Mr. President; and I know it’s getting late and we are all getting tired, but it’s some things — I’m like Fannie Lou Hamer. I’ve been tied up and this is one of the things that I think we have to take time and discuss and to debate. And in 2008 I was a member of the North Carolina House and one of the proudest moments in my legislative career was the passing of House Bill 91,
which was then Senate Bill 195 which was same day registration, one-stop voting. I was one of the major sponsors of that bill. Today is one of the worst times in my legislative career as I see the passage of this bill that will dismantle that piece of legislation that created opportunities and increased the opportunities for citizen participation in the electoral process.
And I heard Senator Brock talk about people fighting and dying for this right and that’s true. Many people gave a lot to ensure that we have the fundamental right as groups to vote. So today I know the rhetoric as some of you all referred to it. May be to you rhetorical, but what I want to say to you today is this is real. Voter suppression is a real issue and it’s at the heart of dismantling democracy in North Carolina. And I will say to you and I want you to be aware, that as we pass this bill today that we are in the process of creating victims in the elderly and our students and of the minorities. And, colleagues, I will submit to you and I’m going to cut short what I was going to say because it’s not going to make an impact, but I want to remind you this bill is so totally unneeded. It’s unnecessary. It’s ungodly and it’s evil. And I reflect back on 2nd Samuel, the 23rd chapter, the 2nd verse, and it says he that rule over men, rule justly. And this is not justice; thank you.

Senator Rabin: Mr. President.
Senator Apodaca: Senator Rabin, for what purpose do you rise?
Senator Rabin: I can’t resist because I’ve been listening to the same thing over and over again.
Senator Apodaca: Senator Rabin, for what purpose do you rise?
Senator Rabin: To speak to the bill.
Senator Apodaca: Senator has the floor.
Senator Rabin: Lots of personal opinions going on today; when I stand up and speak in this chamber, you better believe I’m speaking for my constituency because that’s the only voice that really should count here. The provisions that I see aren’t really restrictive. They — like I said yesterday, and we heard a lot today that we heard yesterday anyhow, these are the things that protect my rights and the integrity of my vote. It’s not in any way repressive at all. When we get to the point even about let’s have no straight party voting, I think it’s incumbent on each of us when we go to the poll to know who we’re voting for and most importantly why. And unless you have that sort of provision in there, I don’t see how that works out very well. You know, we all have our
perspective, like I said before, and mine comes from considerably earlier where folks are supposed to take the initiative to go after what they want. I do not want a system personally when it comes to my vote that models on what I think I’ve heard some people would like to have in here and that’s the model of the American Idol where everybody can just dial it up on the phone and vote for whoever they want to vote for or however they want to vote and we can’t count who’s voting how many times. I think that this is a good bill. I support it. Everything that I’ve heard from my constituents supports it and I certainly hope everyone in the room will vote for it.

Senator Apodaca: Senator Blue, what purpose do you rise?

Senator Blue: Send forth an amendment.

Senator Apodaca: Send forth your amendment, please. The clerk will read.

Reading Clerk: Senator Blue moves to amend the bill.

Senator Blue: Thank you, Mr. President, ladies and gentlemen of the Senate; this amendment simply takes, effects the date of September 7 as opposed to September 15 when the electioneering communications kicks in so you have to start reporting everything after that date. I move the adoption of the amendment.

Senator Rucho: Mr. President.

Senator Apodaca: Senator Rucho, what purpose do you rise?

Senator Rucho: To debate Amendment Number 13.

Senator Apodaca: Senator has the floor.

Senator Rucho: We thank Senator Blue for bringing forward an amendment and something that we think might improve the bill and we’re glad to accommodate Senator Blue’s point on election communication window and therefore I urge you to vote for Amendment 13.

Senator Apodaca: Thank you, Senator; further discussion or debate; hearing none, the question before the Senate is Amendment 13 to House Bill 589. All those in favor will vote -- Senator Woodward, what purpose do you rise?

Senator Woodward: Speak to the bill, Mr. President.

Senator Apodaca: We’re on the amendment, Senator.

Senator Woodward: Oh, pardon.

Senator Apodaca: Thank you; okay, question before us, Amendment 13 for House Bill 589; all those
in favor of the amendment will vote aye. Any opposed will vote no. There will be five seconds to vote on the amendment. The clerk will record the vote; Brunstetter aye, Brown aye, Davis aye, Don Davis, who did I miss; me, aye; 46 in the affirmative, 0 in the negative. Amendment 13 passes.

Senator Blue: Mr. President.
Senator Apodaca: Senator Blue.
Senator Blue: To send forth the last part of the amendment that I have withdrawn; we just bifurcated it.

Senator Apodaca: Okay, all right, Senator Blue, send forth your amendment.
Senator Blue: Thank you, Mr. President.
Senator Apodaca: Hang on one second. Let the clerk read it in.
Reading Clerk: Senator Blue moves to amend the bill.
Senator Apodaca: Senator Blue to explain the amendment.
Senator Blue: Thank you, Mr. President and thanks, Senator Rucho, for the previous amendment; what I'm trying to do, ladies and gentlemen, and the remainder of this amendment does it. I'm trying my best to get the corporate money out of campaigns. Two things remain in this amendment. One is it's still a requirement that if you want to talk trash about somebody in an ad, you've got to get on the ad and say this ad is paid for and sponsored -- or I support this ad. You know, it doesn't let you hide behind somebody else. If you really want to piller somebody, you need to be willing to stand up and admit that you called them whatever it is you're calling them. That's the first thing it does. The second thing it does, it still preserves the requirement that people who give big amounts to campaigns during this dead period will still have to be disclosed. It's my interpretation that the law would make it so that you don't have to disclose these corporate donors and others in this dead period and I just think that we want as much transparency and as much disclosure as possible in these political campaigns. So I move the adoption of the amendment.

Senator Brock: Mr. President.
Senator Apodaca: Senator Brock.
Senator Brock: Second.
Senator Apodaca: We have a motion to
Amendment 14 to lie upon the table, have a second by Senator Brock. Motion presented by Senator Brunstetter. All those in favor for Amendment 14 Motion to Lay Upon the Table will vote aye. Any opposed will vote nay. Five seconds to record the vote and the clerk will record. Motion to Table passes; 32 in favor, 13 in the negative. Senator Don Davis votes no; 13 for -- 14 against. The amendment to table passes. House Bill 589 is back before us; any further discussion or debate?

Senator Woodard: Mr. President.
Senator Apodaca: Senator Woodard, what purpose do you rise?
Senator Woodard: Speak to the bill.
Senator Apodaca: Senator has the floor.
Senator Woodard: Thank you, Mr. President; I appreciate my colleagues’ tolerance of my debate on the earlier bill and you might think I’m tired, but as Reverend James Cleveland said, after hearing the discussion today, I don’t feel no ways tired. One of the things I’ve enjoyed about my time here is hearing the bells over at Christ Church chime the hour. But I’ve heard some bells the last few days that give me great pause. I’ve heard the death knell for simple, effective, safe, clean, fair and accessible elections. We talked a lot about voter ID yesterday. I thought about my twenty year old niece, student at Carolina, rising junior. When I was sixteen, I couldn’t wait to get my driver’s license; did it the first day. She’s waited. She still doesn’t have her driver’s license yet, because young people just don’t do that as much anymore I understand. So when she’s done -- if she were asked to vote in previous elections, she’s civically engaged, she’s voted for two years, what ID would she present? Senator Hise actually gave me pause yesterday when he pulled out his ID from the community college where he works. And it was a good point. It was a little hard to tell exactly what it was. I looked at my ID. Mine’s a little tough to read too. But if you care about enfranchisement of voters, then we shouldn’t be throwing an obstacle saying can’t read the ID. We ought to be working to fix that. Let’s get President Rawl in here, President Ross. Let’s get a uniform ID across all of our higher -- our institutions of higher education, let’s make them uniform so that we can all read them. Heck, we’ve been doing that kind of thing for our local governments all session, but appoint Brock, Rucho and Nesbitt to do it since they’ve been spending a little time worrying about the design of license plates. Let’s get you all to design the ID; spent more time worrying about that than we have about
something that could help enfranchise our college voters. We spent time -- Senator Kinnaird pointed out correctly that this bill only had a few pages about voter ID but spent a lot more time talking about elections broadly. You've attacked the time to vote in this bill, early voting, same day registration. You attacked the early registration of teenagers. All things that are going to limit the right of North Carolinians -- the ability of North Carolinians to vote. Senator Brock commented on Florida. He said we didn't want what happened in Florida in 2000 to occur here. Well, we sure don't want what happened in 2012 in Florida to occur here either. This bill is going to lead to Florida long lines. The matter of choice in straight ticket voting, that's gone as well and that's going to radically change. Making it easier to register and more convenient to vote encourages voting among groups such as African-Americans, Hispanics, the young, the old and in areas that are more likely to vote Democratic. Data after data after data shows us that. But this bill actually speaks very little to scrutiny about absentee voting. After all, no ID is required to request an absentee ballot and no one can tell who fills out the ballot and returns it when the absentee ballot is counted. And in fact, many studies have shown us that absentee ballots are more likely to be ruled invalid than votes cast early or at same day registration. But as Senator Stein pointed out, the data show that absentee ballots are more often requested by Republicans; coincidence? Our friends of the Republican Party have argued uniformity, but that uniformity comes with a price in this bill. And that is significant narrowing of our time, our ability, our places to vote. Let's make it uniform, but let's make it broad at the same time. And then we get to the money. Senator Blue has offered you a series of very effective good government amendments that would get the money out of this. We voted -- you all voted them down or tabled them very quickly. Our election should not be to the highest bidder, corporate or personal. We keep moving that $4,000.00 limit to $5,000.00. And then we're going to let it have an inflation inflator built into it. It's going to be that our elections soon are just going to be going to the highest bidder. And when you have an agenda similar to what the Republican Party has pushed through this session, those bidders are going to be standing in line because they are very pleased with what you all have passed down here and the corporate bidders, the highest bidders are going to be lining up. In addition, when we keep throwing this kind of money into the election process,
you’re going to narrow the list of people who can run for office. They don’t have access to that kind of cash to run campaigns, so you’re not going to see women, people of color, young people run for office. They don’t have access to the kind of money it’s going to take when we keep raising the price and the money in this. At a time when our state’s population is becoming more diverse, our electorate and our elected officials will become less diverse as a result of this bill. You can dress this up however you want, but House Bill 589 is plain and simple, a brazen effort to limit the free exercise of our right to vote. I urge you to vote no; thank you, Mr. President.

Senator Apodaca: Senator Robinson, what purpose do you rise?

Senator Robinson: To give the information for the journal.

Senator Apodaca: Senator has the floor.

Senator Robinson: The article was from Slate by Iahlia Lithwick on July 24th. S-L-A-T-E is the journal.

Senator Apodaca: Thank you, Senator; further discussion or debate on House Bill 589; seeing none --

Senator Nesbitt: Mr. President.

Senator Apodaca: Senator Nesbitt, what purpose do you rise?

Senator Nesbitt: I’m the one you’ve been waiting on.

Senator Apodaca: Senator has the floor.

Senator Nesbitt: Thank you, Mr. President; Mr. President and members of the Senate, we’ve had a good and thorough debate on this bill over two days. We’ve had a sense of history. I think we’ve reviewed the bill in great detail. I think every one in the room knows what we’re doing now. And I want to make two or three observations. We’ve heard about Georgia. I don’t want to be like Georgia. We’ve heard about South Carolina. I don’t want to be like South Carolina. North Carolina is a better state than them in my opinion and this is the state I want to have and this is the one that I want to be like. I heard a lot of correlations and statistics yesterday regarding early voting in Georgia. Well, then today when Senator Goolsby published his letter, I was able to finally understand the facts. The facts were in 2006 they had no election to speak of. In 2010, Obama had probably registered half of Georgia in 2008, and they had a Governor’s election and a Senate election and so the voter participation of the minority population went up. That’s no surprise. And then in 2012 when the
President was running for his second term, it went up again. Goodness gracious; maybe that was all because they did voter ID in 2006. But I would propose to you that common sense doesn’t say that that’s what happened. And I guess statistics may say it. I don’t know. I’m no expert on that. But common sense says that’s not what happened. It says what I just said is what happened. We sit in here and debate this bill almost as if you all have got one set of voters and we’ve got another. Now that’s kind of how all the experts we hired tell us about the mail. Well, it’s kind of interesting when you do it by mail you can mail to one group of voters and then mail to another group of voters and you can get targeted information to a targeted group. I got some bad news for you all. You aren’t just doing this to our folks. You’re doing it to your folks and they aren’t going to like lines one sit longer -- one bit better than we are. They aren’t going to like having voted for thirty years and being turned away at the polls because they didn’t bring their driver’s license with them when they’re elderly. They aren’t going to like -- your people aren’t going to like not teaching children civics in school and encouraging them to vote. And I’m telling you when what I think is fixing to happen and you start having lines at these polls and you take responsibility for it, they aren’t going to like you either. They aren’t going to like anybody that did that to them. I was reading last night or the night before an article that pointed out -- don’t hold me to these numbers, these will be close, that seniors are having second thoughts about the Republican Party, that in the last election, I believe it was, you all had a 26 percent margin among seniors. The latest shows that it’s now down to 6. And after we finish telling them you tried to tax Social Security, we’ll get that other 6 and if they go stand in the lines I think they’re going to stand in, by the time they get in there, we’ll have 6. Now they’re not going to put up with this. And if you doubt what I’m saying, you need to look around. Senator Blue mentioned what’s going on in this world that we live in right now. It’s frightening what people will do for freedom. And it’s frightening what they will do when they feel like someone is trying to take that away from them. How would you like to be living in one of those countries that have mobs in the streets? And I don’t know what they’re shooting over there. I hope it’s firecrackers, but there’s guns going off. There’s everything else going off and they aren’t going home until somebody’s gone. Now I’m telling you and that’s -- they aren’t over there about
food. They aren’t over there about education. You can kind of do all those things to people. They aren’t entitled to those, but you start treading on their freedom and they don’t think that they have any freedom and that their leaders don’t care about them and they’ll take you down. And I know that there’s been some people that have been dismissive of what’s going on in this state. I’ve got a long -- I’ve got a pretty good memory. I cannot remember 800 people being arrested in this town and taken to jail and thousands getting on buses and coming down here to protest what’s being done. And you need to take note. People think that they’re not being heard and they’re not being listened to and their freedom’s being trampled on and now it’s gone to the ballot box. I’ve said to you many times down here I didn’t know what the plan was. And I thought I had it, but then when I got to thinking about this bill, I don’t know how to tell you all this, but this is not your answer. I thought it was. I thought this was the answer and you just -- people wouldn’t -- you could keep people from voting they wouldn’t be able to get recourse. The more I thought about it, this isn’t the answer. This is going to make them madder and more resolute to go to the polls. That’s what happened in Florida. You put them in a line for four hours and see how many of them vote for you. Now I’m telling you because they’ll be your lines. They won’t be mine. And the best thing to do right now is to stop what we’re doing to the people of this state and unleashing this bill on them and start over again and try to draw -- if somebody has a legitimate problem with our process, we’ll fix it. Now in fairness to Senator Tillman, I’m really not going to go back to one day voting. We’re not going back forty years. But you can fix a system. I started out yesterday in my debate by telling you this system isn’t broken and I’ve not heard anybody tell me it is. Now if you declare everybody a crook, then you can begin to get paranoid. Maybe we need to strip search all the members out in the hall before they come in here because one of you might have a gun; how about that? Or maybe we stop the cars out there in the driveway and search them all because somebody might be on drugs.

Senator Apodaca: Senator Nesbitt, let’s please stay on the bill.

Senator Nesbitt: Mr. President, I’m not going to argue with you. I am on the bill. That’s what you’re doing with this bill. You’re declaring a bunch of crooks that aren’t there. You’re calling the people of this state crooks. I told you last night, nobody is trying to break into a polling place. It’s
never happened in the history of the state. That’s not where the crooks are. And you don’t need to do all these things to these people. My point is you can stop anything. The question is how much are you going to put everybody through to stop it. And this system isn’t broken. You’re fixing to break it.

Senator Rucho: Mr. President.
Senator Apodaca: Senator Berger, what purpose do you rise?
Senator Berger: Mr. President, to speak on the bill.
Senator Apodaca: Would you like to yield to Senator Rucho first?
Senator Berger: I’d be more than happy to yield to Senator Rucho.
Senator Apodaca: Senator Rucho, you have the floor, sir.
Senator Rucho: Thank you, sir; ladies and gentlemen of the Senate, we’ve heard a lot of debate today and we’ve heard -- actually the debate was over three days. We had a very good debate in the Rules Committee talking about, explaining this bill, accepting some amendments from both parties. We did the same thing debating House Bill 589 and accepted some very good amendments from both majority and minority party making this a better bill and each of those votes on the acceptance of the minority party were a bipartisan vote, and making this a better bill and a stronger bill. I listened carefully to Senator Blue’s comments talking about the story about dividing the land and then allowing the other people to choose which one they wanted first. When House Bill 589 passes and becomes law, Senator Blue, I will be delighted under that circumstance to let you vote first, vote second, vote any way because, guess what, we’re all going to be equal. The only thing I ask of you and anybody else in the state is we play by the same rules and we only vote once. And that’s all I’ll ask. Senator Stein made a number of comments in his usual flair and inflammatory statistics. Some of them I question. But what he says and because he says it does not make it true, ladies and gentlemen. When my son and I, who I have two sons, Senator Stein, you know what we do in our family? We teach and talk about democracy. Our family does that. Our family goes and votes from when my children growing up. I don’t need a civics class to do that, Senator Stein. We teach that within our family. I think it’s a better place. We’ve talked about a number of issues, talked about straight ticket voting, what we believe that will give access to the down-ballot candidates. We believe that what it
does do, it allows every single person to have a chance to select a candidate of their choice. They can pick them or not pick them. That’s their preference. That’s their choice and that’s not taking care of them. Also, Senator Stein was screaming about ten minutes in the voting booth. Nowhere in this bill does it say you have ten minutes. You have all the time you need, Senator Stein. That’s the luxury of the system. That is the luxury of what we’re trying to do here, especially when we were talking about the early voting. What we’re doing is, yes, we’re going to ten days, but the hours are increasing so Senator Brock’s family members can go there when they work on the wrong shift. We talk about more potential hours available, up to the individual counties making the decision to accommodate the need of their voters, and also a number of sites, additional sites. They’re not stuck with a few. They’ve got some additional resources. They can move the existing equipment, the existing machines over to additional sites that will make voting more available to every citizen within their county. The photo ID, 70 percent of the people in North Carolina think it’s important. This society, you just can’t live in this society without having some form of photo ID. And we can talk about everything from an airplane to a bank building, a government building, but what this photo ID does is it makes sure as I talked to Senator Blue about, that everybody that goes to vote has one opportunity to vote and they know who it is that’s voting. The value of the way we set this up is that we’re transitioning and phasing this in so the voters will be knowledgeable and educated to the point where they will know that an ID will ultimately be necessary, but it will not be necessary until the 2016 election. We’re giving them every opportunity not only to understand what the law is, but more importantly to get the free identification if needed. I will be very surprised as Senator Stein talks about this 500,000 people -- the number of other folks have done some studies on this, the fact is the 500,000 as it was in Georgia when Senator Goolsby alluded to yesterday, will never be a reality. I think there was a definite concern as to the study done by the Board of Elections. Ladies and gentlemen, this is a very good, fair, common sense bill, and I would ask that each of you support this bill so that we can restore the integrity and the honesty to the electoral system and really take some big steps forward in bringing confidence back to state government. I urge you to support it.

Senator Apodaca: Senator Berger, what purpose do you rise?
Senator Berger: Speak on the bill.

Senator Apodaca: Senator has the floor.

Senator Berger: Thank you, Mr. President, members of the Senate; I don’t know that there’s anything I can say to add to what has been said up to this point. The only thing that I will say is that the provision of this bill that has garnered the most discussion and most debate, the voter identification provision is something that is supported by the vast majority of the people that sent us here. It is important for us to listen to what the people want us to do. This is something that they support across all demographic lines. I urge you to vote for the bill to implement voter ID, but also to bring needed updates to our election system and our election laws. So I ask that you vote for the bill.

Senator Apodaca: Discussion or debate; hearing none, the question before the Senate, House Bill 589 Senate Substitute as amended on the floor; all those in favor will vote aye. All those opposed will vote no. You’ll have five seconds to vote. The clerk will record the votes; 33 in favor, 14 in the negative. Senate Committee substitute for House Bill 589 does pass 3rd reading and will be sent to the House with unengrossed Amendments 11 and 13 as a Senate Committee substitute to the House for concurrence.

Senator Bryant: Mr. President.

Senator Apodaca: Senator Bryant.

Senator Bryant: I just would like to make the same motion as yesterday that the words --

Senator Apodaca: Senator Bryant, it’s already been done; thank you.

(The proceedings was concluded at 5:24 p.m.)
NORTH CAROLINA
WAKE COUNTY

CERTIFICATE

I, David L. Overby, Notary/Reporter, do hereby certify that this Senate Session was transcribed under my direction and that the one hundred two pages which constitute this Senate Session are a true and accurate transcript to the best of my ability from the audio CD’s provided to me.

I certify that I am not counsel for, or employed by any party in this action, nor am I interested in the outcome of this action.

IN WITNESS THEREOF, I have hereunto set my hand this 12th day of December, 2013.

[Signature]

David L. Overby
Notary Public
Certificate No.: 19930120037
The following documents were submitted during the Senate’s consideration of H.B. 589 on its second reading, Wednesday, July 24, 2013.

Submitted by Senator Stein during consideration of Amendment 1:
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<td>Discuss progress on project X</td>
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<tr>
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<td>2023-01-03</td>
<td>10:45</td>
<td>Meeting</td>
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![Diagram](image_url)
Submitted by Senator Stein during consideration of Amendment 1:

SOUlS TO THE POLLS:
Early Voting in Florida in the Shadow of House Bill 1355

Michael C. Herron and Daniel A. Smith

ABSTRACT

Over the past 30 years an increasing number of American states have made it more convenient for voters to cast early ballots. Despite the rapid diffusion of what is known as early-in-person voting and praise for this practice by voting rights advocates and election administrators alike, a new Florida law in 2011 truncated the state's early voting period from a total of 14 days to eight, eliminated early voting on the Sunday immediately preceding Election Day, and reduced the total number of hours that early voting polling stations were required to be open. We assess the effects that these changes might have on Florida voting by analyzing early voting patterns from the 2008 General Election in this state. By merging a Florida voter file with early-in-person voting records of approximately 2.6 million early voters, we are able not only to identify which types of voters cast early ballots in the run-up to the 2008 General Election, but also to determine the precise dates of the two-week early voting period in which various voter types cast their ballots. We find that Democratic, African American, Hispanic, younger, and first-time voters were disproportionately likely to vote early in 2008 and in particular on weekends, including the final Sunday of early voting. We expect these types of voters to be disproportionately affected by the recent changes to Florida’s voting laws that altered the practice of early voting across the state.

INTRODUCTION

Until quite recently the expansion of convenience voting across the United States seemed to be moving inexorably forward. Today, all but 15 states provide an extended window prior to Election Day during which electors may vote in person or must in an absentee ballot, no excuses needed. According to estimates by the Associated Press, more than 44 million early-in-person (hereinafter, EIP) and absentee ballots were tallied before the official voting day of the 2008 General Election, accounting for approximately 34 percent of total votes cast (Gronke and Tokaji, 2011).

Nowhere in 2008 was early voting more utilized, and perhaps more scrutinized, than in Florida.1 Of

Michael C. Herron is a professor of government at Dartmouth College in Hanover, NH. Herron was Visiting Professor of Applied Methods, Hertie School of Governance, Berlin, Germany, while he completed work on this article, and he thanks the Hertie School for its support.

Daniel A. Smith is professor of political science at the University of Florida in Gainesville, FL.

An earlier version of this article was presented at the 12th Annual State Politics and Policy Conference, Rice University, February 2012. In addition, the substance of the article was presented on January 27, 2012, in Tampa Bay, Florida, at a hearing held by the United States Senate Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Human Rights.

the roughly 8.3 million Floridians who cast ballots in the 2008 General Election, over half did so prior to Election Day. More than 1.87 million Floridians voted by “no-excuse” absentee ballots, but even more—some 2.62 million voters—cast EIP ballots at hundreds of non-precinct voting sites that dotted Florida’s 67 counties. Media reports surrounding the 2008 election indicated that African Americans seemed more inclined to cast EIP ballots, as many were driven—sometimes literally—
with “getting your souls to the polls” 2 mobilization efforts sponsored by religious organizations, non-
partisan advocacy groups, and the Democratic Party. 3

Despite considerable praise for the expansion of early voting in Florida by voting rights advocates and local election administrators, 4 in 2012 citizens of the Sunshine State may have fewer opportunities to cast early ballots. In May 2011, the Florida state legislature passed House Bill 1355 (hereinafter, HB 1355), an omnibus election reform bill, which Governor Rick Scott signed into law. 5 Among its many provisions designed to restrict EIP voting, HB 1355 reduced from 14 to 8 the total number of days county Supervisors of Elections could offer early voting; altogether eliminated EIP voting on the Sunday immediately preceding Election Day; and, gave election supervisors the discretion to reduce, from 96 hours to 48, the number of hours EIP voting stations are required to be open. 6

Changes in voting laws and procedures almost invariably affect some types of voters more than others, and we seek here to understand how the restrictions to EIP voting in Florida wrought by HB 1355 might have differential effects across the span of Florida voters, particularly with respect to the upcoming 2012 General Election. We gain leverage on this issue by studying the most recent general election in Florida, which took place in 2008. Specifically, we pose and then offer answers to the following questions: who voted EIP in the 2008 General Election in Florida; on what days in particular before this election did Florida early voters tend to cast their early ballots; and, in 2008 was there variance in preferred days of early voting across the partisan and socio-demographic groups that together make up the Florida electorate? 7 Our partisan breakdown of voters turns on a standard categorization (voters are either Democratic, Republican, third party, or have no party affiliation) and our demographic groups of interest are defined based on race/ethnicity, age, voter registration date, and participation history in prior elections.

Although the scholarly literature on convenience voting—and EIP voting is a special case of this type of voting—has grown considerably in recent years, scholars know relatively little about who votes EIP in elections as prominent as presidential contests and even less about the exact days on which citizens present themselves at early voting centers. The dynamics of early voting—when precisely early

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2 In Florida, absentee ballots can be turned in early or on Election Day. We define “early in person” voting as casting a non-absentee ballot in person, prior to Election Day, at an early voting center.

3 The National Association for the Advancement of Colored People is credited with crafting the slogan in 2000, “Get all souls to the polls.” During the final days of the presidential campaign, Democrat Al Gore exhorted crowds in Florida, “[Get] your souls to the polls” on Election Day, as early voting had yet to be adopted. See Rapport Convell, “With 48 hours to go, the candidates try to close the deal with America,” The Independent, November 6, 2000, available at <http://www.independent.co.uk/news/world/america/with-48-hours-to-go-the-candidates-try-to-close-the-deal-with-america-625223.html> (last accessed April 11, 2012).


6 HB 1355 amended the Florida Election Code (Chapters 97–106, Florida Statutes) and became law (Chapter 2011–40, Laws of Florida) on May 19, 2011. The legislative history of HB 1355 is detailed on <http://www.legc.state.fl.us/Senate/H01355> (last accessed April 13, 2012).

7 Early voting under HB 1355 is to commence on a Saturday, ten days prior to an Election Day, and it must end on a Saturday, three days prior to Election Day. See Levitt (2011).

8 For the motivation of our study we thank Justin Levitt, who on May 23, 2011, on Rick Hasen’s Election Law Blog offered some thoughts about who might be most affected by the elimination of EIP voting in Florida on the Sunday prior to Election Day. Levitt noted that, “This racial breakdown of Florida’s early voters isn’t publicly available—but it is tracked, and could be analyzed,” and that he would “be surprised if African-American citizens weren’t a substantial portion of the Floridians choosing to vote in their Sunday best.” Levitt’s comments, titled “A Devil in the Details of Florida’s Early Voting Law,” are available at <http://electionlawblog.org/archives/309579.html> (last accessed April 13, 2012).
votes are cast across a given early voting period—has not been a major part of the convenience voting literature. This is unfortunate insofar as the contemporary debate in Florida about EIP voting—most notably, the debate about HB 1355—to a large extent turns on the question of whom, precisely, EIP votes should be allowed.

Our research on EIP voting in Florida in the 2008 General Election provides insight on early voting dynamics. By merging Florida state-level voter file, comprised of more than 12.3 million registered voters, with 67 early voting files from the 2008 General Election, one per each of Florida’s counties, we are able to assess and study the race/ethnicity, party registration, age, county registration, and vote history of almost every EIP voter in Florida in 2008. Although our individual-level data does not allow us to assess directly the personal motivations of those who chose to vote EIP in the 2008 General Election, that we are able to specify which day of the week an early voter showed up to the polls in this election allows us to gauge in anticipation of the 2012 General Election the differential effects of HB 1355 across various Florida voter groups.

Although the richness of our data on EIP voting in 2008 enables us to discuss early voting dynamics in a way that is new to the literature on convenience voting, we cannot at this point assess the effect on overall election turnout in Florida of restrictions to EIP voting in the state. In particular, the matter of whether HB 1355's recent changes to EIP voting rules in Florida will affect actual 2012 General Election turnout—particularly among those citizens who voted early in the 2008 General Election—is a matter that must wait until after November 2012. We expect to focus on this issue in future research.

Before turning to our empirical investigation of Florida early voting in the 2008 General Election, we first provide a brief background on the passage in 2011 of Florida's HB 1355, which was ultimately the trigger for this study. This is followed by a review of the literature on EIP voting in the American states and then by statistical results.

EARLY IN-PERSON VOTING IN FLORIDA

In the aftermath of the 2000 General Election, the Florida legislature in 2004 passed legislation that, among other things, required local Supervisors of Elections to offer EIP voting. This bipartisan legislation (Senate Bill 2566, which passed the Florida House by a 100-12 margin and the Florida Senate 39-8), was signed into law by then-Governor Jeb Bush and took effect on July 1, 2004.15 The 2004 EIP legislation, which technically speaking allowed absentee ballots to be returned up to 15 days before Election Day, was viewed by Republican and Democratic lawmakers alike as a practical way to reduce Election Day lines at the polls.14 Under the 2004 statute, an elector could cast a vote as many as 15 days before Election Day at an early voting site designated by his or her county Supervisor of Elections, with early voting ending on the second day prior to a scheduled election. Although the law required EIP voting centers to be open a total of 96 hours during the aforementioned 15 day stretch—including eight hours each weekday and a total of eight hours over both weekends—election supervisors retained some flexibility in the setting of early voting hours.15


15Under the 2004 legislation, EIP voting hours could fall any time between the hours of 7a.m. and 7p.m., but election supervisors had the option of opening centers on Saturday and/or Sunday. As such, between 2004 and 2011 the application of EIP remained uneven across Florida’s 67 counties, with some election supervisors maximizing early voting days and hours (86 hours spread over all 15 days, including both Sundays), and others opting for the minimal requirements (86 hours but no Sunday voting). See The Florida Senate (2010).
In 2005, the Florida legislature amended state law so as to eliminate EIP voting on the Monday preceding a Tuesday Election Day (Levitt, 2012).

Given the history of broad consensus in support of convenience voting in Florida, as evidenced by the bipartisan coalitions in the Florida House and Senate that supported EIP efforts in the past, the decision in 2011 by the Florida legislature to curtail EIP voting transpired with what one might call "head-spinning speed." Moreover, the rhetoric supporting the recent reduction in EIP voting was particularly pointed. During the floor debate on HB 1355, for example, Republican State Senator Michael S. Bennett (representing Florida's 21st District) asserted that voting was a privilege and that the state should not make voting too easy. Speaking in support of HB 1355, Bennett asked: 12

Do you read the stories about the people in Africa? The people in the desert, who literally walk two and three hundred miles so they can have the opportunity to do what we do, and we want to make it more convenient? How much more convenient do you want it to be? Do we want to go to our house? Take the polling booth with us? This is a hard-fought privilege. This is something people die for. You want to make it convenient? The guy who died to give you that right, it was not convenient. Why would we make it any easier? I want 'em to fight for it. I want 'em to know what it's like. I want them to go down there, and have to walk across town to go over and vote.

In May 2011, the Florida legislature passed HB 1355, an omnibus elections bill that was the product of an 11th hour, strike-all amendment, 13 and Governor Rick Scott signed the bill into law 13 days after receiving it. In addition to putting restrictions on voter registration drives, the casting of provisional ballots, and several other voting and elections issues, HB 1355 as earlier reviewed reduced from 14 to 8 the total number of days that county Supervisors of Elections were permitted to offer early voting. HB 1355 also eliminated early voting on the Sunday immediately preceding Election Day—which in 2008 was offered to voters in ten of Florida's 67 counties. Moreover, HB 1355 gave county election supervisors the discretion to reduce from 96 to 48 the total required number of hours of early voting polling stations are required to be open.

Despite the clear EIP voting reductions embedded in HB 1355, former Florida Secretary of State Kurt Browning stated that the number of total hours of early voting hours required under HB 1355 would remain the same. "The new law makes early voting more accessible now than ever before," Secretary Browning averred, "by expanding the number of hours that election supervisors can open early voting sites—from just eight hours before, to 12 hours a day." Secretary Browning went on to claim that the reduction in the number of early voting days was designed "to combat...

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16 HB 1355 amended the Florida Election Code (Chapters 97-106, Florida Statutes) and became law (Chapters 2011-46, Laws of Florida) on May 10, 2011.

17 Early voting under HB 1355 is to commence on a Saturday, ten days prior to an Election Day, and it must end on a Saturday, three days prior to Election Day. See Levitt (2011).
EARS STYING IN FLORIDA

voter fraud," as well as "to reduce the burden on poll workers and provide needed flexibility to local election supervisors." Summarizing the legislation in a St. Petersburg Times op-ed article, Secretary Browning reiterated that, "Early voting remains at 96 hours, with greater flexibility for counties." In fact, the aggregate number of early voting hours that county Supervisors of Elections were required to remain open under HB 1355 was cut in half, from 96 hours in 2008, to 48 hours.

Well before HB 1355 was signed into law, advocates widely denounced the bill, referring to it as a "voter suppression" bill, which among other provisions, would deter minorities from voting. According to its critics, the Republican-sponsored legislation— at the time of HB 1355's passing both chambers in the Florida state legislature had Republican majorities and the Florida governor was also a Republican— was a thinly veiled effort to suppress minority voter turnout under the cover of reducing fraudulent voting. Florida Senate Minority Leader Nan Rich was blunt in her criticism of the legislation, saying, "I have to wonder if the only problem that can be found with our electoral process is that some people don't like the outcomes of the last presidential election."

The Florida League of Women Voters also decried the decision by the state legislature to cut back early voting, accusing the state legislature of "reverting to Jim Crow-like tactics." Notwithstanding the criticisms offered by Democratic lawmakers and their political allies as well as a flurry of lawsuits in federal courts, 62 county Supervisors of Elections in concert with the Florida Secretary of State have implemented the voting and

1By preventing voter fraud were the true intent of HB 1355, then we suspect that in this new law there likely would have been attention placed on tracking down actual absentee ballot fraud. Absentee ballot fraud is presumably not limited to major events in Florida's metropolitan areas, which are well documented. See, for example, Dailoum Clifton, "Different cities in Florida anti-fraud laws," Chicago Tribune, November 15, 2000, available at <http://articles.chicagotribune.com/2000-11-15/news/0011501911_1_absentee-ballot-fraud-miami-metropoli.


3See, for example, <http://www.floridapubicpolicyagenda.com/2012/03/measure-350/>(last accessed April 13, 2012).

4See, for example, <http://www.floridapublicpolicyagenda.com/2012/03/measure-350> (last accessed April 13, 2012).


election changes under HB 1355, including the reduction of EIP voting. However, in accordance with the Voting Rights Act of 1965 (hereinafter, VRA), five of Florida’s 67 counties—Collier, Hendry, Hillsborough, and Monroe—must receive federal preclearance from the United States Department of Justice before making any changes to electoral administration or voting rights in their jurisdictions. As such, Florida’s January 31, 2012, Presidential Preference Primary operated under conflicting sets of electoral administration and voting rights. Howard Simon, the Executive Director of the American Civil Liberties Union of Florida, which unsuccessfully sued in federal court to prevent the implementation of HB 1355, flagged the conundrum here, saying, “Florida is in position yet again to turn our elections into a mockery by conducting an important, nationally significant election under two different sets of election rules depending on where you live.”

For many observers, the passage of HB 1355 smacks of partisan politics: Republican lawmakers, according to such a narrative, convinced that the expansion of convenience voting laws contributed to the victory of Barack Obama in 2008, were determined not to let such a thing happen again in 2012. Marge Baker, executive vice president of People for the American Way, observed that “so-called anti-fraud laws are almost always thinly veiled attempts to prevent large segments of the population from making it to the ballot box... low-income voters, college students, people of color, the elderly. The people behind these laws know that there is no ‘voter fraud’ epidemic. They just want to make it as difficult as possible for certain types of people to vote.”

Similarly, according to a recent study by the Brennan Center for Justice at New York University School of Law (Weiser and Norden, 2011) the restrictive voting laws in aggregate “could make it significantly harder for more than five million eligible voters to cast ballots in 2012” with the heaviest burdens falling “most heavily on young, minority, and low-income voters, as well as on voters with disabilities” (p. 1).

Supporters of HB 1355 thought otherwise, not surprisingly. Florida House Majority Leader Carlos Lopez-Cantera said the following upon passage in April 2011, of the bill: “In a representative democracy, it is imperative that we continue to improve upon our elections process and optimize our citizens’ opportunity to make their voices heard. I commend [Domini] Barley, sponsor of HB 1355, for producing a piece of legislation that will not only protect citizens’ voting rights but also increase voter access.”

The Florida legislature’s successful effort in 2011 to truncate the number of early voting days and required hours did not occur in isolation. Paralleling Florida’s effort to reduce EIP voting, in June 2011 the Ohio state legislature enacted House Bill 194 which reduced by half the number of early voting days and eliminated early voting on Saturdays and Sundays. In Georgia, the legislature passed House Bill 92, which shortens the early voting

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9 At the time of this writing, the status of three provisions of HB 1355 being challenged for the five Section 5 counties remains uncertain. On October 18, 2011, a federal judge in Maine refused to hear a lawsuit against the implementation of HB 1355 in all of Florida’s counties. Then, on October 28, 2011, the United States District Court of the District of Columbia turned down Governor Scott’s request for an expedited review of the four major changes to the state’s electoral code being reviewed by the United States Department of Justice in accordance with the VRA. See Dan Koen, “In push for new early voting law, Florida challenges U.S. Voting Rights Act,” Palm Beach Post, October 11, 2011, available at <http://www.palmbeachpost.com/2011/10/11/federal-court-turns-down-florida-s-request-for-expedited-review-of-key-steps-towards-reform-of-early-voting-laws/> (last accessed April 13, 2012); Mary Ellen Klas, “Federal judges reject Browning’s request to expedite ruling on voting law case,” St. Petersburg Times, October 28, 2011, available at <http://www.tampabay.com/blogs/florida-politics/content/federal-judges-reject-browning-s-request-to-expedite-ruling-on-voting-law-case/-9904071 (last accessed April 13, 2012);

10 Mary Ellen Klas, “Federal judges reject Browning’s request to expedite ruling on voting law case.”

11 Quoted in Koen, “The truth about voter suppression.” Some of the legislation appears to have been designed to exacerbate federal protections covered by Section 5 of the VRA. In defending their statutes, several states have gone further, expressly asking federal courts to strike down Section 5 of the VRA. One key case is Shelby County, Alabama v. Holder, for which associated documents are available at <http://www.whitehouse.gov/electionsandvoting/voting/elections/lawsupport/voter-access/> (last accessed April 17, 2012).


period in Georgia and among other things permits counties not to have early voting on the Saturday preceding a General Election in the absence of a federal contest on the ballot. Beyond reductions in EIP, there have been as of late concerted efforts in many states to tighten voting laws and electoral codes.60

WHO VOTES EARLY IN-PERSON?

According to a recent report issued by the Pew Charitable Trusts, EIP voting continues to increase across the United States. Drawing on data from the Census Bureau’s Current Population Survey, 8.4 percent of those who reported voting in 2010 said they did so by casting an in-person early ballot, up from just 3.8 percent in the 2006 midterm election. Four states—Georgia, Nevada, New Mexico, and North Carolina—reported that their EIP voting rates have increased since 2006 by more than ten percentage points.61

Given this surge of interest in EIP voting, it is natural to inquire, among other things, into who takes advantage of EIP voting laws and whether those laws lead to increased overall turnout (i.e., some voters who vote EIP would not have voted at all had EIP not been permitted) or simply redistributed turnout (i.e., early voters would have voted on Election Day in the absence of an early voting option). The literature on EIP and convenience voting addresses both of these questions, although often with research that involves elections that are not extremely prominent. In addition, entrants in the EIP literature often rely on aggregate turnout data from a single county or exit poll/post-election survey data.

According to Gromke (2008), the conventional wisdom on early voting is that, “[I]t does encourage turnout among regular voters for low-intensity contests, but it does not help solve the participation puzzle for new voters or those outside the system for reasons of disinterest, language, disability, or other burdens” (p. 450). Similarly, Berinsky (2003) argues that convenience voting reforms, including EIP voting, appear to make it easier for citizens who are already politically interested and engaged in the electoral process to cast their ballots: “Those lacking political interest remain non-voters” despite EIP reforms insofar as “political engagement currently follows, rather than crosses, demographic divisions in the electorate” (p. 484). Citizens taking advantage of EIP voting tend to be likely voters who merely utilize early voting laws to move ahead the timing of when they cast their ballots. These citizens, according to this logic, were already motivated to vote and for them EIP voting just makes such a task that much more convenient.

In a pioneering study of EIP voting, Stein (1998) found that strong partisans were more likely than other voters to utilize this procedure. Analyzing 1994 EIP voting data from Harris County, Texas, Stein found that strong partisans—especially Democrats—were more likely to cast EIP ballots than other registered voters. Nonetheless, Stein found little sociodemographic variance between those who reported casting an early ballot and those who reported voting on Election Day. Reasoning that if partisans tend to be more likely than nonpartisans to have already made up their minds on how to cast their ballots, Stein argued that early voting simply allowed them to express their civic (and partisan) duty sooner. Similarly, in his individual-level study of voters who submitted mail-in ballots early to the supervisor of elections of Multnomah County, Oregon, in three elections between 2002 and 2003, Gromke (2008) found that partisans were significantly more likely to mail in their ballots.

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63See Stein and Volden (2011) for a recent review of the literature.
ballots early as were those living in zip-code areas with longer commute times (according to the 2000 United States Census).

Other early voting research has drawn on self-reported survey responses to estimate the likelihood of a voter casting an early vote. In their study of EIP voters in Knox County, Tennessee, in the 1996 presidential election, Neelley and Richardson (2001) found few differences between respondents who, in a telephone survey, said they voted early versus those who voted on Election Day, concluding that their results “provide no support for a mobilizing effect” (p. 389) of early voting and instead argue that early voting makes it easier for voters who would have voted regardless to vote. Similarly, in a study using exit poll data of EIP and Election Day voters in the 2004 General Election in Miami-Dade County, Florida, that was conducted between October 22 and November 2, 2004 (Election Day), Gronke and Galanes-Rosenbaum (2008) found that there were few differences between early voters and traditional in-person voters along party/ethnic lines. They did find that Hispanics were more likely to utilize EIP voting, speculating that it was likely due to the mobilizing efforts by the Republican Party and Mel Martinez’s United States Senate campaign. Relatedly, Gronke and Toffey (2008), who rely on early voters’ self-reports, reported some demographic differences among early and traditional Election Day voters—namely, that early voters tend to be older, better educated, and more politically engaged—but these relationships largely disappeared in multivariate models.

Of course, partisanship alone may not be enough to drive individuals to the polls to cast an early vote. As witnessed in Florida during the 2008 General Election, political parties, candidates, and other voting rights activists often intervened with voters, mobilizing citizens to the polls.33 Indeed, Stein, Leightley, and Owens (2008) argue that, without the mobilizing efforts of candidates and political parties, early voting turnout in Texas’s 2000 gubernatorial election would likely have been marginal. The motivation to vote EIP may not be “self-acting” in that “[i]nlpoly put, in-person early voting has been used by those who otherwise would have been most likely to vote on Election Day” (p. 11).

Regardless of one’s interpretation of the scholarly literature on turnout and convenience voting, it is fair to say that the literature says nothing about timing in EIP voting. Rather, extant studies essentially treat all early votes identically, whether they are cast on a weekend or a weekday. The literature is also silent as to the matter of the optimal length of time that early voting should last, whether weekends should be included, and so forth.

**RESEARCH DESIGN AND EXPECTATIONS**

Unlike previous studies of EIP in the American states, our dataset allows us to pinpoint precisely not only which Florida voters—identified by race/ethnicity, age, party affiliation, registration date, and prior voting history—were more likely to cast early in-person ballots in the 2008 General Election—but also to identify on which days they cast early ballots. In order to identify these patterns, we followed a two-step procedure.

First, we assembled from public sources the complete set of 2008 General Election early voting files, one file for each of Florida’s 67 counties.34 Each such early voting file contains a list of voters who voted early, and to the best of our knowledge these lists are comprehensive. Each early voting file consists of records, one record per early voter, and across the combined 67 early voting files there are 2,643,724 records of individuals who voted early in the 2008 General Election. Each record among the approximately 2.6 million total early voting records specifies the date on which a particular early voter voted, for example, October 23, 2008 (a Thursday) or perhaps November 2, 2008 (a Sunday). These dates are key to the analysis that follows.

Besides dates of early voting, each record among the 67 early voting files is associated with a voter identification number. The records in the 67 early voting files include, for example, the number of votes cast on either primary election day (August 26) or on Election Day (November 4).

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34The Florida Division of Elections maintains its repository of early voting files at [https://ferv.state.fl.us/Person/ballot/](https://ferv.state.fl.us/Person/ballot/).
voting files do not specify voter demographics, e.g., voter race, voter date of registration, voter age, voter gender, and so forth. They also do not specify voter party registration or voter history, e.g., whether a voter cast a vote in the 2004 General Election.

Second, we took a state voter file, created in March 2010, and merged this file with the aforementioned 67 early voting files. The reason we took this step is because the Florida voter file contains demographic data on voters as well as voter histories. In our Florida voter file there are a total of 12,387,165 records; each record is associated with one registered voter, and each record has a voter identification number. This latter number allows us to associate records in our Florida voter file with records in the aforementioned early voting files.

Given the presence of voter identification numbers in the 67 early voting files and in our overall Florida voter file, we successfully merged 2,592,061 early voting records from the 67 early voting files into the main Florida voting file. This means that approximately 98 percent of voters whose identification numbers appear in the early voting files were successfully merged. We suspect that the two percent of early voters who were not so merged reflect people who moved out of Florida or died between the date of the 2008 General Election and the date that our voter file was created. (12)

We discovered a number of voters whose counties of residence in our overall Florida voting file did not match counties of residence Based on the 67 early voting files. For these voters we assumed that the county of residence in the early files is correct. When our calculations required us to know the county in which a voter lived as of November 2008, we therefore used the latter. We suspect that differences in counties of residence between early voting files and the overall voting file primarily reflect changes within Florida.

As for our expectations about patterns in early voting, given the fact that anecdotal and media reports in vicinity of November 2008 suggested that Democrats, African Americans, younger, and first-time voters were more likely to cast EIP ballots in the 2008 General Election, we are somewhat dubious of much of the scholarly conventional wisdom regarding convenience voting as it pertains to the experience in Florida.

First, we do not expect EIP voting to be uniformly distributed among partisans rather, we expect to find Democrats disproportionately utilizing EIP voting compared to Republicans. Indeed, we agree with Stein, Leightle, and Owens (2005) that the motivation to vote EIP is likely not "self-actualizing." As such, due to the mobilization efforts of the Obama campaign and its allies, it is likely that the daily pattern of EIP voting over the two week period prior to Election Day will reveal differences among Democrats and Republicans as well as between partisans and nonpartisans. Based on contemporaneous reports from 2008, there is good reason to expect that Democrats voted disproportionately more on the weekends prior to Election Day 2008 and that nonpartisans who voted EIP were more likely to do so in the waning days of the early voting period. (13)

Second, we expect there to be considerable socio-demographic differences among EIP voters in Florida over the two week EIP voting period in the 2008 General Election. Not only do we expect early voters not to be reflective of the electorate as a whole, we have good reason to expect that not all socio-demographic groups will vote EIP consistently over the two week period. Rather, we anticipate finding that certain socio-demographic groups utilize EIP voting on different days. Specifically, we expect racial and ethnic minorities—especially African Americans—to vote early more often on the weekends, especially Sundays, given what is known about get-out-the-vote efforts by the Obama campaign and its surrogate. In addition, and in keeping with much of the scholarly literature on EIP voting, we also expect older voters, those who have been registered for more than a year.

(12) The Florida voter file we use was created on March 15, 2010, from the VAN/National database maintained by the Florida Democratic Party.

(13) This small, unmatched population is excluded from the analysis that follows. In the process of working with the combined Florida voter file and the 67 early voting files, we also discovered a small number of data errors. Among the 67 early voting files, for example, there are four records from Palm Beach County with dates of early voting from 2000. Obviously, such dates are wrong, and we ignored early voting records with clearly erroneous early voting dates. We also discovered records of individuals who, according to early voting files, voted early in the 2008 General Election but, according to the Florida voter file, did not vote early. For these records we assume that the early voting files are correct.

and regular voters to cast EIP ballots earlier during the two week window. Finally, we expect younger, newly registered, and first-time voters to cast EIP ballots later during the two week period as they may have been activated to vote in the waning days of the 2008 early voting time period.

African American voters in particular deserve special mention here because of the putative connections between early voting and religious services. Evelyn García, as of July 2011, the president of the Democratic Hispanic-American Caucus of Florida, conveyed the conventional wisdom as to why African Americans are thought to have high early voting rates on Sundays when she stated, “We go to church on Sunday, and then we go together and early-vote...People try to help each other because transportation was a problem and knowing where to vote was a problem with some people who were new in the community.”

FINDDINGS

We begin by comparing overall EIP rates from the 2008 General Election, first broken down by partisanship and then by racial and ethnic group. After explaining the patterns that we observe, we then disaggregate our results by day of early voting and explore how partisanship, race/ethnicity, and other important variables are associated with daily trends in EIP voting.

Comparing non-early and early electorates

Figure 1 describes the partisanship of non-early and early voters, and a comparison of the two panels in the figure makes it clear that Republicans were more likely than Democrats to cast EIP votes in 2008. In particular, nearly twice as many registered Democrats, almost 1.35 million, voted EIP in 2008 compared to almost 800,000 registered Republicans. In the 2008 General Election, Democrats comprised nearly 62 percent of the registered voters in Florida, but they accounted for nearly 52 percent of the EIP voters. Republicans, on the other hand, comprised approximately 35 percent of voters who were registered for the 2008 election, but they accounted for only approximately 30 percent of EIP voters. A sizable number of No Party Affiliation (NPA) voters cast EIP ballots—around 875,000 NPA voters—accounting for approximately 14.5 percent of all EIP ballots. In 2008, NPA registered voters accounted for around 19 percent of all registered voters in the state. Finally, approximately


The results that follow in this section are based on the previously described Florida voter file and the 67 county early voting files. Our dataset includes in general do not match certified totals because we were only able to match approximately 98 percent of early voters with corresponding records in our Florida voter file. In addition, and as already discussed, we discovered errors in a very small number of early voting records, and this rendered this set of records unusable.
3.1 percent of all EIP ballots were cast by voters registered with various third parties, and this percentage is nearly identical to the percentage of voters registered with third parties in the state in 2008.

Turning now to the issue of whether racial and ethnic minorities—most notably African Americans—were more likely to vote EIP than whites, we see in Figure 2 that, not only did African Americans cast more EIP ballots than they cast on Election Day, but also that African Americans accounted for a much greater proportion of the early voting electorate than they did on Election Day, Tuesday, November 4, 2008. 40 Perhaps due to the early voting mobilization efforts by the Obama campaign and their allies which overtly targeted African Americans, 41 blacks ended up casting 22 percent of the total EIP votes in the 2008 General Election even though they comprised approximately 13 percent of the state’s total registered electorate.

Daily trends in early voting

As we have already emphasized, HB 1355 has implications for the days on which EIP ballots can be cast. In light of this we now disaggregate in a temporal way the above two figures and in so doing consider the dynamics of the EIP process. We focus in particular on when early voters actually cast ballots in the two week period before the 2008 General Election.

Figure 3 plots over time when EIP ballots were cast, and several patterns in this figure are notable. As is evident by the solid dots in it, there were more 2008 General Election early voters in the second week of early voting than in the first. In addition, in the early voting period there were what one might call weekend effects. Namely, in both the first and second weeks of early voting, the number of early voters was smaller on Saturday and Sunday than on the preceding weekdays. The Friday to Saturday dropoff was relatively larger in the first week than in the second. However, the Saturday to Sunday dropoff was greater in the second week of early voting.

The drop shown in Figure 3 of the number of early voters on the two Sundays of early voting could be thought of as visually misleading because only ten counties in Florida offered early voting on Sunday during the run-up to the 2008 General Election. 42 To this end, Figure 4 is analogous to Figure 3 but is based only on the counties that had early voting on Sundays. The patterns in this figure are similar to those seen for all 67 Florida counties except for the fact that, among the counties that offered early voting on Sunday, early voting totals on

40 The pie charts presenting in Figure 1 are based on county-level early voting files. Approximately 98 percent of all early voters from the 2008 General Election are represented in Figure 1, and we do not know the racial and ethnic identities of the remaining approximately two percent, coded “Other.”
41 Luo and Nilsen, “More Democrats casting early ballots, data show.” During a campaign stop at a hair salon in Ft. Lauderdale, Florida, then Senator Obama intoned, “Whenever you come and sit in that chair, tell them to early vote. No excuses.”
42 These counties were Bradford, Broward, Duval, Dade, Jackson, Miami-Dade, Palm Beach, Pinellas, Sarasota, and Seminole. We determined the counties that offered Sunday voting based on their official filings to the Florida Secretary of State. See, Florida Secretary of State, Division of Elections, “Early Voting Sites by County: General Election—November 4, 2008,” available at <http://elections.dos.state.fl.us/pdf/County/EarlyVotSitesGen10.pdf> (last accessed April 13, 2012).
Saturday are not as different from Sunday totals as they are across all of Florida.

We now take our aggregate results from Figures 3 and 4 and break them down by voter type, and our first slicing of the data in this way produces Figure 5, in which we plot EIP voting by party registration. This figure describes for each partisan group of EIP voters the composition of each group that voted on a given day. "Composition" means here, and in corresponding figures that appear later, the fraction of early voters on a day that is of a particular partisanship. By construction, the four partisan fractions on a given day sum to one (i.e., to 100 percent). Recall that these numbers are based on approximately 98 percent of all voters who voted early in the 2008 General Election.

Because the Democratic points in Figure 5 (solid squares) are above the other types of points in the figure, we know that, on all early voting days, the largest voter group in terms of partisanship consisted of Democrats. Moreover, weekdays notwithstanding it is also clear from Figure 5 that, in relative terms, registered Democrats were more likely to cast EIP ballots on the first and second weekends of early voting and especially on Sundays. In other words, the general pro-Democratic bias within the early voting electorate was accentuated on Sundays. Early voting Republicans, on the other hand, were relatively less likely to cast early ballots on the weekends, especially on the two Sundays of the early voting period. Although the fraction of early ballots cast by those registered with a third party remained constant over the two week period, there is some evidence in Figure 5 that NPA individuals who voted early cast a disproportionate share of their ballots in the waning days of the early voting period. Note in particular the general upward slope of the NPA points in the figure.

Figure 6 is similar to the aforementioned figure except that it describes the composition of the early voting electorate by race/ethnicity (as opposed to partisanship) as it varied from October 20, 2008,
through November 2, 2008. Figure 6 makes it clear that the Saturday effect is not nearly as pronounced as the Sunday effect.

Another perspective on racial and ethnic trends across early voting days can be seen in Figure 7. This figure describes, for each of the four racial and ethnic groups already mentioned, the fraction of each group that voted on a given day. For each racial and ethnic group in Figure 7 the sum of the early voting fractions across the 14 days of early voting is one (i.e., 100 percent).

In Figure 7 we see a notable view of racial and ethnic early voting trends. In particular, white early voters tend to vote in the first half of the early voting period, not including Sundays. This latter point is clearly evident in Figure 7 in the fact that, on both Sundays of early voting, the solid black squares are the lowest of the four symbols. Across all early voting days, the two days that featured the lowest white participation rates, relatively speaking, were both Sundays. In contrast, on the first Sunday of early voting, the racial and ethnic group with the highest relative participation rate was African American voters. And on the last Sunday, the group with the highest relative participation rate was Hispanic voters, followed by African American voters. Finally, on the two Saturdays

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Footnotes:
46 According to the official early voting reports filed by all 67 Florida counties to the Florida Secretary of State, the ten counties that reported voting on a Sunday in the 2008 General Election early voting period were Bradford, Broward, Dixie, Duval, Jackson, Marion, Dade, Palm Beach, Pasco, Sarasota, and Seminole. Some of the ten counties that filed early voting reports for either or both of the Sundays differ from what the Florida Secretary of State reported on its Web site. See Florida Secretary of State, Division of Elections, "Early Voting Sites by County: General Election — November 4, 2008." In a separate analysis, which is not pictured here, we analyze early voters from the ten so-called Sunday counties. In these counties, white early voters cast ballots disproportionately less often on Sundays compared to Hispanic and African American early voters. This pattern holds as well on the Saturday before the 2008 General Election and was true for African American and not Hispanic early voters on the middle Saturday of the 2008 early voting period.
of early voting, the racial and ethnic group with the highest participation rate was Asian voters.

We cannot explain definitively why the members of a particular racial or ethnic group might have a preference for early voting on a given day of the week. Nonetheless, the literature we have reviewed has described African American early voter mobilization efforts and in particular efforts associated with churches. These efforts would be expected to produce Sunday spikes in black early voting, and in fact this is what we see in Figures 6 and 7.

As we already noted, only ten counties in Florida offered early voting on Sundays. We now show plots analogous to the above Figures 6 and 7 but restricted to the ten so-called Sunday counties.

In particular, Figure 8 shows trends in the composition of the early voting electorate in this group of counties, and we see here a familiar drop in weekend early voting. The drop is not as pronounced as in the earlier Figure 6. Similarly, Figure 9 displays early voting trends among voter types as broken down by racial and ethnic group. Notice here the same white voter pattern as was seen in Figure 7, i.e., white voters vote disproportionately less often on weekends and in particular on Sundays. In Figure 9 one sees as well that Asian early voters voted disproportionately on Saturdays, and that Sundays tended to feature disproportionately numbers of Hispanic and African American voters.

Having established that there was daily variance across the 2008 early voting period in the rates at which partisan and racial and ethnic groups voted, we now turn to the issue of age. To consider whether there is a relationship between age and date of early voting, we partition all early voters into three classes: those 22 years old and younger as of November 4, 2008, those 22 to 65, and those 65 years and older. Our age-based results are summarized in Figure 10, and this figure shows that the age-based composition of the early voting electorate varied dramatically across the 14 days of early voting in 2008. Namely, it is always true that the largest group of voters is the middle group, and this is hardly surprising given the age ranges considered here: the middle age group spans over forty years in contrast to the young group, which spans only five. Even so, Figure 10 has one clear implication: compared to mid-week voting patterns, older early voters vote relatively infrequently on weekends.25

If we look at the function of each age group as it varies across the 14 days of early voting—see Figure 11—we see that older voters tend to vote in the early part of the early voting period, very

25Our data are not broken down by retirement status. This is unfortunate as one interpretation of Figure 10 is that it reflects the fact that older Florida voters are disproportionately retired and thus have the time in the middle of the week to vote early. Regardless of the causal explanation for Figure 10, it is clear that older voters disproportionately prefer to vote on weekdays rather than weekends.
infrequently on Sundays, and to some extent on Saturdays. Young voters, in contrast, tend to vote toward the end of the early voting period and disproportionately often on weekends.

Why would older voters prefer, ceteris paribus, to vote in the first half of the earlier voting period as opposed to its second half? Our data do not offer an answer to this question, although one could speculate that younger voters have less free time during the traditional work-day than their older counterparts. Regardless, there are clear age-related trends in Figures 10 and 11, and this by itself, regardless of the explanation for why older and younger voters have different early voting patterns, implies that changes in Florida's early voting laws will have differential effects on voters as defined by their age classes.

Related to age is date of registration, and registration date is politically notable because of the possibility that new registrants may vote during particular time periods during an early voting window. We thus divide our set of early voters into two groups: those whose year of registration was prior to 2008 and those whose year of registration was 2008. It is apparent from Figure 12 that early voters registered prior to 2008 were relatively more likely to cast a ballot during the first week of early voting. And, we see as well that early voters who registered in 2008 were relatively more likely to vote in the final week of early voting, especially on the final four days, including the final Sunday before Election Day.

Finally, with respect to general election vote histories of voters who voted early in the 2008 General Election, it is clear from Figure 13 that first-time, early voters tended to wait until the end of the early voting period to cast their votes, compared to non-first-time, early voters. Note that Figure 13 includes only those early voters who were registered as of October 6, 2000. The number of "Prior Voters" (see the legend for Figure 13) is the number of general elections in which a voter voted, starting with 2000 and ending with 2006.
CONCLUSION

The research described here was motivated by the recent passage in Florida of a piece of legislation, House Bill 1355, that restricts the early voting period in this state from what existed during the 2008 and 2010 general elections. We sought to understand whether the new Florida law might have disproportionate effects on some Florida voters, and, based on our analysis of voting patterns from the 2008 General Election, we find that it will.46

In particular, we find clear differences between the partisanship of 2008 General Election EIP voters and the partisanship of corresponding non-early voters. We also show that the racial and ethnic breakdown of early voters in 2008 was quite different than the racial and ethnic breakdown of non-early voters. As such, it follows that changes to Florida's early voting laws will affect certain partisan groups of voters more than others and certain racial and ethnic groups as well. The evidence we have adduced suggests in particular that Democrats and African American voters will be disproportionately affected by new Florida legislation that changes early voting in Florida because, simply put, these two groups tend to vote early more than other partisan and racial and ethnic groups, respectively.

We have described how Florida's recently passed HB 1355 reduced the number of early voting days in the state, cut in half the required number of early voting hours, and eliminated early voting on the final Sunday before Election Day. If the 2008 General Election is a guide as to how early voters would have sorted themselves in 2012 had HB 1355 not existed, then certainly the changes wrought by this piece of legislation will have (and perhaps have had, as the 2012 Presidential Primary is over as of the writing of this article) differential effects on Florida's electorate. Even though, for instance, African Americans comprised only 13 percent of total voters and 22 percent of early voters in Florida in the 2008 General Election, they accounted for 31 percent of early voters on the final Sunday of early voting. While older and more regular voters enjoyed the convenience of voting early in the first week of early voting, younger, first-time, and newly registered voters disproportionately chose to vote toward the latter half of the early voting period and often on the final Sunday of early voting. We note as well that these Florida-wide conclusions are also evident in the five Florida counties subject to preclearance under Section 5 of the Voting Rights Act.

It is important to acknowledge several caveats pertaining to our findings. First, our study analyzes EIP voting in a single election, albeit a historical one, in just one state. It could be that the 2008 General Election was anomalous and that patterns in EIP voting in Florida are not representative of what one would observe in other states.47 This caveat can be easily resolved if scholars were to replicate the type of Florida analysis we have presented here using other states as laboratories.

Second, given the recency of the expansion of Florida early voting opportunities and then the very proximate contraction, we cannot assess at this time whether EIP voting is habitual, with voters becoming accustomed to voting early and perhaps on a particular day, from one election to another. In other words, we are unable to determine using our data whether early voters in one election necessarily remain early voters in subsequent elections.

Third, although our data are at the individual level, they do not allow us to determine the motivations of those who voted EIP or why they did so on a...
EARLY VOTING IN FLORIDA

For the most part, we leave that issue to other scholars.

Fourth, we note that our analysis speaks to the issue of early voting timing in the run-up to the 2008 General Election but not to the question of turnout and in particular to the matter of whether voters who have voted early in past elections like the previous presidential contest will abstain from voting in elections governed by HB 1355. Suppose, that is, a resident of Florida wants to vote early on the Sunday before an election but cannot because of this new law. Will this individual vote early on a different day, vote on election day, or simply not turn out to vote at all? The literature on voting in American elections is silent on this question as are the courts at this time. The effect of changes in convenience voting on voter turnout is not something that is known, and it remains an important matter for future research.

We conclude with the suggestion that changes to convenience voting laws, including but not limited to the truncation of EIP voting in Florida, may have considerable effects in future elections. As Richard Hasen notes, “These laws will have an effect on the margins on who votes. And in a state like Florida, a small difference matters. It could easily decide the outcome.” Whether or not one believes that the Florida legislature’s effort to restrict EIP voting in anticipation of the 2012 General Election parallels “methods pioneered by the white supremacists from another era that achieved the similar results,” as Risa Goluboff and Dubia Lithwick contend, it very well could negatively impact turnout among Democratic, minority, younger, occasional, and first-time voters in the Sunshine State.

REFERENCES


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Submitted by Senator Bryant during consideration of Amendment 10:

Prepared from State Board of Elections files showing (i) straight ticket voting by precinct and (ii) voter turnout by race by precinct.
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Top and bottom 10 positions: 2012 General Election summary - Senate district data. This table only reflects the vote of the winning candidate at each precinct.
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The following proposed Conference Committee Substitutes were submitted to the Senate and the House of Representatives for adoption, but did not become law during the 2013 Session:

**S.B. 10**

The full text of the proposed Conference Committee Substitute, S10-PCCS15255-RO-1, was submitted April 25, 2013, (see page 465) and reads as follows:

A BILL TO BE ENTITLED
AN ACT ESTABLISHING THE GOVERNMENT REDUCTION AND EFFICIENCY ACT OF 2013.
The General Assembly of North Carolina enacts:

PART I. ELIMINATION OF CERTAIN STATE BOARDS AND COMMISSIONS THAT HAVE NOT MET RECENTLY, ARE DUPLICATIVE, OR ARE NOT DEEMED CRITICAL TO GOVERNMENT OPERATIONS

LOTTERY OVERSIGHT COMMISSION
SECTION 1.1.(a) G.S. 18C-172 is repealed.
SECTION 1.1.(b) G.S. 18C-115 reads as rewritten:
§ 18C-115. Reports.
The Commission shall send quarterly and annual reports on the operations of the Commission to the Governor, State Treasurer, the Lottery Oversight Committee, and to the General Assembly. The reports shall include complete statements of lottery revenues, prize disbursements, expenses, net revenues, and all other financial transactions involving lottery funds, including the occurrence of any audit."

SMALL BUSINESS CONTRACTOR AUTHORITY
SECTION 1.2. Part 20 of Article 10 of Chapter 143B of the General Statutes, G.S. 143B-472.100 through G.S. 143B-472.112, is repealed.

COMMITTEE ON DROPOUT PREVENTION
SECTION 1.3. Article 6B of Chapter 115C of the General Statutes, G.S. 115C-64.6 through G.S. 115C-64.9, is repealed.

STATE EDUCATION COMMISSION ESTABLISHED IN CHAPTER 116C OF THE GENERAL STATUTES
SECTION 1.4.(a) G.S. 116C-1 reads as rewritten:
§ 116C-1. Education Cabinet created.

... (c) The Education Cabinet shall be a nonvoting body that:
(1) Works to resolve issues between existing providers of education.
(2) Sets the agenda for the State Education Commission.
(3) Develops a strategic design for a continuum of education programs, in accordance with G.S. 116C-3.
(4) Studies other issues referred to it by the Governor or the General Assembly.

"..."

SECTION 1.4.(b) G.S. 116C-2 is repealed.

STATE EDUCATION COMMISSION ESTABLISHED IN ARTICLE 26 OF CHAPTER 143 OF THE GENERAL STATUTES

SECTION 1.5. Article 26 of Chapter 143 of the General Statutes, G.S. 143-261 through G.S. 143-266, is repealed.

NATIONAL HERITAGE AREA DESIGNATION COMMISSION

SECTION 1.6. Section 18.10 of S.L. 2001-491 reads as rewritten:

"SECTION 18.10. Notwithstanding G.S. 158-8.1, the Western North Carolina Regional Economic Development Commission shall develop a regional heritage tourism plan and shall present the plan to the 2002 Regular Session of the 2001 General Assembly no later than May 1, 2002. The National Heritage Area Designation Commission created pursuant to Section 18.4 of this act shall terminate July 1, 2013."

GOVERNOR’S MANAGEMENT COUNCIL

SECTION 1.7. Part 24 of Article 9 of Chapter 143B of the General Statutes, G.S. 143B-426.22, is repealed.

CENTER FOR NURSING

SECTION 1.8. G.S. 90-171.71 and G.S. 90-171.72 are repealed.

BOARD OF CORRECTION

SECTION 1.9.(a) G.S. 143B-711 reads as rewritten:

"§ 143B-711. Division of Adult Correction of the Department of Public Safety – organization.

The Division of Adult Correction of the Department of Public Safety shall be organized initially to include the Post-Release Supervision and Parole Commission, the Board of Correction, the Section of Prisons of the Division of Adult Correction, the Section of Community Corrections, the Section of Alcoholism and Chemical Dependency Treatment Programs, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973."

SECTION 1.9.(b) G.S. 143B-715 is repealed.

BOARD OF PUBLIC TELECOMMUNICATIONS COMMISSIONERS OF THE NORTH CAROLINA AGENCY FOR PUBLIC TELECOMMUNICATIONS

SECTION 1.10.(a) Part 22 of Article 9 of Chapter 143B of the General Statutes is repealed.

SECTION 1.10.(b) G.S. 120-123(4) is repealed.

BOARD OF DIRECTORS OF THE CERTIFICATION ENTITY FOR THE PHASE II SETTLEMENT FUNDS

SECTION 1.11. Board of Directors of the Certification Entity for Phase II Settlement Funds, established pursuant to S.L. 1999-333, is abolished.

ELIMINATION OF CERTAIN STATE BOARDS, COMMITTEES, AND COMMISSIONS THAT HAVE MET STATUTORY REQUIREMENTS

SECTION 1.12.(a) The Public Funding of Council of State Elections Commission established by Section 26 of S.L. 2010-169 is terminated.
SECTION 1.12.(b) The Legislative Commission on Global Climate Change established by Section 11 of S.L. 2005-442, as amended by S.L. 2006-73, S.L. 2008-81, S.L. 2009-306, and S.L. 2011-266, is terminated. No State appropriations or departmental receipts shall be used by State agencies for the development, promotion, dissemination, or implementation of a statewide climate change action plan or adaptation strategy, unless such activities are specifically authorized by the General Assembly. This shall not prevent individual State agencies from addressing climate or weather-related issues or events that are within the scope of their existing agency duties and responsibilities.

SECTION 1.12.(c) The Arts Education Commission established by S.L. 2011-301 is terminated.

NORTH CAROLINA SUSTAINABLE LOCAL FOOD ADVISORY COUNCIL

SECTION 1.13.(a) Section 4 of S.L. 2009-530, as rewritten by S.L. 2012-75, reads as rewritten:
"SECTION 4. This act is effective when it becomes law and shall expire on July 31, 2015."

SECTION 1.13.(b) The Department of Agriculture and North Carolina's land grant universities shall continue to collaborate on promoting local food production and consumption in North Carolina.

PART II. REORGANIZATION OF VARIOUS BOARDS AND COMMISSIONS

COASTAL RESOURCES COMMISSION

SECTION 2.1.(a) G.S. 113A-104 reads as rewritten:
"§ 113A-104. Coastal Resources Commission.
(a) Established. – The General Assembly hereby establishes within the Department of Environment and Natural Resources a commission to be designated the Coastal Resources Commission.
(b) Composition. – The Coastal Resources Commission shall consist of 15 members appointed by the Governor, as follows:
(1) One who shall at the time of appointment be actively connected with or have experience in commercial fishing.
(2) One who shall at the time of appointment be actively connected with or have experience in wildlife or sports fishing.
(3) One who shall at the time of appointment be actively connected with or have experience in marine ecology.
(4) One who shall at the time of appointment be actively connected with or have experience in coastal agriculture.
(5) One who shall at the time of appointment be actively connected with or have experience in coastal forestry.
(6) One who shall at the time of appointment be actively connected with or have experience in coastal land development.
(7) One who shall at the time of appointment be actively connected with or have experience in marine-related business (other than fishing and wildlife).
(8) One who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area.
(9) One who shall at the time of appointment be actively associated with a State or national conservation organization."
(b1) Composition. – The Coastal Resources Commission shall consist of 13 members as follows:

1. One appointed by the Governor who shall at the time of appointment be a coastal property owner or experienced in land development.
2. One appointed by the Governor who shall at the time of appointment be a coastal property owner or experienced in land development.
3. One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area or a marine-related science.
4. One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in engineering in the coastal area or a marine-related science.
5. One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in coastal-related business.
6. One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in local government within the coastal area.
7. One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in coastal agriculture.
8. One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in commercial fishing.
9. One appointed by the Governor who shall at the time of appointment be actively connected with or have experience in coastal forestry.
10. One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall at the time of appointment be actively connected with or have experience in sports fishing.
11. One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.
12. One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall at the time of appointment be actively connected with or have experience in wildlife.
13. One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.
(c) Appointment of Members. – The term "appointing authority" appearing anywhere in this section means the Governor in the case of members appointed by the Governor and means the General Assembly in the case of members appointed by the General Assembly. Appointments to the Commission shall be made to provide knowledge and experience in a diverse range of coastal interests. The members of the Commission shall serve and act on the Commission solely for the best interests of the public and public trust, and shall bring their particular knowledge and experience to the Commission for that end alone. Counties and cities in the coastal area may designate and transmit to the appointing authorities no later than May 1 of each even-numbered year qualified persons in the categories set out in subsection (b1) of this section corresponding to the Commission positions to be filled that year.

The Governor shall appoint in his sole discretion those members of the Commission whose qualifications are described in subdivisions (6) and (10), and one of the three members described in subdivision (12) of subsection (b) of this section.

The remaining members of the Commission shall be appointed by the Governor after completion of the nominating procedures prescribed by subsection (d) of this section.

(c1) The members of the Commission whose qualifications are described in subdivisions (1) through (5), (6), (7), (8), (9), (11), and (12) of subsection (b1) of this section shall be persons who do not derive any significant portion of their income from land development, construction, real estate sales, or lobbying and do not otherwise serve as agents for development-related business activities. The Governor shall require adequate disclosure of potential conflicts of interest by these members. The Governor, by executive order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section subsection.

(c2) All members of the Commission are covered persons for the purposes of Chapter 138A of the General Statutes, the State Government Ethics Act. As covered persons, members of the Commission shall comply with the applicable requirements of the State Government Ethics Act, including mandatory training, the public disclosure of economic interests, and ethical standards for covered persons. Members of the Commission shall comply with the provisions of the State Government Ethics Act to avoid conflicts of interest.

(d) Nominations for Membership. – On or before May 1 in every even-numbered year the Governor shall designate and transmit to the board of commissioners in each county in the coastal area four nominating categories applicable to that county for that year. Said nominating categories shall be selected by the Governor from among the categories represented, respectively by subdivisions (1), (2), (3), (4), (5), (7), (8), (9), (11) – two persons, and (12) – two persons, of subsection (b) of this section (or so many of the above-listed paragraphs as may correspond to vacancies by expiration of term that are subject to being filled in that year). On or before June 1 in every even-numbered year the board of commissioners of each county in the coastal area shall nominate (and transmit to the Governor the names of) one qualified person in each of the four nominating categories that was designated by the Governor for that county for that year. In designating nominating categories from biennium to biennium, the Governor shall equitably rotate said categories among the several counties of the coastal area as in his judgment he deems best; and he shall assign, as near as may be, an even number of nominees to each nominating category, and shall assign in his best judgment any excess above such even number of nominees. On or before June 1 in every even-numbered year the governing body of each incorporated city within the coastal area shall nominate and transmit to the Governor the name of one person as a nominee to the Commission. In making nominations, the boards of county commissioners and city governing bodies shall give due consideration to the nomination of women and minorities. The Governor shall
appoint 12 persons from among said city and county nominees to the Commission. The several boards of county commissioners and city governing bodies shall transmit the names, addresses, and a brief summary of the qualifications of their nominees to the Governor on or before June 1 in each even-numbered year, beginning in 1974; provided, that the Governor, by registered or certified mail, shall notify the chairman or the mayors of the said local governing boards by May 20 in each such even-numbered year of the duties of local governing boards under this sentence. If any board of commissioners or city governing body fails to transmit its list of nominations to the Governor by June 1, the Governor may add to the nominations a list of qualified nominees in lieu of those that were not transmitted by the board of commissioners or city governing body; Provided however, the Governor may not add to the list a nominee in lieu of one not transmitted by an incorporated city within the coastal area that neither has a population of 2,000 or more nor is contiguous with the Atlantic Ocean. Within the meaning of this section, the "governing body" is the mayor and council of a city as defined in G.S. 160A-66. The population of cities shall be determined according to the most recent annual estimates of population as certified to the Secretary of Revenue by the Secretary of Administration.

e) Residential Geographic Qualifications. – All nominees of the several boards of county commissioners and city governing bodies must reside within the coastal area, but need not reside in the county from which they were nominated. No more than one of those members appointed by the Governor from among said nominees may reside in a particular county. No more than two members of the entire Commission, at any time, may reside in a particular county. No more than two members of the entire Commission, at any time, may reside outside the coastal area. All members of the Commission must be residents of North Carolina and reside or own real property in the coastal area.

(f) Office May Be Held Concurrently with Others. – Membership on the Coastal Resources Commission is hereby declared to be an office that may be held concurrently with other elective or appointive offices in addition to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(g) Terms. – The members shall serve staggered terms of office of four years. At the expiration of each member's term, the Governor appointing authority shall reappoint or replace the member with a new member of like qualification (as specified in subsection (b)(1) of this section), in the manner provided by subsections (c) and (d) of this section. The initial term shall be determined by the Governor in accordance with customary practice but eight of the initial members shall be appointed for two years and seven for four years section.

(h) Vacancies. – In the event of a vacancy arising otherwise than by expiration of term, the Governor appointing authority shall appoint a successor of like qualification (as specified in subsection (b)(1) of this section) who shall then serve the remainder of his predecessor's term. When any such vacancy arises, the Governor shall immediately notify the board of commissioners of each county in the coastal area and the governing body of each incorporated city within the coastal area. Within 30 days after receipt of each notification each such county board and city governing body shall nominate and transmit to the Governor the name and address of one person who is qualified in the category represented by the position to be filled, together with a brief summary of the qualifications of the nominee. The Governor shall make the appointment from among said city and county nominees. If any county board or city governing body fails to make a timely transmittal of its nominee, the Governor may add to the nominations a qualified person in lieu of said nominee. Provided however, the Governor may not add to the list a nominee in lieu of one not transmitted by an incorporated city within the coastal area that neither has a population of 2,000 or more nor is contiguous with the Atlantic Ocean.
(i) Officers. – The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of the vice-chairman's regularly appointed term.

(j) Compensation. – The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(k) In making appointments to and filling vacancies upon the Commission, the Governor shall give due consideration to securing appropriate representation of women and minorities.

(l) Attendance. – Regular attendance at Commission meetings is a duty of each member. The Commission shall develop procedures for declaring any seat on the Commission to be vacant upon failure by a member to perform this duty.

(m) Quorum. – A majority of the Commission shall constitute a quorum."

SECTION 2.1.(b) Transition of Membership of the Coastal Resources Commission.

(a) Except as otherwise provided in this section, the terms of all members of the Coastal Resources Commission serving on January 1, 2013, shall expire when this act becomes law. A new Commission of 13 members shall be appointed in the manner provided by G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, and this section. Members appointed in the manner provided by G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, shall be appointed no later than July 1, 2013.

1. The member serving pursuant to G.S. 113A-104(b)(1) on January 1, 2013, shall continue to serve pursuant to G.S. 113A-104(b1)(8), as enacted by Section 2.1(a) of this act, until June 30, 2014.

2. The member serving pursuant to G.S. 113A-104(b)(2) on January 1, 2013, shall continue to serve pursuant to G.S. 113A-104(b1)(10), as enacted by Section 2.1(a) of this act, until June 30, 2014.

3. The member serving pursuant to G.S. 113A-104(b)(11) on January 1, 2013, whose term would otherwise expire on June 30, 2014, shall continue to serve pursuant to G.S. 113A-104(b1)(6), as enacted by Section 2.1(a) of this act, until June 30, 2014.

4. The member serving pursuant to G.S. 113A-104(b)(5) on January 1, 2013, whose term would otherwise expire on June 30, 2014, shall continue to serve pursuant to G.S. 113A-104(b1)(9), as enacted by Section 2.1(a) of this act, until June 30, 2014.

(b) Members of the Commission whose qualifications are described by subdivisions (1), (3), (5), (7), (11), and (13) of G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, shall be appointed for an initial term of two years, and subsequent appointments shall be for four-year terms thereafter. Members of the Commission whose qualifications are described by subdivisions (2), (4), (6), (8), (9), (10), and (12) of G.S. 113A-104(b1), as enacted by Section 2.1(a) of this act, shall be appointed for an initial term of one year, and subsequent appointments shall be for four-year terms thereafter. Initial terms shall expire on June 30 of the year of expiration.

COASTAL RESOURCES ADVISORY COUNCIL

SECTION 2.2. G.S. 113A-105 reads as rewritten:

(a) Creation. – There is hereby created and established a council to be known as the Coastal Resources Advisory Council.

(b) Membership and Terms. – The Coastal Resources Advisory Council shall consist of not more than 45-20 members appointed or designated as follows:

1. Two individuals designated by the Secretary from among the employees of the Department;
2. The Secretary of Commerce or person designated by the Secretary of Commerce;
3. The Secretary of Administration or person designated by the Secretary of Administration;
4. The Secretary of Transportation or person designated by the Secretary of Transportation; and one additional member selected by the Secretary of Transportation from the Department of Transportation;
5. The State Health Director or the person designated by the State Health Director;
6. The Commissioner of Agriculture or person designated by the Commissioner of Agriculture;
7. The Secretary of Cultural Resources or person designated by the Secretary of Cultural Resources;
8. One member from each of the four multi-county planning districts of the coastal area to be appointed by the lead regional agency of each district;
9. One representative from each of the counties in the coastal area to be designated by the respective boards of county commissioners;
10. No more than eight additional members representative of cities in the coastal area and to be designated by the Commission;
11. Three members selected by the Commission who are marine scientists or technologists;
12. One member who is a local health director selected by the Commission upon the recommendation of the Secretary.

by the Coastal Resources Commission. All members of the Council must be residents of North Carolina and reside or own real property in the coastal area. Counties and cities in the coastal area may nominate candidates for consideration by the Commission. The terms of all Council members serving on the Council on January 1, 2013, shall expire on June 30, 2013. A new Council shall be appointed in the manner provided by this subsection with terms beginning on July 1, 2013, and expiring on June 30, 2015. Members may be reappointed at the discretion of the Commission, provided that one-half of the membership at the beginning of any two-year term are residents of counties in the coastal area.

(c) Functions and Duties. – The Advisory Council shall assist the Secretary and the Secretary of Administration in an advisory capacity:

1. On matters which may be submitted to it by either of them or by the Commission, including technical questions relating to the development of rules, and
2. On such other matters arising under this Article as the Council considers appropriate.

(d) Multiple Offices. – Membership on the Coastal Resources Advisory Council is hereby declared to be an office that may be held concurrently with other
elective or appointive offices (except the office of Commission member) in addition to
the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

(e) Chairman and Vice-Chairman. – A chairman and vice-chairman shall be
elected annually by the Council.

(f) Compensation. – The members of the Advisory Council who are not State
employees shall receive per diem and necessary travel and subsistence expenses in
accordance with the provisions of G.S. 138-5."

ENVIRONMENTAL MANAGEMENT COMMISSION

SECTION 2.3. (a) G.S. 143B-283 reads as rewritten:

§ 143B-283. Environmental Management Commission – members; selection;
removal; compensation; quorum; services.

(a) The Environmental Management Commission shall consist of 13 members
appointed by the Governor. The Governor shall select the members so that the
membership of the Commission shall consist of:

(1) One who shall be a licensed physician with specialized training
and experience in the health effects of environmental pollution;

(2) One who shall, at the time of appointment, be actively connected
with the Commission for Public Health or local board of health
or have experience in health sciences;

(3) One who shall, at the time of appointment, be actively connected
with or have had experience in agriculture;

(4) One who shall, at the time of appointment, be a registered
engineer with specialized training and experience in water
supply or water or air pollution control;

(5) One who shall, at the time of appointment, be actively connected
with or have had experience in the fish and wildlife conservation
activities of the State;

(6) One who shall, at the time of appointment, have special training
and scientific expertise in hydrogeology or groundwater
hydrology;

(7) Three members interested in water and air pollution control,
apPOINTED FROM THE PUBLIC AT LARGE;

(8) One who shall, at the time of appointment, be actively employed
by, or recently retired from, an industrial manufacturing facility
and knowledgeable in the field of industrial air and water
pollution control;

(9) One who shall, at the time of appointment, be actively connected
with or have had experience in pollution control problems of
municipal or county government;

(10) One who shall, at the time of appointment, have special training
and scientific expertise in air pollution control and the effects of
air pollution; and

(11) One who shall, at the time of appointment, have special training
and scientific expertise in freshwater, estuarine, marine
biological, or ecological sciences.

(a1) as follows:

The Environmental Management Commission shall consist of 15 members

(1) One appointed by the Governor who shall be a licensed
physician.
(2) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in hydrology, water pollution control, or the effects of water pollution.

(3) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in hydrology, water pollution control, or the effects of water pollution.

(4) One appointed by the Governor who shall at the time of appointment have special training or scientific expertise in air pollution control or the effects of air pollution.

(5) One appointed by the Governor who shall at the time of appointment be actively connected with or have had experience in agriculture.

(6) One appointed by the Governor who shall at the time of appointment have special training and scientific expertise in freshwater, estuarine, marine biological, or ecological sciences or be actively connected with or have had experience in the fish and wildlife conservation activities of the State.

(7) One appointed by the Governor who shall at the time of appointment be actively employed by, or recently retired from, an industrial manufacturing facility and shall be knowledgeable in the field of industrial pollution control.

(8) One appointed by the Governor who shall at the time of appointment be a licensed engineer with specialized training and experience in water supply or water or air pollution control.

(9) One appointed by the Governor who shall serve at large.

(10) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.

(11) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.

(12) One appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121 who shall serve at large.

(13) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.

(14) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.

(15) One appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121 who shall serve at large.

(b) Members appointed by the Governor shall serve terms of office of six years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. The Governor may reappoint a member of the Commission to an additional term if, at the time of the reappointment, the member qualifies for membership on the Commission under subdivisions (1) through (9) of subsection (a)(1) of this section. Appointments by
the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122.

(b1) The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

(b2) The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(b3) A majority of the Commission shall constitute a quorum for the transaction of business.

(b4) All clerical and other services required by the Commission shall be supplied by the Secretary of Environment and Natural Resources.

(c) Nine of the members appointed by the Governor under this section shall be persons who do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Chapter. The Governor shall require adequate disclosure of potential conflicts of interest by members. The Governor, by executive order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section, subsection, giving due regard to the requirements of federal legislation, and for this purpose may promulgate rules, regulations or guidelines in conformance with those established by any federal agency interpreting and applying provisions of federal law.

(c1) All members of the Commission are covered persons for the purposes of Chapter 138A of the General Statutes, the State Government Ethics Act. As covered persons, members of the Commission shall comply with the applicable requirements of the State Government Ethics Act, including mandatory training, the public disclosure of economic interests, and ethical standards for covered persons. Members of the Commission shall comply with the provisions of the State Government Ethics Act to avoid conflicts of interest.

(d) In addition to the members designated by subsection (a) of this section, the General Assembly shall appoint six members, three upon the recommendation of the Speaker of the House of Representatives, and three upon the recommendation of the President Pro Tempore of the Senate. Appointments by the General Assembly shall be made in accordance with G.S. 120-121, and vacancies in those appointments shall be filled in accordance with G.S. 120-122. Members appointed by the General Assembly shall serve terms of two years.

(e) Members of the Commission shall serve terms of four years.

SECTION 2.3.(b) Transition of Membership of the Environmental Management Commission.

(a) The terms of all members of the Environmental Management Commission serving on January 1, 2013, shall expire when this section becomes law. A new Commission of 15 members shall be appointed in the manner provided by G.S. 143B-283(a1), as enacted by Section 2.3(a) of this act, and this section.

(b) Members of the Commission whose qualifications are described by subdivisions (3), (5), (7), (8), (9), (11), (13), and (15) of G.S. 143B-283(a1), as enacted by Section 2.3(a) of this act, shall be appointed for an initial term of two years and subsequent appointments shall be for four-year terms thereafter. Members of the Commission whose qualifications are described by subdivisions (1), (2), (4), (6), (10), (12), and (14) of G.S. 143B-283(a1), as enacted by Section 2.3(a) of this act, shall be appointed for an initial term of four years and subsequent appointments shall be for four-year terms thereafter. Initial terms shall expire on June 30 of the year of expiration.

(c) Members of the Commission appointed to any other State board or commission as a representative of the Commission shall no longer serve as a member of
those boards or commissions after this section becomes law, and a new Commission representative shall be appointed as provided by law.

INDUSTRIAL COMMISSION

SECTION 2.4.(a) Effective July 1, 2013, G.S. 97-77 reads as rewritten:

§ 97-77. North Carolina Industrial Commission created; members appointed by Governor; terms of office; chairman.

(a) There is hereby created a commission to be known as the North Carolina Industrial Commission, consisting of six commissioners who shall devote their entire time to the duties of the Commission. The Governor shall appoint the members of the Commission for terms of six years. The terms shall be staggered. Three commissioners shall be persons who, on account of their previous vocations, employment or affiliations, can be classed as representatives of employers. Three commissioners shall be persons who, on account of their previous vocations, employment or affiliations, can be classed as representatives of employees. No person may serve more than two terms on the Commission, including any term served prior to the effective date of this section. In calculating the number of terms served, a partial term that is less than three years in length shall not be included.

(a1) Appointments of commissioners are subject to confirmation by the General Assembly by joint resolution. The names of commissioners to be appointed by the Governor shall be submitted by the Governor to the General Assembly for confirmation by the General Assembly on or before March 1 of the year of expiration of the term. If the Governor fails to timely submit nominations, the General Assembly shall appoint to fill the succeeding term upon the joint recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives in accordance with G.S. 120-121 not inconsistent with this section.

In case of death, incapacity, resignation, or any other vacancy in the office of any commissioner prior to the expiration of the term of office, a nomination to fill the vacancy for the remainder of the unexpired term shall be submitted by the Governor within four weeks after the vacancy arises to the General Assembly for confirmation by the General Assembly. If the Governor fails to timely nominate a person to fill the vacancy, the General Assembly shall appoint a person to fill the remainder of the unexpired term upon the joint recommendation of the President Pro Tempore of the Senate and the Speaker of the House of Representatives in accordance with G.S. 120-121 not inconsistent with this section. If a vacancy arises or exists pursuant to this subsection when the General Assembly is not in session, and the appointment is deemed urgent by the Governor, the commissioner may be appointed and serve on an interim basis pending confirmation by the General Assembly. For the purpose of this subsection, the General Assembly is not in session only (i) prior to convening of the Regular Session, (ii) during any adjournment of the Regular Session for more than 10 days, and (iii) after sine die adjournment of the Regular Session.

No person while in office as a commissioner may be nominated or appointed on an interim basis to fill the remainder of an unexpired term, or to a full term that commences prior to the expiration of the term that the commissioner is serving.

(b) One member, to be designated by the Governor, shall act as chairman. The chairman shall be the chief judicial officer and the chief executive officer of the Industrial Commission; such authority shall be exercised pursuant to the provisions of Chapter 126 of the General Statutes and the rules and policies of the State Personnel Commission. Notwithstanding the provisions of this Chapter, the chairman shall have such authority as is necessary to direct and oversee the Commission. The chairman may delegate any duties and responsibilities as may be necessary to ensure the
proper management of the Industrial Commission. Notwithstanding the provisions of this Chapter, Chapter 143A, and Chapter 143B of the General Statutes, the chairman may hire or fire personnel and transfer personnel within the Industrial Commission. The Governor may designate one vice-chair from the remaining commissioners. The vice-chair shall assume the powers of the chairman upon request of the chairman or when the chairman is absent for 24 hours or more. The authority delegated to the vice-chair shall be relinquished immediately upon the return of the chairman or at the request of the chairman.

(c) The Commission shall adopt by majority vote bylaws to govern the conduct of its business. A quorum of the Commission consists of a simple majority of the membership.

SECTION 2.4.(b) The terms of the Industrial Commission members serving terms established by Section 22 of S.L. 2011-287 shall terminate on June 30, 2013. The Governor shall appoint new members subject to confirmation by the General Assembly. The terms of the six new members of the Industrial Commission shall be staggered as follows:

1. Two to serve terms beginning July 1, 2013, and expiring June 30, 2015, with subsequent appointments to those positions serving four-year terms.
2. Two to serve terms beginning July 1, 2013, and expiring June 30, 2016, with subsequent appointments to those positions serving four-year terms.
3. Two to serve terms beginning July 1, 2013, and expiring June 30, 2017, with subsequent appointments to those positions serving four-year terms.

SECTION 2.4.(c) Effective July 1, 2013, Section 22 of S.L. 2011-287 is repealed.

UTILITIES COMMISSION

SECTION 2.5.(a) G.S. 62-10 reads as rewritten:

§ 62-10. Number; appointment; terms; qualifications; chairman; chair; vacancies; compensation; other employment prohibited.

(a) The North Carolina Utilities Commission shall consist of seven commissioners who shall be appointed by the Governor subject to confirmation by the General Assembly by joint resolution. The names of commissioners to be appointed by the Governor shall be submitted by the Governor to the General Assembly for confirmation by the General Assembly on or before May 1, of the year in which the terms for which the appointments are to be made are to expire. Upon failure of the Governor to submit names as herein provided, the Lieutenant Governor and Speaker of the House jointly shall submit the names of a like number of commissioners to the General Assembly on or before May 15 of the same year for confirmation by the General Assembly. Regardless of the way in which names of commissioners are submitted, confirmation of commissioners must be accomplished prior to adjournment of the then current session of the General Assembly. This subsection shall be subject to the provisions of subsection (c) of this section.

(a1) Members of the Commission are covered persons for the purposes of Chapter 138A of the General Statutes, the State Government Ethics Act. As covered persons, members of the Commission shall comply with the applicable requirements of the State Government Ethics Act, including mandatory training, the public disclosure of economic interests, and ethical standards for covered persons. Members of the
Commission shall comply with the provisions of the State Government Ethics Act to avoid conflicts of interest.
Members of the Commission shall not be an office holder of any political party and shall not serve as a delegate to a political convention of any political party.
(b) The terms of the commissioners now serving shall expire at the conclusion of the term for which they were appointed which shall remain as before with two regular eight-year terms expiring on July 1 of each fourth year after July 1, 1965, and the fifth term expiring on July 1 of each eighth year after July 1, 1963. The terms of office of utilities commissioners thereafter shall be six years commencing on July 1 of the year in which the predecessor terms expired, and ending on July 1 June 30 of the sixth year thereafter.
(c) In order to increase the number of commissioners to seven, the names of two additional commissioners shall be submitted to the General Assembly on or before May 27, 1975, for confirmation by the General Assembly as provided in G.S. 62-10(a). The commissioners so appointed and confirmed shall serve new terms commencing on July 1, 1975, one of which shall be for a period of two years (with the immediate successor serving for a period of six years), and one of which shall be for a period of two years.
Thereafter, the terms of office of the additional commissioners shall be for six years as provided in G.S. 62-10(b).
(d) A commissioner in office shall continue to serve until his successor is duly confirmed and qualified but such holdover shall not affect the expiration date of such succeeding term.
(e) On July 1, 1965, and every four years thereafter, one of the commissioners shall be designated by the Governor to serve as chairman of the Commission for the succeeding four years and until his successor is duly confirmed. Upon death, end of term, or resignation of the commissioner appointed as chairman, the Governor shall designate the chairman from the remaining commissioners and appoint a successor as hereinafter provided to fill the vacancy on the Commission.
(f) In case of death, incapacity, resignation or vacancy for any other reason in the office of any commissioner prior to the expiration of his term of office, the name of his successor shall be submitted by the Governor within four weeks after the vacancy arises to the General Assembly for confirmation by the General Assembly. Upon failure of the Governor to submit the name of the successor, the Lieutenant Governor and Speaker of the House jointly shall submit the name of a successor to the General Assembly within six weeks after the vacancy arises. Regardless of the way in which names of commissioners are submitted, confirmation of commissioners must be accomplished prior to the adjournment of the then current session of the General Assembly.
(g) If a vacancy in the office of any commissioner arises or exists pursuant to either subsection (a) or (e) or (f) of this section when the General Assembly is not in session, and the appointment is deemed urgent by the Governor, the commissioner may be appointed and serve on an interim basis pending confirmation by the General Assembly.

SECTION 2.5.(b) G.S. 62-10(a), as amended by subsection (a) of this section, reads as rewritten:

"(a) The North Carolina Utilities Commission shall consist of seven five commissioners who shall be appointed by the Governor subject to confirmation by the General Assembly by joint resolution. The names of commissioners to be appointed by
the Governor shall be submitted by the Governor to the General Assembly for confirmation by the General Assembly on or before May 1, of the year in which the terms for which the appointments are to be made are to expire. Upon failure of the Governor to submit names as herein provided, the Lieutenant Governor and Speaker of the House jointly shall submit the names of a like number of commissioners to the General Assembly on or before May 15 of the same year for confirmation by the General Assembly. Regardless of the way in which names of commissioners are submitted, confirmation of commissioners must be accomplished prior to adjournment of the then current session of the General Assembly.

SECTION 2.5.(c) Reduce Terms and Number of Commissioners. – The terms held by commissioners serving on the Commission as of January 1, 2013, for terms of office that expire on June 30, 2017, shall instead expire June 30, 2015. The term of any appointee confirmed by the General Assembly to fill the unexpired term of the position on the Commission vacant as of January 1, 2013, shall expire on June 30, 2015, instead of June 30, 2017. To reduce the number of Commissioners as provided in subsection (b) of this section, two of the positions that are vacant as of July 1, 2015, are eliminated as of July 1, 2015.

SECTION 2.5.(d) Appointments by the Governor. – By May 1, 2013, the Governor shall submit two names of appointees subject to confirmation by the General Assembly for positions on the Commission for terms that shall begin on July 1, 2013, and expire on June 30, 2017. Appointees submitted by the Governor for these positions shall conform to all of the requirements of G.S. 62-10, including the requirements enacted by Section 2.5(a) of this act.

SECTION 2.5.(e) Subsection (a) of this section becomes effective July 1, 2013. Subsection (b) of this section becomes effective July 1, 2015. The remainder of this section is effective when it becomes law.
odd-numbered districts shall be initially appointed to four-year terms. Thereafter as the
terms of the office of the members of the Commission appointed by the Governor from
the several wildlife districts expire, their successors shall be appointed for terms of six
four years each. As the terms of office of the members of the Commission appointed by
the General Assembly expire, their successors shall be appointed for terms of two years
each. All members appointed by the Governor serve at the pleasure of the Governor that
appointed them and they may be removed by that Governor at any time. A successor to
the appointing Governor may remove a Commission member only for cause as provided
in G.S. 143B-13. Members appointed by the General Assembly serve at the pleasure of
that body and may be removed by law at any time. In the event that a Commission
member is removed, the member appointed to replace the removed member shall serve
only for the unexpired term of the removed member.”

SECTION 2.6.(b) G.S. 143-243 reads as rewritten:

"§ 143-243. Organization of the Commission; election of officers; Robert's Rules of
Order.
The Commission shall hold at least two meetings annually, one in January and one in
July, and a majority of the members of the Commission shall constitute a quorum
for the transaction of business. Additional meetings may be held at such other times
within the State as may be deemed necessary for the efficient transaction of the business
of the Commission. The Commission may hold additional or special meetings at any time
at the call of the chairman or on call of any five members of the Commission. The
Commission shall determine its own organization and methods of procedure in
accordance with the provisions of this Article, and shall have an official seal, which shall
be judicially noticed.
At the first scheduled meeting of the Commission after July 1, 1977, and on July 1 of
each odd-numbered year thereafter, the Commission shall select from among its
membership a chairman and a vice-chairman who shall serve for terms of two years or
until their successors are elected and qualified. The Secretary of Environment and
Natural Resources or his designee shall serve as secretary of the Commission.
The chairman shall guide and coordinate the official actions and official activities of the
Commission in fulfilling its program responsibility for (i) the appointment and separation
of the executive director of the Commission, (ii) organizing the personnel of the
Commission, (iii) setting the statewide policy of the Commission, (iv) budgeting and
planning the use of the Wildlife and Motorboat Funds, subject to the approval of the
General Assembly, (v) holding public hearings, and (vi) adopting rules as authorized by
law. The chairman shall report to and advise the Governor on the official actions and
work of the Commission and on all wildlife conservation and boating safety matters that
affect the interest of the people of the State.
Meetings of the Commission shall be conducted pursuant to Robert's Rules of Order.”

NORTH CAROLINA TURNPIKE AUTHORITY

SECTION 2.7. G.S. 136-89.182 reads as rewritten:

(a) Creation. – There is created a body politic and corporate to be known as the "North Carolina Turnpike Authority". The Authority is constituted as a public agency,
and the exercise by the Authority of the powers conferred by this Article in the
construction, operation, and maintenance of toll roads and bridges shall be deemed and
held to be the performance of an essential governmental function.
(b) Administrative Placement. – The Authority shall be located within the
Department of Transportation and shall be subject to and under the direct supervision of
the Secretary of Transportation.
(c) **Authority Board.** The Board of Transportation is ex officio the Authority Board of the North Carolina Turnpike Authority. The North Carolina Turnpike Authority shall be governed by a nine-member Authority Board consisting of two members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, two members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121, four members appointed by the Governor, and the Secretary of Transportation. Each appointing authority shall appoint members who reside in diverse regions of the State. The Chair of the Authority shall be selected by the Authority Board.

(d) **Board of Transportation Members.** Members of the North Carolina Board of Transportation may serve as members of the Authority Board.

(e) **Staggered Terms.** One of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the Speaker of the House of Representatives, and three of the initial appointments of the Governor shall be appointed to terms ending January 14, 2007. One of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, one of the initial appointments to the Authority Board by the General Assembly upon the recommendation of the Speaker of the House of Representatives, and one of the initial appointments of the Governor shall be appointed to terms ending January 14, 2005. The Secretary of Transportation shall serve as an ex officio voting member of the Board. Thereafter, at the expiration of each stipulated term of office, all appointments shall be to a term of four years from the date of the expiration of the term.

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

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

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

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

(j) **Bylaws.** The Authority Board shall adopt, change, or amend bylaws with respect to the calling of meetings, quorums, voting procedures, the keeping of records, and other organizational, staffing, and administrative matters as the Authority Board may determine. Any bylaws, or subsequent changes or amendments to the bylaws, shall be included in the Annual Report as required by G.S. 136-89.193.

(k) **Executive Director and Administrative Employees.** The Authority Board shall appoint an Executive Director, whose salary shall be fixed by the Authority, to serve at its pleasure. The Secretary of Transportation, or the Secretary’s designee, The Executive Director shall be the Authority’s chief administrative officer and shall be responsible for the daily administration of the toll roads and bridges constructed, maintained, or operated pursuant to this Article. The Secretary, or the Secretary’s designee, The Executive Director or his designee shall appoint, employ, dismiss, and, within the limits approved by the Authority Board, fix the compensation of administrative employees as the Executive Director deems necessary to carry out this Article.
Office. – The offices of the Authority may be housed in one or more facilities of the Department of Transportation."

**SPECIAL SUPERIOR COURT JUDGES**

**SECTION 2.8.** G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a8) Notwithstanding any other provision of this section, except as to the three special judges designated as of January 1, 2013, under G.S. 7A-45.3 as business court judges, any special judge seat established by this section is abolished effective on the expiration of the term being served on April 1, 2013."

**STATE BOARD OF ELECTIONS**

**SECTION 2.9.(a)** G.S. 163-19 reads as rewritten:

"§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of office.

All of the terms of office of the present members of the State Board of Elections shall expire on May 1, 1969, or when their successors in office are appointed and qualified.

(a) The State Board of Elections shall consist of five registered voters whose terms of office shall begin on May 1, 1969, and shall continue for four years, and until their successors are appointed and qualified. The Governor shall appoint the members of this Board and likewise shall appoint their successors every four years at the expiration of each four-year term. No person may serve more than three four-year terms, and the term of any person currently serving on this Board who has served more than three four-year terms shall terminate on the effective date of this sentence.

(b) Not more than three members of the Board shall be members of the same political party. The Governor shall appoint the members from a list of nominees submitted to him by the State party chairman of each of the two political parties having the highest number of registered affiliates as reflected by the latest registration statistics published by the State Board of Elections. Each party chairman shall submit a list of five nominees who are affiliated with that political party.

(c) Any vacancy occurring in the Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a list of three nominees submitted to him by the State party chairman of the political party that nominated the vacating member as provided by the preceding paragraph. The three nominees must be affiliated with that political party.

(c1) Notwithstanding subsection (c) of this section, if (i) a vacancy occurs in the State Board of Elections during the period beginning when a Governor takes office after election and ending April 30 of that year, (ii) the Governor is a member of a different political party than the preceding Governor, and (iii) the vacating member is not a member of the same political party as the new Governor, then the first such vacancy occurring in the Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term. The Governor shall fill the vacancy from among lists of three nominees submitted by the State party chair of each of the political parties with registered voters, as reflected by the latest registration statistics published by the State Board of Elections. Nominees of a party chair must be affiliated with that party. Failure by a party chair to submit such a list within five days of request by the Governor constitutes a waiver of the requirement that the party submit a list.

(d) At the first meeting held after new appointments are made, the members of the State Board of Elections shall take the following oath:

"I, __________, do solemnly swear (or affirm) that I will support the Constitution of the United States; 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
can be established for the government thereof; that I will
endeavor to support, maintain and defend the Constitution of
said State, and that I will well and truly execute the duties of the
office of member of the State Board of Elections according to
the best of my knowledge and ability, according to law, so help
me, God."

After taking the prescribed oath, the Board shall organize by electing one of its members
chairman and another secretary.

(e) No person shall be eligible to serve as a member of the State Board of
Elections who holds any elective or appointive office under the government of the United
States, or of the State of North Carolina or any political subdivision thereof. No person
who holds any office in a political party, or organization, or who is a candidate for
nomination or election to any office, or who is a campaign manager or treasurer of any
candidate in a primary or election shall be eligible to serve as a member of the State
Board of Elections."

SECTION 2.9. (b) This section is effective when this act becomes law.

STATE BOARD OF EDUCATION

SECTION 2.11. G.S. 115C-11(a) and (b) read as rewritten:

"§ 115C-11. Organization and internal procedures of Board.
(a) Presiding Officer. – The Governor shall appoint a chairman from among
the membership of the State Board of Education. The chairman shall serve in that role at
the pleasure of the Governor. The State Board of Education shall elect from its
membership a chairman and vice-chairman. A majority of the Board shall constitute a
quorum for the transaction of business. Per diem and expenses of the appointive members
of the Board shall be provided by the General Assembly. The chairman of the Board shall
preside at all meetings of the Board. In the absence of the chairman, the vice-chairman
shall preside; in the absence of both the chairman and the vice-chairman, the Board shall
name one of its own members as chairman pro tempore.

(h) Rules and Regulations. – The Board shall adopt reasonable rules and
regulations not inconsistent herewith, to govern its proceedings which the Board may
amend from time to time, which rules and regulations shall become effective when filed
as provided by law: Provided, however, a motion to suspend the rules so adopted shall
require a consent of two-thirds of the members. The rules and regulations shall include,
but not be limited to, clearly defined procedures for electing the officers vice-chairman
and chairman pro tempore of the State Board referred to in G.S. 115C-11(a), fixing the
term of said officers, the vice-chairman, specifying how the voting shall be carried out,
and establishing a date when the first election shall be held."

NORTH CAROLINA STATE LOTTERY COMMISSION

SECTION 2.12. (a) G.S. 18C-11 reads as rewritten:

"§ 18C-111. Commission membership; appointment; selection of chair; vacancies;
removal; meetings; compensation.
(a) The Commission shall consist of nine members, five of whom shall be
appointed by the Governor, two of whom shall be appointed by the General Assembly
upon the recommendation of the President Pro Tempore of the Senate, and two of whom
shall be appointed by the General Assembly upon the recommendation of the Speaker of
the House of Representatives. Commissioners may be removed by the appointing
authority for cause. The Governor shall select the chair of the Commission from among
its membership, who shall serve at the pleasure of the Governor.
(b) The terms of all members serving on the Commission as of January 1, 2013, shall terminate on the effective date of this section. No later than July 1, 2013, the Governor shall appoint five members to serve terms of two years, three members shall serve a term of one year, one member shall serve a term of two years, and one member shall serve a term of three years. Of the initial appointees of the Governor, one member shall serve a term of two years, and one member shall serve a term of three years. Of the initial appointees of the Governor, one member shall serve a term of two years, and one member shall serve a term of three years. No later than July 1, 2013, the Governor shall appoint two members to serve terms of two years. Of the initial appointees of the Governor, one member shall serve a term of two years, and one member shall serve a term of three years. No later than July 1, 2013, the General Assembly shall appoint two members to serve terms of two years. Of the initial appointees of the Governor, one member shall serve a term of two years, and one member shall serve a term of three years. Initial terms shall expire on June 30 of the year of expiration. All succeeding appointments shall be for terms of five years. Members shall not serve for more than two successive terms.

(c) Vacancies shall be filled by the appointing authority for the unexpired portion of the term in which they occur.

(d) The Commission shall meet at least quarterly upon the call of the chair. A majority of the total membership of the Commission shall constitute a quorum.

(e) Members of the Commission shall receive per diem, subsistence, and travel as provided in G.S. 138-5 and G.S. 138-6.

SECTION 2.12.(b) This section is effective when this act becomes law.

CHARTER SCHOOL ADVISORY COMMITTEE

SECTION 2.13.(a) G.S. 115C-238.29I(d) is repealed.

SECTION 2.13.(b) The North Carolina Charter School Advisory Council, as established by the State Board of Education on August 4, 2011, by Policy TCS-B-006, is abolished.

SECTION 2.13.(c) This section is effective when this act becomes law.

BOARD OF TRANSPORTATION

SECTION 2.14.(a) G.S. 143B-350(b)(1) reads as rewritten:

"(1) Number, appointment. – The Board of Transportation shall have 1921 voting members. Fourteen of the members shall be division members appointed by the Governor. Five shall be at-large members appointed by the Governor. One shall be an at-large member appointed by the General Assembly upon recommendation of the President Pro Tempore of the Senate, and one shall be an at-large member appointed by the General Assembly upon recommendation of the Speaker of the House of Representatives. At least three members of the Board appointed by the Governor shall be registered voters of a political party other than the political party of the Governor. The Secretary of Transportation shall serve as an ex officio nonvoting member of the Board. No more than two members of the Board appointed by the Governor may reside in the same highway division."

SECTION 2.14.(b) G.S. 143B-350(c) reads as rewritten:

"(c) Staggered Terms. – The terms of all Board members serving on the Board prior to January 15, 2001, shall expire on January 14, 2001. A new board of 19 members shall be appointed with terms beginning on January 15, 2001. The Board shall serve the following terms: division members representing divisions 1, 3, 5, 7, 9, 11, and 13 and the three at-large members filling the positions designated in sub subdivisions (b)(2)a., b., and c. of this section shall serve four-year terms beginning on January 15, 2001, and
four-year terms thereafter; and division members representing divisions 2, 4, 6, 8, 10, 12, and 14 and the two at-large members filling the positions designated in sub-subdivisions (b)(3)c. and d. of this section shall serve two-year terms beginning January 15, 2001, and four-year terms thereafter. The terms of members shall be for four years beginning January 15, 2013, and quadrennially thereafter, except that the terms of at-large members appointed by the General Assembly shall be for two years beginning on January 15, 2013, and biennially thereafter."

SECTION 2.14.(c) The terms of the nine members of the Board of Transportation previously appointed for terms expiring January 14, 2015, expire upon appointment of their replacements as provided in this section. The Governor shall designate for each of the nine new appointments which member is being replaced.

DIETETICS/NUTRITION BOARD

SECTION 2.15.(a) G.S. 90-353 reads as rewritten:

"§ 90-353. Creation of Board.

(a) The North Carolina Board of Dietetics/Nutrition is created. The Board shall consist of seven members as follows:

(1) One member shall be a professional whose primary practice is clinical dietetics/nutrition;
(2) One member shall be a professional whose primary practice is community or public health dietetics/nutrition, or an educator on the faculty of a college or university specializing in the field of dietetics/nutrition;
(3) One member shall be a professional whose primary practice is consulting in dietetics/nutrition;
(4) One member shall be a professional whose primary practice is in management of nutritional services;
(5) One member shall be an educator on the faculty of a college or university specializing in the field of dietetics/nutrition;
(6) Two members shall represent the public at large.

(b) Professional members of the Board shall:

(1) Be citizens of the United States and residents of this State;
(2) Have practiced in the field of dietetics/nutrition for at least five years; and
(3) Be licensed under this Article, except that initial appointees shall be licensed under this Article no later than March 31, 1992.

(c) The members of the Board appointed from the public at large shall be citizens of the United States and residents of this State and shall not be any of the following:

(1) A dietician/nutritionist.
(2) An agent or employee of a person engaged in the profession of dietetics/nutrition.
(3) A licensed health care professional or enrolled in a program to become prepared to be a licensed health care professional.
(4) An agent or employee of a health care institution, a health care insurer, or a health care professional school.
(5) A member of any allied health profession or enrolled in a program to become prepared to be a member of an allied health profession.
(6) The spouse of an individual who may not serve as a public member of the Board."

SECTION 2.15.(b) G.S. 90-354(a) reads as rewritten:

"(a) The members of the Board shall be appointed as follows:

(1) The Governor shall appoint the three professional members described in G.S. 90-354(a)(5) and the two public members described in G.S. 90-354(a)(6); G.S. 90-354(a);

(2) The General Assembly upon the recommendation of the Speaker of the House of Representatives shall appoint the professional member, one member representing the public described in G.S. 90-354(a)(1) and G.S. 90-354(a)(2) in accordance with G.S. 120-121, one of whom shall be a nutritionist with a masters or higher degree in a nutrition-related discipline; G.S. 120-121; and

(3) The General Assembly upon the recommendation of the President Pro Tempore of the Senate shall appoint one member representing the public the professional members described in G.S. 90-354(a)(3) and G.S. 90-354(a)(4) in accordance with G.S. 120-121, one of whom shall be a nutritionist with a masters or higher degree in a nutrition-related discipline; G.S. 120-121.

(b) The terms of all members of the Board serving on January 1, 2013, shall expire June 30, 2013. Members of the Board shall take office on the first day of July immediately following the expired term of that office and shall serve for a term of three years and until their successors are appointed and qualified."

OFFICE OF ADMINISTRATIVE HEARINGS

SECTION 2.18.(a) G.S. 7A-753 reads as rewritten:

"§ 7A-753. Additional administrative law judges; appointment; specialization. The Chief Administrative Law Judge shall appoint additional administrative law judges to serve in the Office of Administrative Hearings in such numbers as the General Assembly provides. Each administrative law judge appointed under this section shall serve a term of four years. No person shall be appointed or designated an administrative law judge except as provided in this Article. The Chief Administrative Law Judge may designate certain administrative law judges as having the experience and expertise to preside at specific types of contested cases and assign only these designated administrative law judges to preside at those cases."

SECTION 2.18.(b) G.S. 7A-760(a) reads as rewritten:

"(a) The number of administrative law judges and employees of the Office of Administrative Hearings shall be established by the General Assembly. The Chief Administrative Law Judge is exempt from provisions of the State Personnel Act as provided by G.S. 126-5(c1)(26). Administrative law judges appointed in accordance with G.S. 7A-753 are exempt from the provisions of the State Personnel Act. All other employees of the Office of Administrative Hearings are subject to the State Personnel Act."

SECTION 2.18.(c) Section 2.18(a) is effective when it becomes law and applies to any administrative law judge appointed on or after the effective date of this act. Section 2.18(b) is effective when it becomes law and applies to any administrative law judge serving on or after the effective date of this act.

PART III. EFFECTIVE DATE

SECTION 3.1. If any provision of this act or its application is held invalid, the invalidity does not affect other provisions or applications of this act that can
be given effect without the invalid provisions or application, and to this end the provisions of this act are severable.

SECTION 3.2. Unless otherwise provided, this act is effective when it becomes law. If the terms of office eliminated in this act have not been set out, then the appointing authorities shall determine by July 1, 2013, which terms to eliminate to achieve the membership totals pursuant to this act. After determining which terms to eliminate, the appointing authority shall notify in writing all the persons and entities required to receive notification pursuant to G.S. 143-47.7.

S.B. 127

The full text of the proposed Conference Committee Substitute, S127-PCCS85273-TDx-3, was submitted July 24, 2013, (see page 1192) and reads as follows:

A BILL TO BE ENTITLED
AN ACT TO (1) PERMIT THE DEPARTMENT OF COMMERCE TO CONTRACT WITH A NORTH CAROLINA NONPROFIT CORPORATION FOR THE PERFORMANCE OF CERTAIN ECONOMIC DEVELOPMENT FUNCTIONS; (2) MODIFY THE NORTH CAROLINA BOARD OF SCIENCE AND TECHNOLOGY; (3) CREATE COLLABORATION FOR PROSPERITY ZONES; (4) REQUIRE CERTAIN LIAISONS IN EACH COLLABORATION FOR PROSPERITY ZONE; (5) STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY; (6) MODIFY REPEAL OF CERTAIN REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS; (7) AUTHORIZE THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ISSUE PERMITS ON OR AFTER JULY 1, 2015, FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES IN THE STATE, INCLUDING THE USE OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE; AND (8) PROVIDE A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE, REPEAL OUTDATED OIL AND GAS TAX STATUTES, AND AUTHORIZE THE SUSPENSION OF PERMITS FOR FAILURE TO FILE A RETURN FOR SEVERANCE TAXES.

The General Assembly of North Carolina enacts:

PART I. AUTHORIZE CONTRACTING OF ECONOMIC DEVELOPMENT FUNCTIONS BY THE DEPARTMENT OF COMMERCE

SECTION 1.1. Part 1 of Article 10 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-431A. Department of Commerce – contracting of functions.
(a) Purpose. – The purpose of this section is to establish a framework whereby the Department of Commerce may support through financial and other means one or more nonprofit corporations that will render advisory, research, and recruiting recommendations regarding incentives or grant awards for fostering and retaining jobs and business development, marketing, and consultation in the development of a comprehensive, long-range strategic plan for economic development through public and private means. It is the intent of the General Assembly that the Department develops a plan to work cooperatively with nonprofit corporations for these purposes while
safeguarding programmatic transparency and accountability as well as the fiscal integrity of economic development programs of the State.

(b) **Contract.** – The Department of Commerce is authorized to contract with one or more North Carolina nonprofit corporations to perform one or more of the Department's functions, powers, duties, and obligations set forth in G.S. 143B-431, except as provided in this subsection. If the Department contracts with a North Carolina nonprofit corporation to promote and grow the travel and tourism industries, then all funds appropriated to the Department for tourism marketing purposes shall be used for a research-based comprehensive marketing program directed toward consumers in key markets most likely to travel to North Carolina and not for ancillary activities, such as statewide branding and business development marketing. The Department may not contract with a North Carolina nonprofit corporation regarding any of the following:

1. The obligation or commitment of funds under this Article, such as the One North Carolina Fund, the Job Development Investment Grant Program, the Industrial Development Fund, or the Job Maintenance and Capital Development Fund, by a North Carolina nonprofit corporation.
2. The Division of Employment Security, including the administration of unemployment insurance.
3. The functions set forth in G.S. 143B-431(a)(2).
4. The administration of funds or grants received from the federal government or its agencies.

(c) **Oversight.** – There is established the Economic Development Oversight Committee, which is a Board as that term is defined in G.S. 138A-3 of the State Government Ethics Act. The Committee shall consist of seven members as follows: the Secretary of Commerce as Chair of the Committee, the Secretary of Transportation, the Secretary of Environment and Natural Resources, the Secretary of Revenue, one member appointed by the Speaker of the House of Representatives, one member appointed by the President Pro Tempore of the Senate, and one member jointly appointed by the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The members of the Committee who are appointed by the Speaker of the House of Representatives or by the President Pro Tempore of the Senate may not be members of the General Assembly. The Committee shall meet at least quarterly upon the call of the chair. The duties of the Committee shall include all of the following:

1. Monitoring and oversight of the performance of a contract entered into pursuant to this section by the Department with a North Carolina nonprofit corporation.
2. Receiving, reviewing, and referring complaints regarding the contract or the performance of the nonprofit corporation, as appropriate.
3. Requesting enforcement of the contract by the Attorney General or the Department.
4. Auditing, at least biennially, either by use of the State Auditor or internal auditors of the Department, of the records of a North Carolina nonprofit corporation with which the Department has contracted pursuant to this section during and after the term of the contract to verify data affecting performance and reports.
5. Coordination of economic development grant programs of the State between the Department of Commerce, the Department of Transportation, and the Department of Environment and Natural Resources.
(6) Any other duties deemed necessary by the Committee.

(d) Limitations. – Prior to contracting with a North Carolina nonprofit corporation pursuant to this section and in order for a North Carolina nonprofit corporation to receive State funds, the following conditions shall be met:

(1) At least 45 days prior to entering into or amending in a nontechnical manner a contract authorized by this section, the Department shall submit the contract or amendment, along with a detailed explanation of the contract or amendment, to the Joint Legislative Commission on Governmental Operations and the Fiscal Research Division.

(2) The North Carolina nonprofit corporation adheres to the following governance provisions related to its governing board:

a. The board shall be composed of 17 voting members as follows: eight members and the chair appointed by the Governor, four members appointed by the Speaker of the House of Representatives, and four members appointed by the President Pro Tempore of the Senate. The Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate shall each select members so as to reflect the diversity of the State's geography, and each member appointed by the Governor shall have expertise in one or more of the following areas:
   1. Agribusiness, as recommended by the Commissioner of Agriculture.
   2. Financial services.
   3. Information technology.
   4. Biotechnology or life sciences.
   5. Energy.
   7. Military or defense.
   8. Tourism, as jointly recommended by the North Carolina Travel and Tourism Coalition and the North Carolina Travel Industry Association.
   9. Retail, distribution, and logistics.

b. No member of the board may take any official action or use the member's official position to profit in any manner the board member's immediate family, a business with which the board member or the board member's immediate family has a business association, or a client of the board member or the board member's immediate family with whom the board member, or the board member's immediate family, has an existing business relationship for matters before the board. No board member shall attempt to profit from a proposed project of the Department if the profit is greater than that which would be realized by other persons living in the area where the project is located. If the profit under this subsection would be greater for the board member
than other persons living in the area where the project is located, not only shall the member abstain from voting on that issue, but once the conflict of interest is apparent, the member shall not discuss the project with any other board member or other officer or employee of the Department except to state that a conflict of interest exists. Under this sub-subdivision, a board member is presumed to profit if the profit would be realized by a board member's immediate family, a business with which the board member or the board member's immediate family has a business association, or a client of the board member or the board member's immediate family with whom the board member, or the board member's immediate family, has an existing business relationship for matters before the board. No board member, in contemplation of official action by the board member, by the board, or in reliance on information that was made known to the board member in the board member's official capacity and that has not been made public, shall (i) acquire a pecuniary interest in any property, transaction, or enterprise or gain any pecuniary benefit that may be affected by such information or official action or (ii) intentionally aid another to do any of the above acts. As used in this sub-subdivision, the following terms mean:

1. **Board.** – The governing board of a nonprofit corporation with which the Department contracts pursuant to this section.
2. **Board member.** – A member of the board.
3. **Business association.** – A director, employee, officer, or partner of a business entity, or owner of more than ten percent (10%) interest in any business entity.
4. **Department.** – The Department of Commerce.
5. **Immediate family.** – Spouse, children, parents, brothers, and sisters.
6. **Official action.** – Actions taken while a board member related to or in connection with the person's duties as a board member, including, but not limited to, voting on matters before the board, proposing or objecting to proposals for economic development actions by the Department or the board, discussing economic development matters with other board members or Department staff or employees in an effort to further the matter after the conflict of interest has been discovered, or taking actions in the course and scope of the
position as a board member and actions leading to or resulting in profit.

7. Profit. – Receive monetary or economic gain or benefit, including an increase in value whether or not recognized by sale or trade.

c. No State officer or employee may serve on the board.

d. The board shall meet at least quarterly at the call of its chair. Each quarter and upon request, the board shall report to the Chair of the Economic Development Oversight Committee on the progress of the State's economic development.

(3) The amount of State funds that may be used for the annual salary of any one employee of a corporation shall not exceed the amount most recently set by the General Assembly in a Current Operations Appropriations Act.

(e) Mandatory Contract Terms. – Any contract entered into under this section must include all of the following:

(1) A provision requiring the corporation provide to the Joint Legislative Economic Development and Global Engagement Oversight Committee, the Department of Commerce, and the Fiscal Research Division a copy of the corporation's annual audited financial statement within seven days of issuance of the statement.

(2) A provision requiring the corporation to provide, by September 1 of each year, and more frequently as requested, a report to the Department on prior State fiscal year program activities, objectives, and accomplishments and prior State fiscal year itemized expenditures and fund sources. The report shall also include (i) jobs anticipated to result and actually resulting from efforts of the nonprofit corporation, (ii) developed performance metrics of economic development functions, itemized by county, by development tier area designation as defined by G.S. 143B-437.08, and by Collaboration for Prosperity Zone created pursuant to G.S. 143B-28.1, and (iii) any proposed amendments to the areas of expertise required to be represented on the governing board of the corporation.

(3) A provision providing that, upon termination of the contract or a request by the Department of enforcement of the contract by the Attorney General, or upon action of the General Assembly repealing the charter of a nonprofit corporation with which the Department has contracted under this section and to which the Department has provided assets or funds, all assets and funds of the nonprofit corporation, including financial and operational records and the right to receive future funds pursuant to the contract, will be returned to the Department for economic development purposes. For purposes of this subdivision, assets and funds of the nonprofit corporation include assets and funds of any subsidiary or affiliate of the nonprofit corporation. An affiliate of the nonprofit corporation exists when both are directly or indirectly controlled by the same parent corporation or by the same or associated financial interests by stock
ownership, interlocking directors, or by any other means whatsoever, whether the control is direct or through one or more subsidiary, affiliated, or controlled corporations.

(4) A provision providing that any recommendation or advice to the Department be accompanied by a statement indicating whether the corporation or any affiliated member of the corporation has received, directly or indirectly, any gift, contribution, or item or service of value for which fair market value was not paid if such was received from an entity that is the subject of the recommendation or advice. The statement shall also include the amount and date of each gift, contribution, or item or service of value received.

(5) A certification by the North Carolina nonprofit corporation that it is in compliance with the requirements of Chapter 55A of the General Statutes.

(6) A provision providing that the corporation shall adopt and publish a resolution or policy containing a code of ethics to guide actions by the governing board members in the performance of the member's duties as a member of that governing board. The resolution or policy required by this subdivision shall address at least all of the following:
   a. The need to obey all applicable laws regarding actions taken as a board member.
   b. The need to uphold the integrity and independence of the board.
   c. The need to avoid impropriety in the exercise of the board member's duties.
   d. The need to faithfully perform the board member's duties.
   e. The need to conduct the affairs of the governing board in an open and public manner and to avoid conflicts of interest.

(f) Report. – By September 30 of each year, and more frequently as requested, the Department shall submit a report to the Joint Legislative Commission on Governmental Operations, the Joint Legislative Economic Development and Global Engagement Oversight Committee, and the Fiscal Research Division on any performance for which the Department has contracted pursuant to this section. The report shall contain, at a minimum, a copy of the most recent report required by the Department pursuant subdivision (2) of subsection (e) of this section, an executive summary of that report, a listing of each entity to which the nonprofit corporation has recommended awarding funds and the amount of funds recommended to be awarded, and any other information the Secretary determines is necessary or that is specifically requested in writing.

(g) Public Information. – A North Carolina nonprofit corporation with which the Department contracts pursuant to this section is subject to the requirements of Chapter 132 and Article 33C of Chapter 143 of the General Statutes.”

SECTION 1.2.(a) G.S. 143B-434 is repealed.

SECTION 1.2.(b) G.S. 143B-434.01 reads as rewritten:

"§ 143B-434.01. Comprehensive Strategic Economic Development Plan.

(a) Definitions. – The following definitions apply in this section:

†Board.—The Economic Development Board.
(6) Secretary. – The Secretary of Commerce or the governing board of a North Carolina nonprofit corporation with which the Department contracts pursuant to G.S. 143B-431A for the performance of the Secretary’s responsibilities under this section.

(b) Board to Prepare Plan. – The Board Secretary shall prepare, review and update the existing Plan by April 1, 1994, or on or before April 1 of each year. The Board shall review and update this Plan by April 1 of each year. The original Plan shall cover a period of four years and each annual update shall extend the time frame by one year so that a four-year plan is always in effect. The Board Secretary shall provide copies of the Plan and each annual update to the Governor and the Joint Legislative Commission on Governmental Operations. The Plan shall encompass all of the components set out in this section.

(c) Purpose. – The purpose of this section is to require the Board Secretary to apply strategic planning principles to its economic development efforts. This requirement is expected to result in:

(1) The selection of a set of priority development objectives that recognizes the increasingly competitive economic environment and addresses the changing needs of the State in a more comprehensive manner.

(2) The effective utilization of available and limited resources.

(3) A commitment to achieve priority objectives and to sustain the process.

(d) Public and Private Input. – At each stage as it develops and updates the Plan, the Board Secretary shall solicit input from all parties involved in economic development in North Carolina, including:

a. Each of the programs and organizations that, for State budget purposes, identifies economic development as one of its global goals.

b. Local economic development departments and regional economic development organizations.

c. The Board of Governors of The University of North Carolina.

(2) The Board Secretary shall also hold hearings in each of the Regions to solicit public input on economic development before the initial Plan is completed. The purposes of the public hearings are to:

a. Assess the strengths and weaknesses of recent regional economic performance.

b. Examine the status and competitive position of the regional resource base.

c. Identify and seek input on issues that are key to improving the economic well-being of the Region.

The Board Secretary shall hold additional hearings from time to time to solicit public input regarding economic development activities.

(3) Each component of the Plan shall be based on this broad input and, to the extent possible, upon a consensus among all affected parties. The Board Secretary shall coordinate its planning
process with any State capital development planning efforts affecting State infrastructure such as roads and water and sewer facilities.

(e) Environmental Scan. – The first step in developing the Plan shall be to develop an environmental scan based on the input from economic development parties and the public and on information about the economic environment in North Carolina. To prepare the scan, the Board Secretary shall gather the following information required in this subsection and ensure that the information is updated periodically. The updated information may be provided in whatever format and through whatever means is most efficient. The information required to prepare the scan includes all of the following:

(f) Repealed by Session Laws 2012-142, s. 13.4(a), effective July 1, 2012.

(g) Vision and Mission Statements. – The Board Secretary shall develop a vision statement for economic development that would describe the preferred future for North Carolina and what North Carolina would be like if all economic development efforts were successful. The Board Secretary shall then develop a mission statement that outlines the basic purpose of each of North Carolina's economic development programs. Because special purpose nonprofit organizations are uniquely situated to conduct the entrepreneurial and high-risk activity of investing in and supporting new business creation in the State, they should be assigned a dominant role in this key component of economic development activity.

(h) Goals and Objectives. – The Board Secretary, using data from the public input and the environmental scan, shall formulate a list of goals and objectives. Goals shall be long-range, four years or more, and shall address both needs of economically distressed Regions and counties as well as opportunities for Regions and counties not distressed. The goals shall be developed with realism but should also be selected so as to encourage every Region and county within the State to develop to its maximum potential. Objectives shall be one year or less in scope and shall, if achieved, lead to the realization of the goals formulated by the Board Secretary as provided in this section. Both goals and objectives should be stated largely in economic terms, that is, they should be related to specific population, employment, demographic targets, or economic sector targets. Both efficiency and equity considerations are to be addressed and balanced with special emphasis placed on the needs of disadvantaged or economically distressed populations and communities. The goals and objectives should not state how the economic targets are to be reached, but rather what the economic conditions will be if they are obtained. So that the progress of North Carolina's economic development efforts can be monitored, the Board Secretary shall set objectives for each goal that allow measurement of progress toward the goal. Objectives should be quantifiable and time-specific in order to serve as performance indicators.

(j) Implementation Plan. – Based upon all of the foregoing steps, the Board Secretary shall establish an implementation plan assigning to the appropriate parties specific responsibilities for meeting measurable objectives. The implementation plan shall contain all necessary elements so that it may be used as a means to monitor performance, guide appropriations, and evaluate the outcomes of the parties involved in economic development in the State.

(k) Annual Evaluation. – The Board Secretary shall annually evaluate the State's economic performance based upon the statistics listed in this subsection and upon the Board's Secretary's stated goals and objectives in its Plan. The statistics upon which the evaluation is made should be available to policymakers. The information may be provided in whatever format and through whatever means is most efficient.
Accountability. – The Board Secretary shall make all data, plans, and reports available to the General Assembly, the Joint Legislative Commission on Governmental Operations, the Joint Legislative Economic Development and Global Engagement Oversight Committee, the Senate Appropriations Committee on Natural and Economic Resources, and the House of Representatives Appropriations Subcommittee on Natural and Economic Resources at appropriate times and upon request. The Board Secretary shall prepare and make available on an annual basis public reports on each of the major sections of the Plan and the Annual Report indicating the degree of success in attaining each development objective.”

SECTION 1.2.(c) G.S. 143B-431A(d), as enacted by Section 1.1 of this act, is amended by adding the following new sub-subdivision to read:

“(d) Limitations. – Prior to contracting with a North Carolina nonprofit corporation pursuant to this section and in order for a North Carolina nonprofit corporation to receive State funds, the following conditions shall be met:

(2) The North Carolina nonprofit corporation adheres to the following governance provisions related to its governing board:

- The board is required to perform the following duties:
  1. To provide advice concerning economic and community development planning for the State, including a strategic business facilities development analysis of existing, available buildings or shell or special-use buildings and sites.
  2. To recommend economic development policy to the Secretary of Commerce, the General Assembly, and the Governor.
  3. To recommend annually to the Governor biennial and annual appropriations for economic development programs.
  4. To recommend how best to coordinate economic development efforts among the various agencies and entities, including those created by executive order of the Governor, that receive economic development appropriations, including the assignment of key responsibilities for different aspects of economic development and resource allocation and planning designed to encourage each agency to focus on its area of primary responsibility and not diffuse its resources by conducting activities assigned to other agencies.”

SECTION 1.2.(d) G.S. 143B-437.03 is repealed.

SECTION 1.3. The Department of Commerce shall study and develop a plan for contracting with one or more North Carolina nonprofit corporations for the performance of economic development and tourism marketing activities and duties of the Department, including a research-based tourism marketing program. The Department shall consult with various stakeholders from organizations involved in economic
development recruitment and activities in the State. The Department shall consider the benefits and costs of implementing the plan developed pursuant to this study, including increasing the ability of the State to respond in a timely manner to economic development opportunities; the advantages and likelihood of increased cooperation and synergies between established economic development funding streams; the ability to better leverage economic development funds to greater effect; personnel issues; issues relating to increased liability, if any; and safeguards and best practices to ensure proper use of and return on State funds expended for economic development. The Department shall examine the efforts of other states that have permitted public-private partnerships for economic development activities or other means to allow corporate entities to assist in the performance of economic development activities. The Department's plan shall include a schedule for implementation of contracting its activities and duties to one or more nonprofit corporations, and the schedule shall provide that the implementation occur in at least three phases, detailing which activities and duties shall be contracted in each phase and the anticipated advantages of the phased implementation.

The Department shall make a report to the Joint Legislative Commission on Governmental Operations no later than March 1, 2014, and prior to entering into a contract pursuant to G.S. 143B-431A, as enacted by this act.

SECTION 1.4. G.S. 126-5 reads as rewritten:

"§ 126-5. Employees subject to Chapter; exemptions.

(c2) The provisions of this Chapter shall not apply to:

(5) Officers and employees of a North Carolina nonprofit corporation with which the Department of Commerce has contracted pursuant to the authority granted in G.S. 143B-431A.

(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this Chapter, which is known as the State Personnel Act, the Governor may designate a total of 1,000 exempt positions throughout the following departments:

(2b) Designation of Liaison Positions. – Liaisons to the Collaboration for Prosperity Zones set out in G.S. 143B-28.1 for the Departments of Commerce, Environment and Natural Resources, and Transportation are designated as exempt.

..."

"§ 143B-472.80. North Carolina Board of Science and Technology; Science, Technology, and Innovation; creation; powers and duties.

The North Carolina Board of Science and Technology; Science, Technology, and Innovation of the Department of Commerce is created. The Board has the following powers and duties:

(4) To advise and make recommendations to the Governor, the General Assembly, the Secretary of Commerce, and the Economic Development Board of any North Carolina nonprofit corporation with which the Department of Commerce contracts pursuant to G.S. 143B-431A on the role of science and technology in the economic growth and development of North Carolina.

"§ 143B-472.81. North Carolina Board of Science and Technology; Science, Technology, and Innovation; membership; organization; compensation; staff services.

(a) The North Carolina Board of Science and Technology consists of the Governor, the Secretary of Commerce, and 23 members appointed as follows: the Governor shall appoint one member from the University of North Carolina at Chapel Hill, one member from North Carolina State University at Raleigh, and two members from other components of the University of North Carolina, one of which shall be from a historically black college or university, all nominated by the President of the University of North Carolina; one member from Duke University, nominated by the President of Duke University; one member from a private college or university, other than Duke University, in North Carolina, nominated by the President of the Association of Private Colleges and Universities; one member of the North Carolina Community College System; one member representing K-12 public education; one member from the Research Triangle Institute, nominated by the executive committee of the board of that institute; one member from the Microelectronics Center of North Carolina, nominated by the executive committee of the board of that center; one member from the North Carolina Biotechnology Center, nominated by the executive committee of the board of that center; four members from private industry in North Carolina, at least one of whom shall be a professional engineer registered pursuant to Chapter 89C of the General Statutes or a person who holds at least a bachelor's degree in engineering from an accredited college or university, and two members from public agencies in North Carolina; and seven at-large members. Two members shall be appointed by the General Assembly, one shall be appointed upon the recommendation of the President Pro Tempore of the Senate, and one shall be appointed upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121. The nominating authority for any vacancy on the Board among members appointed by the Governor shall submit to the Governor two nominations for each position to be filled, and the persons so nominated shall represent different disciplines.

SECTION 2.2. G.S. 143B-437.80 reads as rewritten:

"§ 143B-437.80. North Carolina SBIR/STTR Incentive Program.

(a) Program. – There is established the North Carolina SBIR/STTR Incentive Program to be administered by the North Carolina Board of Science and Technology; Science, Technology, and Innovation. In order to foster job creation and
economic development in the State, the Board may provide grants to eligible businesses to offset costs associated with applying to the United States Small Business Administration for Small Business Innovative Research (SBIR) grants or Small Business Technology Transfer Research (STTR) grants. The grants shall be paid from the One North Carolina Small Business Account established in G.S. 143B-437.71.

(c) Grant. – The North Carolina Board of Science and Technology Science, Technology, and Innovation may award grants to reimburse an eligible business for up to fifty percent (50%) of the costs of preparing and submitting a SBIR/STTR Phase I proposal, up to a maximum of three thousand dollars ($3,000). A business may receive only one grant under this section per year. A business may receive only one grant under this section with respect to each federal proposal submission. Costs that may be reimbursed include costs incurred directly related to preparation and submission of the grant such as word processing services, proposal consulting fees, project-related supplies, literature searches, rental of space or equipment related to the proposal preparation, and salaries of individuals involved with the preparation of the proposals. Costs that shall not be reimbursed include travel expenses, large equipment purchases, facility or leasehold improvements, and legal fees.

(d) Application. – A business shall apply, under oath, to the North Carolina Board of Science and Technology Science, Technology, and Innovation for a grant under this section on a form prescribed by the Board that includes at least all of the following:

SECTIONS 2.3. G.S. 143B-437.81 reads as rewritten:

§ 143B-437.81. North Carolina SBIR/STTR Matching Funds Program.
(a) Program. – There is established the North Carolina SBIR/STTR Matching Funds Program to be administered by the North Carolina Board of Science and Technology Science, Technology, and Innovation. In order to foster job creation and economic development in the State, the Board may provide grants to eligible businesses to match funds received by a business as a SBIR or STTR Phase I award and to encourage businesses to apply for Phase II awards.

(c) Grant. – The North Carolina Board of Science and Technology Science, Technology, and Innovation may award grants to match the funds received by a business through a SBIR/STTR Phase I proposal up to a maximum of one hundred thousand dollars ($100,000). Seventy-five percent (75%) of the total grant shall be remitted to the business upon receipt of the SBIR/STTR Phase I award and application for funds under this section. Twenty-five percent (25%) of the total grant shall be remitted to the business upon submission by the business of the Phase II application to the funding agency and acceptance of the Phase I report by the funding agency. A business may receive only one grant under this section per year. A business may receive only one grant under this section with respect to each federal proposal submission. Over its lifetime, a business may receive a maximum of five awards under this section.

(d) Application. – A business shall apply, under oath, to the North Carolina Board of Science and Technology Science, Technology, and Innovation for a grant under this section on a form prescribed by the Board that includes at least all of the following:

PART III. CREATION OF COLLABORATION FOR PROSPERITY ZONES
SECTION 3.1. Intent to create Collaboration for Prosperity Zones. – It is the intent of the General Assembly to establish geographically uniform zones in this State to facilitate collaborative and coordinated planning and use of resources, to improve
cooperation with other governmental and nonprofit entities at the local and regional level, to facilitate administrative efficiencies within State government, to receive advice on economic development issues by local boards established by a North Carolina nonprofit corporation with which the Department of Commerce contracts, and, to the extent feasible, to establish one-stop sources in each region for citizens and businesses seeking State services at a regional level.

SECTION 3.2. Article 1 of Chapter 143B of the General Statutes is amended by adding a new section to read:

"§ 143B-28.1. Create Collaboration for Prosperity Zones. For purposes of enhanced collaboration and cooperation between governmental agencies, planning, use of resources, and improved efficiency at a regional level, the State is hereby divided into eight zones as follows:

(1) Western Region, consisting of Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, Polk, Rutherford, Swain, and Transylvania Counties.

(2) Northwest Region, consisting of Alleghany, Ashe, Alexander, Avery, Burke, Caldwell, Catawba, McDowell, Mitchell, Watauga, Wilkes, and Yancey Counties.

(3) Southwest Region, consisting of Anson, Cabarrus, Cleveland, Gaston, Iredell, Lincoln, Mecklenburg, Rowan, Stanly, and Union Counties.

(4) Piedmont-Triad (Central) Region, consisting of Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Randolph, Rockingham, Stokes, Surry, and Yadkin Counties.


(6) Sandhills (South Central) Region, consisting of Bladen, Columbus, Cumberland, Hoke, Montgomery, Moore, Richmond, Robeson, Sampson, and Scotland Counties.


(8) Southeast Region, consisting of Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, and Wayne Counties."

SECTION 3.3. Agencies shall, by January 1, 2014, report to the Joint Legislative Commission on Governmental Operations and the Study Commission on Collaboration for Prosperity on how they plan to abolish regions and transform them into Collaboration for Prosperity Zones as defined by this act.

SECTION 3.4. This Part becomes effective July 1, 2013.

PART IV. REQUIRE AT LEAST ONE LIAISON IN EACH COLLABORATION FOR PROSPERITY ZONE

SECTION 4.1. No later than January 1, 2014, the Departments of Commerce, Environment and Natural Resources, and Transportation shall have at least one employee physically located in the same office in each of the Collaboration for Prosperity Zones set out in G.S. 143B-28.1 to serve as that department's liaison with the other departments and with local governments, schools and colleges, planning and development bodies, and businesses in that zone. The departments shall jointly select the
office. For purposes of this Part, the Department of Commerce may contract with a North Carolina nonprofit corporation pursuant to G.S. 143B-431A, as enacted by this act, to fulfill the departmental liaison requirements for each office in each of the Collaboration for Prosperity Zones.

No later than January 1, 2014, the Community Colleges System Office shall designate at least one representative from a community college or from the Community Colleges System Office to serve as a liaison in each Collaboration for Prosperity Zone for the community college system, the community colleges in the zone, and other educational agencies and schools within the zone. A liaison may be from a business center located in a community college. These liaisons are not required to be collocated with the liaisons from the Departments of Commerce, Environment and Natural Resources, and Transportation.

SECTION 4.2. In addition to other related tasks assigned by their respective agencies, liaisons in each Collaboration for Prosperity Zone shall work to enhance collaboration and cooperation between their departments and other State agencies, local governmental agencies, and other regional public and nonprofit entities. The liaisons from the Departments of Environment and Natural Resources and Transportation shall work to consolidate and simplify the process for citizens and businesses seeking permits from their respective agencies. The liaisons from the Department of Commerce shall be used to support local economic development efforts, to coordinate such efforts, and to coordinate the Department of Commerce’s activities within each Collaboration for Prosperity Zone. The liaisons from the community college system shall work closely with the Department of Commerce and other State and local governmental agencies and local businesses in the zone to promote job development through career technical education.

SECTION 4.3.(a) The Departments of Transportation and Environment and Natural Resources shall jointly report to the Office of State Budget and Management, the Joint Legislative Commission on Governmental Operations, the Joint Legislative Transportation Oversight Committee, the Environmental Review Commission, and the Study Commission on Interagency Collaboration for Prosperity, as follows:

(1) No later than January 1, 2014, on the establishment of collocated liaisons within each Collaboration for Prosperity Zone and a description of the activities the liaisons have been assigned to perform.

(2) No later than April 1, 2014, on the activities of the liaisons, specifically any activities undertaken that resulted in enhanced collaboration and coordination with the other Department and with other governmental agencies, improved administrative efficiencies, and any steps taken to make services to citizens and businesses within each zone more efficient, economical, and user-friendly.

SECTION 4.3.(b) The Community Colleges System Office shall report to the Office of State Budget and Management, the Joint Legislative Commission on Governmental Operations, the Joint Legislative Education Oversight Committee, and the Study Commission on Interagency Collaboration for Prosperity, as follows:

(1) No later than January 1, 2014, on the establishment of liaisons within each Collaboration for Prosperity Zone and a description of the activities the liaisons have been assigned to perform.

(2) No later than April 1, 2014, on the activities of the liaisons, specifically any activities undertaken that resulted in enhanced collaboration and coordination with other governmental
agencies, improved planning on use of educational resources, and improved administrative efficiencies.

SECTION 4.3. (c) The Department of Commerce shall include in its first report under G.S. 143B-431(c1), as enacted by this act, a report on the establishment and activities of its liaisons in each Collaboration for Prosperity Zone. The Department of Commerce shall send a copy of this report to the Office of State Budget and Management and to the Study Commission on Interagency Collaboration for Prosperity.

SECTION 4.4. The Departments of Commerce, Environment and Natural Resources, and Transportation and the Community Colleges System Office shall use funds available to carry out the requirements of this section.

SECTION 4.5. Except as otherwise provided, this Part becomes effective July 1, 2013, and expires July 1, 2017.

PART V. STUDY COMMISSION ON INTERAGENCY COLLABORATION FOR PROSPERITY

SECTION 5.1. (a) Creation of Commission. – The Study Commission on Interagency Collaboration for Prosperity is established in the General Assembly.

SECTION 5.1. (b) Membership. – The Study Commission on Interagency Collaboration for Prosperity shall consist of eight members, four members of the Senate appointed by the President Pro Tempore of the Senate and four members of the House of Representatives appointed by the Speaker of the House of Representatives.

SECTION 5.1. (c) Cochairs; Vacancies; Quorum. – The Study Commission on Interagency Collaboration for Prosperity shall have two cochairs, one designated by the President Pro Tempore of the Senate and one designated by the Speaker of the House of Representatives from among their respective appointees. The Commission shall meet upon the call of the cochairs. Any vacancy on the Commission shall be filled by the original appointing authority. A majority of the members of the Commission constitutes a quorum.

SECTION 5.1. (d) Compensation; Administration. – Members of the Study Commission on Interagency Collaboration for Prosperity shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1. The Commission, while in the discharge of its official duties, may exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet in the Legislative Building or the Legislative Office Building.

With approval of the Legislative Services Commission, the Legislative Services Officer shall assign professional staff to assist the Study Commission on Interagency Collaboration for Prosperity in its work. The House of Representatives' and the Senate's Directors of Legislative Assistants shall assign clerical staff to the Study Commission on Interagency Collaboration for Prosperity, and the expenses relating to the clerical employees shall be borne by the Commission. The Study Commission on Interagency Collaboration for Prosperity may contract for professional, clerical, or consultant services, as provided by G.S. 120-32.02.

SECTION 5.2. (a) Duties. – The Study Commission on Interagency Collaboration for Prosperity shall review the reports submitted by the Departments of Commerce, Environment and Natural Resources, and Transportation and the Community Colleges System Office pursuant to Part IV of this act and any other information the Commission deems relevant. The Commission may also study and recommend to the 2014 Regular Session of the 2013 General Assembly legislation on the following topics:

(1) Enhancing collaboration and cooperation between State and other governmental agencies in order to streamline and improve services to citizens and businesses, to make such services more
user-friendly, and to implement collaborative and cooperative interagency measures to enhance access to services.

(2) Reducing barriers faced by citizens and businesses in accessing services that are unnecessarily caused by agency specialization (which may produce a "silo mentality").

(3) Additional recommendations regarding liaison personnel, including expanding the requirement to other State departments.

(4) Ways to integrate collaboration between educational institutions in each Collaboration for Prosperity Zone on the one hand and other governmental agencies and local businesses on the other.

(5) Requiring the establishment of interagency one-stop shops in each Collaboration for Prosperity Zone.

(6) Consolidation of programs or services.

(7) Cross-training of employees.

(8) Identification of offices, equipment, and support services that may be efficiently and economically shared between agencies in each Collaboration for Prosperity Zone.

(9) The grouping of counties within each Collaboration for Prosperity Zone to determine whether there is a better configuration while keeping the same overall number of zones.

The report containing the recommendations shall identify any savings or costs identified by the Commission as likely to result from its recommendations.

SECTION 5.2.(b) Report. – The Study Commission on Interagency Collaboration for Prosperity shall report its recommendations under this section to the 2014 Regular Session of the 2013 General Assembly.

SECTION 5.2.(c) Agency Cooperation. – All State departments and agencies and local governments and their subdivisions shall furnish the Study Commission on Interagency Collaboration for Prosperity with any information in their possession or available to them.

SECTION 5.2.(d) Commission Termination. – The Study Commission on Interagency Collaboration for Prosperity shall terminate on the filing of its report or on July 1, 2014, whichever is later.

PART VI. MODIFY REPEAL OF REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS

SECTION 6.1. If Senate Bill 402, 2013 Regular Session of the General Assembly, becomes law and appropriates money to the Department of Commerce for allocation to the regional economic development commissions, then the Department shall retain disbursements to the commissions occurring on or after January 1, 2014, and those funds shall be available to the Department to use or allocate to a North Carolina nonprofit corporation for costs incurred on or after that date associated with State marketing and rebranding functions.

SECTION 6.2. If Senate Bill 402, 2013 Regular Session of the General Assembly, becomes law, then the title of Section 15.28 of that act reads as rewritten:

"REGIONAL ECONOMIC DEVELOPMENT COMMISSIONS/STATUTES CREATING COMMISSIONS REPEALED EFFECTIVE JUNE 30, 2014"

SECTION 6.3. If Senate Bill 402, 2013 Regular Session of the General Assembly, becomes law, Section 15.28(g) of that act reads as rewritten:

"SECTION 15.28.(g) This section becomes effective June 30, 2014, December 31, 2013."

SECTION 6.4. This Part is effective when it becomes law.
PART VII. PERMIT ISSUANCE FOR HORIZONTAL DRILLING AND HYDRAULIC FRACTURING

SECTION 7.1. All rules required to be adopted by the Mining and Energy Commission, the Environmental Management Commission, and the Commission for Public Health to create a modern regulatory program for the management of oil and gas exploration and development activities in the State, including the use of horizontal drilling and hydraulic fracturing for that purpose, shall be adopted no later than October 1, 2014, as provided in Section 2(m) of S.L. 2012-143. Effective July 1, 2015, the Department of Environment and Natural Resources and the Mining and Energy Commission are authorized to issue permits for oil and gas exploration and development activities using horizontal drilling and hydraulic fracturing treatments in the State pursuant to G.S. 113-395; however, the Department of Environment and Natural Resources and the Mining and Energy Commission shall not issue such permits until all rules required to be adopted pursuant to Section 2(m) of S.L. 2012-143 have become effective.

SECTION 7.2. Section 3(d) of S.L. 2012-143 is repealed.

SECTION 7.3. If Senate Bill 76, 2013 Regular Session, becomes law, then Section 1(c) of that act is repealed.

SECTION 7.4. This Part is effective when it becomes law.

PART VIII. SEVERANCE TAX

SECTION 8.1. Chapter 105 of the General Statutes is amended by adding a new Article to read:

"Article 5I

"Severance Tax.

"§ 105-187.71. Definitions.
The following definitions apply in this Article:

(1) Casinghead gas. – Gas or vapor indigenous to an oil stratum and produced from the stratum with oil.
(3) Condensate. – Liquid hydrocarbon that is or can be recovered from gas by a separator or other means.
(4) Energy mineral. – All forms of natural gas, oil, and related condensates.
(5) First purchaser. – A person who purchases an energy mineral from a producer.
(6) Gas. – All natural gas, including casinghead gas, and all other hydrocarbons not defined as condensates.
(7) High-cost gas well. – Any gas well that is completed as a well capable of producing high-cost gas.
(8) High-cost gas. – Natural gas that is (i) produced from any gas well completed within a shale formation, including, but not limited to, the Deep River Basin, the Dan River Basin, or their stratigraphic equivalents, as described in published stratigraphic nomenclature recognized by the North Carolina Geological Survey; (ii) produced from any gas well in which the production is from a completion that is located at a depth of more than 12,500 feet below the surface of the earth, where the term "depth" means the length of the maximum continuous drilling string of drill pipe used between the drill bit face and the drilling
rig's kelly bushing; (iii) produced from a tight gas formation; 
(iv) produced from geopressured brine; or (v) occluded natural 
gas produced from coal seams.

(9) Marginal conventional well gas. – All natural gas produced from 
a conventional gas well beginning on the date the conventional 
gas well is incapable of producing more than 250 MCF per day, 
as determined by the Commission using the current wellhead 
deliverability rate methodology utilized by the Commission, 
during the calendar month for which the severance tax report is 
filed.

(10) Marginal gas. – Conventional or high-cost well gas produced 
from a marginal gas well, as those terms are defined by this 
section, and includes gas produced from all zones and 
multilateral branches at a single well without regard to whether 
the production is separately metered. The term "marginal gas" 
shall not include gas produced from (i) a high-cost gas well 
during the first 48 months of production from such well or (ii) a 
new discovery gas well during the first 24 months of production 
from such well.

(11) Marginal gas well. – Any gas well that produces or is capable of 
producing marginal gas, as determined by the Commission using 
the current wellhead deliverability rate methodology utilized by 
the Commission.

(12) Marginal high-cost well gas. – All natural gas produced from a 
high-cost gas well beginning on the date the high-cost gas well 
is incapable of producing more than 100 MCF per day, as 
determined by the Commission using the current wellhead 
deliverability rate methodology utilized by the Commission, 
during the calendar month for which the severance tax report is 
filed.

(13) MCF. – One thousand cubic feet of natural gas.

(14) New discovery gas. – Natural gas that is produced from a new 
discovery gas well.

(15) New discovery gas well. – Any conventional gas well that is 
completed as a well capable of producing gas.

(16) Oil. – Crude petroleum oil, and other hydrocarbons, regardless 
of gravity, which are produced at the well in liquid form by 
ordinary production methods and which are not the result of 
condensation of gas after it leaves the reservoir.

(17) Owner. – An owner of a landowner's royalty interest, of an 
overriding royalty, of profits and working interests, or any 
combination thereof in energy minerals. The term does not 
include an owner of federal, State, or local governmental royalty 
interest.

(18) Payout. – The date the cumulative working interest revenues 
from a high-cost gas well equal the sum of (i) all reasonable and 
necessary drilling and completion costs incurred in connection 
with a high-cost gas well and (ii) all reasonable and necessary 
operating costs incurred or accrued in connection with the 
operation of a high-cost gas well during the period of cost 
recovery. In calculating "payout," drilling, completion, and
operating costs shall not include lease acquisition costs, tank batteries, meters, pipelines, or any other surface equipment except the wellhead equipment and separator. For purposes of this subdivision (i) "drilling and completion costs" means all reasonable and necessary drilling and completion costs incurred and paid by the cumulative working interests in connection with the high-cost gas well and (ii) "operating costs" means all reasonable and necessary operating costs incurred or accrued by the cumulative working interests during the period of cost recovery.

(19) Person. – Defined in G.S. 105-228.90.
(20) Producer. – A person who takes an energy mineral from the soil or water in this State.
(21) Return. – Any report or statement required to be filed under this Article to determine the tax due.
(22) Royalty interest. – An interest in mineral rights in a producing leasehold in the State. A royalty interest does not include the interest of a person having only the management and operation of a well.
(23) Secretary. – The Secretary of Revenue.
(24) Severance. – The extraction or other removal of an energy mineral from the soil or water of this State.
(25) Severed. – The point at which the energy mineral has been separated from the soil or water of this State.
(26) Standard barrel of oil. – A barrel of oil containing 42 gallons.
(27) Taxpayer. – Any person required to pay the severance tax levied by this Article.
(28) Tight gas formation. – A natural gas bearing formation that has any one or more of the following properties:
   a. Is a shale formation within the Deep River Basin.
   b. Is a shale formation within the Dan River Basin.
   c. Is a shale formation within the Cumberland-Marlboro Basin.
   d. Is a sedimentary formation anywhere within the State with an average in situ permeability of one-tenth milliDarcy (0.1mD) or less.

"§ 105-187.72. Tax on severance of energy minerals.
(a) Purpose. – An excise tax, to be termed a “severance tax,” is levied on the privilege of engaging in the severance of energy minerals from the soil or water of this State. The purpose of the tax is to provide revenue to administer and enforce the provisions of this Article, to administer the State's natural gas and oil reclamation regulatory program, to meet the environmental and resource management needs of this State, and to reclaim land affected by exploration for, drilling for, and production of natural gas and oil. The severance tax is imposed upon all energy minerals severed when sold or consumed, whichever occurs first.
(b) Calculation of Tax. – The amount of the severance tax shall be determined as follows:
   (1) Condensates. – The applicable market percentage rate multiplied by the market value per each barrel of oil equivalents (BOE) of the condensates sold.
(2) Gas. – The applicable market percentage rate multiplied by the market value per each MCF of the gas sold.
(3) Oil. – The applicable market percentage rate multiplied by the market value per each standard barrel of the oil sold.

(c) Applicable Market Percentage Rate. – The applicable market percentage rate is the lowest of the following rates for which the energy mineral is eligible:

(1) The market percentage rate in G.S. 105-187.73.
(2) The market percentage rate applicable to the severance of high-cost gas in G.S. 105-187.74.
(3) The market percentage rate applicable to the severance of marginal gas and new discovery gas in G.S. 105-187.75.

§ 105-187.73. Market percentage rate.

(a) Market Percentage Rate of Condensates. – The market percentage rate of condensates is a fraction, the numerator of which is the market value of the condensate which is determined as provided in G.S. 105-187.76, per each barrel of oil equivalents sold, plus one, and the denominator of which is 100.

(b) Market Percentage Rate of Gas. – The market percentage rate of gas is a fraction, the numerator of which is the market value of the natural gas which is determined as provided in G.S. 105-187.76, per each million British Thermal Units of natural gas sold, plus one, and the denominator of which is 100.

(c) Market Percentage Rate of Oil. – The market percentage rate of oil is a fraction, the numerator of which is the market value of the oil which is determined as provided in G.S. 105-187.76, per each standard barrel of oil sold, plus one, and the denominator of which is 100.

(d) The applicable market percentage rate of oil, gas, and condensates shall be no less than nine-tenths percent (0.9%) and shall not exceed the following:

(1) For energy minerals severed prior to January 1, 2019, the market percentage rate shall be one and nine-tenths percent (1.9%).
(2) For energy minerals severed on or after January 1, 2019, through December 31, 2021, the market percentage rate shall be two and nine-tenths percent (2.9%).
(3) For energy minerals severed after on or after January 1, 2022, the market percentage rate shall be five and nine-tenths percent (5.9%).

§ 105-187.74. Market percentage rate applicable to severance of high-cost gas.

(a) For high-cost gas severed on or after June 1, 2015, the applicable market percentage rate shall be one and nine-tenths percent (1.9%) for the first 48 consecutive calendar months beginning on the date of first production from the high-cost gas well. If the high-cost gas well does not achieve payout by the end of the 48-month period, the one and one-half percent (1.5%) market percentage rate may be extended up to the earlier of 12 months or the payout of the high-cost gas well.

(b) In order to request an extension of the 48-month period described in subsection (a) of this section, a producer of high-cost gas shall furnish the Secretary an initial payout statement, in a form to be prescribed by the Secretary, setting forth the following:

(1) The producer's cumulative costs of drilling and completing the high-cost gas well.
(2) The producer's cumulative costs of operating the high-cost gas well through the end of the last month of the payout period reflected on the initial payout statement.
The total volume of gas production from the high-cost gas well through the end of the last month of the payout period reflected on the initial payout statement.

The total actual cash receipts received from the production of natural gas from the high-cost gas well through the end of the last month of the payout period reflected on the initial payout statement.

(c) The Secretary shall grant or deny the extension requested within 10 business days of receipt of the extension request and initial payout statement from the producer.

(d) For each high-cost gas well for which a producer has requested an extension of the 48-month high-cost gas recovery period, the producer shall furnish a verified final payout statement to the Secretary within 25 days after the end of the month in which the earlier of the following occurs:

1. Payout of the high-cost gas well; or
2. Twelve months following the expiration of the original 48-month period.

(e) The producer's final payout statement shall be in a form to be prescribed by the Commission and set forth the following:

1. The producer's cumulative cost of operating the high-cost gas well through the end of the last month reflected on the final payout statement.
2. The volume of gas production from the high-cost gas well through the end of the last month reflected on the final payout statement.
3. The actual cash receipts received from production from the high-cost gas well through the end of the last month reflected on the final payout statement.
4. The remaining dollar amount needed to achieve payout for the high-cost gas well, if applicable.

(f) At the later of the expiration of the original 48-month period or any allowed extension, the market percentage rate applicable to high-cost gas shall be the rate otherwise applicable to severance of natural gas or as otherwise determined by provisions of this Article.

§ 105-187.75. Market percentage rate applicable to severance of marginal gas and new discovery gas.

(a) For severance of marginal gas the market percentage rate is:

1. For gas severed prior to January 1, 2019, the rate is nine-tenths percent (0.9%).
2. For gas severed on or after January 1, 2019, the applicable market percentage rate is one and one-half percent (1.5%) for the first 24 consecutive calendar months beginning on the date of first production of the marginal gas. Following this 24-month period, the market percentage rate is the rate otherwise applicable to severance of natural gas or as otherwise determined by provisions of this Article.

(b) For severance of new discovery gas the market rate is:

1. For gas severed prior to January 1, 2019, the rate is one and one-quarter percent (1.25%).
2. For gas severed on or after January 1, 2019, the applicable market percentage rate shall be one and three-quarter percent.
§ 105-187.76. Market value.

(a) Market Value of Oil. – The market value of oil is the total actual gross price in U.S. dollars paid by the first purchaser at the mouth of the well from which the oil was produced.

(b) Market Value of Natural Gas. – The market value of natural gas is the total actual gross price in U.S. dollars paid to the producer by the first purchaser at the mouth of the well from which the natural gas is produced, as adjusted in this section. The market value of gas at the mouth of the well shall be determined by subtracting the producer's actual marketing costs from the producer's total gross cash receipts from the sale of the natural gas. A producer receiving a cost reimbursement from the gas purchaser shall include the reimbursement in the gross cash receipts and is entitled to deduct the actual marketing costs of the gas incurred.

(c) Market Value of Condensates. – The market value of condensates is the total actual gross price paid in U.S. dollars by the first purchaser of condensates at the mouth of the well from which it was produced.

(d) Subtraction of Marketing Costs. – In order to be eligible to subtract the actual marketing costs from the producer's gross receipts for purposes of calculating the market value of natural gas, the producer shall provide any information required by the Secretary. Every producer subtracting the marketing costs as permitted under this subsection shall maintain and make available for inspection by the Secretary any records the Secretary considers necessary to determine and verify the amount of the marketing costs the producer is eligible to subtract. The burden of proving eligibility for subtracting the marketing costs and the amount of the marketing costs to be subtracted shall rest upon the producer, and no subtraction of marketing costs shall be allowed to a producer that fails to maintain adequate records or to make them available for inspection.

(e) Marketing Costs and Marketing Facilities Defined. –

(1) "Marketing costs" are the actual and reasonable costs incurred by the producer to get the gas from the mouth of the well to the first purchaser, except costs incurred in normal lease separation of the oil or condensate from the gas and costs associated with insurance premiums on a marketing facility. Marketing costs include only the following:

   a. Costs for compressing the gas sold.
   b. Costs for dehydrating the gas sold.
   c. Costs for sweetening and treating the gas sold.
   d. Costs for delivering the gas to the purchaser.
   e. Reasonable charges for depreciation of the marketing facility being used, provided that, if the facility is rented, the actual rental fee is added.
   f. Costs of direct or allocated labor associated with the marketing facility.
   g. Costs of materials, supplies, maintenance, repairs, and fuel associated with the marketing facility.
   h. Ad valorem taxes paid on the marketing facility.
i. Charges for fees paid by the producer to any provider of dehydration, treating, compression, and delivery services.

(2) A "marketing facility" includes flow lines or gathering systems from the separator to the purchaser's transmission line, compressor stations, dehydration units, line heaters (after the separator), and treating facilities.

(f) Limitation. – The marketing costs subtracted in determining the market value of natural gas in this section shall not exceed eighty percent (80%) of the total actual gross price in U.S. dollars paid to the producer by the first purchaser at the mouth of the well from which the natural gas is produced as, adjusted in this section.

§ 105-187.77. On-site use exemption from the tax.

On-site use is exempt from the tax imposed under this Article. On-site use is the severance of energy minerals from land or water in this State owned legally or beneficially by the producer, which energy minerals are used on the land from which they are taken by the producer as part of the improvement of or use in the producer's homestead and which have a yearly cumulative market value of not greater than one thousand two hundred dollars ($1,200). When severed energy minerals so used exceed a cumulative market value of one thousand two hundred dollars ($1,200) during any year, the further severance of energy minerals shall be subject to the tax imposed by this Article.

§ 105-187.78. Returns and payment of tax.

(a) General. – Severance taxes are payable when a return is due. A return is due quarterly or monthly as specified in this section. A return must be filed by the producer of the energy mineral with the Secretary on a form prescribed by the Secretary and in the manner required by the Secretary. A return must be signed by the taxpayer or the taxpayer's agent.

(b) Payment. – A producer of energy minerals shall pay the tax for all owners of the energy minerals. The producer shall withhold from any payment due owners the proportionate tax due for remittance to the Secretary.

(c) Quarterly. – A taxpayer who is consistently liable for less than one thousand dollars ($1,000) a month in severance taxes must file a return and pay the taxes due on a quarterly basis. A quarterly return covers a calendar quarter and is due by the 25th day of the second month following the end of the quarter.

(d) Monthly. – A taxpayer who is consistently liable for at least one thousand dollars ($1,000) a month in severance taxes must file a return and pay the taxes due on a monthly basis. A monthly return is due by the 25th day of the second month following the calendar month covered by the return.

(e) Category. – The Secretary must monitor the amount of severance taxes paid by a taxpayer or estimate the amount of taxes to be paid by a new taxpayer and must direct each taxpayer to pay tax and file returns as required by this section. In determining the amount of taxes due from a taxpayer, the Secretary must consider the total amount due from all places of business owned or operated by the same person as the amount due from that person. A taxpayer must file a return and pay tax in accordance with the Secretary's direction.

(f) Information on Return. – The amount of tax due and any other information required by the Secretary must be included on the return. Returns that do not contain the required information will not be accepted. When an unacceptable return is submitted, the Secretary will require a corrected return to be filed. The return must contain the following information concerning energy minerals produced during the month being reported.
(1) The gross amount of energy minerals produced that are subject to the tax imposed by this Article.

(2) The leases from which the energy minerals were produced.

(3) The names and addresses of the first purchasers of the energy minerals.

(g) Additional Information. – To claim an exemption for on-site use, or to be eligible for the alternative market percentage rates for high-cost gas, marginal gas, and new discovery gas, the producer or taxpayer of a proposed or existing gas well shall apply, at any time, to the Secretary for determination of eligibility. The Secretary may require an applicant to provide any information required to administer this provision. The Secretary shall make the determination within 15 calendar days of the receipt of all information required by the Secretary from the producer or taxpayer, and the producer or taxpayer shall attach the determination of eligibility to its severance tax form next due, as applicable. The taxpayer shall provide any information required by the Secretary. Every taxpayer claiming the exemption or alternative market percentage rate shall maintain and make available for inspection by the Secretary of Revenue any records the Secretary considers necessary to determine and verify the claim to which the taxpayer is entitled. The burden of proving eligibility shall rest upon the taxpayer, and no exemption shall be allowed to a taxpayer that fails to maintain adequate records or to make them available for inspection. The portion of the severance tax that is required to be deducted from the royalty owner or other interest shall be calculated in the same manner as the portion of the severance tax borne by the producer.

§ 105-187.79. Bond or letter of credit required.
A producer must file with the Secretary a bond or an irrevocable letter of credit if the producer fails to file a return required under this Article. A bond or an irrevocable letter of credit must be conditioned upon compliance with the requirements of this Article, be payable to the State, and be in the form required by the Secretary. The amount of the bond or irrevocable letter of credit is two times the applicant's average expected monthly tax liability under this Article, as determined by the Secretary. When notified to do so by the Secretary, a person that is required to file a bond or an irrevocable letter of credit must file the bond or irrevocable letter of credit in the amount required by the Secretary within 30 days after receiving the notice from the Secretary.

§ 105-187.80. Allocation of revenue.
The Secretary shall allocate the tax levied in this Article as provided in this section. The funds allocated shall not be expended until appropriated by the General Assembly.

(1) Ten percent (10%), not to exceed two million dollars ($2,000,000) per year, to the Department of Environment and Natural Resources for purposes of administering its duties and responsibilities under Article 27 of Chapter 113 of the General Statutes.

(2) Ten percent (10%) to the Onshore Energy Management Fund until the Fund reaches fifteen million dollars ($15,000,000). The Onshore Energy Management Fund is an interest-bearing special revenue fund to be established within the State treasury. This Fund shall be used only for emergency preparation, emergency response, emergency environmental protection, or mitigation associated with a release of liquid hydrocarbons or associated fluids directly related to onshore energy exploration, development, production, or transmission. Once the fund balance reaches the amount of fifteen million dollars ($15,000,000), funds over that amount shall be allocated to the
remainder as provided in subdivision (3) of this section. If monies are withdrawn from the Onshore Energy Emergency Fund to carry out the provisions in this subdivision, ten percent (10%) of the revenues generated by the tax levied in this Article shall be deposited in the Onshore Energy Emergency Fund until a total of fifteen million dollars ($15,000,000) is reestablished.

(3) Ten percent (10%) to county governments in which severance taxes are collected in proportion to the amount of severance taxes collected in each county.

(4) The remainder after the allocations in subdivisions (1), (2), and (3) of this section to Economic Development Fund established in the Department of Commerce. The Economic Development Fund shall be a special revenue fund. The revenue in the Economic Development Fund shall be used by the Department of Commerce for the purposes of economic development.

§ 105-187.81. Liability of producer for tax.
The tax imposed by this Article is the primary liability of the producer, except as provided in this section. A first purchaser may not take delivery of energy minerals from a producer unless the producer furnishes the purchaser with a taxpayer identification number assigned by the Secretary. A first purchaser failing to secure the producer's taxpayer number, either from the producer or the Secretary, will be liable for any tax, penalty, and interest due on the energy minerals purchased from the producer.

§ 105-187.82. Royalty owner's records.
The owner of a royalty interest shall keep and provide to the Secretary, upon request, both of the following:

(1) A record of all money received as royalty from each producing leasehold in the State.

(2) A copy of all settlement sheets furnished by a purchaser or operator or other statement showing the amount of energy minerals for which a royalty was received and the amount of severance tax deducted.

§ 105-187.83. Permits suspended for failure to report.
If an entity fails to file any report or return or to pay any tax or fee required by this Article for 90 days after it is due, the Secretary shall inform the Secretary of Environment and Natural Resources of this failure. The Secretary of Environment and Natural Resources shall suspend permits for oil and gas exploration using horizontal drilling and hydraulic fracturing under G.S. 113-395 of any entity that fails to file a return under this Article. The Secretary of Environment and Natural Resources shall immediately notify by mail an entity of a suspension under this section.

§ 105-187.84. No local taxation.
A city or county may not impose a franchise, privilege, license, income, or excise tax on the severing, production, treating, processing, ownership, sale, storage, purchase, marketing, or transportation on any energy minerals produced in the State, or upon the business of severing, producing, treating, processing, owning, selling, buying, storing, marketing, or transporting such energy minerals, or upon the ownership, operation, or maintenance of plants, facilities, machinery, pipelines, and gathering lines related to the severing, production, treating, processing, ownership, storage, sale, purchase, marketing, or transportation of energy minerals. This section does not preclude the taxation of the property in accordance with Article 11 of this Chapter.

SECTION 8.2. G.S. 105-259(b) is amended by adding a new subdivision to read:
"(44) To furnish to the Department of Environment and Natural Resources the name, address, tax year end, and account and identification numbers of an entity liable for severance tax to enable the Secretary of Environment and Natural Resources to notify the entity that the Department of Environment and Natural Resources shall suspend permits of the entity for oil and gas exploration using horizontal drilling and hydraulic fracturing under G.S. 113-395."

SECTION 8.3. G.S. 113-387 and G.S. 113-388 are repealed.
SECTION 8.4. G.S. 105-130.5(a)(11) is repealed.

SECTION 8.5. Section 8.4. is effective for taxable years that begin on or after July 1, 2015. Sections 8.1., 8.2., and 8.3. become effective July 1, 2015, and apply to energy minerals severed on or after that date.

PART IX. EFFECTIVE DATE AND CONSTRUCTION
SECTION 9.1. Nothing in this act shall be construed to obligate the General Assembly to appropriate funds to implement this act.
SECTION 9.2. Except as otherwise provided, this act is effective when it becomes law.

S.B. 287

The full text of the proposed Conference Committee Substitute, S287-PCCS75386-ST-2, was submitted July 25, 2013, (see page 1240) and reads as follows:

A BILL TO BE ENTITLED
AN ACT TO AUTHORIZE THE GOVERNING BOARDS OF GUILFORD AND MECKLENBURG COUNTIES, AND ALL THE MUNICIPALITIES LOCATED IN THOSE COUNTIES, TO GIVE PUBLIC NOTICES ELECTRONICALLY.
The General Assembly of North Carolina enacts:

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

§ 153A-52.2. Electronic notice.
(a) Except as provided in this section, the governing board may adopt an ordinance providing that any notice it is required by law to publish or advertise, whether under G.S. 1-597, under Article 8 of Chapter 143 of the General Statutes, under any other general law, or under any local act, may be published as provided by this section in lieu of or in addition to the required publication or advertisement. The ordinance may cover all notices required to be published or advertised or a selected class or classes of notice.
(b) Upon adoption of an ordinance under subsection (a) of this section, the governing board shall publish specific instructions as to how to access all notices published under an ordinance adopted pursuant to this section at least once a month for 12 months in a newspaper having a general circulation for that jurisdiction, as provided in G.S. 1-597.
(c) Any notice published under an ordinance adopted pursuant to subsection (a) of this section shall comply with all of the following:
(1) The notice is published on the Web site of the governing board no later than the time that publication is required under the applicable statute or local act.
The Web site contains, on its main or index page, links to all notices or a link to another page with links to all notices.

Notices and links to all notices on the Web site must be maintained on that Web site for at least one year after publication.

A copy of the notice must be filed in a notice book maintained separate and apart from the ordinance book or minutes of the governing board. The notice book shall be appropriately indexed and maintained for public inspection in the office of the clerk or with some other person designated by the governing board.

A copy of the notice must be mailed or e-mailed to a person that has filed a written request for notice with the clerk or secretary of the governing board or with some other person designated by the governing board. The governing board may require each person submitting a written request for notice to renew the request annually.

Ordinances adopted pursuant to this section may not supersede any general law or local act that requires notice by mail to certain persons or classes of persons or the posting of signs on certain property.

The ordinance adopted by the county may control notice given by any board appointed by the governing board of the county, including the board of social services and board of health.

For purposes of this section, "governing body" means the body elected or appointed as the board of county commissioners, city council, or county board of elections.

SECTION 2. G.S. 160A-1(7) reads as rewritten:

"(7) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county or counties in which the city is located.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the city, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 3. G.S. 153A-1(6) reads as rewritten:

"(6) "Publish," "publication," and other forms of the verb "to publish" mean any of the following:

a. Insertion in a newspaper qualified under G.S. 1-597 to publish legal advertisements in the county.

b. Electronic notice, as provided in G.S. 153A-52.2, if an ordinance has been adopted by the governing board.

c. Insertion in a news publication circulated in the city, published at least once per week, and with an audited readership of at least 25,000 persons."

SECTION 4. G.S. 159-1(b)(5) reads as rewritten:

"(5) "Publish," "publication," and other forms of the word "publish" mean any of the following:
SECTION 5. G.S. 163-33(8) reads as rewritten:

"§ 163-33. Powers and duties of county boards of elections.

The county boards of elections within their respective jurisdictions shall exercise all powers granted to such boards in this Chapter, and they shall perform all the duties imposed upon them by law, which shall include the following:

(8) To provide for the issuance of all notices, advertisements, and publications concerning elections required by law. If the election is on a State bond issue, an amendment to the Constitution, or approval of an act submitted to the voters of the State, the State Board of Elections shall reimburse the county boards of elections for their reasonable additional costs in placing such notices, advertisements, and publications. In addition, the county board of elections shall give notice at least 20 days prior to the date on which the registration books or records are closed that there will be a primary, general or special election, the date on which it will be held, and the hours the voting places will be open for voting in that election. The notice also shall describe the nature and type of election, and the issues, if any, to be submitted to the voters at that election. Notice shall be given by advertisement at least once weekly during the 20-day period in a newspaper having general circulation in the county and by posting a copy of the notice at the courthouse door. Notice may additionally be made on a radio or television station or both, but such notice shall be in addition to the newspaper and other required notice. This subdivision shall not apply in the case of bond elections called under the provisions of Chapter 159. The county board may adopt a policy under G.S. 160A-52.2 to provide for notices, advertisements, and publications to be given electronically.

SECTION 6. This act applies only to the Counties of Guilford and Mecklenburg and to any municipality located wholly or partly within that county.

SECTION 7. This act becomes effective October 1, 2013, and applies to notices given on or after that date.
The last action on each bill is noted in parenthesis following the title. The abbreviated term refers to the standing committee to which the bill was last referred. If the bill became law, the 2013 Session Law or Resolution number is reflected.

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S 9 Utilities/Design/Survey Location Services  
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S 10 Government Reorganization and Efficiency Act  
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(Rules and Operations of the Senate Com) .............................. 1020.
H 224 Asheville Extraterritorial Jurisdiction and Annexation
(S.L. 2013-30.) ........................................ 380, 399, 421, 427, 434.
H 1015 Bessemer City Annexation
(S.L. 2013-354.) ........................................ 1070, 1134, 1161, 1182, 1199, 1222, 1247.
H 526 Chadbourn Voluntary Annexation
H 143 Eden Payment in Lieu of Taxes
(S.L. 2013-216.) ........................................ 519, 687, 838, 848, 875, 908, 920, 937.
H 412 Eden/Duke Energy/Annexation Agreement
(S.L. 2013-219.) ........................................ 520, 687, 839, 849, 876, 909, 920, 938.
H 191 Grifton/Deannexation
(S.L. 2013-315.) ........................................ 320, 959, 1078, 1090, 1107, 1124, 1138.
S 177 Hookerton/Maysville Satellite Annexations
ANNEXATION (continued)

H 261 Kannapolis/Deannexation

H 567 Lumberton Deannexation

H 421 Marshville Deannexation

H 671 Mills River/Deannexation
(S.L. 2013-62.) .......................................................... 570, 660, 671, 678, 688, 698.

S 315 Municipal Services
(S.L. 2013-386.) .......................................................... 232, 545, 551, 1020, 1029, 1036, 1050, 1063, 1088, 1102, 1153, 1178, 1200, 1205, 1209, 1251, 1257.

S 97 Property Tax/Deannexation

H 302 Repeal Kannapolis Annexation

H 409 Shelby Deannexation

S 56 Wallace/Satellite Annexations

S 290 Waynesville Annexation
(H Finance Com) .......................................................... 228, 368, 397, 409, 413.

ANSON COUNTY—District 25—Senator Gene McLaurin
S 184 25th Senatorial District Local Act-1
(Rules and Operations of the Senate Com) ......................... 192.

APODACA, SENATOR TOM ................. 48th District—Buncombe (part), Henderson, Transylvania.
Absences, Excused ........................................ 395, 405, 473, 484, 496, 510, 711.
Adjournment Motion—Second ........................................ 47, 55, 64, 66, 143, 423, 582, 774, 1035, 1273.
Certification of Election ........................................ 8.
Committee Assignments—
Conference .................................................. 117, 180, 478, 842, 880, 1032, 1061, 1136, 1157, 1158, 1168, 1210.
Standing/Select .................................................. 48, 49, 50, 55, 88, 130.
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Excused Votes—
- S 316 Pretrial Release/Rebuttable Presumption 325, 368.
- S 574 Appearance Bond Valid for Certain Time Period 529.
- H 597 Bail Bondsman/Official Shield 764.
- H 762 Amend Certain Bail Bond Procedures 766.

Journal Approval 59, 83, 90, 125, 169, 268, 371, 461, 668, 740, 758, 848.

Oath of Office 10.

Presides—
- Daily Session 74, 119, 584, 604, 807, 1123, 1196, 1204, 1212, 1222, 1229, 1242, 1248.

Remarks Spread—
- Nomination of Senator Berger for President Pro Tempore 10.
- Nomination of Senate Principal Clerk 41.
- S 7 Honor Don East 817.
- S 15 Honor Jean Preston 829.
- H 589 VIVA/Election Reform 1451, 1464, 1465, 1470, 1474, 1475, 1486, 1487, 1498, 1499, 1500, 1509, 1513, 1519.

Bills and Resolutions—(Senate Bills)
- Primary Sponsor 1, 2, 3, 4, 7, 10, 15, 46, 47, 48, 69, 108, 110, 125, 141, 166, 180, 181, 213, 236, 262, 327, 339, 340, 476, 480, 481, 482, 483, 484, 485, 494, 495, 496, 595, 599, 600, 680, 728.
- Co-Sponsor 6, 12, 25, 28, 50, 60, 70, 78, 81, 89, 114, 117, 119, 120, 122, 140, 144, 179, 196, 199, 342, 346, 348, 357, 359, 374, 383, 389, 584, 669, 683.

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S 418 Appropriations Act of 2013
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S 487 Appropriations Act of 2013
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S 663 Blue Ribbon Commission Recommendations/Supportive Mental Health Housing
(H Health and Human Services Com)
(Inc. S.L. 2013-360.) ................................................... 352, 376, 666, 777, 784, 800.
H 969 Broaden Successful Advanced Placement Participation
S 383 Career Prep Adult High Schools
(Education/Higher Education Com) ............................................ 264.
S 534 CDBG Funds/Housing
(Appropriations/Base Budget Com) ............................................ 316.
H 57 Child Nutrition Program Solvency and Support
(S.L. 2013-235.) .......................................................... 254, 775, 785, 800, 874, 1014.
H 269 Children With Disabilities Scholarship Grants
S 478 Communities in Schools Funds
(Education/Higher Education Com) ............................................ 304.
H 336 Continuing Budget Authority
(S.L. 2013-184.) .......................................................... 582, 876, 884, 889, 899, 921.
H 884 Dropout Prevention/Recovery Pilot With Charters
(Education/Higher Education Com) ............................................ 613.
H 670 DSS Study/Extend Foster Care to Age 21
(Rules and Operations of the Senate Com) ................................... 571.
S 581 Establish Historical Boilers Licensing Act
(H Finance Com) .......................................................... 337, 540, 1089, 1100, 1107, 1118.
S 417 Establish State Public Health Authority
(Health Care Com) .......................................................... 282.
S 562 Establish Statewide Telepsychiatry Program
S 497 Expanded West. Crime Lab/Existing State Bldg.
(Rules and Operations of the Senate Com)
S 254 Funds to Restore Private Well Program
(Appropriations/Base Budget Com) ............................................ 215.
S 605 Funds/Child Treatment Program
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S 532 Funds/NC Catalyst
  (Appropriations/Base Budget Com) ............................................ 315.

S 398 Governor's Budget
  (Appropriations/Base Budget Com) ............................................ 272.

H 968 Increase Successful Career and Technical Education Participation
  (Education/Higher Education Com)
  (Inc. S.L. 2013-360.) ............................................................... 583.

H 980 Medicaid/2012-2013 Additional Appropriations
  (S.L. 2013-56.) ................................................................. 641, 655, 659,
  661, 668, 680.

S 546 Merit Scholarship Program for Needy Students
  (Education/Higher Education Com) ............................................ 317.

H 112 Modifications/2013 Appropriations Act
  (S.L. 2013-363.) (Inc. S.L. 2013-360.) .................... 630, 1244, 1245,
  1261.

S 572 Newborn Screening For Krabbe Disease
  (Health Care Com) ................................................................. 329.

S 4 No N.C. Exchange/No Medicaid Expansion
  (S.L. 2013-5.) ................................................................. 60, 63, 66, 73, 97,
  102, 116, 117, 118, 134, 143, 144, 146, 198.

S 587 Optometry Education Grant Program
  (Education/Higher Education Com) ............................................ 338.

S 457 State Veterans' Cemetery in Goldsboro/Funds
  (Appropriations/Base Budget Com) ............................................ 293.

S 345 Statewide Submerged Lands Inventory
  (Appropriations/Base Budget Com) ............................................ 244.

S 340 TANF Funds for Boys and Girls Clubs
  (Appropriations/Base Budget Com)

S 566 Teen Court/Drug Court Justice Act
  (Appropriations/Base Budget Com) ............................................ 328.

H 4 Unemployment Insurance Fund Solvency and Program Changes
  (S.L. 2013-2.) ................................................................. 77, 79, 87,
  91, 94, 115.

S 3 Western Crime Lab Funds/Amend Evidence Laws
  (Appropriations/Base Budget Com)

S 90 Wilkes CC Multicampus Funding
  (Appropriations/Base Budget Com) ............................................ 101.

S 94 Yadkin Valley Career Academy Funding
  (Appropriations/Base Budget Com)
ARMS FORCES/MILITARY

H 139 Adopt Uniform Deployed Parent Custody/Visitation Act

S 402 Appropriations Act of 2013

H 322 Commercial Driver's License Requirements/Military
   Experience (S.L. 2013-201.) .............................. 404, 710, 751, 811, 936.

S 489 Consumer Finance Act Amendments

H 767 Corporal Pruitt Rainey Brass to Class Act

S 613 Create Military Affairs Commission
   (S.L. 2013-227.) .................................................. 343, 530, 555, 591, 593, 893, 916, 919, 1013.

S 280 Department of Cultural Resources/Historic Sites/Fees

S 50 Discharged Veterans/Identity Theft Protection

S 392 Exempt Veteran Income from Taxation
   (Finance Com) ...................................................... 271.

H 113 Honor African-American Revolutionary Heroes
   (Rules and Operations of the Senate Com) ................. 167.

S 543 Honor the State's Veterans
   (Adopted) .............................................................. 317, 323, 324.

S 25 Hunting and Fishing/Active Duty Military

S 357 In-State Tuition for Veterans
   (Education/Higher Education Com) .......................... 250.

S 389 Land Use Surrounding Military Installations
   (Commerce Com) .................................................. 265.

H 433 Land Use Surrounding Military Installations

H 691 Limit Soldiers Community College Tuition
   (Appropriations/Base Budget Com) .......................... 634, 707.
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S 432 Military Appreciation Day
   (Adopted) ..................................................289, 580, 594.

S 282 Operation Coming Home Special Plate
   (Finance Com) ..................................................226.

S 491 Permitting of Wind Energy Facilities
   (Agriculture/Environment/Natural Resources Com) ............307.

S 366 Remove Fee for Military Special Plates
   (Finance Com) ..................................................252.

H 19 Respect our Fallen Heroes

S 599 Retirement Technical Corrections
   (Pensions & Retirement and Aging Com) ..........................340.

H 358 Retirement Technical Corrections.-AB

S 598 Special Forces Special Plate
   (Finance Com) ..................................................340.

S 457 State Veterans’ Cemetery in Goldsboro/Funds
   (Appropriations/Base Budget Com) ................................293.

H 402 TRICARE Supplement for Flex Accounts

S 590 Utilities/The Military Good Neighbor Act
   (Rules and Operations of the Senate Com) .......................339.

H 254 Zoning Changes/Notice to Military Bases

ASHE COUNTY—District 45—Senator Dan Soucek

S 195 45th Senatorial District Local Act-1
   (Rules and Operations of the Senate Com) .......................194.

H 533 Detention of Mentally Ill In Facility

ATTORNEYS

S 402 Appropriations Act of 2013

H 388 Assigned Counsel/Amend and Clarify.-AB
   (S.L. 2013-41.) .............................................390, 448, 455, 461, 527.
ATTORNEYS (continued)
S 74  Board of Law Examiners/Update Expense Law
      (Finance Com).................................................................85.
H 77  Board of Law Examiners/Update Expense Law
S 593 Civil Litigation Costs Reform Act of 2013
      (Judiciary I Com)..............................................................339.
S 702 Consolidate Elections, Ethics, Lobbying
      (Rules and Operations of the Senate Com)........................360.
H 168 Division of Atty's Fees in Workers' Comp
H 24  Domestic Violence/Abuser Treatment Program/Amendments
      (S.L. 2013-123.) ..............................................................103, 686, 703, 742, 853.
S 87  DV Abuser Treatment Program/Notifications
      (Judiciary II Com)..............................................................96.
S 721 Election Omnibus
      (Rules and Operations of the Senate Com)......................363, 378.
S 495 Election Reform Act
      (Rules and Operations of the Senate Com)......................307.
S 410 Enabling Heroes Act of 2013
      (Rules and Operations of the Senate Com)......................280.
S 279 Estates/Trusts/Guardianship Amendments
H 891 Exploitation of Seniors/Freeze Defendant's Assets
H 92  General Statutes Commission Technical Corrections 2013
      (S.L. 2013-410.) ..............................................................611, 873, 888, 1208, 1225, 1229, 1233, 1261.
S 565 Grand Jury Invest./Prosecutor Training Study
      (Rules and Operations of the Senate Com)......................328.
S 101 GSC Technical Corrections 2013
      (H Rules, Calendar, and Operations of the
      House Com)..............................................................120, 488, 499, 539, 552.
H 112 Modifications 2013 Appropriations Act
S 648 NC Commerce Protection Act of 2013
      (Rules and Operations of the Senate Com)......................349, 538, 581.
H 332 Notary Act/Satisfaction of Security Interests
      (S.L. 2013-204.) ..............................................................450, 729, 752, 811, 936.
S 39  Restore Partisan Judicial Elections
      (Rules and Operations of the Senate Com)......................69.
ATTORNEYS (continued)

H 843 Students and Administration Equality Act  
(Rules and Operations of the Senate Com).................................. 640.

H 407 Trustee-Attorney Fee/Foreclosures/Clerk Approval  
(S.L. 2013-104.) ............................................ 417, 687, 704, 717, 795.

AVERY COUNTY—District 45—Senator Dan Soucek

S 195 45th Senatorial District Local Act-1  
(Rules and Operations of the Senate Com)................................. 194.

BAREFOOT, SENATOR CHAD ......................... 18th District—Franklin,  
Wake (part).

Adjournment Motion .................................................................................... 656.
Adjournment Motion—Second ........................................................................ 655, 992, 1003.
Certification of Election .................................................................................... 7.
Committee Assignments—
  Conference ................................................................. .649, 865, 999.
  Standing/Select .................................................................. .47, 48, 49, 50.
Journal Oath of Office ..................................................................................... 10.
Senatorial Statement ........................................................................... 990, 1018.
Bills and Resolutions—(Senate Bills)
  Primary Sponsor ....................... 65, 187, 189, 307, 325, 381, 386, 387, 454, 455,  
                                  478, 490, 509, 658.
  Co-Sponsor .................................. 4, 7, 15, 25, 28, 66, 98, 114, 119, 120, 122, 140,  
                                  145, 262, 277, 280, 357, 361, 370, 374, 427, 473,  
                                  489, 529, 543, 569, 592, 613, 638, 639, 669, 675,  
                                  683, 685, 691, 719, 721.

BARRINGER, SENATOR TAMARA .............. 17th District—Wake (part).

Absences, Excused ....................... .560, 784 (portion), 975 (portion), 993, 1268.
Adjournment Motion—Second ...................................................................... 656.
Certification of Election .................................................................................... 7.
Committee Assignments—
  Conference ................................................................. .841, 892, 988, 989, 1032.
  Standing/Select .................................................................. .48, 49, 50.
Excused Votes—
  H 937 Amend Various Firearms Laws ............................................. 768, 1156.
Oath of Office ................................................................................................. 10.
Remarks Spread—
  H 589 VIVA/Election Reform ...................................................... 1500, 1501.
Senatorial Statement ........................................................................... 1018, 1255.
Bills and Resolutions—(Senate Bills)
  Primary Sponsor ....................... 114, 208, 239, 251, 277, 278, 279, 287, 288, 289,  
                                  311, 374, 439, 519, 573, 592, 605, 606, 628, 643,  
                                  683.
BARRINGER, SENATOR TAMARA (continued)
Bills and Resolutions—(Senate Bills) (continued)
Co-Sponsor ..... 7, 70, 140, 151, 186, 193, 221, 341, 361, 367, 478, 489, 549, 569, 577, 589, 638, 676, 686.

BEAUFORT COUNTY—District 1—Senator Bill Cook
S 191 1st Senatorial District Local Act-1
(Rules and Operations of the Senate Com) .. 193.
H 408 Beaufort/Right-of-Way Safety
(S.L. 2013-176.) .. 450, 809, 836, 852, 860.

BERGER, SENATOR PHILIP E. (President Pro Tempore) 26th District—
Guildford (part), Rockingham.

Absences, Excused ........................................ 129, 169, 225, 468 (portion), 983 (portion), 1036.
Certification of Election ........................................ 7.
Committee Assignments—
Conference ........................................ 1061, 1168, 1189.
Nomination/Election-President Pro Tempore ................. 10, 11.
Oath of Office ........................................ 10.
Oath of Office, President Pro Tempore ........................................ 11.
Presides—
Daily Session ........................................ 70, 237, 245, 255, 268, 364, 514, 797, 823, 847, 932, 944, 1114.
Remarks Spread—
President Pro Tempore Speech ........................................ 11.
BERGER, SENATOR PHILIP E. (continued)
Remarks Spread (continued)—
S 35 Honor Ed Jones ................................................................. 527.
S 7 Honor Don East ................................................................. 817.
S 15 Honor Jean Preston ......................................................... 832.
H 589 VIVA/Election Reform .............................................. 1567, 1569.
Republican Caucus Nomination-President Pro Tempore ............. 43.
Bills and Resolutions—(Senate Bills)
Primary Sponsor ......................................................... 7, 361, 669.
Co-Sponsor ........................................................................ 15, 35.

BERTIE COUNTY—District 3—Senator Clark Jenkins
S 188 3rd Senatorial District Local Act-1
(Rules and Operations of the Senate Com) ................................. 192.

BINGHAM, SENATOR STAN ........................................ 33rd District—Davidson, Montgomery.
Absences, Excused ............................................................ 412, 419, 426, 434, 543 (portion), 711, 991 (portion), 1242 (portion), 1249.
Adjournment Motion—Second ................................................. 220, 256.
Certification of Election ............................................................ 8.
Committee Assignments—
Conference ................................................................. 680, 988.
Standing/Select ................................................................. 47, 48, 49, 50.
Escorts—
The Honorable Louis Pate ...................................................... 40, 41.
Excused Votes—
S 287 Notice Publication by Some Local Govs. ......................... 444, 449.
S 287 Notice Publication - Guilford Co. Local Govs. .............. 1216.
S 378 Assess Propane Dealers/Distributors ............................. 469.
H 243 Liens/Self-Service Storage Facilities ............................. 594, 819.
S 717 MV Safety Inspector/MV Licensing Law Changes ........... 986.
Oath of Office ........................................................................... 10.
Remarks Spread—
S 7 Honor Don East ................................................................. 815.
Bills and Resolutions—(Senate Bills)
Primary Sponsor ................................................................. 4, 6, 7, 15, 63, 100, 114, 118, 119, 120, 121, 129, 135, 137, 194, 199, 321, 343, 345, 350, 394, 721.
BLADEN COUNTY—District 8—Senator Bill Rabon
S 79 19th Senatorial District Local Act-1
(Rules and Operations of the Senate Com)..................92.
S 153 8th Senatorial District Local Act-1
(Rules and Operations of the Senate Com)..................174.
H 241 Blue Monday Shad Fry
(S.L. 2013-282.)...........................................655, 888, 913, 925,
941, 946, 1011, 1127.

BLUE, SENATOR DANIEL T................... 14th District—Wake (part).
Absences, Excused..................................................115, 426, 446,
566 (portion), 760 (portion), 919,
1004, 1245 (portion), 1249.
Adjournment Motion ...........................................313.
Certification of Election..........................................7.
Committee Assignments—
Conference ........................................................841.
Standing/Select .......................................................48, 49, 50, 55, 104.
Democratic Caucus Nomination-Caucus Co-Chair .............44.
Escorts—
The Honorable Pat McCrory, Governor of North Carolina.....105.
Excused Votes—
S 315 Municipal Services .....................................1210.
Journal Approval ..................................................656.
Oath of Office .........................................................10.
Remarks Spread—
S 15 Honor Jean Preston.........................................827.
H 589 VIVA/Election Reform .................................1454, 1455, 1460, 1469,
1470, 1528, 1529, 1530, 1531,
1532, 1548, 1553, 1560, 1561.
Senatorial Statement ..............................................294, 990.
Bills and Resolutions—(Senate Bills)
Primary Sponsor .................................................217, 311, 425, 435, 472.
Co-Sponsor ..........................................................4, 156, 179, 185, 199, 530.

BROCK, SENATOR ANDREW C. ..................34th District—Davie,
Iredell (part), Rowan (part).
Absences, Excused..............................................1242 (portion), 1249.
Adjournment Motion—Second .................................74, 226.
Certification of Election..........................................8.
Committee Assignments—
Conference ..................................................674, 841, 999, 1080, 1097, 1135, 1210.
Standing/Select ...................................................47, 48, 49, 50, 130.
Journal Approval .................................................74.
Oath of Office .....................................................10.
BROCK, SENATOR ANDREW C. (continued)
Republican Caucus Nomination-Joint Caucus Leader.................................43.
Remarks Spread—
H 589 VIVA/Election Reform......................................................1455, 1456, 1471, 1472,
1473, 1485, 1556, 1561.

Bills and Resolutions—(Senate Bills)
Primary Sponsor ............. 6, 26, 69, 76, 98, 146, 161, 171, 186, 190, 198,
269, 363, 364, 365, 377, 391, 406, 408, 410, 442,
443, 444, 445, 446, 447, 448, 506, 507, 508, 509,
568, 569, 570, 571, 612, 638, 640, 642, 649, 691,
700, 701, 702, 703.
Co-Sponsor ..................... 1, 4, 7, 10, 14, 15, 21, 25, 27, 28, 34, 35, 38, 39,
41, 42, 43, 44, 47, 50, 51, 60, 61, 66, 70, 112,
114, 115, 117, 118, 119, 120, 121, 122, 132, 137,
138, 140, 144, 145, 147, 154, 158, 163, 189, 196,
199, 201, 231, 246, 250, 251, 252, 256, 262, 280,
284, 291, 306, 308, 334, 342, 357, 361, 366, 367,
370, 373, 376, 379, 381, 386, 387, 388, 394, 404,
405, 427, 428, 429, 432, 456, 465, 470, 473, 489,
543, 594, 598, 639, 641, 647, 650, 651, 658, 669,
671, 677, 683, 685, 721.

BROWN, SENATOR HARRY ....................6th District—Jones, Onslow.
Absences, Excused..............................................................86, 90, 93, 1119 (portion).
Adjournment Motion—Second............................................271, 439, 737, 787, 1081.
Certification of Election..............................................................7.
Committee Assignments—
Conference ..............................................................117, 180, 478, 649, 842,
1097, 1135, 1157, 1158, 1168, 1189.
Standing/Select.................................................................47, 48, 49, 50, 55, 130.
Excused Votes—
S 358 Guaranteed Asset Protection Waivers.................................414.
S 327 Clarify Motor Vehicle Licensing Law ...............................578.
Oath of Office ..............................................................10.
Remarks Spread—
Nomination of Senator Berger for President Pro Tempore—Second ......10.
S 35 Honor Ed Jones ..............................................................525.
S 7 Honor Don East ...............................................................813.
S 15 Honor Jean Preston .........................................................826.
H 589 VIVA/Election Reform .....................................................1477.
Republican Caucus Nomination-Senate Majority Leader .........................43.
BROWN, SENATOR HARRY (continued)
Bills and Resolutions—(Senate Bills)
Primary Sponsor ............. 4, 14, 15, 24, 25, 43, 44, 51, 58, 75, 127, 172, 173,
174, 175, 177, 199, 263, 264, 328, 335, 351, 352,
389, 398, 402, 418, 419, 429, 430, 431, 432, 465,
466, 473, 487, 491, 611, 612, 613, 614, 615, 616,
674, 725.
Co-Sponsor ..................... 6, 7, 10, 21, 35, 41, 66, 69, 71, 114, 115, 118, 119,
120, 121, 122, 251, 262, 280, 489, 502.

BRUNSTETTER, SENATOR PETER S.
Absences, Excused........................................................... 77 (portion), 283, 296,
779, 1102 (portion), 1115.
Adjournment Motion ................................................................. 518.
Adjournment Motion—Second .................................. .83, 431, 651, 1159, 1246.
Certification of Election ............................................................. 8.
Committee Assignments—
Conference .............................................................. 841, 842, 1158, 1189, 1210.
Standing/Select ..................................................................... 47, 48, 49, 50, 130.
Escorts—
The Honorable Philip E. Berger .................................................. 11.
Journal Approval ....................................................................... 1084.
Oath of Office ............................................................................. 10.
Remarks Spread—
H 589 VIVA/Election Reform ........................................ 1487, 1521, 1522, 1523, 1561.
Senatorial Statement .................................................................. 277, 463.
Bills and Resolutions—(Senate Bills)
Primary Sponsor ............. 67, 68, 69, 99, 124, 134, 135, 182, 209, 210, 211,
236, 239, 291, 292, 293, 295, 296, 297, 335, 360,
383, 398, 399, 402, 406, 407, 418, 419, 424, 439,
469, 487, 590, 687, 725.
Co-Sponsor ............................................................................. 4, 6, 7, 14, 15.

BRUNSWICK COUNTY—District 8—Senator Bill Rabon
S 153 8th Senatorial District Local Act-1
(Rules and Operations of the Senate Com)................................. 174.
S 571 Authorize Various Special Plates
(S.L. 2013-376.) ................................................................. 329, 712, 743, 755, 762,
1041, 1052, 1077, 1097, 1100, 1230, 1244, 1247, 1256, 1258.
H 229 Holden Beach/Canal Dredging District Fee
S 720 NCEMPA/Duke Energy Negotiations
(Commerce Com) .................................................................. 363.
BRUNSWICK COUNTY (continued)
S 229 Ocean Isle Beach/Sea Turtle Sanctuary
S 324 Powell Act Uses/Caswell Beach
(Rules and Operations of the Senate Com) .................. 233.
S 268 Sunset Beach/Canal Dredging/Maintenance Fee

BRYANT, SENATOR ANGELA R.
(Appointed 01-07-2013 to replace Senator Ed Jones)........4th District—
Halifax, Nas (part),
Absences, Excused................................................................. 132, 137, 146, 412.
Appointment by the Governor, Proclamation of................. 8.
Committee Assignments—
Standing/Select ................................................................. 48, 49, 54, 55.
Oath of Office ........................................................................... 10.
Remarks Spread—
S 133 Honor Black History Month ........................................ 162.
S 35 Honor Ed Jones ............................................................... 523.
H 589 VIVA/Election Reform ................................................. 1455, 1473, 1499, 1501, 1503,
1509, 1519, 1524, 1525, 1526,
1527, 1557, 1569.
Senatorial Statement ........................................................... 652.
Bills and Resolutions—(Senate Bills)
Primary Sponsor .................. 35, 219, 298, 320, 535, 536, 592, 688, 708, 713,
714, 715.
Co-Sponsor .............. 7, 15, 91, 133, 185, 192, 199, 218, 220, 251, 255, 267,
273, 277, 278, 327, 340, 421, 422, 427, 589, 590,
597, 610, 620, 621, 622, 624, 627, 656, 720, 723.

BUNCOMBE COUNTY—District 48—Senator Tom Apodaca
District 49—Senator Martin L. Nesbitt, Jr.
H 354 2 County Commissioners May Serve/Asheville-Buncombe
Technical Board
(S.L. 2013-175.) ................................................................. 390, 809, 836,
852, 860.
S 166 48th Senatorial District Local Act-1
(Rules and Operations of the Senate Com) .................. 183.
S 215 49th Senatorial District Local Act-1
(Rules and Operations of the Senate Com) .................. 203.
H 568 Asheville Deannexation
(Rules and Operations of the Senate Com) ................. 1020.
H 224 Asheville Extraterritorial Jurisdiction and Annexation
(S.L. 2013-30.) ................................................................. 380, 399, 421,
427, 434.
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   (Vetoed 8/15/13, S.L. 2013-417.)
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