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**JOURNAL  
OF THE  
SENATE  
OF THE  
GENERAL ASSEMBLY  
OF THE  
STATE OF NORTH CAROLINA**

**FIRST SESSION  
1985**

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**OFFICERS AND MEMBERS  
OF  
THE SENATE OF NORTH CAROLINA  
1985 GENERAL ASSEMBLY  
FIRST SESSION 1985**

ROBERT B. JORDAN III, President .....	Mt. Gilead
J. J. HARRINGTON, President Pro Tempore .....	Lewiston-Woodville
KENNETH C. ROYALL, JR., Majority Leader .....	Durham
SYLVIA M. FINK, Principal Clerk .....	Raleigh
LEROY CLARK, JR., Reading Clerk .....	Wendell
GERDA B. PLEASANTS, Sergeant-at-Arms .....	Cary

DISTRICT	NAME OF SENATOR	ADDRESS
1	MARC BASNIGHT .....	Manteo
2	J. J. HARRINGTON .....	Lewiston-Woodville
3	JOSEPH E. THOMAS .....	Vanceboro
4	A. D. GUY .....	Jacksonville
5	HAROLD W. HARDISON .....	Deep Run
6	R. L. MARTIN .....	Bethel
7	J. A. WRIGHT* FRANKLIN E. WILLIAMS, SR.	Wilmington
8	HENSON P. BARNES .....	Goldsboro
9	THOMAS F. TAFT .....	Greenville
10	JAMES EZZELL .....	Rocky Mount
11	JAMES D. SPEED .....	Louisburg
12	ANTHONY E. RAND .....	Fayetteville
	LURA TALLY .....	Fayetteville
13	KENNETH C. ROYALL, JR. RALPH A. HUNT .....	Durham Durham
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	WILLIAM W. STATON .....	Sanford
15	ROBERT D. WARREN .....	Benson
16	WANDA H. HUNT .....	Pinehurst
	RUSSELL G. WALKER .....	Asheboro
17	J. RICHARD CONDER .....	Rockingham
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18	R. C. SOLES, JR. ....	Tabor City
19	ROBERT G. SHAW .....	Greensboro
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21	JOHN M. JORDAN .....	Saxapahaw
22	JAMES C. JOHNSON, JR. ....	Concord
23	PAUL S. SMITH .....	Salisbury
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24	WILLIAM D. GOLDSTON, JR. ....	Eden
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25	OLLIE HARRIS .....	Kings Mountain
	HELEN RHYNE MARVIN .....	Gastonia
	MARSHALL A. RAUCH .....	Gastonia
26	T. CASS BALLENGER .....	Hickory
	WILLIAM W. REDMAN, JR. ....	Statesville
27	DONALD R. KINCAID .....	Lenoir
	DANIEL REID SIMPSON .....	Morganton
28	ROBERT S. SWAIN .....	Asheville
	DENNIS WINNER .....	Asheville
29	CHARLES W. HIPPS .....	Waynesville
	R. P. THOMAS .....	Hendersonville
30	DAVID RUSSELL PARNELL .....	Parkton
31	WILLIAM N. MARTIN .....	Greensboro
32	WENDELL H. SAWYER .....	Greensboro
33	MELVIN L. WATT .....	Charlotte
34	JAMES D. McDUFFIE .....	Charlotte
35	LAURENCE A. COBB .....	Charlotte

\*(Resigned June 1, 1985)  
(See Appendix)





# SENATE JOURNAL

## FIRST SESSION 1985

### FIRST DAY

SENATE CHAMBER,  
Tuesday, February 5, 1985.

In accordance with law, as set forth in the Constitution of the State of North Carolina and G. S. 120-11.1 and Chapter 949 of the Session Laws of the 1983 General Assembly, the Senate of the General Assembly of North Carolina assembles this day, at the hour of 12 M., in the Senate Chamber of the Legislative Building in the City of Raleigh.

The Honorable Robert B. Jordan III, Lieutenant Governor, calls the Senate to order.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain and Minister of White Plains United Methodist Church, Cary, North Carolina, as follows:

"O God of Justice, we thank Thee for all those men and women who have governed with integrity and compassion in all lands throughout the generations; and we pray this day for the leaders of our Nation and our State, that they may not yield to the pressure of special interest groups; but that they may instead, work for the fulfillment of the American dream, so that ours may indeed become 'a nation under God with liberty and justice for all.'

"O God of Love, deliver us from hardness of heart, and give to us a love for Thee and a love for one another. Inspire us to love our neighbor as we love ourselves; and give us grace to love even those who have misused us. It is so much easier to hold grudges than to forgive; and we are tempted not to be loving, lest others think us soft and impractical; but grant, we pray Thee: that love may become the hallmark of our personal lives; that love may characterize all our interpersonal relationships; that love, patience, and understanding may prevail in this Chamber; and that love may grow and flourish in the heart of each resident of our State.

"O God of compassion, we pray for Thy special blessing this day, upon the Lieutenant Governor of our fair State, and upon the members of the North Carolina Senate. Be with the Lieutenant Governor, that he may preside with honor and fairness over the affairs of this Chamber; and be with the members of this Body, that they may be sensitive to the needs of all the citizens of our State, and may enact laws which promote the well-being of all—rich and poor, young and old, male and female.

"All this we ask in the Name of Him who calls us to be apostles of justice, love, and compassion. Amen."

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

The Chair directs the Reading Clerk of the 1983 Session to call the roll and the following Senators-elect appear with the proper certificates of election:

February 5, 1985

<b>First District</b>	Marc Basnight
<b>Second District</b>	J. J. Harrington
<b>Third District</b>	Joseph E. Thomas
<b>Fourth District</b>	A. D. Guy
<b>Fifth District</b>	Harold W. Hardison
<b>Sixth District</b>	R. L. Martin
<b>Seventh District</b>	J. A. Wright
<b>Eighth District</b>	Henson P. Barnes
<b>Ninth District</b>	Thomas F. Taft
<b>Tenth District</b>	James E. Ezzell, Jr.
<b>Eleventh District</b>	James D. Speed
<b>Twelfth District</b>	Anthony E. Rand Lura S. Tally
<b>Thirteenth District</b>	Kenneth C. Royall, Jr. Ralph A. Hunt
<b>Fourteenth District</b>	Joseph E. Johnson William W. Staton Wilma C. Woodard
<b>Fifteenth District</b>	Robert D. Warren
<b>Sixteenth District</b>	Russell G. Walker Wanda Hunt
<b>Seventeenth District</b>	J. Richard Conder Aaron W. Plyler
<b>Eighteenth District</b>	R. C. Soles, Jr.
<b>Nineteenth District</b>	Robert G. Shaw
<b>Twentieth District</b>	Marvin Ward Ted Kaplan
<b>Twenty-first District</b>	John M. Jordan
<b>Twenty-second District</b>	James C. Johnson, Jr.
<b>Twenty-third District</b>	Robert V. Somers Paul S. Smith
<b>Twenty-fourth District</b>	W. D. Goldston Weldon R. Price

<b>Twenty-fifth District</b>	J. Ollie Harris Helen Rhyne Marvin Marshall A. Rauch
<b>Twenty-sixth District</b>	T. Cass Ballenger William W. Redman, Jr.
<b>Twenty-seventh District</b>	Donald R. Kincaid Daniel R. Simpson
<b>Twenty-eighth District</b>	Robert S. Swain Dennis J. Winner
<b>Twenty-ninth District</b>	Charles W. Hipps R. P. Thomas
<b>Thirtieth District</b>	David Russell Parnell
<b>Thirty-first District</b>	William N. Martin
<b>Thirty-second District</b>	Wendell H. Sawyer
<b>Thirty-third District</b>	Melvin L. Watt
<b>Thirty-fourth District</b>	James D. McDuffie
<b>Thirty-fifth District</b>	Laurence A. Cobb

Those present take and subscribe to the following oath of office, which is administered by the Honorable J. William Copeland, former Associate Justice of the Supreme Court of North Carolina:

"I do solemnly swear or affirm that I will support and maintain the Constitution and laws of the United States; and I do solemnly and sincerely swear or affirm that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear or affirm that I will faithfully discharge my duties as a member of the Senate of the 1985 General Assembly of the State of North Carolina to the best of my skill and ability, according to law, so help me, God."

To which oath each Senator answers, "I do."

The President declares a quorum of the Senate present.

#### REMARKS BY LIEUTENANT GOVERNOR ROBERT B. JORDAN III

"Congratulations! Your taking the oath of office and the convening of this the 136th Session of the North Carolina Senate is an important milestone in your lives and in that of this great State. As the 29th Lieutenant Governor, I welcome this opportunity to serve with you.

"I want to recognize and welcome the families and guests of the members of the Senate. These Senators are here today because of your strong support, and they will need your

support even more in the days and weeks ahead as they deliberate the many important issues that will come before this Body.

"I also recognize and welcome our other distinguished guests—members of the Council of State, the Judiciary, representatives of the Executive Branch, and visitors.

"This is a very special day for me, and I especially want to recognize my wife, Sarah, my children, other members of my family, and friends, and to thank them for their confidence and support and most importantly for their love.

"To stand here before this distinguished body is an humbling experience. I am reminded of those who have preceded me in the Office of Lieutenant Governor and of the contributions that they and the members of the Senate have made to this great State.

"We can be proud of North Carolina's momentum. We have made gains in microelectronics, biotechnology, and new jobs. We can be proud of North Carolina's attractiveness as a place to live and to retire. We can be proud of the steps taken to improve education, of the efforts to help the elderly and those who cannot care for themselves. We can be proud of North Carolina's history of frugal and responsive government.

"Now the opportunity and the responsibility has been passed to us. I am certain that every Senate, every General Assembly, every administration has felt its time to be unique—its problems, the most difficult—its opportunities for service, the greatest.

"Certainly this is an exciting time, a tremendously important time for North Carolina. The people of our State have many needs in education, in health care, in highways. Our State has needs to develop economically, to provide more and better job opportunities, to maintain its environment.

"The first priority must be—our children. They are the future. We must see to their care and well-being. We must provide every child with 'equal opportunity' to education regardless of where he or she lives in our State.

"Unfortunately, there is not enough money to do all we would like to do. Although the budget approved this Session will total around \$16 billion, your deliberations must assure that it is utilized where it will do the most good for the most people without waste and without duplication.

"This State's ability to provide for its future needs is dependent on its economic development. We must look for ways to encourage sound economic development without penalizing local governments, and without depriving citizens of the basic needs of life.

"The citizens of North Carolina have elected us to chart a sound and enduring course for the State as it moves into the closing years of this century. We must build upon past accomplishments, and we must utilize the available resources to the fullest as we chart the course for the future.

"It has been said that 'coming together, as we have done today, is a beginning. Keeping together is progress. Working together is success.' I pledge to you today a willingness to work together with you, with the House of Representatives, with the Administration to do the best possible job for North Carolina.



"I pledge to you an open Senate. Each of you will have the opportunity to be heard and to participate fully in the deliberations. The number of committees has been reduced to avoid as many conflicts in schedules as possible, and to allow more time for members to study issues.

"I am committed to working with you in cooperation with Speaker Ramsey and the members of the House, and with Governor Martin and his administration. This is not to say that we will not have differences, we will. But I will work diligently to seek positive solutions that are in the best interest of the people of the State.

"All of us—Senators and Representatives, Democrats and Republicans—must remember that our first responsibility is to serve the people of this great State. We asked for the opportunity, but it was the people who have given us their trust. We must uphold their faith in us, and with God's guidance, we will.

"I look forward to working with each of you this Session."

The President announces the Senate is ready to proceed with election of officers.

### ELECTION OF OFFICERS

For President Pro Tempore of the Senate, Senator Hardison places in nomination Senator Joseph J. Harrington of Bertie County. Senator Rauch, Senator Thomas of Craven, and Senator Redman second the nomination. On motion of Senator Redman, the nominations are closed and Senator Joseph J. Harrington is elected President Pro Tempore by acclamation.

Being declared duly elected, the President appoints Senator Walker and Senator Ward to escort the President Pro Tempore, Senator Harrington, to the Well of the Senate where he receives the prescribed oath of office with is administered by the Honorable J. William Copeland, former Associate Justice of the Supreme Court of North Carolina. Senator Harrington is recognized to address the membership from the Well of the Senate. (See Appendix)

For Majority Leader of the Senate, Senator Harris places in nomination Senator Kenneth Claiborne Royall, Jr. of Durham County. Senator Thomas of Henderson and Senator Rand second the nomination.

On motion of Senator Rand, the nominations are closed. The members of the minority party are excused from voting. Senator Kenneth Claiborne Royall, Jr. is elected Majority Leader by acclamation.

Being declared duly elected, the President appoints Senator Plyler and Senator Staton to escort the Majority Leader, Senator Royall, to the Well of the Senate where he receives the prescribed oath of office which is administered by the Honorable Earl Vaughn, Associate Justice of the Supreme Court of North Carolina. Senator Royall is recognized to address the membership from the Well of the Senate. (See Appendix)

The President announces that the following members of the 1985 General Assembly have been elected officers of the Minority Party: Senator William W. Redman, Senate Minority Leader; Senator Paul Smith, Senate Minority Whip; and Senator J. A. Wright, Joint Caucus Leader. Senator Redman is recognized to address the membership. (See Appendix)



For Principal Clerk of the Senate, Senator Warren places in nomination Sylvia Morris Fink of Wake County. Senator Hipps seconds the nomination.

On motion of Senator Hipps, the nominations are closed and Sylvia Morris Fink is elected Principal Clerk by acclamation. Being duly elected, she receives the prescribed oath of office which is administered by the Honorable H. Horton Rountree, Judge of the Third Judicial District, and assumes her seat.

For Reading Clerk of the Senate, Senator Speed places in nomination LeRoy Clark, Jr. of Wake County. Senator Johnson seconds the nomination.

On motion of Senator Johnson, the nominations are closed and LeRoy Clark, Jr. is elected Reading Clerk by acclamation. Being declared duly elected, he receives the prescribed oath of office which is administered by the Honorable Willis P. Whichard, Judge of the North Carolina Court of Appeals, and assumes his seat.

For Sergeant-at-Arms of the Senate, Senator Woodard places in nomination Gerda B. Pleasants of Wake County. Senator Harris seconds the nomination.

On motion of Senator Harris, the nominations are closed, and Gerda B. Pleasants is elected Sergeant-at-Arms by acclamation. Being declared duly elected, she receives the prescribed oath of office which is administered by the Honorable Willis P. Whichard, Judge of the North Carolina Court of Appeals, and assumes her seat.

#### RULES OF SENATE

On motion of Senator Harrington, the Rules of the 1983 General Assembly are adopted as the temporary Rules of the 1985 Session with the following exception: Rule 32 amended to read as follows:

“RULE 32. List of standing committees.—The standing committees shall be:

**Agriculture**  
**Appropriations**  
**Appropriations on Education**  
**Appropriations on General Government**  
**Appropriations on Human Resources**  
**Appropriations on Justice and Public Safety**  
**Appropriations on Natural and Economic Resources**  
**Base Budget**  
**Children and Youth**  
**Commerce**  
**Education**  
**Election Laws**  
**Finance**  
**Higher Education**  
**Human Resources**  
**Insurance**  
**Judiciary I**  
**Judiciary II**  
**Judiciary III**  
**Judiciary IV**

**Local Government and Regional Affairs**  
**Manufacturing and Labor**  
**Natural and Economic Resources and Wildlife**  
**Pensions and Retirement**  
**Rules and Operation of the Senate**  
**Senior Citizens**  
**State Government**  
**Transportation**  
**Ways and Means"**

A special message is ordered sent to the House of Representatives informing that Honorable Body that the Senate is organized and ready to proceed with public business.

#### **APPOINTMENT OF COMMITTEES**

The President announces appointments to the standing committees, as follows:

**RULES AND OPERATION OF THE SENATE COMMITTEE:** Senators Harrington (Chairman), Barnes, Royall (Vice-Chairmen), Hardison, Hipps, Kincaid, Plyler, Rand, Rauch, Redman, Swain, Thomas of Craven, Walker, Ward, Warren, Winner, and Woodard.

The President charges the Committee, as follows:

"Senator Harrington and members of the Committee:

"It is my sincere desire that the rules governing the operation of this Senate be structured so as to make us efficient as well as fair to all members who have been duly elected by their constituents. It will be your duty to monitor the operation of this Senate and to propose modifications to our rules when you determine that such are necessary for efficiency and fairness.

"I know that you and your Committee will carry out this assignment for the benefit of this Senate and the people of this State."

**AGRICULTURE COMMITTEE:** Senators Speed (Chairman), Hipps, Taft, Warren (Vice-Chairmen), Barnes, Ezzell, Jordan, McDuffie, Martin of Pitt, Parnell, Plyler, Price, Redman, Shaw, Soles, and Thomas of Craven.

The President charges the Committee as follows:

"Senator Speed and members of the Committee:

"North Carolina's number one industry continues to be agriculture. Our farmers are involved in the production of food and fiber used all over the world, but there are new and challenging issues which face this industry. We must find additional and expanding markets for our products. We must make use of state of the art technology while paying careful attention to soil conservation and protecting the small family farm which has a rich tradition in this State. We must be particularly sensitive to the concerns of tobacco farmers who will be facing difficult challenges in the years ahead.

"I appreciate your willingness to assume and discharge this important work."

**APPROPRIATIONS COMMITTEE:** Senators Plyler (Chairman), Hardison, Royall, Walker, Warren (Vice-Chairmen), Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Rand, Simpson, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Watt, Winner, and Woodard.

**APPROPRIATIONS ON EDUCATION COMMITTEE:** Senators Ward (Chairman), Winner (Vice-Chairman), Goldston, Martin of Guilford, Simpson, and Tally.

**APPROPRIATIONS ON GENERAL GOVERNMENT COMMITTEE:** Senators Woodard (Chairman), Thomas of Henderson (Vice-Chairman), Conder, Ezzell, Hunt of Durham, Johnson of Cabarrus, and Speed.

**APPROPRIATIONS ON HUMAN RESOURCES COMMITTEE:** Senators Walker (Chairman), Harris (Vice-Chairman), Ballenger, Harrington, Marvin, and Watt.

**APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY COMMITTEE:** Senators Parnell (Chairman), Swain (Vice-Chairman), Barnes, Cobb, Hipps, and Taft.

**APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES COMMITTEE:** Senators Thomas of Craven (Chairman), Martin of Pitt (Vice-Chairman), Basnight, Guy, Johnson of Wake, and Kincaid.

**BASE BUDGET COMMITTEE:** Senator Rand (Chairman).

(All members of Appropriations Committee are also members of the Base Budget Committee)

The President charges the Committees as follows:

“Senators Plyler and Rand:

“Senators Ward, Woodard, Walker, Parnell, and Joe Thomas:

“The work of the Advisory Budget Commission will soon be before you in the form of the recommended budget for the 1985-1987 biennium.

“As this legislation is introduced, it will be your duty to examine it carefully to determine whether each proposal is a wise expenditure of State funds. It will be your duty to take a hard look at the base budget to determine if there are ways to better utilize our resources. There will be significant reductions in federal funds available to North Carolinians for programs traditionally funded by Congress. It will be your duty to determine if these funds can and should be replaced by State revenues.

“I am particularly concerned that your committees pay special attention to the needs of our children, our elderly and those less able to take care of themselves. Be especially attentive to the educational needs of children and adults. The infrastructure needs of our State as well as the utilization of biotechnology in North Carolina deserve your thoughtful consideration. Give special attention to the immediate needs of local governments and the State mandates that offer no monies to provide services. Each of the five subject-matter Appropriations Committees will sit first as a Base Budget Committee, under Senator Rand, to review continuation requests and to eliminate unnecessary expenditures.



Following the review of continuation requests, each Committee will be reconstituted as an Appropriations Committee under Senator Plyler to consider expansion proposals to provide services to meet the needs of our citizens, which have not been adequately met in the past.

"The people of North Carolina are depending on you to make certain they get the very best in government services for the very least amount of their tax money. You have my confidence and gratitude for your willingness to assume and discharge these tasks so vital to the people of this State."

**CHILDREN AND YOUTH COMMITTEE:** Senators Hipps (Chairman), Ballenger, Marvin (Vice-Chairmen), Barnes, Harrington, Harris, Johnson of Cabarrus, Kaplan, Martin of Guilford, Redman, Royall, Taft, Tally, Walker, Ward, and Woodard.

The President charges the Committee as follows:

"Senator Hipps and members of the Committee:

"Children are our most precious resource. With the adoption of the temporary rules, you have authorized the establishment of a new committee of the Senate to deal with issues affecting children and youth.

"In past years, legislation on these matters was spread over several committees. It is my intention to bring these issues into one committee to enable its members to develop an expertise on subjects affecting young people.

"Among the important issues which you will be addressing are child care, child support enforcement, abuse and neglect, child health, juvenile justice, permanency planning for children without a home, and missing children legislation.

"I am confident that this Committee will make a very positive mark on the lives of children and youth in North Carolina."

**COMMERCE COMMITTEE:** Senators Hardison (Chairman), Guy (Vice-Chairman), Ballenger, Cobb, Goldston, Harrington, Harris, Johnson of Wake, Martin of Pitt, Parnell, Plyler, Rauch, Redman, Royall, Smith, Soles, Staton, Watt, and Woodard.

The President charges the Committee as follows:

"Senator Hardison and members of the Committee:

"Providing the proper balance in the relationship between commerce and consumers is a constant and continuing challenge.

"This Committee will be receiving legislation dealing with financial institutions, public utilities and small business. Like all other North Carolina citizens, you are consumers and are directly affected by legislation in these areas. Yours is therefore a heavy responsibility which I am confident you will faithfully discharge.

"Your duty is to be mindful of the concerns of the business community. You will have to look at the effect the reciprocal interstate banking legislation is having on our financial institutions. It is imperative that when considering utilities legislation, you consider the impact that legislation will have on the availability of the services provided by these utilities for our citizens in the decades to come.

"You must encourage the development of our small businesses and foster an entrepreneurial spirit in North Carolina both for those businesses which are dependent on technology and those which are not.

"You will have broad responsibilities in the area of commerce not placed before under one committee. I appreciate your dedication and willingness to serve North Carolina in this way."

**EDUCATION COMMITTEE:** Senators Winner (Chairman), Ward, Warren (Vice-Chairmen), Basnight, Conder, Hipps, Hunt of Durham, Hunt of Moore, Jordan, McDuffie, Martin of Pitt, Martin of Guilford, Marvin, Sawyer, Simpson, Speed, Taft, Tally, and Wright.

The President charges the Committee as follows:

"Senator Winner and members of the Committee:

"The education of our children is the single most important investment we, as a State, make and so it is fitting and right that we invest more of our resources into education than in any other single area of our budget.

"Past sessions of this General Assembly have mandated that the State Board of Education along with the Department of Public Instruction make proposals to this 1985 Session. You will have those as well as other proposals before you for your consideration. It is my charge to you to continue with the development of a basic education program which ensures that every child will have an equal opportunity to reach his and her full potential as a contributing member of our society.

"Like many of the committees charged, this Committee will spend long hours in its efforts and I am grateful to you and confident that you will discharge this work to the very best of your ability.

"Much of what will be remembered about the 1985 Legislature will come from the work of this Committee."

**ELECTION LAWS COMMITTEE:** Senators Kaplan (Chairman), Smith, Watt (Vice Chairmen), Cobb, Ezzell, Johnson of Wake, Parnell, Plyler, Price, Rauch, and Swain.

The President charges the Committee as follows:

"Senator Kaplan and members of the Committee:

"As our State's population continues to grow and voting technology advances, we must be mindful of our obligation to have election laws which will provide every opportunity to encourage our citizens to exercise their constitutional privilege to vote.

"There have been many recent changes in both the federal and the State election laws. Many of our State laws in this area need refinement and it will be your duty to ensure that proposals which accomplish that are sent to the floor of the Senate.

"Yours is an important task and I have every confidence that you will perform it well."

**FINANCE COMMITTEE:** Senators Rauch, Thomas of Henderson (Co-Chairmen), Staton, Winner (Vice-Chairmen), Guy, Hardison, Harrington, Harris, Hunt of Moore,



Jordan, Kaplan, McDuffie, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Thomas of Craven, Walker, Ward, Warren, and Wright.

The President charges the Committee as follows:

“Senators Rauch and Thomas and members of the Committee:

“Our citizens want fair and equitable taxes. The Finance Committee has the duty of making sure adequate resources are available to support the essential services of the State. This year there will be a number of proposals to reduce taxes and some proposals to change the way North Carolina finances the business of the State.

“I believe money will be available to grant some tax relief, but we cannot consider tax cuts in a vacuum. They must be weighed in conjunction with the demands for services, the effects of the federal budget cuts, and the economic conditions of the State.

“Many of you have already been at work as members of study commissions which have been active between the sessions, looking at revenue laws and amendments to existing laws. You will need to give careful consideration to those and any other tax modification proposals.

“The choices are there, and you must provide for the Senate the best legislation for the citizens of North Carolina.”

**HIGHER EDUCATION COMMITTEE:** Senators Martin of Guilford (Chairman), Cobb, Tally (Vice-Chairmen), Conder, Goldston, Hunt of Durham, Rauch, Royall, Sawyer, Smith, Staton, and Woodard.

“Senator Martin and members of the Committee:

“North Carolina has a higher education system that it can be proud of. Our future economic growth depends on keeping this system strong and responsive.

“I have and intend to continue to devote a considerable amount of my time and energy to improving our primary, secondary and higher education programs. We need to forge better communication among the various education agencies in making sure that resources are shared in a way that is the most beneficial to all of our citizens.

“Our higher education system must properly prepare our students, we must retrain our work force to meet the changing demands of our national and State economy.

“I have confidence in the ability of this Committee to help the Senate in its work.”

**HUMAN RESOURCES COMMITTEE:** Senators Harris (Chairman), Redman, Walker (Vice-Chairmen), Ballenger, Hardison, Harrington, Hunt of Moore, Martin of Guilford, Marvin, Royall, Taft, Thomas of Henderson, Ward, Warren, and Watt.

The President charges the Committee as follows:

“Senator Harris and members of the Committee:

“Our dwindling tax revenues might make us forget those who truly depend on the vital services the State provides. Our sense of responsibility, and of compassion, compel us not to do that. There are many in this State who cannot do for themselves, and it is up to all of us who can to insure that they get the help they need.

"Most of you have served on this Committee before and are familiar with many of the issues which will confront you. There will, however, be new concerns which will merit your careful consideration.

"I am confident in the ability and willingness of all members of this Committee to assume and discharge this vital work."

**INSURANCE COMMITTEE:** Senators Johnson of Wake (Chairman), Kincaid (Vice-Chairman), Ballenger, Hardison, Parnell, Rand, Smith, Soles, and Staton.

The President charges the Committee as follows:

"Senator Johnson and members of the Committee:

"Issues involving the rates, coverages, and types of insurance available to our citizens are among the most controversial matters traditionally considered by the General Assembly. You will be asked to carefully examine proposed legislation to insure that the insurance laws are structured to maximize both availability of coverages and fairness to consumers.

"Yours will not be an easy task because insurance is a complicated subject. I am grateful that you have agreed to undertake this task and am confident you will perform it to the best of your abilities."

**JUDICIARY I COMMITTEE:** Senators Barnes (Chairman), Hipps (Vice-Chairman), Johnson of Cabarrus, Price, Sawyer, Tally, Warren, and Watt.

**JUDICIARY II COMMITTEE:** Senators Staton (Chairman), Martin of Guilford (Vice-Chairman), Ezzell, Hunt of Moore, Kaplan, Simpson, Woodard, and Wright.

**JUDICIARY III COMMITTEE:** Senators Swain (Chairman), Johnson of Wake (Vice-Chairman), Harris, Kincaid, Marvin, Somers, Taft, and Thomas of Henderson.

**JUDICIARY IV COMMITTEE:** Senators Soles (Chairman), Rand (Vice-Chairman), Ballenger, Cobb, Goldston, Parnell, Royall, and Winner.

The President charges the Committee as follows:

"Senators Barnes, Staton, Swain and Soles and members of all four Judiciary Committees:

"This Senate has been delegated heavy responsibilities by the Constitution of our State. You will be considering and evaluating complicated legislation involving the entire spectrum of our State's statutory law. Working on this legislation will require dedication and thoughtful analysis. You will also be involved in proposed amendments to the Constitution of this State and I charge you to deliberate carefully upon each and every one of these proposals. The citizens of this State are fortunate to have each of you Senators willing to give of your time and energy in this work so important to our State's legal system. And on behalf of the people of North Carolina, I thank you for your dedication."

**LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE:** Senators Ezzell (Chairman), Price, Barnes (Vice-Chairmen), Basnight, Conder, Hunt of Durham, Martin of Pitt, Marvin, Shaw, Simpson, Somers, Tally, Thomas of Craven, Walker, and Wright.

The President charges the Committee as follows:

“Senator Ezzell and members of the Committee:

“Federal budget cuts involving local government will place additional pressures on those local governments and will require State and local governments to work together in a closer relationship than ever before. The number of local bills to be addressed by this General Assembly each session continues to increase and it will be your duty to examine each item of proposed legislation closely and to determine whether its passage would indeed be in the best interest of our State. You have my confidence that this work will be done with diligence and fairness.”

**MANUFACTURING AND LABOR COMMITTEE:** Senators Jordan (Chairman), Goldston, Parnell (Vice-Chairmen), Ballenger, Basnight, Guy, Harris, Johnson of Wake, Kincaid, Plyler, Price, Rauch, Smith, Staton, and Thomas of Henderson.

The President charges the Committee as follows:

“Senator Jordan and members of the Committee:

“North Carolina’s economy is diversifying at a greater rate than ever before. Our traditionally strong industries of tobacco, textiles, furniture and lumber are facing increasing foreign competition and we are seeing more and more plant closings and workers losing their jobs. Your responsibility will be to ensure that legislation comes out of your Committee which will benefit both workers and the industries which employ them.

“I have every confidence in the commitment and the concern of each member of this Committee.”

**NATURAL AND ECONOMIC RESOURCES AND WILDLIFE COMMITTEE:** Senators Tally (Chairman), Thomas of Craven, Ward (Vice-Chairmen), Basnight, Conder, Guy, Hunt of Moore, Kincaid, Martin of Pitt, Redman, Shaw, Staton, Thomas of Henderson, and Wright.

The President charges the Committee as follows:

“Senator Tally and members of the Committee:

“As the population of North Carolina continues to increase, it becomes increasingly difficult to protect and preserve our natural resources. Nonetheless, it is imperative that we do so and it will be your duty to ensure that legislation comes to the floor which will be effective in safeguarding the purity of our waters and air, and carefully managing our forests and wildlife. You must balance our need for raw materials to help provide jobs for our citizens while maintaining our ability to pass on these natural resources to our future generations.

“I appreciate your willingness to assume and discharge this vital work.”

**PENSIONS AND RETIREMENT COMMITTEE:** Senators Marvin (Chairman), Hardison, Wright (Vice-Chairmen), Harrington, Hunt of Durham, Hunt of Moore, Kaplan, McDuffie, Plyler, Price, Royall, Somers, Speed, Swain, and Woodard.

The President charges the Committee as follows:

“Senator Marvin and members of the Committee:



“As we strive to continue to attract and keep the best employees available to serve the people of this State, we recognize the importance of a sound retirement system. I charge this Committee to analyze the benefits available to these public employees and I ask that you send legislation to the Senate which will ensure and maintain a sound retirement and pension policy for this State.

“You have my appreciation for your willingness to discharge this important work.”

**SENIOR CITIZENS COMMITTEE:** Senators Hunt of Moore (Chairman), Hunt of Durham, Speed (Vice-Chairmen), Barnes, Conder, Ezzell, Guy, Johnson of Cabarrus, Jordan, Shaw, Somers, and Swain.

The President charges the Committee as follows:

“Senator Hunt of Moore and members of the Committee:

“The percentage of our population which is ages 65 and over continues to grow and by the year 2000, there will be one million of our citizens who have reached this age. Older Americans have been and continue to be major contributors to society. They are an increasingly important part of our work force, both salaried and as volunteers. We must continue to look for ways to utilize this valuable resource both for their benefit as well as the State as a whole.

“You have my appreciation for the work you have agreed to perform.”

**STATE GOVERNMENT COMMITTEE:** Senators Guy (Chairman), Conder, Soles (Vice-Chairmen), Cobb, Hardison, Harris, Parnell, Rand, Royall, Sawyer, Simpson, Smith, Taft, Walker, Watt, Winner, and Woodard.

The President charges the Committee as follows:

“Senator Guy and members of the Committee:

“The efficiency of our State government has never been more important as we strive to continue to meet the proven needs of our citizens as well as address those additional needs which will be brought before you. The easy course is to allow government to expand. This Committee has the duty to ensure that we serve as many of the valid needs of our citizens as possible and to do so as efficiently as we are able to do.

“This Committee will also be concerned with the most important issues affecting military and veteran affairs.

“These tasks will require your dedicated efforts and I very much appreciate your willingness to undertake and discharge this important work.”

**TRANSPORTATION COMMITTEE:** Senators Warren (Chairman), Basnight (Vice-Chairman), Barnes, Goldston, Harrington, Johnson of Cabarrus, Jordan, Kaplan, McDuffie, Martin of Pitt, Rand, Redman, Speed, and Ward.

The President charges the Committee as follows:

“Senator Warren and members of the Committee:

“North Carolina is a State with more State-owned road mileage than any other state. It has not only the charge to continue providing new roads and new access for our growth to

meet the needs of our people and industry, but also the major task of maintaining the system that has brought us the reputation of being the Good Roads State. Transportation is vital to the economy of North Carolina and we must, therefore, do all that we can to protect and develop this important state-wide resource.

"You have my thanks for your willingness to undertake these tasks."

**WAYS AND MEANS COMMITTEE:** Senators Royall (Chairman), Harrington, Plyler (Vice-Chairmen), Guy, Hardison, Harris, Hipps, Parnell, Rand, Rauch, Swain, Thomas of Craven, and Winner.

The President charges the Committee as follows:

"Senator Royall and members of the Committee:

"Your Committee will be primarily responsible for assisting the Appropriations and Finance Committees in carrying out the constitutional mandate that we adopt a balanced budget for this State. The other balancing which must be performed is that of weighing the needs and demands of our citizens against our desire to do what is fiscally responsible.

"I have the utmost confidence that this Committee will perform its work well and to completion. I appreciate the dedication of this Chairman and the members of his Committee."

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

HOUSE OF REPRESENTATIVES  
February 5, 1985

*Mr. President:*

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

Speaker, Liston B. Ramsey  
Speaker Pro Tempore, John J. Hunt  
Principal Clerk, Grace A. Collins  
Sergeant-at-Arms, Larry P. Eagles  
Reading Clerk, Sam J. Burrow, Jr.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

#### **INTRODUCTION OF BILLS AND RESOLUTIONS**

Without objection, Rule 40 relative to filing legislation is suspended for today.

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:



By Senators Plyler, Rand, Royall, and Hardison:

**S. B. 1**, a bill to make appropriations for current operations of State department, institutions, and agencies, and for other purposes.

Referred to **Appropriations Committee**.

By Senators Plyler, Rand, Royall, and Hardison:

**S. B. 2**, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies.

Referred to **Appropriations Committee**.

By Senators Rauch, Barnes, Goldston, Guy, Hardison, Harris, Jordan, Kincaid, Marvin, Parnell, Royall, Smith, Somers, and Thomas of Henderson:

**S. B. 3**, a bill to exempt money from the tax on intangible personal property and to reimburse local governmental units for the resulting revenue loss.

Referred to **Finance Committee**.

By Senator Harrington:

**S. J. R. 4**, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives at 12 o'clock Noon on Thursday, February 28, 1985.

On motion of Senator Harrington, the joint resolution is placed before the Senate for immediate consideration.

Senator Redman offers Amendment No. 1. Senator Wright calls for the ayes and noes on Amendment No. 1. The call is sustained. Amendment No. 1 fails of adoption by roll-call vote, ayes 14, noes 35, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Johnson of Cabarrus, Kincaid, Martin of Pitt, McDuffie, Redman, Sawyer, Shaw, Simpson, Smith, Somers, and Wright — 14.

Voting in the negative: Senators Barnes, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard — 35.

Senator Harrington calls the previous question, seconded by Senator Johnson of Wake. The call is sustained.

The joint resolution passes its second reading (electronically recorded).

Senator Harrington offers a motion that the rules be suspended to allow the joint resolution read a third time.

Senator Redman moves that the Senate do now adjourn, seconded by Senator Wright, which motion fails to prevail (electronically recorded).

The motion of Senator Harrington to allow third reading today prevails (electronically recorded). The joint resolution passes its third reading (electronically recorded).

Senators Cobb, Kincaid, and Simpson request to be recorded voting "no" on third reading.

Senator Cobb offers a motion that the vote by which the joint resolution passed its third reading be reconsidered. Senator Cobb not having voted with the majority, the President rules the motion out of order.

The joint resolution is ordered sent to the House of Representatives.

By Senators Plyler, Hardison, Harrington, Marvin, Parnell, Rand, Royall, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, and Woodard.

**S. B. 5**, a bill to revise the membership of the Advisory Budget Commission.

On motion of Senator Plyler, the bill is placed before the Senate for immediate consideration. Senator Plyler explains the bill and the Chair, without objection, orders the bill removed from today's Calendar and placed on tomorrow's Calendar.

The Reverend Sam D. McMillan, Jr., Pastor of White Plains United Methodist Church of Cary is recognized as the Senate Chaplain for the 1985 Session of the North Carolina General Assembly.

The President recognizes Mrs. Pat Brock, serving as Supervisor of Pages for this Session, and the following pages serving in the Senate this week: Katherine Lois Adams, Benson; Melodie Jo Blackmon, Goldsboro; Sandra Carter, Garner; Rick Conder, Jr., Rockingham; Christopher Lynn Dickey, Robbinsville; Michael Grogan, Eden; Brian Killebrew, Benson; David A. King, Seagrove; Sherman Myers Lee, West Jefferson; Patty Prevost, Waynesville; Jim Stevenson, Rockingham; and Drew Westfall, Jacksonville.

On motion of Senator Harrington, seconded by Senator Cobb, the Senate adjourns to meet tomorrow at 1:30 P.M.

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## SECOND DAY

SENATE CHAMBER,  
Wednesday, February 6, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of the Family, we thank Thee for the love and security which we experienced in our families as children and youth; we thank Thee for the joys which we have experienced with our spouses and children through the years; and we thank Thee for the excitement which we shared with our families in yesterday's opening festivities.

"O God of Patience, we acknowledge that we in this Chamber are a family, working for the good of all the families of our State. Sometimes however, we are tempted; we fuss and pout like little children — each wanting his own way, each flexing his muscles, and each saying, 'my dad is stronger than your dad.' Be patient with us, and give us patience with one another.

"O God of Integrity, we thank Thee for the President of this Body, and for his fair and representative committee assignments which give all of us — veterans and freshmen,

Democrats and Republicans, a chance for involvement and leadership; and we pray that we may each work with integrity, open-mindedness, and diligence on our assigned committees — for the enrichment of life for each family in our State.

“O God of Love, as we assume the demanding responsibilities that lie before us in this Session of the General Assembly, give to us a commitment to our sacred task as elected officials of the people; but deliver us from the temptation to neglect our own families while seeking to serve the families of our District. Help us to faithfully fulfill our sacred responsibilities as husbands, fathers, wives, and mothers; and as we deal with complicated issues and face pressure from many sides on all major issues, give to us the blessing of loving, understanding, and supportive families.

“And we shall be careful to give Thee the praise and the glory. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hippias, Barnes, Conder, Guy, Harrington, Harris, Hunt of Moore, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Royall, Speed, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, and Winner:

**S. B. 6**, a bill to designate the Horsepasture River a scenic river and to authorize a study to consider including the River in the State Parks System.

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

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 5**, a bill to revise the membership of the Advisory Budget Commission.

Senator Cobb offers Amendment No. 1 which fails of adoption (electronically recorded).

Senator Barnes offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second and third readings (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 24**, a bill to appoint members of the Whiteville City Board of Education.

On motion of Senator Soles, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Rauch, the Senate adjourns to meet tomorrow, February 7, at 1:30 P.M.



## THIRD DAY

SENATE CHAMBER

Thursday, February 7, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of Amos and Deborah, we thank Thee for all those men and women who have promoted love, justice, and brotherhood in every generation; and we pray that in our land and in our State, that justice may flow down like waters, and righteousness like an ever-flowing stream.

“Be with the President of the United States, the members of Congress, the Justices of the United States Supreme Court, and all federal officials that they may promote justice, brotherhood, and peace in our own land, and among all races and nationalities on the face of the earth.

“Be with the Governor, the Lieutenant Governor, the Council of State, the members of the North Carolina Supreme Court, the members of the North Carolina General Assembly, and all State officials and employees, that they may be advocates of justice and opportunity for all the citizens of our State.

“As we begin to debate the State budget, and as we begin to deliberate the hundreds of bills that will be introduced into this Session of the Senate, give us a sense of fiscal responsibility; and yet also make us responsive to the genuine needs of individuals. Make us sensitive we pray Thee, not only to the needs of those groups who can afford lobbyists to promote their cause, but make us sensitive also to the needs of children, youth, migrant workers, members of ethnic minorities, the poor, and the aged — who may have no one to champion their needs.

“All this we ask in the Name of Him Who is the God and Father of us all, and Who wills that we live as sensitive, loving, and compassionate members of His family. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Thomas of Henderson for today through Friday, February 15, and to Senator Johnson of Cabarrus for tomorrow, Monday, and Tuesday, February 8, 11, and 12, to conduct a trial in Superior Court.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 24**, an act to appoint members of the Whiteville City Board of Education. (Ch. 1)

**ADDITIONAL ENDORSEMENTS**

The following Senators request to be recorded endorsing bills and resolutions previously introduced:

Senators Parnell and Guy:

**S. B. 3**, a bill to exempt money from the tax on intangible personal property and to reimburse local governmental units for the resulting revenue loss.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Winner:

**S. B. 7**, a bill to cover the President of the Senate under the legislative confidentiality laws.

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

By Senator Harrington:

**S. R. 8**, a Senate Resolution adopting the permanent Rules of the Senate for the 1985 Session of the General Assembly of North Carolina.

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

By Senators Hipps and Hunt of Moore:

**S. B. 9**, a bill to make the use of child restraint systems in motor vehicles permanent and to broaden the requirements for their use.

Referred to **Children and Youth Committee**.

By Senators Winner, Thomas of Henderson, and Royall:

**S. B. 10**, a bill to exempt money on deposit from the tax on intangible personal property and to reimburse local governmental units for the resulting revenue loss and to amend the Constitution to allow a county to exempt business inventories and intangible personal property from property tax.

Referred to **Finance Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Rand, Royall, Shaw, Walker, Ward, and Woodard:

**S. B. 11**, a bill to create a Division of Child Day Care within the Department of Human Resources.

Referred to **Children and Youth Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, McDuffie, Rand, Shaw, Walker, Ward, and Woodard:

**S. B. 12**, a bill to establish a special unit within the Licensing Commission to deal with child abuse and neglect in day care and to provide funds.

Referred to **Children and Youth Committee**.

By Senators Tally, Harrington, Hunt of Moore, Marvin, McDuffie, Rand, Redman, Shaw, Walker, Ward, and Woodard:

**S. B. 13**, a bill to mandate that Department of Social Services report reports of child abuse and neglect in day care to the Licensing Commission.

Referred to **Children and Youth Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Rand, Redman, Shaw, Walker, Ward, and Woodard.

**S. B. 14**, a bill to improve public awareness of day care child abuse and neglect law.

Referred to **Children and Youth Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Rand, Redman, Shaw, Walker, Ward, and Woodard.

**S. B. 15**, a bill to strengthen the Licensing Commission's investigations of abuse and neglect in day care.

Referred to **Children and Youth Committee**.

By Senators Redman and Ballenger:

**S. B. 16**, a bill to provide for attachment or garnishment and lien for ambulance service in Alexander County.

Referred to **Local Government and Regional Affairs Committee**.

Senator Taft moves that Rule 40 be suspended to allow the introduction and referral to Committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Martin of Pitt and Taft:

**S. B. 17**, a bill to provide for the creation of an interim Board of Education for Pitt County and subsequent consolidation of the Greenville City School Administrative Unit and the Pitt County School Administrative Unit.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Hipps:

**S. B. 18**, a bill to establish the North Carolina Center for Missing and Exploited Children.

Senator Hipps offers a motion to suspend the rules to the end that the bill may be placed before the Senate for immediate consideration, which motion fails to prevail for lack of a two-thirds vote (electronically recorded).

On motion of Senator Harrington, duly seconded, the Senate adjourns to meet tomorrow, February 8, at 10:00 A.M.



## FOURTH DAY

SENATE CHAMBER

Friday, February 8, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of Joy, we thank Thee for the excitement of this week, and for the opportunity we have had to be participants in the opening of the 1985 Session of the North Carolina General Assembly.

“O God of Encouragement, we thank Thee for those who have made this first week easier for us:

For our Principal Clerk and her staff,  
For our Sergeant-at-Arms and her staff,  
For our Lieutenant Governor,  
For our pages,  
For our secretaries,  
For our veteran Senators,  
For our families, and  
For all others who have ministered to us this week,  
We give Thee thanks, O Lord.

“O God of the Family, as we go home for the weekend, deliver us from the temptation to spend all our time catching up on our work or attending to Senate matters, and help us to set aside some time to be with our spouse and children.

“O God of the Renewal, remind us of our need for spiritual as well as physical renewal and help us to maintain the disciplines of scripture reading, prayer, and corporate worship — that we may keep our spirits in tune to Your will for our lives. Deliver us from the temptation to neglect our opportunities for worship and grant that this weekend, and every weekend, that we may faithfully attend the services at our church or synagogue.

“O God of Grace, guide us through today’s Session, give us a safe trip home; refresh us of body, mind, and spirit over the weekend, and by Thy grace, bring us back to this Chamber on Monday with renewed zeal to serve Thee and our fellowman. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Thomas of Craven for today. Leaves of absence granted previously to Senators Thomas of Henderson and Johnson of Cabarrus are noted.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 17**, a bill to provide for the creation of an interim Board of Education for Pitt County and subsequent consolidation of the Greenville City School Administrative Unit and the Pitt County School Administrative Unit, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hipps:

**S. B. 18**, a bill to establish the North Carolina Center for Missing and Exploited Children.

Referred to **Children and Youth Committee**.

By Senator Royall:

**S. B. 19**, a bill to increase State sales and use taxes by one-half percent, to provide an individual income tax credit, to exempt money from the tax on intangible personal property, and to establish a reserve for public school capital construction.

Referred to **Finance Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Ward, and Woodard:

**S. B. 20**, a bill to improve the law regarding minimum licensing standards for day-care facilities.

Referred to **Children and Youth Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Redman, Ward, and Woodard:

**S. B. 21**, a bill to improve the enforcement of day-care licensing.

Referred to **Children and Youth Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Rand, Ward, and Woodard:

**S. J. R. 22**, a joint resolution continuing the Legislative Research Commission Day-Care Study.

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

By Senators Tally, Harrington, Hipps, Hunt of Moore, Ward, and Woodard:

**S. B. 23**, a bill to expand the juvenile law definition of caretaker.

Referred to **Judiciary I Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Ward, and Woodard.

**S. B. 24**, a bill to provide for the protection of children in day-care plans through imposition of mandatory minimal standards and compliance inspections.

Referred to **Children and Youth Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Ward, and Woodard:

**S. B. 25**, a bill to provide for a provisional license for day-care facilities and plans in cases of substantiated child abuse and neglect.

Referred to **Children and Youth Committee**.

By Senators Tally, Harrington, Hipps, Hunt of Moore, Marvin, Ward, and Woodard:

**S. B. 26**, a bill to provide funds for the more efficient enforcement of day-care regulation.

Referred to **Appropriations Committee**.

On motion of Senator Harrington, seconded by Senator Rand, the Senate adjourns to meet Monday, February 11, at 8:00 P.M.

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### FIFTH DAY

SENATE CHAMBER,  
Monday, February 11, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of Renewal, we thank Thee for the time of renewal you granted us this past weekend with our family and friends. For the love, support, and encouragement which we received from our spouse and children, and for the inspiration which we received in services of worship—we give Thee thanks, O Lord.

“O God of New Beginnings, we thank Thee for the beginning of this new week of legislative action.

“For the zeal and enthusiasm of our freshmen Senators, for the wisdom and experience of our veteran Senators, for the opportunity to deepen old friendships, and for the chance to develop new friendships, we give thanks, O Lord.

“O God of Wisdom, guide us by Thy Spirit, as we begin deliberations in our committees and as we begin debate on this floor—as we deal with important and sometimes politically-sensitive issues—make us open initially to all points of view, grant that we may search for Thy will, and give us courage to stand up for our convictions, but deliver us from personal attacks on individuals who may have deep commitments to positions that vary sharply from our own views. In all of our deliberations in this Chamber, grant, we pray Thee, that our words and deeds may be tempered with love, wisdom, patience, and compassion.

“All this we ask in the name of the all-wise God who tells us in His Word that ‘A soft answer turns away wrath, but a harsh word stirs up anger.’ Amen”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.



The President grants a leave of absence to Senator Staton for today. Leaves of absence granted previously to Senators Thomas of Henderson and Johnson of Cabarrus are noted.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Woodard:

**S. B. 27**, a bill relating to installment loans, loans secured by secondary mortgages, and loans by licensees under the North Carolina Consumer Finance Act.

Referred to **Commerce Committee**.

By Senator Johnson of Wake:

**S. B. 28**, a bill to clarify the priority of claims in delinquency proceedings against insurers.

Referred to **Insurance Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 2**, a bill to schedule the regular primary and general election in Vance County for members of the Board of County Commissioners and Board of Education not conducted in 1984 due to delay caused by submissions to United States Department of Justice.

Referred to **Election Laws Committee**.

**H. B. 29**, a bill to provide for the creation of an interim Board of Education for Pitt County and subsequent consolidation of the Greenville City School Administrative Unit and the Pitt County Administrative Unit.

On motion of Senator Taft, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 17**, a bill to provide for the creation of an interim Board of Education for Pitt County and subsequent consolidation of the Greenville City School Administrative Unit and the Pitt County School Administrative Unit.

Senator Taft offers a motion that **S. B. 17** be postponed indefinitely.

Following discussion, and without objection, the Chair orders the bill removed from the Calendar for tonight and placed on the Calendar for tomorrow, February 12.

The President recognizes the following pages serving in the Senate this week: Susan Leigh Cochran, Raleigh; Brenda Jane Elkins, Fayetteville; Paul Harrison Hackney, Washington; Dave Phillips Henderson, Cary; Richard Henry Holmes, Swansboro; Joy Virginia Johnson, Mt. Gilead; Linda Jo Justice, Hot Springs; Angela Michelle Langley,



Sharpsburg; Bridget Karen Lawlor, Hope Mills; Wendy Joye Lofton, Wilmington; Shana Tolanda Redd, Hampstead; and Barbra Worley, Raleigh.

On motion of Senator Harrington, seconded by Senator Speed, the Senate adjourns to meet tomorrow, February 12, at 1:30 P.M.

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## SIXTH DAY

SENATE CHAMBER,  
Tuesday, February 12, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Michael W. Safley, Associate Director, The Council on Ministries, North Carolina Conference of the United Methodist Church, Raleigh, as follows:

"O Lord, You are our Source of strength, our Source of comfort, our Source of hope, and our Source of love. For these and all other blessings we give You thanks. Lord, we also give You thanks for every person in these Chambers. We thank You for their families and the persons within our State that each represents. We also give You thanks for the sacrifices each Senator, their families, other officials and staff make in order to serve all persons in North Carolina; and the sacrifices and hard work that each person performs in order to make North Carolina a better place in which to live.

"Lord, in our deliberations, discussions, and debates give us wisdom and wise counsel. Help us to make the right choices. Empower us to put aside all selfish concerns, all petty differences, and all ideological labels of conservatism or liberalism. Instead, Lord, unite us as one working for the common purpose of furthering the equality and dignity of all persons in our State and enabling North Carolina to reach her potential, with You as our guide and our hope. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today. Leaves of absence granted previously to Senators Thomas of Henderson and Johnson of Cabarrus are noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 29**, an act to provide for the creation of an interim Board of Education for Pitt County and subsequent consolidation of the Greenville City School Administrative Unit and the Pitt County Administrative Unit. (Ch. 2)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 16**, a bill to provide for attachment or garnishment and lien for ambulance service in Alexander County, with a favorable report.

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 28**, a bill to clarify the priority of claims in delinquency proceedings against insurers, with a favorable report, as amended.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 17**, a bill to provide for the creation of an interim Board of Education for Pitt County and subsequent consolidation of the Greenville City School Administrative Unit and the Pitt County School Administrative Unit.

On motion of Senator Taft, consideration of the bill is postponed indefinitely.

### APPOINTMENT OF COMMITTEES

The President of the Senate announces the following changes in Committee appointments:

**AGRICULTURE COMMITTEE**: Senator Basnight is appointed.

**APPROPRIATIONS ON JUSTICE AND PUBLIC SAFETY COMMITTEE**: Senator Barnes is removed and Senator Johnson of Wake is appointed.

**APPROPRIATIONS ON NATURAL AND ECONOMIC RESOURCES COMMITTEE**: Senator Johnson of Wake is removed and Senator Barnes is appointed.

**CHILDREN AND YOUTH COMMITTEE**: Senators Kaplan and Taft are removed and Senators Conder and Speed are appointed.

**ELECTION LAWS COMMITTEE**: Senator Jordan is appointed.

**INSURANCE COMMITTEE**: Senator Parnell is appointed Vice-Chairman and Senator Taft is appointed.

**JUDICIARY I COMMITTEE**: Senator Woodard is appointed.

**JUDICIARY II COMMITTEE**: Senator Marvin is appointed and Senator Woodard is removed.

**JUDICIARY III COMMITTEE**: Senator Walker is appointed and Senator Marvin is removed.

**LOCAL GOVERNMENT AND REGIONAL AFFAIRS COMMITTEE**: Senator Walker is appointed Vice-Chairman and Senator Barnes is removed.

**PENSIONS AND RETIREMENT COMMITTEE:** Senator Somers is removed.

**STATE GOVERNMENT COMMITTEE:** Senator Redman is appointed.

**TRANSPORTATION COMMITTEE:** Senator Thomas of Craven is appointed.

**WAYS AND MEANS COMMITTEE:** Senator Ballenger is appointed.

On motion of Senator Harrington, seconded by Senator Martin of Guilford, the Senate adjourns to meet tomorrow, February 13, at 1:30 P.M.

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### SEVENTH DAY

SENATE CHAMBER,  
Wednesday, February 13, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, we thank Thee for this day and for its blessings. We thank Thee for Your love which always surrounds us, and in this season of Valentine's as we remember our loved ones, remember also Your love for us always, and grant that in all we do and say we may demonstrate love and support, not only for those close to us but for our neighbors and friends and even those who may misuse us, so that love may become indeed, the hallmark of our life.

"For this we ask in Your name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today and to Senator Guy for Friday, February 15. A leave of absence granted previously to Senator Thomas of Henderson is noted.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Parnell, Guy, and Warren:

**S. B. 29**, a bill to change the method for measuring the tread depth on tires to determine whether or not they are safe.

Referred to **Transportation Committee**.

By Senators Parnell, Barnes, Guy, and Warren:

**S. B. 30**, a bill to add safety belts to the items subject to the annual safety inspection.

Referred to **Transportation Committee**.



By Senators Parnell, Barnes, Guy, and Warren:

**S. B. 31**, a bill to make windshields subject to the annual safety inspection.  
Referred to **Transportation Committee**.

By Senators Winner, Martin of Guilford, Rand, Taft, and Woodard:

**S. B. 32**, a bill to permit enforcement of alimony judgments while on appeal.  
Referred to **Judiciary IV Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 16**, a bill to provide for attachment or garnishment and lien for ambulance service in Alexander County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Winner, Woodard, and Wright—45.

Voting in the negative: Senator Watt—1.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 28**, a bill to clarify the priority of claims in delinquency proceedings against insurers.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

On motion of Senator Harrington, seconded by Senator Winner, the Senate adjourns to meet tomorrow, February 14, at 1:30 P.M.

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### EIGHTH DAY

SENATE CHAMBER,  
Thursday, February 14, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Father Charles Mulholland, St. Michael's Catholic Church, Cary, as follows:

"Let us turn our thoughts to the Divine Power that gave us life; to the God Who created the human mind that can devise so many wonderful laws. We recognize the thankfulness



we should feel for all the gifts we have received. We acknowledge our dependence upon a grace that comes from beyond our own power.

“Our hearts turn to You, O Lord, as a child turns to the arms of a parent, and we beg You to continue to guide and feed us.

“You have favored us beyond our just desserts; guide us to show the same benevolent care to all those in need. Put the right words into our minds that we may bear witness to Your truth, justice and mercy. On this feast of St. Valentine, the patron of love, make us aware of our own fallibility and the sincerity of those who disagree with us.

“Lord, bless us; may this Senate be receptive to the wisdom that comes from above and in the midst of the tensions and trials of service to Your people, grant us Your mercy and Your peace. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Martin of Pitt for tomorrow, February 15. A leave of absence granted previously to Senator Thomas of Henderson is noted.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. J. R. 4**, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a joint session of the Senate and House of Representatives at 12 o'clock Noon on Thursday, February 28, 1985. (Res. 1)

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

**S. B. 33**, a bill to amend the law regarding appropriations to Caldwell Community College.

Referred to **Appropriations Committee**.

By Senator Guy:

**S. B. 34**, a bill to extend the date by which the Property Tax System Study Committee must submit its final report.

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

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 56**, a joint resolution honoring the founders of Princeville, the State's oldest incorporated black community.

On motion of Senator Martin of Pitt, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 5**, a bill to revise the membership of the Advisory Budget Commission, as amended, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Plyler, the rules are suspended, and the bill, as amended, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Senate concurs (electronically recorded) in House Amendments No. 1 and No. 2, and the bill is ordered enrolled.

**H. B. 34**, a bill to repeal an act providing that Pamlico County may provide home health services other than as provided by general law.

Referred to **Human Resources Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 16**, a bill to provide for attachment or ganishment and lien for ambulance service in Alexander County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Winner, Woodard, and Wright—46.

Voting in the negative: Senator Watt—1.

The bill is ordered sent to the House of Representatives.

**S. B. 28**, a bill to clarify the priority of claims in delinquency proceedings against insurers, as amended, upon third reading.

Senator Watt offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

On motion of Senator Harrington, seconded by Senator Basnight, the Senate adjourns to meet tomorrow, February 15, at 10:00 A.M.

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### NINTH DAY

SENATE CHAMBER,  
Friday, February 15, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Rufus H. Stark II, Executive Director, Methodist Home for Children, Raleigh, as follows:

"Gracious God of all creation, we give You thanks for gifts to human beings of reason and free choice. It is through reason that we have the potential to understand Your world, one another, and Your love for Your creation. It is through freedom of choice that we can choose ways to affirm one another, ways to care for Your creation, and ways to respond to Your love.

"Help us, O God, not to use Your gifts of reason and free will to choose to exploit one another and Your creation for selfish ends; to seeks one's own interests above the broader good which is consistent with Your will, and thus to set oneself over against You.

"Your gifts, O God, of reason and freedom make for the struggle of life which leads to creativity. Bless, O Lord, The Senate of the State of North Carolina, and grant to each one of the members a reasonable mind, the nerve to be free, and the grace to make choices which affirm the worth of every person of this State. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Martin of Pitt and Guy for today and to Senator Winner for Monday, February 18, due to a necessary court appearance. A leave of absence granted previously to Senator Thomas of Henderson is noted.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 5**, an act to revise the membership of the Advisory Budget Commission. (Ch. 3)

**H. J. R. 56**, a joint resolution honoring the founders of Princeville, the State's oldest incorporated black community. (Res. 2)

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. B. 6**, a bill to designate the Horsepasture River a scenic river and to authorize a study to consider including the River in the State Parks System, with a favorable report, as amended.

**S. B. 34**, a bill to extend the date by which the Property Tax System Study Committee must submit its final report, with a favorable report.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate,



read the first time, and disposed of as follows:

By Senators Thomas of Craven and Guy:

**S. B. 35**, a bill to increase the annual income tax exclusion for federal civil service and military retirement pay.

Referred to **Pensions and Retirement Committee**.

By Senators Winner, Barnes, Swain, Johnson of Wake, and Warren:

**S. B. 36**, a bill to require draft registration of certain military dependents for scholarship and in-state tuition purposes.

Referred to **Education Committee**.

### APPOINTMENT TO COMMISSION

The President of the Senate appoints the following members to the Advisory Budget Commission:

Senator Harold W. Hardison  
 Senator William N. Martin  
 Senator Kenneth C. Royall, Jr.  
 Senator R. P. Thomas  
 Senator Wilma C. Woodard.

On motion of Senator Harrington, seconded by Senator Jordan, the Senate adjourns to meet Monday, February 18, at 8:00 P.M.

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### TENTH DAY

SENATE CHAMBER,  
 Monday, February 18, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Joseph Bethea, Administrative Assistant to the Bishop and Director of Ministerial Relations, North Carolina Conference, United Methodist Church, Raleigh, as follows:

"We thank You, O God, for life and for the joy of living; we thank You for this day and for every privilege and opportunity we have had to serve You, and to serve our sisters and brothers today; and if in any way we have failed You or them, grant that we may be forgiven. Bless those who gather in this place and in like assemblies everywhere, that in their deliberations and in their decisions, they may glorify Your Name and bless all those they represent. This is our prayer, O God. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.



The President grants a leave of absence to Senator Watt for today and for tomorrow, February 19, due to a previously scheduled court appearance. A leave of absence granted previously to Senator Winner is noted.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Parnell:

**S. B. 37**, a bill to increase the fees for the equipment inspection of motor vehicles.  
Referred to **Transportation Committee**.

By Senators Staton, Woodard, and Johnson of Wake:

**S. B. 38**, a bill to change the eligible adoption age for children under the scholarships for children of war veterans program.

Referred to **State Government Committee**.

By Senators Warren, Hipps, Johnson of Wake, Plyler and Rand:

**S. B. 39**, a bill to make the use of seat belts in motor vehicles mandatory and to remove the sunset on the use of child restraint devices.

Referred to **Judiciary I Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 25**, a bill to recodify Article 7A of Chapter 65 of the General Statutes as Article 13B of Chapter 90.

Referred to **Human Resources Committee**.

**H. B. 27**, a bill to provide penalties for removal of "separate" property during separation when an equitable distribution will be or is requested.

Referred to **Judiciary IV Committee**.

**H. B. 65**, a bill to extend the date by which the Criminal Code Revision Study Committee must submit its final report.

On motion of Senator Martin of Guilford, the rules are suspended (electronically recorded), and the bill is placed on the Calendar for tonight.

**H. B. 68**, a bill to authorize use of UDAG funds by the Town of Warsaw.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 6**, a bill to designate the Horsepasture River a scenic river and to authorize a study to consider including the River in the State Parks System.

On motion of Senator Hips, Committee Amendment No. 1 is adopted, changing the title to read, **S. B. 6**, a bill to designate the Horsepasture River a natural river and to provide for a study to consider including the River in the State Parks System.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 34**, a bill to extend the date by which the Property Tax System Study Committee must submit its final report.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 65**, a bill to extend the date by which the Criminal Code Revision Study Committee must submit its final report.

The bill passes its second and third readings (electronically recorded) and is ordered enrolled.

Senator Royall moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Royall moves that the vote by which the bill passed its second reading be reconsidered, which motion prevails.

The President rules the public bill requires an electronically recorded vote upon second reading.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

#### RE-REFERRAL

**S. B. 35**, a bill to increase the annual income tax exclusion for federal civil service and military retirement pay.

Without objection, the Chair orders the bill taken from the **Pensions and Retirement Committee** and re-referred to the **Finance Committee**.

#### ADDITIONAL ENDORSEMENTS

The following Senator requests to be recorded endorsing bills and resolutions previously introduced:

Senator Warren:

**S. B. 35**, a bill to increase the annual income tax exclusion for federal civil service and military retirement pay.

The President recognizes the following pages serving in the Senate this week: Suzannah Quincy Beard, Raleigh; Elizabeth Rives Cheek, Mars Hill; Sonja Rochelle Cloud, Raleigh; Jim Hester, Greenville; Caroline Louise Johnson, Raleigh; Susan Briles Johnson, Raleigh; Karen Kennedy, Winston-Salem; Laura Ann Ledford, Weaverville; Lee Andrea Miller, Raleigh; John Howard Moore, Raleigh; Christal Sanders, Raleigh; Melanie Teague, Nashville; Nichole Lannette Thompson, Raleigh; Molly Sue Vernon, Sanford; Helen Frances Vollmer, Bunn; Clarence George Walck III, China Grove; and Caroline Yancey, Raleigh.

On motion of Senator Harrington, seconded by Senator Martin of Guilford, the Senate adjourns to meet tomorrow, Tuesday, February 19, at 1:30 P.M.

## ELEVENTH DAY

SENATE CHAMBER,  
Tuesday, February 19, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. W. T. DuBose, First Presbyterian Church, Rockingham, as follows:

"Almighty God, as this Body seeks to order the affairs of our beloved State, we thank You. It is found appropriate to pause for prayer. This acknowledges a higher power and a more profound wisdom than that which prevails in this council of men and women. With this understanding, we turn to You for guidance this day and throughout the days of this session of the Legislature. May justice be the guiding principle by which all legislation is evaluated.

"Where there may be an impulse to depart from absolute justice, let it be in the direction of charity and mercy. Bless the decisions reached here to the common good of the people of our State. May privileges such as are enjoyed by this present company be more extensive among the people we serve. Give to those who have the power to move North Carolina in that direction both the wisdom and the grace to react responsibly to this challenge. We pray for Thy name's sake. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Leaves of absence granted previously to Senators Watt and Winner are noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 65**, an act to extend the date by which the Criminal Code Revision Study Committee must submit its final report. (Ch.4)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**H. B. 68**, a bill to authorize use of UDAG funds by the Town of Warsaw, with a favorable report.

On motion of Senator Ezzell, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.



The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Hunt of Durham, the Senate adjourns to meet tomorrow, February 20, at 12:30 P.M.

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## TWELFTH DAY

SENATE CHAMBER

Wednesday, February 20, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, as we observe this day which Christians call Ash Wednesday, we acknowledge that our sins are such as sent Jesus to the cross.

"All of us have at one time or another given in to mob psychology and allowed the innocent to suffer and be crucified, so that our friends or associates, like Barabbas, might go free.

"All of us—preachers, politicians, and lay people—like Pilate, have tried, at some point in our life, to wash our hands of a politically sensitive issue, and refused to take the position we know we should have taken, because we were afraid that the crowd or our party members might riot and turn against us.

"All of us, like the soldiers, have sometimes given in to the temptation to kick a man when he was down. We have all—ministers and laymen—mocked those whose opinions or beliefs differed from our own, instead of seeking to understand them. Each of us has at some point inflicted unnecessary pain on those over whom we had control—placing a crown of thorns on the head of persons who had already experienced more than their fair share of pain and suffering.

"O God of Mercy, we come to Thee in sackcloth and ashes, like the prophets of old, and pray for Thy forgiveness.

"Forgive us for all our sins of omission and commission; renew a right spirit within; and give us grace to live a life of love, tenderness, and compassion—in a world that is often hard and cruel. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Kincaid for today, Thursday, February 21, and Friday, February 22.

The President appoints Senators Basnight, Guy, Hardison, and Speed as a delegation



representing the Senate of the North Carolina General Assembly at the funeral of John Thomas James, son of Representative Vernon G. James, which will be held tomorrow, February 21.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 68**, an act to authorize use of UDAG funds by the Town of Warsaw. (Ch. 5)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Kaplan for the **Election Laws Committee**:

**H. B. 2**, a bill to schedule the regular primary and general election in Vance County for members of the Board of County Commissioners and Board of Education not conducted in 1984 due to delay caused by submissions to United States Department of Justice, with a favorable report.

Without objection, the bill is placed on the Calendar for Friday, February 22.

By Senator Harris for the **Human Resources Committee**:

**H. B. 34**, a bill to repeal an act providing that Pamlico County may provide home health services other than as provided by general law, with a favorable report.

Without objection, the bill is placed on the Calendar for Friday, February 22.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison, Swain, Guy, Rauch, Jordan, and Harris:

**S. B. 40**, a bill to amend the Constitution to provide for a six-year term for the Governor and Lieutenant Governor, and prohibiting a person from serving two consecutive six-year terms.

Referred to **Judiciary IV Committee**.

On motion of Senator Harrington, seconded by Senator Winner, the Senate adjourns to meet tomorrow, Thursday, February 21, at 2:00 P.M.

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### THIRTEENTH DAY

SENATE CHAMBER,  
Thursday, February 21, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable J. J. Harrington, President Pro Tempore.

Prayer is offered by the Reverend Suzanna Ross Helms, Saint James United Methodist Church, Raleigh, as follows:

"Eternal and loving God, we unite our hearts in prayer

because we need to know the stillness of Your presence, just as You are present with us always, in good times and in bad;

because we need to feel Your power that moves through us—power that makes us creatively search our own hearts;

because we seek wisdom that can only be granted by You—wisdom that enables us to understand and respond to the needs of others.

"Guide us, O God, in the deliberations that are before us that we may have good judgment and make wise decisions. Be especially present with those who lead us that their guidance may be beneficial to us in the days and weeks to come.

"Finally, keep us in Your care when we part from one another that we may know Your love that binds us to one another and to all Your children as sisters and brothers.

"These and all things we pray assured of Your love and safekeeping. Amen."

Senator Guy for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore grants leaves of absence to Senators Royall and Kincaid for today and tomorrow, February 22, who are meeting with President Ronald Reagan, Secretary of Agriculture John Block, and Budget Director David Stockman in Washington, D. C., and to Senator Simpson for tomorrow, February 22.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson and McDuffie:

**S. B. 41**, a bill to amend Chapter 636 of the 1981 Session Laws relative to military service retirement purchase.

Referred to **Pensions and Retirement Committee**.

By Senator Thomas of Henderson:

**S. B. 42**, a bill to authorize coordinators to complete limited driving privilege forms for indigents.

Referred to **Judiciary III Committee**.

By Senator Royall:

**S. B. 43**, a bill to authorize the expenditure of private gifts for a new dormitory and infirmary at the North Carolina School of Science and Mathematics.

Referred to **Appropriations Committee**.

By Senators Sawyer and Shaw:

**S. B. 44**, a bill to require regular superior court judges to be both nominated and elected in their resident judicial districts.

Referred to **Judiciary III Committee**.

By Senator Warren:

**S. B. 45**, a bill to enhance the role of the State Board of Education as the principal voice for elementary and secondary education in North Carolina.

Referred to **Education Committee**.

By Senators Warren, Harris, McDuffie, and Rauch:

**S. B. 46**, a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the Office of the Superintendent of Public Instruction appointive.

Referred to **Education Committee**:

By Senators Warren and McDuffie:

**S. B. 47**, a bill to provide for State funding of vocational education under the Federal Vocational Education Act.

Referred to **Education Committee**.

By Senators Ezzell and Harrington:

**S. B. 48**, a bill to increase compensation of sanitary district boards in Halifax County.

Referred to **Local Government and Regional Affairs Committee**.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S. J. R. 4**

HOUSE OF REPRESENTATIVES  
February 20, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S. J. R. 4**, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 12 o'clock Noon on Thursday, February 28, 1985, the Speaker has appointed the following members of the House of Representatives to serve with a like Committee of the Senate to invite, greet and escort the Governor to the Joint Session:

Representative Robert Brawley  
Representative LeRoy Spoon  
Representative Jo Graham Foster  
Representative Ruth Easterling

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*



## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 2**, a bill to schedule the regular primary and general election in Vance County for members of the Board of County Commissioners and Board of Education not conducted in 1984 due to delay caused by submissions to United States Department of Justice.

On motion of Senator Kaplan, the bill is taken from the Calendar for Friday, February 22, and is placed before the Senate for immediate consideration.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Barnes, seconded by Senator Basnight, the Senate adjourns to meet tomorrow, Friday, February 22, at 9:00 A.M.

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**FOURTEENTH DAY**

SENATE CHAMBER,  
Friday, February 22, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Rabbi Abe W. Schoen, Beth Meyer Synagogue, Raleigh, as follows:

"George Washington once, wrote, 'For happily the government of the United States which gives to bigotry no sanction, to persecution no assistance, requires only that they who live under its protection should demean themselves as good citizens in giving it on all occasions their effectual support.'

"Almighty God, we pray that the legislators of the State of North Carolina will eternally heed the words of the 'Father of Our Country.' May the laws which they enact accrue to the benefit of all who reside in this State. And may harmony, peace, and happiness always abide among us."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators McDuffie and Watt for today. Leaves of absence granted previously to Senators Royall, Simpson, and Kincaid are noted.

**ENROLLED BILLS**

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 34**, an act to extend the date by which the Property Tax System Study Committee must submit its final report. (Ch. 6)



**H. B. 2**, an act to schedule the regular primary and general election in Vance County for members of the Board of County Commissioners and Board of Education not conducted in 1984 due to delay caused by submissions to United States Department of Justice. (Ch. 7)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Winner for the **Education Committee**:

**S. B. 36**, a bill to require draft registration of certain military dependents for scholarship and in-state tuition purposes, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Warren, Hardison, and Martin of Guilford:

**S. B. 49**, a bill to establish State and local funding responsibilities for the uniform system of free public schools.

Referred to **Education Committee**.

By Senators Rand and Plyler:

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations.

Referred to **Commerce Committee**.

By Senator Ezzell:

**S. B. 51**, a bill to repeal local legislation permitting the sale of rock fish in Halifax and Northampton Counties.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Sawyer:

**S. B. 52**, a bill to increase the time during which community service for impaired driving convictions must be completed.

Referred to **Judiciary I Committee**.

By Senator Sawyer:

**S. B. 53**, a bill to grant veto power to the Governor.

Referred to **Judiciary I Committee**.

By Senator Sawyer:

**S. B. 54**, a bill to lift the sunset on the child restraint requirement.

Referred to **Children and Youth Committee**.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 89**, a bill to authorize the study commission to examine alternatives for increasing public awareness of the importance of agriculture, forestry, and seafood in North Carolina to report to the General Assembly by April 15, 1985.

On motion of Senator Speed, the bill is placed on the Calendar for Monday, February 25 (electronically recorded.)

**CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 34**, a bill to repeal an act providing that Pamlico County may provide home health services other than as provided by general law.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Kaplan, the Senate adjourns to meet Monday, February 25, at 8:00 P.M.

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**FIFTEENTH DAY**

SENATE CHAMBER,  
Monday, February 25, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend R. Keith Glover, Associate Minister, White Plains United Methodist Church, Cary, as follows:

“God of all eternity, You have brought us through another day to this special time and place. For that we give You thanks and seek Your divine guidance in the tasks that are before us in this hour.

“God of love and compassion for all people, our ever-present help in the daily struggles of our lives, we ask not for safety from struggle or protection from conflict, but for courage and strength to be faithful to the cause of truth.

“Thou who are the source of all wisdom, inspire and illumine the minds of those gathered here entrusted with responsibility for leadership in government. We pray not only for minds that perceive the truth, but also for eyes that see beauty in the world around us, ears that hear the cries of the needy, and hearts that respond with love and compassion.

“Endow us with right understanding, pure purposes, and sound speech. Enable us to rise above self-seeking and party zeal to the nobler concerns of public good and human brotherhood.

“And above all, help us not to forget who You are, and who we are: a people under God entrusted with the privilege and responsibility of pursuing life, liberty, and justice for all. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Plyler for tomorrow, February 26.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 16**, an act to provide for attachment or garnishment and lien for ambulance service in Alexander County. (Ch. 9)

**H. B. 34**, an act to repeal an act providing that Pamlico County may provide home health services other than as provided by general law. (Ch. 8)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marvin, Harris, and Rauch:

**S. B. 55**, a bill to refund certain firemen contributions in the Local Governmental Employee's Retirement System to surviving beneficiaries.

Referred to **Pensions and Retirement Committee**.

By Senators Staton, Hardison, Harrington, Hunt of Durham, Johnson of Wake, Rand, Rauch, Taft, Walker, and Woodard:

**S. B. 56**, a bill to enact the Uniform Management of Institutional Funds Act as recommended by the General Statutes Commission.

Referred to **Judiciary II Committee**.

By Senators Barnes and Winner:

**S. B. 57**, a bill to clarify the treatment of unspecified sentences that are required by statute to run consecutively with any other sentence.

Referred to **Judiciary I Committee**.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 92**, a joint resolution memorializing Congress to quickly approve the Interstate Cost Estimate made by the Secretary of Transportation.

On motion of Senator Warren, the joint resolution is placed on the Calendar for Tuesday, February 26.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:



**H. B. 16**, a bill making a technical correction to the revenue laws.  
Referred to **Finance Committee**.

**H. B. 59**, a bill to abolish the office of constable in the Town of Dublin and bring the Town under the general law relating to appointment of police.  
Referred to **Local Government and Regional Affairs Committee**

**H. B. 67**, a bill to give the surviving cotenant of a lock box access to life insurance policies stored in the box.  
Referred to **Judiciary II Committee**.

**H. B. 73**, a bill to allow a divorced or separated parent to claim an income tax deduction for expenses for medical care for his child, regardless whether the parent provided over one-half his child's support for the taxable year.  
Referred to **Finance Committee**.

**H. B. 75**, a bill to make clear that the privilege license tax on persons engaged in the business of selling knives and other weapons does not apply to persons engaged in the business of selling slingshots.  
Referred to **Finance Committee**.

**H. B. 79**, a bill to revise and consolidate the Charter of the Town of Kenly and to repeal prior local acts.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 84**, a bill clarifying the Health Maintenance Organization Act.  
Referred to **Insurance Committee**.

**H. B. 91**, a bill to provide for nomination of members of the State Board of Elections by the State political party chairmen, and concerning the term of office of the Executive Secretary-Director.  
Referred to **Election Laws Committee**.

**S. B. 28**, a bill to clarify the priority of claims in delinquency proceedings against insurers, for concurrence in the House amendment, which is placed on the Calendar for tomorrow, Tuesday, February 26.

#### APPOINTMENT OF COMMITTEES

The President of the Senate announces the following changes in committee appointments:

**State Government Committee:** Senator Johnson of Wake is appointed.

**Ways and Means Committee:** Senator Johnson of Cabarrus is appointed.

#### ESCORT COMMITTEE

The President orders a Special Message sent to the House of Representatives informing that Honorable Body that pursuant to **S. J. R. 4**, a joint resolution inviting His Excellency, Governor James G. Martin, to address a Joint Session of the Senate and House of Representatives at 12:00 M., Thursday, February 28, 1985. The following members of the Senate are appointed to serve with a like Committee of the House of Representatives to invite, greet, and escort the Governor to the Joint Session: Senators Harrington, Royall, Redman and Watt.



## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 36**, a bill to require draft registration of certain military dependents for scholarship and in-state tuition purposes.

On motion of Senator Rauch, the bill is withdrawn from the Calendar and re-referred to the **Higher Education Committee**.

**H. B. 89**, a bill to authorize the study commission to examine alternatives for increasing public awareness of the importance of agriculture, forestry, and seafood in North Carolina to report to the General Assembly by April 15, 1985.

Without objection, consideration of the bill is postponed until Tuesday, February 26.

The President recognizes the following pages serving in the Senate this week: John Britt, Garner; Melissa Pace Johnson Brown, Raleigh; Marcilynn Anne Burke, Raleigh; Patrick Faison, Garner; Angie Herring, Goldsboro; Karen Jacobs, Goldsboro; Denise Jennings, Reidsville; Yolonda Jordan, Raleigh; Darleen Marie Martin, Goldsboro; Deborah Denise Mims, Raleigh; Allison Nantz, Charlotte; Michael O'Briant, Asheboro; Jill Painter, Raleigh; Melinda Pearce, Zebulon; Melissa Carol Pollard, Benson; and Maura Smith, Asheville.

## ADDITIONAL ENDORSEMENTS

The following Senator requests to be recorded endorsing bills and resolutions previously introduced:

Senator Smith:

**S. B. 46**, a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the Office of the Superintendent of Public Instruction appointive.

On motion of Senator Harrington, seconded by Senator Harris, the Senate adjourns to meet tomorrow, Tuesday, February 26 at 1:30 P.M.

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SIXTEENTH DAY

SENATE CHAMBER,  
Tuesday, February 26, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God, Who made of one blood, all races and nations of the world, we thank Thee for the contributions of yellow, red, black, and white people to the betterment of civilization.

"In a nation that has been richly blessed by persons of every race, religion, and nationality, we give Thee thanks for the contribution of Jews, Roman Catholics, Protestants, Europeans, Asians, Africans, native Americans, and all others—to the fulfillment of the American dream.

"In a month, when we have been recalling the contributions of blacks to our American heritage, we pause to give Thee thanks for Harriet Tubman, George Washington Carver, Mary McLeod Bethune, Martin Luther King, Jr., Thurgood Marshall, and all other black leaders who have contributed positively to the development of our nation.

"In a State where there are a large number of native Americans, blacks, and whites—we thank Thee for the positive contribution that members of each ethnic group have made to the life of North Carolina.

"O God of Peace, inspire us to live and work together in this State, in a spirit of love, brotherhood, and cooperation with persons of all races; and grant, we pray Thee, that in the land of the longleaf pine—that persons of every ethnic and religious background—may have the opportunity to develop their full potential under laws that are just, and in a climate which honors all and shows favoritism to none.

"In the Name of God, our Father, Who desires that we live together in peace and good will as members of His family, we make this prayer. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends courtesies of the floor to the Honorable James M. Clarke, former Senator from Buncombe County, and former member of the United States House of Representatives, representing the 11th Congressional District, and to the Honorable I. Beverly Lake, former Associate Justice of the North Carolina Supreme Court.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Swain for the **Judiciary III Committee**:

**S. B. 42**, a bill to authorize coordinators to complete limited driving privilege forms for indigents, with a favorable report, as amended.

**S. B. 44**, a bill to require regular superior court judges to be both nominated and elected in their resident judicial districts, with an unfavorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Harris, Ballenger, Hardison, Hunt of Moore, Martin of Guilford, Marvin, McDuffie, Rauch, Redman, Royall, Smith, Walker, Ward, and Wright:

**S. B. 58**, a bill to recodify the Mental Health, Mental Retardation, and Substance Abuse Laws of North Carolina.

Referred to **Human Resources Committee**.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. J. R. 10**, a joint resolution urging Congress and the President to take action necessary to moderate the growth of textile and apparel imports.

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

**H. B. 72** (Committee Substitute), a bill to clarify that the legislative review of proposals to license new occupations and professions includes commissions.

Referred to **Judiciary IV Committee**.

**H. B. 129**, a bill to appropriate additional funds to the Department of Natural Resources and Community Development and to the Department of Justice.

Referred to **Appropriations Committee**.

**CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 89**, a bill to authorize the study commission to examine alternatives for increasing public awareness of the importance of agriculture, forestry, and seafood in North Carolina to report to the General Assembly by April 15, 1985.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. J. R. 92**, a joint resolution memorializing Congress to quickly approve the Interstate Cost Estimate made by the Secretary of Transportation.

On motion of Senator Royall, the joint resolution is withdrawn from the Calendar and referred to the **Rules and Operation of the Senate Committee** (electronically recorded).

**S. B. 28**, a bill to clarify the priority of claims in delinquency proceedings against insurers, for concurrence in House Amendment No. 1.

On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**RECONSIDERATION**

**S. B. 36**, a bill to require draft registration of certain military dependents for scholarship and in-state tuition purposes.

Senator Winner moves that the vote by which the bill was taken from the Calendar of February 25 and re-referred to the **Higher Education Committee** be reconsidered, which motion prevails (electronically recorded).

The bill remains before the Senate for further consideration.

The bill passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading, the bill remains on the Calendar for further consideration upon third reading.

On motion of Senator Harrington, seconded by Senator Rauch, the Senate adjourns to meet tomorrow, Wednesday, February 27, at 1:30 P.M.



## SEVENTEENTH DAY

SENATE CHAMBER,  
Wednesday, February 27, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Charles Cook, Weldon Methodist Church, Weldon, as follows:

"Our Father and our God, You have given us glimpses of Your Kingdom where perfection reigns, yet You have placed us in a very imperfect world where perfect solutions to difficult problems seem to elude us. Give grace, O Lord, to these Legislators, that they may be gentle on themselves and on each other when they must settle for solutions that are less than perfect. Help them to know that compromise is not a four-letter word. Equip them with that sweet spirit which will enable them to smile at each other as brothers and sisters once the heat of debate has cooled. And when this imperfect day is over, give every one of them the blazing assurance, in spite of all the half-victories and outright defeats that Your rock-solid love as firmly holds them as it did the day they were born, and as firmly as it will hold them the day they die. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Thomas of Craven for today and to Senator Marvin for today through Friday, February 27, 28, and March 1, to attend a Children's Defense Fund Conference.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 28**, an act to clarify the priority of claims in delinquency proceedings against insurers. (Ch. 10)

**H. B. 89**, an act to authorize the study commission to examine alternatives for increasing public awareness of the importance of agriculture, forestry, and seafood in North Carolina to report to the General Assembly by April 15, 1985. (Ch. 11)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harris for the **Human Resources Committee**:

**H. B. 25**, a bill to recodify Article 7A of Chapter 65 of the General Statutes as Article 13B of Chapter 90, with a favorable report.



By Senator Guy for the **State Government Committee**:

**S. B. 38**, a bill to change the eligible adoption age for children under the scholarships for children of war veterans program, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Appropriations Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton, Johnson of Wake, and Taft:

**S. B. 59**, a bill to amend the statutes relating to the election of councilors to the North Carolina State Bar in order to provide for uniform rules and terms of office.

Referred to **Judiciary II Committee**.

By Senators Staton, Ezzell, and Taft:

**S. B. 60**, a bill to amend the statutes relating to discipline and disbarment of attorneys at law.

Referred to **Judiciary II Committee**.

By Senator Barnes:

**S. B. 61**, a bill to provide funds for the Greene County Adult Developmental Activity Program.

Referred to **Appropriations Committee**.

By Senators Winner and Rand:

**S. B. 62**, a bill to make the parole consequences of all life sentences the same.

Referred to **Judiciary IV Committee**.

By Senators Martin of Guilford, Conder, Goldston, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Rand, Sawyer, Staton, Swain, Thomas of Henderson, Ward, and Woodard:

**S. B. 63**, a bill providing for alternate means of dispute resolution.

Referred to **Judiciary II Committee**.

By Senators Hunt of Moore, Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Speed, Staton, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard:

**S. J. R. 64**, a joint resolution designating the week of March 10 through 16 as "Employ the Older Worker Week" and to honor the memory of people throughout history who accomplished great things late in life.

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

By Senator Rauch:

**S. B. 65**, a bill to change the effective date of the life care center certificate of need modification law.

Referred to **Human Resources Committee**.

By Senators Rauch, Harris, and Marvin:

**S. B. 66**, a bill to appropriate funds for a Regional Emergency Services Occupational Training Center at Gaston College.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 51**, a bill to update the reference to the Internal Revenue Code used in determining certain taxable income and tax exemptions.

Referred to **Finance Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 36**, a bill to require draft registration of certain military dependents for scholarship and in-state tuition purposes, upon third reading.

Senator Rauch offers a motion that the bill be re-referred to a committee by the President of the Senate, which motion fails to prevail (electronically recorded).

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 42**, a bill to authorize coordinators to complete limited driving privilege forms for indigents.

On motion of Senator Thomas of Henderson, Committee Amendment No. 1 is adopted.

Senator Soles offers Amendment No. 2 which fails of adoption (electronically recorded).

The bill, as amended, passes its second (electronically recorded) reading.

On objection of Senator Thomas of Henderson to its third reading, the bill, as amended, remains on the Calendar for further consideration, upon third reading.

On motion of Senator Harrington, duly seconded, the Senate adjourns to meet tomorrow, Thursday, February 28, at 11:30 A.M.

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### EIGHTEENTH DAY

SENATE CHAMBER,

Thursday, February 28, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O Lord, our Heavenly Father, Who from Thy throne doest behold all the civic, social, governmental, and religious affairs of Thy children in every land, we pray Thy special blessing this day upon those who dwell in the land of the long-leaf pine.

"Be with the Governor, the Lieutenant Governor, the Members of the General Assembly, our judges, all our public servants in North Carolina, and all the citizens of our fair State—

"That we may see ourselves as accountable unto You;

"That we may appreciate the checks and balances provided by our executive, legislative, and judicial branches of government;

"That we may listen attentively to the views of those whose opinions or convictions may differ from our own;

"That we may promote a cooperative rather than a combative spirit among all public officials;

"That we may seek the good of all, and not just the good of our own county, district, or political party;

"That we may work with members of both parties in developing a State budget which will demonstrate fiscal responsibility, and yet will effectively provide for the well-being of the children, youth, and adults of our State; and

"That we may strive for the enactment of laws which will provide liberty and justice for all our citizens.

"All this we ask in the Name of Him Who said through His prophet Amos, 'Let justice flow down like waters, and righteousness like an everflowing stream.' Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Kincaid for Friday, March 1. A leave of absence granted previously to Senator Marvin is noted.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Parnell, Guy, Harris, and Rauch:

**S. B. 67**, a bill to permit local boards of education to elect to pay their employees through local payroll systems instead of through the centralized payroll system.

Referred to **Education Committee**.

By Senators Winner, Barnes, Conder, Harris, Hunt of Moore, Johnson of Wake, Martin of Guilford, Marvin, Rauch, Soles, Speed, Taft, Tally, Thomas of Henderson, and Ward:

**S. B. 68**, a bill to govern the establishment, maintenance, and implementation of a comprehensive basic education program.

Referred to **Education Committee.**

By Senator Sawyer:

**S. B. 69**, a bill to provide that costs for unassigned small claims cases shall be the same as for assigned small claims cases.

Referred to **Judiciary I Committee.**

By Senators Staton, Ezzell, Hardison, Harrington, Harris, Johnson of Wake, Parnell, Plyler, Rand, Rauch, Redman, Royall, Taft, Thomas of Henderson, Walker, and Woodard:

**S. B. 70**, a bill relating to State contributions to county veterans service programs.

Referred to **Appropriations Committee.**

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 42**, a bill to authorize coordinators to complete limited driving privilege forms for indigents, as amended, upon third reading.

Senator Thomas of Henderson offers Amendment No. 3 which is adopted (electronically recorded), changing the title to read, **S. B. 42**, a bill to authorize coordinators and clerks to complete limited driving privilege forms for indigents.

Senator Rand requests a fiscal note, pursuant to Rule 42.1. Further consideration of the bill, as amended, is postponed until Tuesday, March 5, upon receipt of a fiscal note.

**H. B. 25**, a bill to recodify Article 7A of Chapter 65 of the General Statutes as Article 13B of Chapter 90.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**S. J. R. 4**

HOUSE OF REPRESENTATIVES  
February 28, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that pursuant to **S. J. R. 4**, A JOINT RESOLUTION INFORMING HIS EXCELLENCY, GOVERNOR JAMES G. MARTIN, THAT THE GENERAL ASSEMBLY IS ORGANIZED AND READY TO PROCEED WITH PUBLIC BUSINESS AND INVITING THE GOVERNOR TO ADDRESS A JOINT SESSION OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 12 O'CLOCK NOON ON THURSDAY, FEBRUARY 28, 1985, the House of Representatives stands ready to receive the Senate in Joint Session at the hour appointed.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*



The President orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Governor's message, pursuant to **S. J. R. 4**, a joint resolution informing His Excellency, Governor James G. Martin, that the General Assembly is organized and ready to proceed with public business and inviting the Governor to address a Joint Session of the Senate and House of Representatives at 12 o'clock Noon on Thursday, February 28, 1985.

On motion of Senator Barnes, seconded by Senator Soles, the Senate recesses to meet in Joint Session with the House of Representatives for the purpose of receiving the Governor's message, and upon his further motion, upon dissolution of the Joint Session to stand adjourned to meet tomorrow, Friday, March 1, at 9:30 A.M.

Pursuant to the motion of Senator Barnes, the Senate, preceded by its officers, repairs to the Hall of the House, there to sit in Joint Session with that Honorable Body for the purpose of receiving the Governor's message.

### JOINT SESSION

The Senate is received by the members of the House of Representatives standing. Courtesies of the gallery are extended to Mrs. James G. Martin, wife of Governor Martin, and to Mrs. Robert B. Jordan III, wife of Lieutenant Governor Jordan, by the Honorable Liston B. Ramsey, Speaker of the House of Representatives.

The Joint Session is called to order by Lieutenant Governor Robert B. Jordan III.

The President recognizes the Sergeant-at-Arms of the House of Representatives who announces the presence of His Excellency, Governor James G. Martin. Senator Harrington and the Committee appointed by the President of the Senate and the Speaker of the House of Representatives escort the Governor to the Well of the House. The President of the Senate presents Governor Martin, who delivers the State-of-the-State address. (Pursuant to **S. J. R. 4**, the text of the address appears in the Appendix.)

On motion of Senator Barnes, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate adjourns to meet tomorrow, Friday, March 1, at 9:30 A.M.

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### NINETEENTH DAY

SENATE CHAMBER,  
Friday, March 1, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Steve Compton, Saint Francis United Methodist Church, Cary, as follows:

"O Blessed God, from the rising of the sun to its setting over this great State, Your

name is to be praised. You are high above all of this land and Your glory above the heavens. We give thanks to You, O God, for You are good and Your steadfast love lasts forever. Praise be the name of the Lord, our God.

“O God, we confess our shortcomings, our failures in judgment and action, and our unfaithfulness to our calling to be righteous citizens of Your Kingdom. Forgive us and restore within us right hearts and by Your Grace have patience with us as we strive ever so slowly toward Your perfection.

“We commend to You this State, its leaders, and its people, its many races, its rich, its poor, its young and its old. Build in this State not only a prosperity of riches but a prosperity of spirit and give its people health, joy, safety, and peace. Raise up the poor and the deprived from the dust of poverty; lift up the needy, the distressed, the forgotten from their misery, and make places for them to sit with the princes of Your people. Inspire our citizens to compassion for those who suffer from loneliness, neglect, and indignity. Put within us hearts of charity and equity for all of our neighbors.

“We pray, O Blessed God, for those men and women who are entrusted with offices of leadership in this State. We pray for our Governor, the Honorable James G. Martin, for our Lieutenant Governor, the Honorable Robert B. Jordan III, and all who sit as members of this Legislative Body. Direct them in their way and give them wisdom and courage to make judgments that are always fair and forever in the best interest of our citizens. Give to these servants of Yours and of this State a clear vision of a society ruled by principles of truth and justice. Provide through these leaders a sound government and just laws ensuring to our people the abolition of inequality and the promise of a full and satisfying existence in this State.

“O God, You could not have given to any of Your people a more beautiful land than the one we possess, nor a land more generous with its resources. We give praise and thanksgiving to Your name for Your generosity. And to the honor of Your holy name we pray. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Staton and McDuffie for today, to Senator Kaplan for Monday through Friday, March 4-8, and to Senator Goldston for March 8. Senator Soles requests to be recorded present.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 25**, an act to recodify Article 7A of Chapter 65 of the General Statutes as Article 13B of Chapter 90. (Ch. 12)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hipps:

**S. B. 71**, a bill to redefine delinquent and undisciplined juveniles by increasing the age from sixteen years to less than eighteen years.

Referred to **Judiciary I Committee**.

By Senators Rand, Barnes, Ezzell, Hipps, Hunt of Durham, Johnson of Wake, Kaplan, Martin of Guilford, Plyler, Royall, Soles, Staton, Swain, Taft, Tally, Walker, Warren, Watt, Winner, and Woodard:

**S. B. 72**, a bill to provide for assistant counsel to represent indigents in capital cases.

Referred to **Judiciary IV Committee**.

By Senators Hardison and Smith:

**S. B. 73**, a bill to create the Motor Fuel Marketing Act in order to protect North Carolina's consumers against major oil company monopolies, and to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades.

Referred to **Commerce Committee**.

By Senators Hardison, Guy, Hunt of Moore, Martin of Pitt, Parnell, Price, Smith, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Warren, and Woodard:

**S. B. 74**, a bill to provide a refundable income tax credit for the 1985 marketing assessments on North Carolina tobacco producers under the no net cost tobacco program.

Referred to **Agriculture Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 80**, a bill to allow the Davie County Board of Education to dispose of certain property by private sale.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 120**, a bill to allow the Town of Farmville to sell property at private sale, and to repeal obsolete sections of the Town Charter.

Referred to **Local Government and Regional Affairs Committee**.

On motion of Senator Harrington, seconded by Senator Warren, the Senate adjourns to meet Monday, March 4, at 8:00 P.M.

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#### TWENTIETH DAY

SENATE CHAMBER,  
Monday, March 4, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.



Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of the Family, we thank Thee for the time of fellowship and renewal that we had this past week-end in our family circle and in the household of faith.

"O God of Integrity, we pray for Thy guidance and strength, that we might be true to the sacred trust which has been given to us as elected public officials.

"Dear Lord, You see through our pretense and recognize the games which we sometimes play with ourselves. We talk about the good of all, but work for the good of our own party. We talk about the needs of the people, but often make the decision which we think is to our own best interest. Be patient with us; pardon us for our sins against Thee and one another; deliver us from playing games with one another; and help us to be men and women of integrity.

"O God of Tolerance, as we deal with the formation of a state budget, proposals for tax cuts, the question of state funding for abortion, and many other thorny issues, help us to be tolerant with one another. Give us the courage to stand up for our own personal convictions, but deliver us from personal attacks on individuals who may be on the opposite side of any given issue. Give us the wisdom and the grace to debate the issues with zeal, but save us from the temptation to attack the integrity of individuals who may have strong, but opposite convictions from our own.

"O God of Understanding, as we begin to deal with substantive issues in the General Assembly, grant that understanding, tolerance, integrity, patience, and good sportsmanship may prevail in this Chamber, in the House, and between the executive and legislative branches of our State Government.

"All this we ask in the Name of God, our Father, Who desires that we live and work together in a cooperative spirit as members of His family. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Leaves of absence granted previously to Senators Kaplan and Goldston are noted.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Simpson:

**S. B. 75**, a bill to prohibit hunting from the rights-of-way of public roads in Burke County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Simpson, Kincaid, and Smith:

**S. B. 76**, a bill to prohibit soliciting campaign contributions from State employees at their workplace.

Referred to **State Government Committee**.

By Senators Simpson and Kincaid:



**S. B. 77**, a bill to extend the Personnel Act to employees employed by the State for two or more years.

Referred to **State Government Committee**.

By Senators Winner, Barnes, and Rauch:

**S. B. 78**, a bill to reduce the fee rate for administration of estates.

Referred to Finance Committee.

By Senator Royall:

**S. B. 79**, a bill to amend the Constitution of North Carolina to provide that future Governors and Lieutenant Governors may not succeed themselves, and to make a conforming change to the General Statutes.

Referred to **Judiciary IV Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 154**, a bill to allow Craven County to convey to the New Bern-Craven County Chamber of Commerce, Inc., certain improvements at private sale.

Referred to **Local Government and Regional Affairs Committee**.

The President recognizes the following pages serving in the Senate this week: Cheryl Dawn Adams, Boone; Robert Yancy Covington, Garner; Larry Creech, Raleigh; Anna Craddock Daughtry, Princeton; Sarah Miles Dean, Laurinburg; Denise Colene Forbes, Raleigh; Stephen B. Gardner, Mebane; Adalynn Elyssa Harris, Greensboro; DeAnna Hurley, Denton; Melanie Kay Kirk, Wendell; Jasper Edwin Locklear, Raleigh; Christopher H. Martin, Raleigh; Julie Ellen Mendenhall, Garner; James Russell Pittman, Jr., Hickory; John V. Purrington, Raleigh; Gregory King Saulter, Raleigh; Michelle Smith, Kitty Hawk; Lara Stewart Stout, Raleigh; Tonia L. Taylor, Wilmington; Maria Towe, Cary; and Cabell DuPre Townsend, Durham.

On motion of Senator Harrington, seconded by Senator Hunt of Durham, the Senate adjourns to meet tomorrow, Tuesday, March 5 at 1:30 P.M.

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### TWENTY-FIRST DAY

SENATE CHAMBER,  
Tuesday, March 5, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Leon Smith, First Baptist Church, Goldsboro, as follows:

"Our Father and our God, we thank Thee for this day. We thank You for the privilege of being a part of Your world and knowing Thee.

“Remember, O Lord, this, our State, and this, our Nation. We thank You for those that have been elected to serve us. Grant that as they pursue the goals for which we have elected them that they will sense Thy presence and Thy leadership.

“Father, we pray that You would be with them and give them the strength of their convictions and singleness of mind and purpose. Encourage them, we pray, when temptation comes to compromise principles and do the expedient thing, to remember the longer view and the common good. We thank You for their willingness to serve; for the counties, the hamlets, the communities, the cities from which they have come. Grant them Thy peace and Thy grace; them and their families, that together we may build a greater State, always aware of Your love and grace. In Jesus Christ, we pray. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Kaplan is noted.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**H. B. 154**, a bill to allow Craven County to convey to the New Bern-Craven County Chamber of Commerce, Inc., certain improvements at private sale, with a favorable report.

On motion of Senator Thomas of Craven, the rules are suspended (electronically recorded) and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 79**, a bill to revise and consolidate the Charter of the Town of Kenly and to repeal prior local acts, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 27**, a bill to provide penalties for removal of “separate” property during separation when an equitable distribution will be or is requested, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Harris, Guy, Hardison, Martin of Guilford, Marvin, McDuffie, Redman, Royall, Simpson, Walker, Ward, and Wright:

**S. B. 80**, a bill to assure continuity of care for individuals with mental retardation. Referred to **Human Resources Committee**.

By Senator Barnes:

**S. B. 81**, a bill to appropriate funds for a Wayne County headquarters for the Division of Forest Services, Department of Natural Resources and Community Development.  
Referred to **Appropriations Committee**.

By Senators Johnson of Wake, Harrington, and Kincaid:

**S. B. 82**, a bill to create a commission to study the General Statutes of North Carolina pertaining to the regulation of insurance.  
Referred to **Insurance Committee**.

By Senators Johnson of Wake, Harrington, and Kincaid:

**S. B. 83**, a bill to transfer the regulation of workers' compensation self-insurance from the Industrial Commission to the Department of Insurance.  
Referred to **Insurance Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 42**, a bill to authorize coordinators and clerks to complete limited driving privilege forms for indigents, as amended, upon third reading.

The Chair directs the Reading Clerk to read the fiscal note.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

### RECALL FROM COMMITTEE

**S. B. 70**, a bill relating to State contributions to county veterans service programs.

Without objection, the Chair orders the bill taken from the **Appropriations Committee**, and re-referred to the **State Government Committee**.

On motion of Senator Harrington, seconded by Senator Warren, the Senate adjourns to meet tomorrow, Wednesday, March 6, at 1:30 P.M.

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### TWENTY-SECOND DAY

SENATE CHAMBER,  
Wednesday, March 6, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Reverend Paul Phillips, First United Methodist Church, Mt. Gilead, as follows:

"The middle of the week has arrived, O Lord, and there are so many loose ends. What was begun earlier seems so far from completion. And day after tomorrow is another Friday.



"Help us, O Lord, in the midst of our vitality, frustrations, and hopes to rely upon Your presence, Your power and Your peace.

"Only so, can we approach the Herculean goals undertaken for the common good. Only so shall we remain steadfastly clear-minded in the often hectic. Only so shall we renew our strength to lead the causes that benefit the citizens of this State.

"It's the halfway point of the week, Lord. Be the transfusion for our aims and ambitions, worthy of Your trust and deserving of the people's. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Wright for today; to Senator Taft for tomorrow, March 7; and to Senator Johnson of Wake for tomorrow and Friday, March 7 and March 8.

The President extends courtesies of the gallery to Eugene "Gene" Simmons, former Reading Clerk of the Senate.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 154**, an act to allow Craven County to convey to the New Bern-Craven County Chamber of Commerce, Inc., certain improvements at private sale. (Ch. 13)

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Plyler for the **Appropriations Committee**:

**S. B. 43**, a bill to authorize the expenditure of private gifts for a new dormitory and infirmary at the North Carolina School of Science and Mathematics, with a favorable report.

**H. B. 129**, a bill to appropriate additional funds to the Department of Natural Resources and Community Development and to the Department of Justice, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 60**, a bill to amend the statutes relating to discipline and disbarment of attorneys at law, with a favorable report.

**S. B. 59**, a bill to amend the statutes relating to the election of councilors to the North Carolina State Bar in order to provide for uniform rules and terms of office, with a favorable report, as amended.

By Senator Guy for the **State Government Committee**:



**S. B. 70**, a bill relating to State contributions to county veterans service programs, with a favorable report.

On motion of Senator Guy, the bill is recommitted to the **Appropriations Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hardison, Guy, Harris, and Royall:

**S. B. 84**, a bill to extend and restructure the Mental Health Study Commission.  
Referred to **Human Resources Committee**.

By Senators Smith, Royall, and Somers:

**S. B. 85**, a bill to incorporate the Town of Willow Creek in Davidson County.  
Referred to **Local Government and Regional Affairs Committee**.

By Senators Winner, Hunt of Moore, Johnson of Wake, Rauch, Royall, Taft, Walker, and Woodard:

**S. B. 86**, a bill to establish a trust fund for the endowment of chairs at the constituent institutions of the University of North Carolina.  
Referred to **Higher Education Committee**.

By Senator Sawyer:

**S. B. 87**, a bill to provide for attorney's fees in foreclosure proceedings.  
Referred to **Judiciary I Committee**.

### RECALL FROM COMMITTEE

**S. J. R. 64**, a joint resolution designating the week of March 10 through 16 as "Employ the Older Worker Week" and to honor the memory of people throughout history who accomplished great things late in life.

On motion of Senator Hunt of Moore, the rules are suspended (electronically recorded) and the joint resolution is taken from the **Rules and Operation of the Senate Committee** and is placed before the Senate for immediate consideration.

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

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 88**, a bill to amend the Constitution of North Carolina to provide that future Governors and Lieutenant Governors may not succeed themselves, and to make a conforming change to the General Statutes.

Referred to **Judiciary IV Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 79**, a bill to revise and consolidate the Charter of the Town of Kenly and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—48.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 27**, a bill to provide penalties for removal of "separate" property during separation when an equitable distribution will be or is requested.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

On motion of Senator Harrington, seconded by Senator Price, the Senate adjourns to meet tomorrow, Thursday, March 7, at 1:30 P.M.

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**TWENTY-THIRD DAY**

SENATE CHAMBER,  
Thursday, March 7, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend W. Allen Wentz, Jr., Trinity United Methodist Church, Raleigh, as follows:

"Eternal God, Our Father, Creator of all things, Giver of every good and perfect gift, by Your love You have made us and by Your love You sustain and keep us and in Your divine love You would direct us to nobler efforts and deeds.

"Hear us, O God, as we seek Your blessings upon the men and women of this, our North Carolina Senate and their deliberative decisions.

"We acknowledge at the outset our shortcomings, our weaknesses, our selfishness, our smugness and our pride. Forgive us when and wherever we have come short of Your will for us and the people of our State.

"Deliver us, O God, from intolerance, injustice, dishonesty, distrust, disharmony and any distress that may plague us. Enable us by Your Spirit to be true and committed representatives of the people that sent us here.

“Gracious God, open our eyes to see and perceive the varied needs of our State; open our ears to hear and understand the thorny issues that confront us. Open our minds for a clean, clear and free debate, open our hearts in a compassionate concern for people and needs, than open our mouths to speak and use our hands and feet to be about the business that is our responsibility throughout this day.

“We pray, O God, for any Senators here who may have very special needs—deliver them from any hurt, anxiety, stress or loss and assure them now of Your healing love and peaceful presence.

“Again, O God, may Your will be done through the work of Your people here and may Your program be approved above party and personality, beyond time and circumstance for the good of our State. We pray all of this in the Name of our everliving, and everloving God. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Hardison and Simpson for tomorrow, March 8, and to Senator Winner for March 8 through 15, to represent the North Carolina General Assembly at the National Conference of the Judiciary. Leaves of absence granted previously to Senators Kaplan, Johnson of Wake, and Taft are noted.

The President grants courtesies of the floor to Robert L. Slaughter, former Representative from Stanly County.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Hipps for the **Children and Youth Committee**:

**S. B. 18**, a bill to establish the North Carolina Center for Missing and Exploited Children, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, March 11.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 41**, a bill to amend Chapter 636 of the 1981 Session Laws relative to military service retirement purchase, with a favorable report, as amended.

On motion of Senator Marvin, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.



**S. B. 55**, a bill to refund certain firemen contributions in the Local Governmental Employee's Retirement System to surviving beneficiaries, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 57**, a bill to clarify the treatment of unspecified sentences that are required by statute to run consecutively with any other sentence, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton and Thomas of Craven:

**S. B. 88**, a bill to establish a Water Well and Pump Contractors' Licensing Board.  
Referred to **State Government Committee**.

By Senators Kincaid and Wright:

**S. B. 89**, a bill to provide for use of the social security number as the driver's license number.

Referred to **Transportation Committee**.

By Senator Basnight:

**S. B. 90**, a bill to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County.

Referred to **Finance Committee**.

### LETTER FROM SUPERINTENDENT OF PUBLIC INSTRUCTION

The President directs the Reading Clerk to read a letter from the Honorable A. Craig Phillips, Superintendent of Public Instruction, as follows:

State of North Carolina  
Superintendent of Public Instruction  
Raleigh 27611

February 28, 1985

Lt. Governor Robert B. Jordan, III  
North Carolina General Assembly  
Legislative Office Building  
Raleigh, N.C. 27611

*Dear Governor Jordan:*

The new Carl D. Perkins Vocational Education Act requires that a copy of the State Plan for Vocational Education be furnished to the State Legislature. A copy of the State Plan is being provided to you and Speaker Ramsey.

The State Plan projects the services, activities, and fiscal commitment for secondary and postsecondary vocational/technical education for FY 1986-1987-1988.



The Act provides the State Legislature sixty (60) days to review and comment on the Plan prior to May 1; the date the Plan is due in the office of the US Secretary of Education. We would be very appreciative if the State Legislature would provide a reaction to the Plan within thirty (30) days of receipt of same. This will provide staff adequate time to address any concerns expressed by the State Legislature.

Meeting the May 1 deadline for submitting the Plan to the US Secretary of Education, as set forth in the Act, is imperative for the State to receive the grant award and facilitate the orderly administration of vocational education in North Carolina.

The State Legislature's consideration of this request is appreciated. Any questions or concerns regarding the State Plan for Vocational Education or the Carl D. Perkins Vocational Education Act should be directed to Dr. Clifton B. Belcher, secondary education and Dr. Edward H. Wilson, Jr., postsecondary education.

Sincerely,  
S/ A. CRAIG PHILLIPS  
*State Superintendent  
of Public Instruction*

Referred to **Education Committee.**

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 79**, a bill to revise and consolidate the Charter of the Town of Kenly and to repeal prior local acts, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, Woodard and Wright—43.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 43**, a bill to authorize the expenditure of private gifts for a new dormitory and infirmary at the North Carolina School of Science and Mathematics.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 59**, a bill to amend the statutes relating to the election of councilors to the North Carolina State Bar in order to provide for uniform rules and terms of office.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

On motion of Senator Rand, consideration of the bill, as amended, is postponed until Tuesday, March 12.

**S. B. 60**, a bill to amend the statutes relating to discipline and disbarment of attorneys at law.

On motion of Senator Staton, the bill is placed on the Calendar for Tuesday, March 12.

**H. B. 129**, a bill to appropriate additional funds to the Department of Natural Resources and Community Development and to the Department of Justice.

The Chair orders the Reading Clerk to read a letter from the Governor (see Appendix).

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Thomas of Henderson, the Senate adjourns to meet tomorrow, Friday, March 8, at 10:00 A.M.

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## TWENTY-FOURTH DAY

SENATE CHAMBER,  
Friday, March 8, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Glenda Johnson, Avent Ferry United Methodist Church, Raleigh, as follows:

“Eternal God, we seek once again to become aware of Your presence and to ask for Your guidance as we begin this day in the Senate. Thank You for these men and women who have chosen and who have been chosen to serve the people of North Carolina in this capacity; thank You for their strong commitment and dedication to their tasks.

“Grant to them wisdom and discernment in their decision-making; give to them a clear sense of consciousness of the far-reaching effects of decisions they make. As a people we are more interdependent than we care to admit; keep us constantly in touch with the realities of all that we do which affects the lives of others.

“Help us to rise above self-interest and selfishness and enable us to work toward that which we believe to be the highest good for all persons in our State, our Nation, and our world. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Cobb, Goldston, McDuffie, Rand, and Speed for today. Leaves of absence granted previously to Senators Hardison, Kaplan, Winner, Simpson, and Johnson of Wake are noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 79**, an act to revise and consolidate the Charter of the Town of Kēnly and to repeal prior local acts. (Ch 14)

**H. B. 129**, an act to appropriate additional funds to the Department of Natural Resources and Community Development and to the Department of Justice. (Ch. 15)

**S. J. R. 64**, a joint resolution designating the week of March 10 through 16 as "Employ the Older Worker Week" and to honor the memory of people throughout history who accomplished great things late in life. (Res. 3)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Guy:

**S. B. 91**, a bill to restore the authority of Onslow County to regulate subdivision of land into parcels between one and ten acres.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Smith:

**S. B. 92**, a bill to abolish the Office of Coroner in Rowan County.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Plyler, Conder, Goldston, Hardison, Parnell, Rand, Redman, Smith, and Speed:

**S. B. 93**, a bill to provide a fuel tax refund to vehicles that deliver feed to poultry and livestock for the amount of fuel consumed by the vehicle in unloading the feed.

Referred to **Finance Committee**.

By Senators Plyler and Conder:

**S. B. 94**, a bill to allow the Monroe City Board of Education to pay its ten-month employees on or before the sixteenth of each month.

Referred to **Local Government and Regional Affairs Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 6**, a bill to remove the reporting requirements for estates of less than one hundred thousand dollars in value.

Referred to **Finance Committee**.

**H. B. 8**, a bill to eliminate double taxation of income in respect of a decedent.

Referred to **Finance Committee**.

**H. B. 109**, a bill to allow an officer charged with serving a summary ejectment summons to determine whether to telephone the defendant before attempting personal delivery of the summons.

Referred to **Judiciary I Committee**.

**H. B. 119**, a bill to repeal the partial gasoline and special fuels tax exemption for alcohol fuels.



Referred to **Finance Committee**.

**H. B. 156**, a bill to allow an increase in the compensation for members of sanitary district boards.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 192**, a bill to provide staggered four-year terms on the Asheville City Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 55**, a bill to refund certain firemen contributions in the Local Governmental Employee's Retirement System to surviving beneficiaries.

The bill passes its second reading (electronically recorded).

On objection of Senator Thomas of Henderson on its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 57**, a bill to clarify the treatment of unspecified sentences that are required by statute to run consecutively with any other sentence.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

### AWARDS

Senator Rauch rises to a point of personal privilege and speaks to the awards presented by the North Carolina Psychological Association and the North Carolina School Psychology Association on Thursday evening, March 7, and upon his motion the acknowledgement of the awards is spread upon the Journal as follows:

To Lieutenant Governor Robert B. Jordan III

DISTINGUISHED SERVICE AWARD for outstanding contributions to the educational and mental health needs of the citizens of North Carolina.

To Senator Ollie Harris and Senator Russell Walker

AWARD OF APPRECIATION AND RECOGNITION for outstanding contributions to mental health and psychology in North Carolina.

On motion of Senator Harrington, seconded by Senator Conder, the Senate adjourns to meet Monday, March 11, at 8:00 P.M.

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### TWENTY-FIFTH DAY

SENATE CHAMBER,  
Monday, March 11, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.



Prayer is offered by the Reverend E. Powell Osteen, Jr., Highland United Methodist Church, Raleigh, as follows:

"Almighty God, Lord of all worlds and Lover of all peoples:

"We pray for the nations and societies of this world. Convert all destructive powers, crush every tyranny, correct each injustice, and reconcile to Your will every conflicting interest, that in freedom everyone may enjoy the good world You have made.

"Lord God, Bearer of the world's pain, compassionate to those who suffer, we commit to You all persons in need and offer ourselves to serve them, that they may know an end to needless pain and new meaning for the suffering that must be borne.

"Lord God, Your governing hand is upon all the world. Have mercy upon this Nation and State that Your ruling power may be recognized and obeyed. Grant to all in public office the humility to see themselves as Your servants, that they may act responsibly toward all peoples.

"We pray particularly for our Governor, our Lieutenant Governor, and all those here who represent our beloved State. May Your Holy Spirit and wisdom be upon them, guide them, and keep them safe.

"We pray all this in the Name of the Lord who seeks us out and redeems us as a gift of love. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Johnson of Wake for today. A leave of absence granted previously to Senator Winner is noted.

Courtesies of the floor are extended to Vernon White, former Senator from Pitt County.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rauch, Harris, and Wright:

**S. B. 95**, a bill to permit left turns on red in certain situations.

Referred to **Transportation Committee**.

By Senators Royall and Smith:

**S. B. 96**, a bill to provide that the North Carolina Center for Missing and Exploited Children shall provide every child in North Carolina with a personal identification packet.

Referred to **Children and Youth Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 137**, a bill to prohibit hunting from the rights-of-way of public roads in Rockingham County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 145**, a bill to repeal local legislation prohibiting the taking of female deer in certain Townships of Martin County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 152**, a bill to prohibit the taking of game from certain public roads and highways in Currituck County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 153**, a bill to regulate hunting on the lands of another in Tyrrell County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 179**, a bill to revise and consolidate the Charter of the Town of Columbus.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 208**, a bill to authorize Harnett County to dispose of property by private sale in connection with a lease-purchase arrangement for construction of a law enforcement center.

On motion of Senator Staton, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 55**, a bill to refund certain firemen contributions in the Local Governmental Employee's Retirement System to surviving beneficiaries, upon third reading.

Senator Marvin moves that the vote by which the bill passes its second reading be reconsidered, which motion prevails (electronically recorded).

On her further motion, the bill is taken from the Calendar for tonight and is recommitted to the **Pensions and Retirement Committee**.

**S. B. 18** (Committee Substitute), a bill to establish the North Carolina Center for Missing and Exploited Children.

Senator Hips offers Amendment No. 1 which is adopted (electronically recorded), changing the title to read, **S. B. 18** (Committee Substitute), a bill to establish the North Carolina Center for Missing Children.

Senator Redman offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

The President recognizes the following pages serving in the Senate this week: Melissa Leah Baily, Charlotte; Barbara Joyce Baxter, Lincolnton; Lee Anne Brown, Hickory; Lori Ellen Bryant, Fayetteville; Rebecca J. Colby, Graham; Meredith Ann Eagle, Greensboro; Babetta Elaine Fleming, Morganton; Lucy Griffin, Gastonia; Susan E.

Hewett, Greenville; Sarah Lynn Lineberger, Ellerbe; Diana Leigh Lutz, Goldsboro; Rhonda Lytle, Fairview; Mary Beth McGuirt, Charlotte; Keli E. Myers, Brevard; Anne Margaret Pender, Four Oaks; Carol Samuelson, Clemmons; Darlene Carol Smith, Sanford; Lauren Elise Swafford, Greensboro; and Anne-Marie Turnier, Chapel Hill.

On motion of Senator Harrington, seconded by Senator Barnes, the Senate adjourns to meet tomorrow, Tuesday, March 12, at 1:30 P.M.

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## TWENTY-SIXTH DAY

SENATE CHAMBER,  
Tuesday, March 12, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, we thank Thee that Thou dost call each of us by name, giving to us a sacred calling which fits our talents, and which allows us to be in ministry in those places where we live, work, and play.

"Make each of us—as pastors and politicians, as clergy and laity, as men and women—sensitive to Your still small voice. And when You call, saying, 'Whom shall we send, and who will go for us?'—grant that each of us, like Isaiah of old might respond, 'Here am I, Lord, send me.'

"We thank Thee for pastors, priests, and rabbis who witness each week to Your love, in word and deed; but we thank Thee also for all those doctors, nurses, teachers, social workers, counselors, public officials, and others who see their occupation as a calling, and their place of employment as a mission field.

"Help us—chaplains, Senators, clerks, and employees—we pray Thee, to see the special opportunity which is ours to be priests and ministers in the General Assembly. May we, like the priests, use our arena of action, as a place to intercede for the concerns of children, youth, and adults; and may we, like true shepherds of the flock, minister daily to the needs of the abandoned, the lost, the wounded, the heavy-ladened, and the bereaved.

"As members of this Chamber, we have a special vocation, like unto that of Moses, Deborah, Jeremiah, Amos, Saul, David, and Solomon. Help us to take seriously this calling; and grant that we may use our public office as a means for becoming real priests and ministers to all the citizens of this State.

"All this we ask in the Name of Him Who said, 'You shall be called priests of the Lord, (and) men shall speak of you as ministers of our God.' Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.



The President grants a leave of absence to Senator Watt for today to represent a client in court. A leave of absence granted previously to Senator Winner is noted.

Courtesies of the floor are extended to Miss Holly Mayo, North Carolina Azalea Festival Miss Teenage Princess, who is allowed to approach the Well of the Senate where she briefly addresses the membership.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 208**, an act to authorize Harnett County to dispose of property by private sale in connection with a lease-purchase arrangement for construction of a law enforcement center. (Ch. 16)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Harrington offers a motion that the rules be suspended to allow the introduction of the following Senate resolution honoring a former member, which motion prevails by a two-thirds majority vote.

By Senators Hardison, Ballenger, Barnes, Cobb, Ezzell, Guy, Harrington, Harris, Johnson of Wake, Jordan, Kaplan, Marvin, McDuffie, Parnell, Plyler, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, and Woodard:

**S. R. 97**, a Senate resolution honoring the life and work of Ralph Henderson Scott, Sr., and designating March 19, 1985, as Ralph Scott Day in the North Carolina Senate.

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

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 124**, a bill to make domestic violence remedies applicable to children.

Referred to **Children and Youth Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 18** (Committee Substitute), a bill to establish the North Carolina Center for Missing Children, as amended, upon third reading.

Senator Swain offers Amendment No. 3 which fails of adoption (electronically recorded). The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.



**S. B. 59**, a bill to amend the statutes relating to the election of councilors to the North Carolina State Bar in order to provide for uniform rules and terms of office, as amended.

On motion of Senator Staton, the bill, as amended, is recommitted to the **Judiciary II Committee**.

**S. B. 60**, a bill to amend the statutes relating to discipline and disbarment of attorneys at law.

On motion of Senator Staton, the bill is recommitted to the **Judiciary II Committee**.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezell for the **Local Government and Regional Affairs Committee**:

**H. B. 59**, a bill to abolish the office of constable in the Town of Dublin and bring the Town under the general law relating to appointment of police, with a favorable report.

**H. B. 80**, a bill to allow the Davie County Board of Education to dispose of certain property by private sale, with a favorable report.

**H. B. 120**, a bill to allow the Town of Farmville to sell property at private sale, and to repeal obsolete sections of the Town Charter, with a favorable report.

**H. B. 192**, a bill to provide staggered four-year terms on the Asheville City Board of Education, with a favorable report.

**S. B. 94**, a bill to allow the Monroe City Board of Education to pay its ten-month employees on or before the sixteenth of each month, with a favorable report.

**S. B. 92**, a bill to abolish the Office of Coroner in Rowan County, with a favorable report.

**S. B. 91**, a bill to restore the authority of Onslow County to regulate subdivision of land into parcels between one and ten acres, with a favorable report.

On motion of Senator Harrington, seconded by Senator Hunt of Moore, the Senate adjourns to meet tomorrow, Wednesday, March 13, at 2:00 P.M.

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### TWENTY-SEVENTH DAY

SENATE CHAMBER,  
Wednesday, March 13, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend David K. Huddle, Saint John's Lutheran Church, Salisbury, as follows:

"Eternal God, Creator and Source of all life, we pause in the busyness of our lives to give thanks for the abundant blessings which You bestow upon us—most especially are we grateful for the **freedom** which is ours in this great democracy.

"We pray for all who serve in positions of authority and leadership; especially the President, the Congress, the Governor, and all members of our General Assembly. Endow them with wisdom and strength to serve faithfully so that all may enjoy the fruits of liberty, justice, and peace in our land.

"On this Wednesday, we find ourselves in the middle of the week, and we are reminded that we, too, are often caught in the middle of issues. Pressured from all sides to make wise and prudent decisions, we now ask Your guidance and direction upon the work which we seek to do. May all that is accomplished, be done in keeping with Your will, for the welfare and benefit of the people whom we serve, and for the strengthening of our State and Nation.

"These prayers we raise to Your name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Watt for a pre-scheduled court appearance and to Senator Wright due to illness for today; to Senator Hipps for Wednesday through Friday, March 13, 14, and 15, to attend a meeting of the Southeastern Network of Runaway Youth and Family Services, Inc.; and to Senator Marvin for Thursday and Friday, March 14, and 15.

A leave of absence granted previously to Senator Winner is noted.

The President grants courtesies of the floor to W. Craig Lawing, former Senator from Mecklenburg County and former President Pro Tempore of the Senate.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harris for the **Human Resources Committee**:

**S. B. 80**, a bill to assure continuity of care for individuals with mental retardation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, March 14.

**S. B. 84**, a bill to extend and restructure the Mental Health Study Commission, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rand, Barnes, Basnight, Conder, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Price, Redman, Royall, Soles, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Warren, Woodard, and Wright:

**S. B. 98**, a bill to provide free registration plates to persons awarded the Congressional Medal of Honor who are residents of North Carolina.

Referred to **Transportation Committee**.

By Senators Rand, Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Price, Redman, Royall, Soles, Staton, Swain, Taft, Tally, Thoms of Craven, Thomas of Henderson, Walker, Warren, Woodard, and Wright:

**S. B. 99**, a bill to permit disabled veterans to park in handicapped spaces.

Referred to **Transportation Committee**.

By Senators Tally, Barnes, Basnight, Hardison, Marvin, Rand, Royall, Swain, Thomas of Craven, Thomas of Henderaon, and Ward:

**S. B. 100**, a bill to appoint persons to the North Carolina Hazardous Waste Treatment Commission upon the recommendation of the President of the Senate.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Hardison:

**S. B. 101**, a bill to amend Article 12 of Chapter 54B relating to deposit guaranty associations.

Referred to **Commerce Committee**.

By Senator Simpson:

**S. B. 102**, a bill to provide for one level of review of a State employee's grievance within the employee's department.

Referred to **State Government Committee**.

By Senators Woodard, Barnes, Conder, Ezzell, Guy, Harrington, Harris, Hunt of Moore, Johnson of Wake, Marvin, Rand, Redman, Shaw, Smith, Soles, Speed, Tally, Thomas of Craven, Walker, Ward, Warren, and Wright:

**S. B. 103**, a bill to exempt all property passing to a surviving spouse from inheritance tax and to reduce the Class A inheritance credit to adjust for the removal of the surviving spouse from this class.

Referred to **Finance Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 81** (Committee Substitute), a bill to reenact the North Carolina child passenger restraint law.

Referred to **Transportation Committee**.



## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 91**, a bill to restore the authority of Onslow County to regulate subdivision of land into parcels between one and ten acres.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 92**, a bill to abolish the Office of Coroner in Rowan County.

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

**S. B. 94**, a bill to allow the Monroe City Board of Education to pay its ten-month employees on or before the sixteenth of each month.

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

**H. B. 59**, a bill to abolish the office of constable in the Town of Dublin and bring the Town under the general law relating to appointment of police.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 80**, a bill to allow the Davie County Board of Education to dispose of certain property by private sale.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 120**, a bill to allow the Town of Farmville to sell property at private sale, and to repeal obsolete sections of the Town Charter.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 192**, a bill to provide staggered four-year terms on the Asheville City Board of Education.

The bill passes its second and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Thomas of Craven, the Senate adjourns to meet tomorrow, Thursday, March 14, at 1:30 P.M.

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**TWENTY-EIGHTH DAY**

SENATE CHAMBER,  
Thursday, March 14, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Norman Joyner, Bethel Baptist Church, Bethel, a former Senator from Iredell County, as follows:

Our President gave me permission to make one observation. Yesterday, the attention of the world pretty much was focused upon affairs in Moscow, where at the funeral of their leader that had passed away and burial yesterday, and at the installation of his successor,



there was neither a reference to God nor to prayer, nor a hymn. So, I think this is a very stark contrast to that which we do today, as we humble ourselves and pray together. May we pray.

“Thou Great Jehovah God, the Lord God Almighty, in Whom we live and move and have our being; we thank You for our land and its freedom, that it is, and we ever pray that it might be, one nation under God.

“We are thankful that as we come to Thee, O God, with our very special needs, Thy mercies are new every morning, and help us to remember in places of leadership and responsibility the words of Thy servant in ancient times, ‘I am like a child. I know not how to go out or come in,’ and that we, too, might pray for wisdom and understanding from above. Help us to remember, too, the attitude of the psalmist: ‘Blessed is the nation whose God is the Lord.’

“And now, Father, we thank You that Thou has called us, that Thou has placed us in service and in places of responsibility, with duties to Thee, O God, and to mankind about us, and so we pray for each of us that we might be vessels that are chosen; that we might be instruments of healing and peace for the people throughout the length and breadth of North Carolina. Guide today in the deliberations and bless each of us with our family needs, and we seek Thy blessings, our God, that in our lives and in our work, the Kingdom of Heaven might come, and this we pray for the honor and glory of Thy Great and Holy Name. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Watt for a pre-scheduled court appearance for today and to Senator Jordan for today and for tomorrow, March 15. Leaves of absence granted previously to Senators Winner, Hipps, and Marvin are noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 59**, an act to abolish the office of constable in the Town of Dublin and bring the Town under the general law relating to appointment of police. (Ch.17)

**H. B. 80**, an act to allow the Davie County Board of Education to dispose of certain property by private sale. (Ch. 18)

**H. B. 120**, an act to allow the Town of Farmville to sell property at private sale, and to repeal obsolete sections of the Town Charter. (Ch. 19)

**H. B. 192**, an act to provide staggered four-year terms on the Asheville City Board of Educaiton. (Ch. 20)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

**S. B. 100**, a bill to appoint persons to the North Carolina Hazardous Waste Treatment Commission upon the recommendation of the President of the Senate, with a favorable report.

By Senator Staton for the **Judiciary II Committee:**

**S. B. 56**, a bill to enact the Uniform Management of Institutional Funds Act as recommended by the General Statutes Commission, with a favorable report, as amended.

**H. B. 67**, a bill to give the surviving cotenant of a lock box access to life insurance policies stored in the box, with a favorable report, as amended.

By Senator Hardison for the **Commerce Committee:**

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations, with a favorable report.

On motion of Senator Hardison, the bill is re-referred to the **Finance Committee.**

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marvin:

**S. B. 104**, a bill to permit a member of the Teachers' and State Employees' Retirement System to purchase certain creditable service rendered as a public health officer.

Referred to **Pensions and Retirement Committee.**

By Senators Warren, Barnes, Basnight, Conder, Goldston, Guy, Harrington, Hunt of Durham, Hunt of Moore, Jordan, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Price, Rand, Rauch, Speed, Thomas of Craven, Thomas of Henderson, Walker, and Woodard:

**S. B. 105**, a bill to amend Chapter 20 to grandfather truck weight limitations for packaged fertilizer and agriculture lime.

Referred to **Transportation Committee.**

By Senator Simpson:

**S. B. 106**, a bill to authorize appeal of Personnel Commission decisions awarding attorney fees in grievance proceedings.

Referred to **Judiciary II Committee.**

By Senators Royall, Ezzell, and Staton:

**S. B. 107**, a bill to repeal the inheritance tax, and to redefine the estate tax.

Referred to **Finance Committee.**

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 116**, a bill to exempt municipalities that buy electric power from a federal agency and make payments in lieu of taxes from the sales tax on utility services.

Referred to **Finance Committee**.

**H. B. 150**, a bill to regulate the filing of copies of plats, etc., in Brunswick County.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 80** (Committee Substitute), a bill to assure continuity of care for individuals with mental retardation.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Harris to its third reading, the Committee Substitute bill remains on the Calendar for tomorrow, March 15, upon third reading.

**S. B. 84**, a bill to extend and restructure the Mental Health Study Commission.

The bill passes its second and third readings (electronically recorded) and is ordered sent to the House of Representatives.

On motion of Senator Harrington, seconded by Senator Somers, the Senate adjourns to meet tomorrow, Friday, March 15, at 10:00 A.M.

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### TWENTY-NINTH DAY

SENATE CHAMBER,  
Friday, March 15, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Hope Morgan-Ward, Broadway United Methodist Church, Broadway, as follows:

“God our Parent, You have made us one, gathered from all the peoples of the earth. Creator God, You design for us to live in harmony with each other and all creation. Forgive our discords, and make us a people of compassion. Confirm in us a love of liberty and justice for all.

“Open our hearts to the needs of our world, and broaden our vision for the possibilities of reconciliation, mercy, and community.

“You have given us much; help us to remember that You expect much of us. Use us, we pray, to bring shalom—peace—in our time. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.



The President grants leaves of absence to Senators Johnson of Wake, Kaplan, and McDuffie for today; and to Senator Guy for today and Monday, March 18, and to Senator Watt due to a pre-scheduled court appearance today. Leaves of absence granted previously to Senators Hipps, Winner, Marvin, and Jordan are noted.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

**S. R. 8**, a Senate resolution adopting the permanent Rules of the Senate for the 1985 Session of the General Assembly of North Carolina, with an unfavorable report as to Senate resolution, but favorable as to Committee Substitute Senate resolution.

On motion of Senator Harrington, the Committee Substitute Senate resolution is placed on the Calendar for Monday, March 18, for adoption.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Smith and Somers:

**S. B. 108**, a bill to allow Rowan County ordinances regulating waste disposal to apply countywide, and to authorize Rowan County to enter into long term contracts for disposal of solid waste.

Referred to **Local Government and Regional Affairs Committee.**

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 76**, a bill to require vehicle headlights to be illuminated from sunset to sunrise.  
Referred to **Transportation Committee.**

**H. B. 172**, a bill relating to the Forsyth County Tourism Development Authority.  
Referred to **Local Government and Regional Affairs Committee.**

**H. B. 184**, a bill to authorize the City of Raleigh to perform certain activities not currently allowed by its Charter or State statute.  
Referred to **Local Government and Regional Affairs Committee.**

**H. B. 191**, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.  
Referred to **Rules and Operation of the Senate Committee.**

**H. B. 203**, a bill to amend the Charter of the Town of Clarkton.  
Referred to **Local Government and Regional Affairs Committee.**



**H. B. 230**, a bill to exempt temporarily the General Assembly from State purchase and contract procedures for the purpose of acquiring computer equipment, supplies, and services.

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

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 80** (Committee Substitute), a bill to assure continuity of care for individuals with mental retardation, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 56**, a bill to enact the Uniform Management of Institutional Funds Act as recommended by the General Statutes Commission.

On motion of Senator Staton, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second and third readings (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 100**, a bill to appoint persons to the North Carolina Hazardous Waste Treatment Commission upon the recommendation of the President of the Senate.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 67**, a bill to give the surviving cotenant of a lock box access to life insurance policies stored in the box.

Senator Staton offers a motion that Committee Amendment No. 1 be adopted.

On motion of Senator Martin of Guilford, the bill with Committee Amendment No. 1 pending is recommitted to the **Judiciary II Committee** (electronically recorded).

On motion of Senator Harrington, seconded by Senator Price, the Senate adjourns to meet Monday, March 18, at 8:00 P.M.

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### THIRTIETH DAY

SENATE CHAMBER,  
Monday, March 18, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Carl Frazier, Jr., Trinity United Methodist Church, Durham, as follows:

“Holy God, who has taught us that Thy will for Thy people is justice, mercy, and peace—receive this prayer we offer on behalf of those to whom authority and power have been given, the members of the General Assembly of this State. We give Thee thanks and praise for their devotion to service—a service which demands much, including frequent

separation from family and friends, from leisure and livelihood. As we seek Thy guidance for their vocation in this place, we pray that Thou would grant them wisdom that their decisions may be just; compassion that their deliberations may be tempered with mercy; and, courage that in all things they may strive for that fullness of life for all people which is Thy peace. We lift this prayer to Thee, Sovereign God, to Whom belong all glory and honor, power and might, now and forever. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Johnson of Cabarrus for tonight through Wednesday, March 18, 19, and 20. Senator Guy is noted present.

The President grants courtesies of the floor to Thomas Sawyer, former member of the House of Representatives, from Guilford County.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

**S. R. 97**, a Senate resolution honoring the life and work of Ralph Henderson Scott, Sr., and designating March 19, 1985, as Ralph Scott Day in the North Carolina Senate, with a recommendation for adoption.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

**S. B. 109**, a bill to provide a sixth ward for the City of New Bern, and to provide that the mayor counts toward a quorum and towards the number of votes necessary to pass an ordinance.

Referred to **Local Government and Regional Affairs Committee.**

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 193**, a bill to make certain changes in the membership of the Juvenile Law Study Commission.

Referred to **Judiciary I Committee.**

**H. B. 202**, a bill to provide that in certain circumstances vacancies in the Board of Education of Watauga County be filled only until the next general election.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 209**, a bill to repeal the law creating the "City-County Radio and Identification Bureau Commission" in Buncombe County.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. R. 8** (Committee Substitute), a Senate Resolution adopting the permanent Rules of the Senate for the 1985 Session of the General Assembly of North Carolina.

On motion of Senator Harrington, consideration of the Committee Substitute Senate resolution is postponed until Tuesday, March 19.

The President recognizes the following pages serving in the Senate this week: Alan Adcock, Monroe; Anna "Christy" Callison, Forest City; Martha Cannon, Raleigh; Michelle Ann Charlesworth, Raleigh; Ann Elizabeth Denning, Jacksonville; Mary Kristin Doster, Charlotte; Leigh Ann Garner, Lexington; James C. Gaston, Jr., Charlotte; Carol Kristen Heartz, Raleigh; Burke Koonce, Raleigh; Suzanne Pamela Margolies, Gastonia; Brandon McDevitt, Asheville; Laura Kathleen Smith, Raleigh; Jacquelyn Terrell, Raleigh; Jason Scott Triplett, Troutman; and Connie K. Zaytoun, Raleigh.

On motion of Senator Harrington, seconded by Senator Ballenger, the Senate adjourns to meet tomorrow, Tuesday, March 19, at 1:30 P.M.

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### THIRTY-FIRST DAY

SENATE CHAMBER,  
Tuesday, March 19, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Dennis P. Levin, Holland United Methodist Church, Raleigh, as follows:

"O God, we thank Thee for Senator Ralph Scott, whom we honor this day, and for his long and faithful service in this Senate and to the State.

"O God of peace, help us to order our society so that people of many backgrounds will live at peace with one another.

"O God of justice, help us to protect the innocent and bind their wounds, to stand firm against those who are a law unto themselves. Remind us that we are responsible for the things that we condone.

"O God of rich blessings, teach us responsibilities with the resources you entrust to our care. Help us to be mindful of Your love for those least able to care for themselves and to address their needs with generosity and fairness.

"O God of love, remind us that no program or law is more important than the spirit in which it is conceived and carried out. May the ladies and gentlemen of this Body be noble



and gracious so that the laws they enact will reflect care and consideration and maintain the respect of the people of this great State.

"These things we pray in Thy Holy Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

Senator Swain offers a motion that the rules be suspended and requests permission to relinquish his seat to former Senator Ralph Henderson Scott who previously occupied the seat, which motion prevails. The President appoints Senator Swain to escort former Senator Scott to the seat.

The President grants courtesies of the floor to Henderson Scott, Robert W. Scott, former Governor, and to other members of the Scott family.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Johnson of Wake for the **Insurance Committee**:

**H. B. 84**, a bill clarifying the Health Maintenance Organization Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Johnson of Wake, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, March 20.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 23**, a bill to expand the juvenile law definition of caretaker, with a favorable report.

On motion of Senator Barnes, the bill is re-referred to the **Children and Youth Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Harris, Marvin, and Rauch:

**S. B. 110**, a bill to appropriate funds for equipment for the Cleveland County Adult Developmental Activities Program.

Referred to **Appropriations Committee**.

By Senator Harris:



**S. B. 111**, a bill to appropriate funds for PUSH, Inc., as a grant-in-aid to a private child-caring institution.

Referred to **Appropriations Committee**.

By Senators Ward and Kaplan:

**S. B. 112**, a bill abolishing the advisory board of the North Carolina School of the Arts.

Referred to **State Government Committee**.

By Senators Woodard, Hunt of Moore, Johnson of Wake, Staton, and Walker:

**S. B. 113**, a bill to provide retirement benefits to permanent part-time employees in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. R. 8** (Committee Substitute), a Senate Resolution adopting the permanent Rules of the Senate for the 1985 Session of the General Assembly of North Carolina, for adoption.

On motion of Senator Harrington, the Committee Substitute Senate resolution is adopted. The text of this resolution is as follows:

#### PERMANENT RULES OF THE 1985 SENATE GENERAL ASSEMBLY OF NORTH CAROLINA

- I. Order of Business, Rules 1-7
- II. Conduct of Debate, Rules 8-17
- III. Motions, Rules 18-24
- IV. Voting, Rules 25-30
- V. Committees, Rules 31-37
- VI. Handling Bills, Rules 38-59
- VII. Legislative Officers and Employees, Rules 60-65
- VIII. General Rules, Rules 66-77

#### I. Order of Business

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

**RULE 2. Convening hour.** — The President shall take the Chair at the hour fixed by the Senate upon adjournment on the preceding legislative day, and shall call the members to order. In case the Senate adjourned on the preceding legislative day without having fixed the hour of reconvening, the Senate shall reconvene on the next legislative day at 1:30 P.M.

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

**RULE 4. Convening in absence of President.** — In the absence of the President, the President Pro Tempore shall reconvene the Senate and preside, and during such time shall be vested with all powers of the President except that of casting a vote in case of tie

when he has already voted on the question as a Senator. In the event of the absence of the President and President Pro Tempore at any time fixed for the reconvening of the Senate, the Majority Leader of the Senate, the Principal Clerk of the Senate, or in his or her absence also, some member of the Senate Committee on Rules and Operation of the Senate, shall call the Senate to order and designate some member to act as President.

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

(b) When a lesser number than a quorum convene, the Senators present may send the doorkeeper or any person, for any or all absent Senators, as a majority of the Senators present determine.

**RULE 6. Approval of Journal.** — After the prayer, and upon appearance of a quorum, the President shall cause the Journal of the preceding day to be read and approved, unless the Chairman of the Committee on Rules and Operation of the Senate or some member of the Senate by motion sustained by a majority of the members present, has the reading thereof dispensed with and the same approved as written.

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

- (1) Reports of standing committees.
- (2) Reports of select committees.
- (3) Introduction of bills, petitions, and resolutions.
- (4) Messages from the House of Representatives.
- (5) Unfinished business of preceding day.
- (6) Special orders.
- (7) General orders:
  - (a) Local bills in numerical order, Senate bills first
    - (i) Third reading roll call and electronic voting system votes
    - (ii) Second reading roll call and electronic voting system votes
    - (iii) Second reading *viva voce*
    - (iv) Third reading *viva voce*
  - (b) Public bills in numerical order, Senate bills first
    - (i) Third reading roll call and electronic voting system votes
    - (ii) Second reading roll call and electronic voting system votes
    - (iii) Second reading *viva voce*
    - (iv) Third reading *viva voce*.

## II. Conduct of Debate

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

**RULE 9. Substitution for President.** — The President shall have the right to call on any member to perform the duties of the Chair, but substitution shall not extend beyond one day.

**RULE 10. Points of order.** — (a) The President shall preserve order and decorum and proceed with the business of the Senate according to the rules adopted. He shall decide all

questions of order, subject to an appeal to the Senate by any member, on which appeal no member shall speak more than once unless by leave of the Senate. A two-thirds vote of the membership of the Senate is necessary to sustain any appeal from the ruling of the Chair.

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

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

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

**RULE 12. Obtaining recognition.** — (a) When any Senator is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat and respectfully address the President. No member shall speak further until recognized by the President, and when two or more members rise at the same time, the President shall name the member to speak.

(b) A Senator who has the floor may yield the floor to another Senator only for the purpose of allowing another Senator to state a question. Only the Chair may award the floor to any Senator for the purposes of allowing that Senator to engage in general debate.

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

1. a request that the member speaking yield for a question,
2. a point of order, or
3. a parliamentary inquiry.

**RULE 13. Recognition for extending courtesies.** — (a) Courtesies of the floor and galleries shall be extended only by the President on his own motion or upon the written request of a member of the Senate to former members of the General Assembly or to distinguished visitors.

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

(c) The President may upon written request at intervals between various orders of business extend courtesies to schools or other special large groups visiting in the galleries while they are present, and the President shall, at such times as he deems appropriate, express to those visitors in the galleries the pleasure of the Senate for their presence.

**RULE 14. Limitations on individual debate.** — (a) No Senator shall speak on the same day more than twice on the main question, nor longer than thirty minutes for the first speech and fifteen minutes for the second speech. No Senator shall speak on the same day more than once on an amendment or a motion to reconsider, commit, appeal or postpone, and then no longer than ten minutes.

(b) By permission of the President any member of the Senate may address the Senate from the well of the Senate for the purpose of explaining a bill or of giving an invocation.



**RULE 15. Priority of business.** — All questions relating to priority of business shall be decided without debate.

**RULE 16. Reading of papers.** — When the reading of a paper, other than a petition, is called for, and any Senator objects to the reading, the question shall be determined by the Senate without debate.

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

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

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

(d) When a motion to adjourn or for recess is affirmatively determined, no member or officer shall leave his place until adjournment or recess is declared by the President.

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

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

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

(h) Reading of newspapers, magazines, periodicals or books shall not be acceptable while the Senate is in session.

### III. Motions

**RULE 18. Motions generally.** — All motions shall be reduced to writing, if desired by the President or a Senator, delivered at the table, and read by the President or Reading Clerk before the same are debated; but any motion may be withdrawn by the introducer at any time before decision or amendment. No motion relating to a bill shall be in order which does not identify the bill by its number and short title. Except as otherwise specifically provided in these rules, no second is required.

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

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

**RULE 20. Motions requiring a second.** — The motions to adjourn, to lay on the table, and to call for the previous question, shall be seconded and decided without debate, and the motion to adjourn shall always be in order when made by a Senator entitled to the floor.

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

**RULE 22.** (Reserved for future use).

**RULE 23. Motion for previous question.** — The previous question shall be as follows: "Shall the main question be now put?" and until it is decided shall preclude all amendments and debate. If this question is decided in the affirmative, the "main question" shall be on the passage of the bill, resolution, or other matter under consideration; but when amendments are pending, the question shall be taken upon such amendments in their inverse order, without further debate or amendment: Provided, that no one shall move the previous question except the chairman of the committee submitting the report on the bill or other matter under consideration, or the member introducing the bill or other matter under consideration, or the member in charge of the measure, who shall be designated by the chairman of the committee reporting the same to the Senate at the time the bill or other matter under consideration is reported to the Senate or taken up for consideration.

**RULE 24. Motion to reconsider.** — When a question has been once put and decided, any Senator who voted in the majority may move to reconsideration thereof; but no motion for the reconsideration of any vote shall be in order after the bill, resolution, message, report, amendment, or motion upon which the vote was taken has gone out of the possession of the Senate; nor shall any motion for reconsideration be in order unless made on the same day or in the next following legislative day on which the vote proposed to be reconsidered took place, unless the motion is made by the Committee on Rules and Operation of the Senate for verbal or grammatical errors in the bills, when the motion may be made at any time: Provided, that when the next legislative day has by motion of the Senate, been restricted as to matters which may be considered, a motion to reconsider shall be in order on the next succeeding day upon which regular business is conducted. No question shall be reconsidered more than once.

#### IV. Voting

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

- (1) All questions on which the Constitution of North Carolina requires that the ayes and noes be taken and recorded on the Journal.
- (2) All questions on which a call for the ayes and noes under Rule 26(b) has been sustained.
- (3) Both second and third readings of bills proposing amendment of the Constitution of North Carolina.

(b) Votes on the following questions shall be taken on the electronic voting system, and a copy of the machine print-out of the votes shall be filed in the Legislative Library where it shall be open to public inspection:

- (1) Second reading of all public bills, all amendments to public bills offered after second reading, third reading if a public bill was

amended after second reading, and all conference reports on public bills.

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

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

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

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

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

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

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

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

**RULE 26. Voice votes; call for ayes and noes.** — (a) When the electronic voting system is not used, all votes on which a call of the roll of the Senate is not required shall be taken by voice vote. The question shall be put as follows: "Those in favor say 'aye,'" and,



after the affirmative vote is expressed, "Opposed 'no' "; after which the Chair shall announce the result. If a division on any vote is desired, it must be called for immediately before the result of the voting is announced on any question, and upon such call, the Chair shall require the members to stand and be counted for and against the proposition under consideration.

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

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

**RULE 28. Dividing question.** — If any question contains several distinct propositions, it shall be divided by the President, at the request of any Senator, provided each subdivision, if left to itself, forms a substantive proposition.

**RULE 29. Duty to vote; excuses.** — (a) Every Senator who is within the bar of the Senate when the question is stated by the Chair shall vote thereon unless he is excused by the Senate. The bar of the Senate shall include the entire Senate Chamber.

(b) Any Senator may request to be excused from voting, either immediately before or after the vote has been called for and before a *viva voce* vote result has been announced or before the electronic voting system has been unlocked. The Senator may make a brief statement of the reasons for making such request, and shall send forward to the Principal Clerk, on a form provided by the Clerk, a concise statement of the reason for the request, and the Clerk shall include this statement in the Journal. The question on granting of the request shall be taken without debate.

**RULE 30. Explanation of vote.** — Any Senator may explain his vote on any bill pending by obtaining permission of the President after the final vote is taken: Provided, that not more than three minutes shall be consumed in such explanation.

**RULE 30.1. Questions of personal privilege.** — Upon recognition by the President for that purpose, any Senator may speak to a question of personal privilege for a time not exceeding three minutes. Personal privilege may not be used to explain a vote, debate a bill, or in any way disrupt the regular business of the Senate. The President shall determine if the question raised is one of privilege and shall, without the point of order being raised, enforce this rule.

## V. Committees

**RULE 31. Appointment of committees.** — (a) The President of the Senate, unless he has by law disqualified himself from that office, shall have the exclusive right and authority to appoint all committees, regular or select, and to appoint committee chairmen and vice-chairmen, but he may delegate said authority in any instance, as he may choose. Upon the recommendation of the Committee on Rules and Operation of the Senate, the Senate may authorize, by majority vote of the Senators present and voting, a change in the number of standing committees.

(b) The President of the Senate shall appoint all standing committees at the beginning of the session.

**RULE 32. List of standing committees.** — The standing committees shall be:

- Agriculture
- Appropriations
  - Appropriations on Education
  - Appropriations on General Government
  - Appropriations on Human Resources
  - Appropriations on Justice and Public Safety
  - Appropriations on Natural and Economic Resources
- Base Budget
- Children and Youth
- Commerce
- Education
- Election Laws
- Finance
- Higher Education
- Human Resources
- Insurance
- Judiciary I
- Judiciary II
- Judiciary III
- Judiciary IV
- Local Government and Regional Affairs
- Manufacturing and Labor
- Natural and Economic Resources and Wildlife
- Pensions and Retirement
- Rules and Operation of the Senate
- Senior Citizens
- State Government
- Transportation
- Ways and Means

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

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

**RULE 34. Membership of committees; quorum.** — Membership on standing committees shall consist of not more than 22 or less than 5 Senators, including the chairman and/or co-chairman and vice-chairman who shall be designated by the President; provided, the committee membership on the Appropriations Committee, Base Budget Committee, Finance Committee, State Government Committee, and Ways and Means Committee shall not be limited as to membership but shall be left to the discretion of the President. No Senator shall hold membership on more than 12 standing committees, with the exception of the President's Coordinator of Committees, unless the Rules and Operation of the Senate Committee provides otherwise. A quorum of the Appropriations, Base Budget, Finance, State Government, or Ways and Means Committees shall consist of a majority of the committee. A quorum of any other committee shall consist of either the chairman and five members or a majority of the committee, whichever is fewer.

**RULE 35. Roll Call vote in committee.** — No roll call vote may be taken in any committee.

**RULE 36. Committee meetings.** — No committee or subcommittee shall hold a secret meeting, and all meetings of committees and subcommittees shall be open to the public: Provided, that any committee or subcommittee has the inherent right to hold an executive session when it determines that it is absolutely necessary to have such a session in order to prevent personal embarrassment, or when it is in the best interest of the State; and in no event shall final action be taken by any committee or subcommittee except in open session.

**RULE 36.1. Committee minutes to Legislative Library.** — The chairman of a committee shall insure that written minutes are compiled for each of the committee's meetings. The minutes shall indicate the number of members present and the actions taken by the committee at the meeting. Not later than 20 days after the adjournment of each session of the General Assembly, the chairman, except the chairman of the Appropriations, Finance, State Government, or Ways and Means Committee, shall deliver the minutes to the Legislative Library. The President Pro Tempore of the Senate may grant a reasonable extension of time for filing said minutes upon application of the committee chairman.

**RULE 37.** (Reserved for interim operations rule).

#### VI. Handling Bills

**RULE 38. Construction of rules.** — With the exception of speaking from the Well of the Senate, all provisions of these rules applying to bills shall apply also to resolutions, memorials and petitions.

**RULE 39. Form and copies of bills.** — (a) Unless variation is authorized by the Committee on Rules and Operation of the Senate, bills submitted for introduction shall be in a computer-typed form prepared by the Legislative Services Office. When a bill which is introduced is not in the prescribed form, the Principal Clerk shall cause the bill to be retyped in the prescribed form, and the retyped copy shall become the official copy of the bill for all purposes. The original bill shall then be returned to the introducer of the bill and shall not become a part of the records or documents of the Senate.

(b) Whenever a bill is introduced, 20 copies shall be submitted to the Principal Clerk. Any bill submitted without the required number of copies shall be immediately returned to the introducer.



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

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

Monday until 8:30 o'clock P.M.;

Tuesday, Wednesday, and Thursday until 4:00 o'clock P.M.;

Friday until 3:00 o'clock P.M.

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

(b) Filing of bills during the interim shall be under the direction of the Rules and Operation of the Senate Committee as approved by the Senate.

(c) All memorializing, celebration, commendation, and commemoration resolutions, except those honoring the memory of deceased persons, shall be excluded from introduction and consideration in the Senate.

**RULE 41. Deadline on filing for introduction of bills and resolutions.** — All bills prepared to be introduced by departments, agencies or institutions of the State must be introduced in the Senate not later than April 15 of the session. All local bills must be filed for introduction not later than April 15 of the session. All resolutions, except those honoring the memory of deceased persons, must be filed for introduction not later than April 15 of the session. A two-thirds (2/3) vote of the membership of the Senate shall be required to file for introduction any bill or resolution after May 15 of the session. This rule shall not apply to a bill or resolution proposing adjournment or a budget, proposing or ratifying a constitutional amendment, or calling for a constitutional convention.

**RULE 41.1. Relationship between Ways and Means Committee and other committees dealing with money matters; relationship between these other committees dealing with money matters.** — In those instances specified herein, the Committee on Ways and Means shall have responsibility for final consideration of bills dealing with money matters before the bills are considered on the floor of the Senate. Upon the agreement of the chairmen or co-chairmen of any two of the following committees: Appropriations, Finance, and Ways and Means, any bill reported favorably from the Committee on Appropriations or the Committee on Finance shall be re-referred by the President to the Committee on Ways and Means for consideration. Bills referred to the Committee on Appropriations by the President may be referred by the Chairman of the Committee on Appropriations to the Appropriations Committee on Human Resources, Appropriations Committee on Education, Appropriations Committee on General Government, Appropriations Committee on Justice and Public Safety, or Appropriations Committee on Natural and Economic Resources for a report back to the Committee on Appropriations.

**RULE 42. References of appropriations and finance bills.** — All bills introduced in the Senate providing for appropriations from the State, or any subdivision thereof, shall,

before being considered by the Senate, be referred to the Committee on Appropriations, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Appropriations Committee before proper action may be taken by the Senate. All bills introduced in the Senate providing for bond issues, levying taxes, or in any manner affecting the taxing power of the State or any subdivision thereof, shall, before being considered by the Senate, be referred to the Committee on Finance, and bills referred to other committees carrying any such provisions shall be reported to the Senate as being bills to be referred to the Finance Committee before proper action may be taken by the Senate.

**RULE 42.1. Fiscal notes.** — (a) The chairman or co-chairmen or vice-chairman of the Appropriations Committee, of the Finance Committee or of the Rules Committee, or of the Ways and Means Committee, upon the floor of the Senate, may request that a fiscal analysis be made of a bill, resolution or an amendment to a bill or resolution which is in the possession of the Senate and that a fiscal note be attached to the measure, when in the opinion of that chairman or vice-chairman the fiscal effects of that measure are not apparent from the language of the measure.

(b) The fiscal note shall be filed and attached to the bill or amendment within two legislative days of the request. If it is impossible to prepare a fiscal note within two legislative days, the Director of Fiscal Research shall, in writing, so advise the Presiding Officer, the Principal Clerk, and the member introducing or proposing the measure and shall indicate the time when the fiscal note will be ready.

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

(d) A sponsor of a bill or amendment may deliver a copy of his bill or amendment to the Fiscal Research Division for the preparation of a fiscal note. The sponsor shall attach the fiscal note to the bill when he files the bill or to the amendment when he moves its adoption.

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

(f) Subsection (a) of this rule shall not apply to the current operations appropriations bill or the capital improvements appropriations bill. This rule shall not apply to a bill or amendment requiring an actuarial note under these rules.

**RULE 42.2. Actuarial notes.** — (a) Every bill or resolution proposing any change in the law relative to any State-administered retirement or pension system shall have attached to it at the time of its consideration by any committee a brief explanatory statement or note which shall include a reliable estimate of the financial and actuarial effect of the proposed change to that retirement or pension system. The actuarial note shall be attached to the jacket of each proposed bill or resolution which is reported favorably by any committee, shall be separate therefrom, and shall be clearly designated as an actuarial note.

(b) The sponsor of the bill or resolution shall present a copy of the measure, with his request for an actuarial note, to the Fiscal Research Division which shall prepare the



actuarial note as promptly as possible but not later than two weeks after the request is made. Actuarial notes shall be prepared in the order of receipt of request and shall be transmitted to the sponsor of the measure. The actuarial note of the Fiscal Research Division shall be prepared and signed by an actuary.

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

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

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

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

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

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

**RULE 43. First reading; reference to committee.** — All bills filed, upon presentation to the Senate, shall be read in regular order of business by their number and title which shall constitute the first reading of the bill and unless otherwise disposed of, the President or Presiding Officer shall announce the referral of the document. The title and referral shall be entered on the Journal.



**RULE 44. Bills to receive three readings.** — Every bill shall receive three readings previous to being passed, and the President shall give notice at each whether it be the first, second, or third. After the first reading, unless a motion is made by some Senator, the President shall refer the bill to an appropriate committee. No bill shall be amended upon the floor of the Senate until it has been twice read. Senate simple resolutions shall not require three readings.

**RULE 44.1. Vote required on public bills or resolutions filed after May 15.** — No public bill or resolution filed in either house, after May 15, shall pass either its second or third readings unless voted on affirmatively by two-thirds (2/3) of the membership of the Senate. This subsection shall not apply to a bill or resolution proposing adjournment, an emergency appropriation, continuance and/or expansion of the State budget, or changes in State revenues; proposing or ratifying a constitutional amendment; or calling for a constitutional convention.

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

**RULE 45.1. Action on amendment before re-referral.** — If any committee recommends adoption of an amendment or committee substitute of a bill which, under the rules of the Senate must be referred to the Committee on Appropriations or Committee on Finance, the amendment or committee substitute shall be considered and, if adopted, the amendment or substitute engrossed before the bill is re-referred.

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

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

**RULE 47. Recall of bill from committee.** — When a bill has been introduced and referred to a committee, if after 10 days the committee has failed to report thereon, then the author of the bill may, after three days' public notice given in the Senate and delivered in writing to the chairman of the committee, on motion supported by a vote of two-thirds of the membership of the Senate, recall the bill from the committee to the floor of the Senate for consideration and such action thereon as a majority of the Senators present may direct. This rule shall not be temporarily suspended without one day's notice on the motion given in the Senate and delivered in writing to the chairman of the committee and to sustain that motion two-thirds of the membership of the Senate shall be required.

**RULE 48. Calendar; order to be followed.** — The President and the Principal Clerk of the Senate shall see that all bills are acted upon by the Senate in the order in which they stand upon the calendar, unless otherwise ordered as hereinafter provided. The published calendar shall include all bills reported favorably from committees, or reported with a minority report attached, or placed on the calendar on motion: **Provided**, that the published local calendar may carry the number of each bill, the county or counties referred to, and an abbreviated statement of the title of the bill.

**RULE 49. Considering bills out of regular order.** — Except as provided in Rule 50, any bill or other matter may be taken up out of order upon order of the President or upon motion sustained by a majority of the membership of the Senate.

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

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

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

**RULE 53. Effect of defeated bill.** — (a) After a bill has been tabled, or has failed to pass on any of its readings, the contents of such bill or the principal provisions of its subject matter shall not be embodied in any other measure. Upon the point of order being raised and sustained by the Chair, such measure shall be laid upon the table, and shall not be taken therefrom except by a vote of two-thirds of the qualified membership of the Senate: **Provided**, no local bill shall be held by the Chair as embodying the provisions, or being identical with any statewide measure which has been laid upon the table or failed to pass any of its readings.

(b) When a bill has been postponed indefinitely by the Senate, the bill shall lie upon the table, and shall not be taken therefrom except by a vote of two-thirds of the membership of the Senate.

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

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



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

**RULE 56. Corrections of typographical errors in bills.** — The Enrolling Clerk is authorized to make corrections of typographical errors in the text of bills at any time prior to ratification. Before the correction is made, the Enrolling Clerk shall have the approval of the Chairman of the Committee on Rules and Operation of the Senate.

**RULE 57. Conference committees.** — Whenever the Senate declines or refuses to concur in amendments put by the House to a bill originating in the Senate, or refuses to adopt a substitute adopted by the House for a bill originating in the Senate, a conference committee shall be appointed upon motion and the bill under consideration shall thereupon go to and be considered by the joint conferees on the part of the Senate and House. In considering matters in difference between the Senate and House committed to the conferees, only such matters as are in difference between the two houses shall be considered by the conferees, and the conference report shall deal only with such matters. The conference report shall not be amended. Except as herein set out, the rules of the United States House of Representatives shall govern the appointment, conduct, and reports of the conferees.

**RULE 57.1. Amendments and committee substitutes adopted by the House to bills originating in the Senate.** — (a) Whenever the House has adopted an amendment or a committee substitute for a bill originating in the Senate, and has returned the bill to the Senate for concurrence in that amendment or committee substitute, the Senate may not concur in that amendment or committee substitute until the next legislative day following the day on which the Senate receives that measure.

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

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

- i. report the bill with the recommendation either that the Senate concur or that the Senate do not concur; and
- ii. advise the Presiding Officer as to whether or not the amendment or committee substitute is a material amendment under Article II, Section 23, of the State's Constitution.

(d) If the amendment or committee substitute for a bill is not a material amendment, the question before the Senate shall be concurrence.

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

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



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

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

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

#### VII. Legislative Officers and Employees

**RULE 60. Pages.** — The President of the Senate shall appoint pages. The President, or such person as he may designate, shall supervise the pages and assign to them their duties. Each page shall be at least 14 years of age.

**RULE 61. Sergeants-at-Arms.** — (a) There shall be 14 positions of Assistant Sergeants-at-Arms to be appointed by the Sergeant-at-Arms who are to work under his or her supervision and to be assigned such duties and powers as he or she shall direct.

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

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

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

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

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

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

(d) The Supervisor of Clerks and any assistants shall be appointed by the President of the Senate.

**RULE 64. Senate Journal.** — The Principal Clerk shall prepare and be responsible for the Journal. The Committee on Rules and Operation of the Senate shall examine the Journal to determine if the proceedings of the previous day have been correctly recorded.

**RULE 65.** (Reserved for future addition to rules).

#### VIII. General Rules

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

**RULE 67. Admission to the floor of the Senate.** — No person except members of the Senate, members of the House of Representatives, staff of the General Assembly; staff of the Lieutenant Governor; Judges of the Supreme Court, Court of Appeals, and Superior Courts; the Governor and members of the Council of State; former members of the General Assembly; and persons particularly invited and extended the privileges of the floor by the President shall be admitted to the floor of the Senate during its session. Notwithstanding any other provision of these rules, no registered lobbyist shall be admitted to the floor of the Senate or Senate Chamber while the Senate is in session.

**RULE 68. Privileges of the floor.** — Any group or individual other than members of the Senate who desires to make remarks upon the floor of the Senate will first obtain approval of the Committee on Rules and Operation of the Senate.

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

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

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

**RULE 72. Assignment of seats; offices.** — (a) The President Pro Tempore of the Senate shall assign seats in the Senate chamber to the members elected. In making such assignments, each member elected to the immediate preceding session of the Senate shall be entitled to the seat occupied by him or to his selection of any other seat vacated. The President Pro Tempore, when assigning seats, shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate. No incumbent appointed to fill an unexpired term in the immediate preceding session shall retain the seat if requested by a Senator elected to said session.

(b) No later than two days after the initial committee assignments become final, the President Pro Tempore of the Senate is authorized to make assignments of committee rooms and offices to designated committees, chairmen, and members of the Senate. The office adjacent to any committee room assigned to a principal committee by the President Pro Tempore shall be automatically assigned to the chairman of the principal committee.

In making such assignments of individual offices, the President Pro Tempore shall give preferential consideration to the respective members according to the length of service which each member has rendered in the Senate.

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

**RULE 74. Notice of public hearings.** — Notice shall be given not less than five calendar days prior to public hearings. Such notices shall be issued as information for the press and the information shall be posted in the places designated by the Principal Clerk.

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

**RULE 76. Voting in joint sessions.** — When any Senate Committee sits jointly with the House Committee, the Senate Committee reserves the right to vote separately from the House Committee.

**RULE 77. Alterations, suspension or rescission of rules.** — (a) These rules may not be permanently rescinded or altered except by Senate simple resolution passed by a two-thirds vote of the membership of the Senate. The introducer of the resolution must, on the floor of the Senate, give notice of his intent to introduce the resolution on the legislative day preceding its introduction.

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

Sec. 2. This resolution is effective upon its adoption.

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**S. R. 97**, a Senate resolution honoring the life and work of Ralph Henderson Scott, Sr., and designating March 19, 1985, as Ralph Scott Day in the North Carolina Senate, for adoption.

Senator Hardison offers a motion that the Senate resolution be adopted and further moves that the text of the resolution be spread upon the Journal, which motions prevail. The text of the resolution is as follows:

Whereas, Ralph Henderson Scott, Sr., one of the supremely great figures of our time, served 13 terms in the North Carolina Senate spanning the years 1951 through 1979 and covering the administrations of eight Governors, including his brother, W. Kerr Scott, and nephew, Robert W. Scott; and

Whereas, Ralph Scott was a member of the Advisory Budget Commission for 14 years, including six years as its Chairman, being credited with a major role in developing the modern-day fiscal policies of the government of North Carolina; and

Whereas, Ralph Scott, to a degree unsurpassed by any citizen of this State, has been an unyielding advocate and friend of the mentally afflicted and physically disabled, devoting a lifetime of leadership and service to their cause; and



Whereas, Ralph Scott's legislative experience, instinct and hard work made him one of the most effective members in the annals of the North Carolina Senate, setting a standard of excellence by which public service may be gauged; and

Whereas, Ralph Scott, although a successful businessman, values sincerity more than gold, and has forever been a friend to the oppressed and a foe of injustice; and

Whereas, Ralph Scott's every action has been to promote the advancement of a progressive State without sacrificing its traditional values; and

Whereas, we operate in the giant shadow of a man who by his life and work will "leave the woodpile a little higher than he found it"; and

Whereas, we wish to express to former Senator Ralph Scott our heart-felt commendation, admiration and appreciation for his many accomplishments on behalf of our State and its people;

Now, therefore, be it resolved by the Senate:

Section 1. The Senate expresses to Ralph Scott the sentiments of a grateful people and declares this day, March 19, 1985, to be "Ralph Scott Day in the North Carolina Senate."

Sec. 2. The Principal Clerk of the Senate shall send a certified copy of this resolution to Ralph H. Scott, Sr.

Sec. 3. This resolution is effective upon adoption.

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Members of the Senate, family and friends of the former Senator honor him with a standing ovation.

Senator Scott responds to the standing ovation as follows: "I can't tell you what this . . . I don't have the words to express my appreciation. I want to thank all of you from the bottom of my heart."

On motion of Senator Harrington, seconded by Senator Sawyer, the Senate adjourns in honor of Ralph Henderson Scott, Sr. to meet tomorrow, Wednesday, March 20 at 1:30 P.M.

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### THIRTY-SECOND DAY

SENATE CHAMBER,  
Wednesday, March 20, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Life, we thank Thee for all the blessings of life. For the very life that stirs within us, for the love and security of our family circle, for Your grace which has sustained us in the difficult moments of our lives, and for Your calming presence as we face the pressures of this day—we give Thee thanks, O Lord.

"O God of Compassion, we pray Thee to be with all the citizens of our State who are weary and heavy-laden. Give renewed strength and vision to those who are suffering from burnout; and give hope for a better tomorrow to all who are unemployed. Offer Thy grace and strength to all who are suffering the pain and loneliness of separation or divorce. Work

Thy healing power in all who are sick; and sustain all who are confined to bed, home, or nursing facility—with an assurance of Thy presence. Offer hope to all who are discouraged; and give comfort to all who grieve the loss of a loved one. And give to each of us hearts of compassion that we may reach out in love to all who need and long for some demonstration of love and support.

“O God of Love, use each of us as messengers of love, apostles of hope, and agents of compassion in a battered world. In this Chamber, in the legislative buildings, and in our local communities—make us sensitive to the burdens, needs, and hurts of the children, youth, and adults who daily touch our lives. Deliver us from coldness of heart; inspire us to extend the touch of tenderness to all who are battered and bruised by life; and use us as instruments of Your grace and peace in all those places where we live, work, and play.

“All this we ask in the gracious Name of our God, who says, ‘Comfort ye, comfort ye my people.’ Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Simpson for today. A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

The President extends courtesies of the gallery to Margaret Tennille, former Member of the House of Representatives.

#### COMMITTEE APPOINTMENTS

The President of the Senate announces the following appointments of select committees:

**UNIVERSITY BOARD OF GOVERNORS:** Senators Royall (Chairman), Ballenger, Harrington, Martin of Guilford, Plyler, Swain, Thomas of Craven, Walker, and Woodard.

**BOARD OF COMMUNITY COLLEGES:** Senators Rand (Chairman), Conder, Marvin, Parnell, Smith, Ward, Watt, and Winner.

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

**H. B. 230**, a bill to exempt temporarily the General Assembly from State purchase and contract procedures for the purpose of acquiring computer equipment, supplies, and services, with a favorable report.

By Senator Hardison for the **Commerce Committee:**

**S. B. 27**, a bill relating to installment loans, loans secured by secondary mortgages, and loans by licensees under the North Carolina Consumer Finance Act, with a favorable report, as amended.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 60**, a bill to amend the statutes relating to discipline and disbarment of attorneys at law, with a favorable report.

By Senator Warren for the **Transportation Committee**:

**S. B. 105**, a bill to amend Chapter 20 to grandfather truck weight limitations for packaged fertilizer and agriculture lime, with a favorable report.

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations, with a favorable report.

**H. B. 116**, a bill to exempt municipalities that buy electric power from a federal agency and make payments in lieu of taxes from the sales tax on utility services, with a favorable report.

**S. B. 90**, a bill to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County, with a favorable report, as amended.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Guy:

**S. B. 114**, a bill for the County of Onslow and its municipalities concerning zoning. Referred to **Local Government and Regional Affairs Committee**.

By Senators Swain, Hipps, Thomas of Henderson, and Winner:

**S. B. 115**, a bill to appropriate funds for a library addition at the University of North Carolina at Asheville. Referred to **Appropriations Committee**.

By Senators Swain, Barnes, Ezzell, Staton, Taft, and Winner:

**S. B. 116**, a bill to increase the pay for emergency justices and judges. Referred to **Appropriations Committee**.

By Senator Harris:

**S. B. 117**, a bill to amend Chapter 381 of the Private Laws of North Carolina, 1905, as it relates to the designation of the Kings Mountain Graded School District. Referred to **Local Government and Regional Affairs Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:



**H. B. 159** (Committee Substitute), a bill to insure that the Pamlico River is designated the Pamlico River in the entire County of Beaufort.

Referred to **Local Government and Regional Affairs Committee.**

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 84** (Senate Committee Substitute), a bill clarifying the Health Maintenance Organization Act.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

On motion of Senator Harrington, seconded by Senator Cobb, the Senate adjourns to meet tomorrow, Thursday, March 21, at 1:30 P.M.

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### THIRTY-THIRD DAY

SENATE CHAMBER,  
Thursday, March 21, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend A. W. Canada, Minister of Mount Olive Presbyterian Church, Charlotte, as follows:

“Our Father, Creator and Sustainer of life; we ask that You bestow Your love and wisdom upon these leaders as they deliberate the affairs of Your people within this State. May Your light so guide and direct them in the paths most meaningful, appropriate, and fruitful for the residents of this great State. Touch their minds and souls so that the will of the people shall be addressed through their efforts.

“Keep us all in Your peace and may love permeate all we do. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Ballenger for tomorrow, March 22.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 57**, an act to clarify the treatment of unspecified sentences that are required by statute to run consecutively with any other sentence. (Ch. 21)

**REPORTS OF COMMITTEES**

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

**H. B. 137**, a bill to prohibit hunting from the rights-of-way of public roads in Rockingham County, with a favorable report.

**H. B. 145**, a bill to repeal local legislation prohibiting the taking of female deer in certain Townships of Martin County, with a favorable report.

**H. B. 152**, a bill to prohibit the taking of game from certain public roads and highways in Currituck County, with a favorable report.

**H. B. 153**, a bill to regulate hunting on the lands of another in Tyrrell County, with a favorable report.

**H. B. 156**, a bill to allow an increase in the compensation for members of sanitary district boards, with a favorable report.

By Senator Marvin for the **Pensions and Retirement Committee:**

**S. B. 55**, a bill to refund certain firemen contributions in the Local Governmental Employee's Retirement System to surviving beneficiaries, with a favorable report.

By Senator Warren for the **Transportation Committee:**

**S. B. 29**, a bill to change the method for measuring the tread depth on tires to determine whether or not they are safe, with an unfavorable report as to bill, but favorable as to Committee Substitute bill, changing the title to read **S. B. 29** (Committee Substitute), a bill to change the method for measuring the tread depth on tires to determine whether they are safe. On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration. On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, March 22.

**S. B. 99**, a bill to permit disabled veterans to park in handicapped spaces, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, March 22.

**S. B. 98**, a bill to provide free registration plates to persons awarded the Congressional Medal of Honor who are residents of North Carolina, with a favorable report as amended.

By Senator Staton for the **Judiciary II Committee:**

**S. B. 59**, a bill to amend the statutes relating to the election of councilors to the North Carolina State Bar in order to provide for uniform rules and terms of office, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, March 22.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kincaid:

**S. B. 118**, a bill to amend the Charter of the Town of Rhodhiss to provide for a four-year term for the mayor and staggered four-year terms for the board of commissioners.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Somers, Ballenger, Harrington, Kincaid, Rauch, Redman, Sawyer, Shaw, Smith, Soles, Taft, Thomas of Henderson, Walker, Winner, and Wright:

**S. B. 119**, a bill to provide for renewals of drivers licenses of safe drivers by mail.

Referred to **Judiciary III Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 14**, a bill to clarify the scope of the inheritance tax exemption for property passing to a charitable, religious, or educational organization or for a charitable, religious, or educational purpose.

Referred to **Finance Committee**.

**H. B. 15**, a bill to extend the income tax exclusion for certain employee death benefits to similar death benefits of self-employed individuals.

Referred to **Finance Committee**.

**H. B. 163**, a bill regarding liquor prices.

Referred to **Judiciary III Committee**.

**H. B. 164**, a bill to redefine unfortified wine in the ABC law.

Referred to **Judiciary III Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 90**, a bill to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County, upon second reading.

On motion of Senator Basnight, Committee Amendment No. 1, held not to be material upon the point of order raised, is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 8 as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Jordan, Kaplan, Martin of Guilford,



Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—40.

Voting in the negative: Senators Ballenger, Cobb, Ezzell, Johnson of Cabarrus, Johnson of Wake, Kincaid, Sawyer, and Wright—8.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 27**, a bill relating to installment loans, loans secured by secondary mortgages, and loans by licensees under the North Carolina Consumer Finance Act.

On motion of Senator Woodard, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Martin of Guilford to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 60**, a bill to amend the statutes relating to discipline and disbarment of attorneys at law.

The bill passes its second reading (electronically recorded).

On objection of Senator Staton to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 105**, a bill to amend Chapter 20 to grandfather truck weight limitations for packaged fertilizer and agriculture lime.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 116**, a bill to exempt municipalities that buy electric power from a federal agency and make payments in lieu of taxes from the sales tax on utility services.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 230**, a bill to exempt temporarily the General Assembly from State purchase and contract procedures for the purpose of acquiring computer equipment, supplies, and services.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Kincaid, the Senate adjourns to meet tomorrow, Friday, March 22, at 10:00 A.M.

## THIRTY-FOURTH DAY

SENATE CHAMBER,  
Friday, March 22, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend J. Edward Morrison, Trinity United Methodist Church, Troy, as follows:

"Almighty God, Who has given us this 'goodliest land' for our heritage, we invoke Your presence upon this room and upon the Members of this Senate this day. Endue with the spirit of wisdom those to whom we entrust the authority of our government. Give them strength to know and do Your will. Make them pure in motive, wise in counsel, and strong in action. So rule their hearts and prosper their endeavors, that law and order, justice and peace may prevail within the State of North Carolina and we may be known as a place of honorable industry, sound learning, and pure manners, caring for our citizens in the manner demonstrated by the love of Jesus, in Whose Name I pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator McDuffie for today. A leave of absence granted previously to Senator Ballenger is noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 91**, an act to restore the authority of Onslow County to regulate subdivision of land into parcels between one and ten acres. (Ch. 22)

**H. B. 116**, an act to exempt municipalities that buy electric power from a federal agency and make payments in lieu of taxes from the sales tax on utility services. (Ch. 23)

**H. B. 230**, an act to exempt temporarily the General Assembly from State purchase and contract procedures for the purpose of acquiring computer equipment, supplies, and services. (Ch. 24)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Barnes for the **Judiciary I Committee**:

**S. R. 39**, a bill to make the use of seat belts in motor vehicles mandatory and to remove the sunset on the use of child restraint devices, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, March 26.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Warren:

**S. B. 120**, a bill to authorize the Department of Transportation to enter into reciprocal inspection agreements with other states and the Federal Highway Administration for highway supplies and materials.

Referred to **Transportation Committee**.

By Senator Parnell:

**S. B. 121**, a bill to revise and consolidate the Charter of the Town of Marietta and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Royall:

**S. B. 122**, a bill reestablishing the North Carolina School of Science and Mathematics as an affiliated school of the University of North Carolina.

Referred to **Higher Education Committee**.

By Senator Harris:

**S. B. 123**, a bill to continue the North Carolina Marital and Family Therapy Certification Act and the North Carolina Marital and Family Therapy Certification Board.

Referred to **Human Resources Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 32**, a bill to simplify the alcoholic beverage tax statutes.

Referred to **Finance Committee**.

**H. B. 161**, a bill authorizing retail businesses to obtain an ABC permit to sell unfortified wine for off-premises consumption.

Referred to **Judiciary III Committee**.

**H. B. 178**, a bill to permit persons to engage in business as pawnbrokers in unincorporated areas of Harnett County.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 221**, a bill to repeal the Charter of the Town of Shady Forest.

Referred to **Local Government and Regional Affairs Committee**.



**H. B. 246**, a bill to clarify the Employment Security Law to assure compliance with federal law regarding the employees of educational service agencies.

Referred to **Manufacturing and Labor Committee**.

**H. B. 247**, a bill to amend the Employment Security Law to encourage employer participation in adult cooperative education.

Referred to **Manufacturing and Labor Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 90**, a bill to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 32, noes 9, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Hardison, Harrington, Harris, Hunt of Durham, Jordan, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Redman, Royall, Shaw, Smith, Speed, Staton, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—32.

Voting in the negative: Senators Cobb, Ezzell, Guy, Johnson of Cabarrus, Johnson of Wake, Kincaid, Sawyer, Simpson, and Wright—9.

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

**H. B. 137**, a bill to prohibit hunting from the rights-of-way of public roads in Rockingham County.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 152**, a bill to prohibit the taking of game from certain public roads and highways in Currituck County.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 153**, a bill to regulate hunting on the lands of another in Tyrrell County.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 145**, a bill to repeal local legislation prohibiting the taking of female deer in certain Townships of Martin County.

The bill passes its second and third readings and is ordered enrolled.

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N.C. Housing Finance Agency bond reserve appropriations, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S. B. 27**, a bill relating to installment loans, loans secured by secondary mortgages, and loans by licensees under the North Carolina Consumer Finance Act, as amended, upon third reading.

Senator Martin of Guilford offers Amendment No. 2.

Senator Harris offers a motion that Amendment No. 2 do lie upon the table, seconded by Senator Hardison, which motion fails to prevail (electronically recorded).

On motion of Senator Rauch, the bill, as amended, with Amendment No. 2 pending, is placed on the Calendar for Tuesday, March 26 (electronically recorded), for further consideration.

**S. B. 60**, a bill to amend the statutes relating to discipline and disbarment of attorneys at law, upon third reading.

On motion of Senator Staton, consideration of the bill is postponed until Tuesday, March 26.

**S. B. 29** (Committee Substitute), a bill to change the method of measuring the tread depth on tires to determine whether they are safe.

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

**S. B. 55**, a bill to refund certain firemen contributions in the Local Governmental Employee's Retirement System to surviving beneficiaries.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 59** (Committee Substitute), a bill to amend the statutes relating to the election of councilors to the North Carolina State Bar in order to provide for uniform rules and terms of office.

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

**S. B. 98**, a bill to provide free registration plates to persons awarded the Congressional Medal of Honor who are residents of North Carolina.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 99** (Committee Substitute), a bill to permit disabled veterans to park in handicapped spaces.

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

**H. B. 156**, a bill to allow an increase in the compensation for members of sanitary district boards.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Thomas of Craven, the Senate adjourns to meet Monday, March 25, at 8:00 P.M.

## THIRTY-FIFTH DAY

SENATE CHAMBER,  
Monday, March 25, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of the Family, we thank Thee for the time of renewal which we were able to spend with our families this past weekend. We are grateful for the love and support which we receive from our spouse and children; and we pray that we may never fail to assure them of our love and affection. In our busy schedules, help us to always make time for those who are near and dear to us; and grant that we may always work to strengthen the ties that sustain our family life.

"O God of Creation, we thank Thee for the beauty and wonder of Thy creation, and we rejoice in the signs of spring which are bursting out all around us. Help us to see Thee in the budding flowers and trees; and give to us a sense of stewardship, that we may seek to carefully preserve all of our natural resources.

"O God of Strength, give us renewed strength of body, mind, and spirit. We are tired of traveling, weary of meetings, and heavy-laden with political responsibilities. Help us to deal creatively with the pressures which the public and the press place upon us; and give us strength to deal with the stress of trying to fulfill all our family, business, social, and legislative commitments.

"All this we ask in the name of our God who said, 'Those who wait upon the Lord shall renew their strength. They shall mount up with wings like eagles, they shall run and not be weary, they shall walk and not faint.' Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Thomas of Henderson for today.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 137**, an act to prohibit hunting from the rights-of-way of public roads in Rockingham County. (Ch. 25)

**H. B. 145**, an act to repeal local legislation prohibiting the taking of female deer in certain Townships of Martin County. (Ch. 26)

**H. B. 152**, an act to prohibit the taking of game from certain public roads and highways in Currituck County. (Ch. 27)

**H. B. 153**, an act to regulate hunting on the lands of another in Tyrrell County. (Ch. 28)



**H. B. 156**, an act to allow an increase in the compensation for members of sanitary district boards. (Ch. 29)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Winner and Swain:

**S. B. 124**, a bill to put Buncombe County under the statewide fox hunting law.  
Referred to **Natural and Economic Resources and Wildlife Committee.**

By Senator Simpson:

**S. B. 125**, a bill to provide that false information in State employees' files shall be destroyed.

Referred to **State Government Committee.**

By Senator Ezzell:

**S. B. 126**, a bill to empower nonprofit corporations to enter into arrangements with others for sharing of benefits or union of interests.

Referred to **Commerce Committee.**

By Senator Kaplan:

**S. B. 127**, a bill to eliminate unneeded campaign finance reports.

Referred to **Election Laws Committee.**

By Senators Tally, Barnes, Hardison, Hunt of Moore, Marvin, Rand, Rauch, Redman, Royall, Swain, Taft, Thomas of Henderson, Walker, and Ward:

**S. B. 128**, a bill to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services, Department of Human Resources, for the purpose of promoting equalization of State appropriated matching funds to area authorities.

Referred to **Human Resources Committee.**

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 57** (Committee Substitute), a bill to modify the definition of utility for purposes of imposing sales tax on certain utility services and to allow all municipalities or State agencies that sell electricity or piped natural gas a three percent (3%) deduction on their markup.

Referred to **Commerce Committee.**

**H. B. 142** (Committee Substitute), a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus.

Referred to **Judiciary I Committee.**

**H. B. 169** (Committee Substitute), a bill to provide an additional procedure by which the City of Winston-Salem may acquire property for public purposes by eminent domain.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 177**, a bill to validate a conveyance of the Town of Greeneres.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 217**, a bill to amend the Raleigh City Charter concerning zoning.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 224**, a bill to amend the Charter of the Town of Cary concerning zoning regulations.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 233**, a bill to revise and consolidate the Charter of the Town of Garysburg.

Referred to **Local Government and Regional Affairs Committee.**

The President recognizes the following pages serving in the Senate this week: Deanna Marie Baker, Charlotte; Charles McKinley Brittain III, Stedman; Denise Brown, Jacksonville; Jerrell Douglas Coleman, Jr., Stedman; Amy Lynn Cousins, Knightdale; John M. Furlough, Jr., Creswell; Lisa Harbin, Asheville; Jennifer Rae Lee, Murphy; Kimberly Ann Leggett, Battleboro; Melissa E. Livengood, Raleigh; Crystal Denise Lloyd, Williamston; Karen Anita Macon, Wake Forest; Susan Denise Page, Stantonsburg; Joseph Logan Pearce, Creswell; Gwendetta Denise Smith, Henderson; Julie Ann Thomas, Cary; and Alissa Vermillion, Raleigh.

On motion of Senator Harrington, seconded by Senator Simpson, the Senate adjourns to meet tomorrow, Tuesday, March 26, at 1:30 P.M.

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### THIRTY-SIXTH DAY

SENATE CHAMBER,  
Tuesday, March 26, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Donald M. Price, Benson Baptist Church, Benson, as follows:

"Eternal God, our Heavenly Father, we thank You for Your goodness to us. We thank You for the privilege of living today in the great State of North Carolina in such a challenging time of history. We acknowledge Your many blessings to us.

"O Lord, our God, we acknowledge our need of Your wisdom. We pray that You will bless these ladies and gentlemen who have been chosen by the people of this State to serve them, for You know them, their needs, their motives, their hopes, and their fears. Lord, put Your arm around them to give them strength, and speak to them to give them wisdom greater than their own. May they hear Your voice and seek Your guidance.

"We acknowledge that You govern the affairs of men. May these Senators be keenly aware that You are concerned about what is said and done here, and may they have clear conscience before You, that their motives are pure and that they do what is best for all the citizens of this State.

"Bless each of us according to our deepest need, and use us for Your glory, we humbly pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Plyler for today.

The President extends courtesies of the gallery to his mother, Mrs. Irene Jordan, and to his wife, Mrs. Sarah Jordan.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 84** (Senate Committee Substitute), an act clarifying the Health Maintenance Organization Act. (Ch. 30)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 32**, a bill to permit enforcement of alimony judgments while on appeal, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, March 28.

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 82**, a bill to create a commission to study the General Statutes of North Carolina pertaining to the regulation of insurance, with a favorable report.

On motion of Senator Johnson of Wake, the bill is re-referred to the **Appropriations Committee**.

**S. B. 83**, a bill to transfer the regulation of workers' compensation self-insurance from the Industrial Commission to the Department of Insurance, with a favorable report, as amended.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:



**S. B. 51**, a bill to repeal local legislation permitting the sale of rock fish in Halifax and Northampton Counties, with a favorable report.

**S. B. 85**, a bill to incorporate the Town of Willow Creek in Davidson County, with a favorable report.

**S. B. 108**, a bill to allow Rowan County ordinances regulating waste disposal to apply countywide, and to authorize Rowan County to enter into long term contracts for disposal of solid waste, with a favorable report.

**S. B. 109**, a bill to provide a sixth ward for the City of New Bern, and to provide that the mayor counts toward a quorum and towards the number of votes necessary to pass an ordinance, with a favorable report.

**S. B. 117**, a bill to amend Chapter 381 of the Private Laws of North Carolina, 1905, as it relates to the designation of the Kings Mountain Graded School District, with a favorable report.

**H. B. 150**, a bill to regulate the filing of copies of plats, etc., in Brunswick County, with a favorable report.

**H. B. 172**, a bill relating to the Forsyth County Tourism Development Authority, with a favorable report.

**H. B. 177**, a bill to validate a conveyance of the Town of Greener, with a favorable report.

**H. B. 179**, a bill to revise and consolidate the Charter of the Town of Columbus, with a favorable report.

**H. B. 184**, a bill to authorize the City of Raleigh to perform certain activities not currently allowed by its Charter or State statute, with a favorable report.

**H. B. 203**, a bill to amend the Charter of the Town of Clarkton, with a favorable report.

**H. B. 209**, a bill to repeal the law creating the "City-County Radio and Identification Bureau Commission" in Buncombe County, with a favorable report.

**H. B. 202**, a bill to provide that in certain circumstances vacancies in the Board of Education of Watauga County be filled only until the next general election, with a favorable report, as amended.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

**S. B. 129**, a bill to permit Craven County to construct and lease a natural gas line and participate in construction of an electrical power line.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Walker, Hunt of Moore, Johnson of Wake, Tally, Ward, and Woodard:

**S. B. 130**, a bill to appropriate funds to the North Carolina Historic Preservation Foundation, Inc., for the statewide revolving fund for historic preservation.

Referred to **Appropriations Committee**.

By Senators Staton, Ezzell, Guy, Hardison, Harrington, Harris, Johnson of Wake, Plyler, Rand, Redman, Walker, Warren, and Woodard:

**S. B. 131**, a bill to grant scholarship benefits for children of Medal of Honor recipients under the scholarships for children of war veterans program.

Referred to **State Government Committee**.

By Senators Walker and Hunt of Moore:

**S. B. 132**, a bill to repeal the limitation on the number of members of a political party who may serve on the Asheboro City Board of Education, and to clarify that absentee voting is allowed.

Referred to **Local Government and Regional Affairs Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 78** (Committee Substitute), a bill to authorize withholding of State employees' wages to satisfy debts to the State.

Referred to **Judiciary IV Committee**.

**H. B. 158** (Committee Substitute), a bill to regulate terms of trustees of institutions of the community college system.

Referred to **Higher Education Committee**.

**H. B. 235**, a bill to provide that the Cabarrus County Board of Education shall be elected at the time of the primary.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 27**, a bill relating to installment loans, loans secured by secondary mortgages, and loans by licensees under the North Carolina Consumer Finance Act, as amended, upon third reading, with pending Amendment No. 2.

Without objection, Senator Conder is excused from all votes for the stated reason: "Possible conflict of interest."

The Chair directs the Reading Clerk to read Amendment No. 2. Senator Martin of Guilford offers a motion that the bill, as amended, with pending Amendment No. 2, be re-referred to the **Judiciary I Committee**, which motion fails to prevail (electronically recorded). Amendment No. 2 is adopted (electronically recorded).

Senator Martin of Guilford offers Amendment No. 3 which fails of adoption (electronically recorded).

Senator Watt offers Amendment No. 4 which fails of adoption (electronically recorded).

Senator Woodard calls the previous question, seconded by Senator Harris. The call is sustained.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 60**, a bill to amend the statutes relating to discipline and disbarment of attorneys at law, upon third reading.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 39** (Committee Substitute), a bill to make the use of seat belts in motor vehicles mandatory and to remove the sunset on the use of child restraint devices.

Senator Warren offers Amendment No. 1 which is adopted (electronically recorded).

Senator Marvin offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Rauch offers Amendment No. 3, amending Amendment No. 1, which is adopted (electronically recorded).

Senator Redman offers Amendment No. 4 which is adopted (electronically recorded).

Senator Sawyer offers Amendment No. 5. Senator Warren offers a motion that Amendment No. 5 do lie upon the table, seconded by Senator Royall, which motion prevails (electronically recorded), and Amendment No. 5 lies upon the table.

Senator Warren calls the previous question, seconded by Senator Rand. The call is not sustained.

Senator Wright offers Amendment No. 6, which fails of adoption (electronically recorded).

On motion of Senator Soles, the Committee Substitute bill, as amended, is recommitted to the **Judiciary I Committee** (electronically recorded).

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 88**, a bill to amend the Constitution of North Carolina to provide that future Governors and Lieutenant Governors may not succeed themselves, and to make a conforming change to the General Statutes, with a favorable report, as amended.

On motion of Senator Soles, the bill is placed on the Calendar for Thursday, March 28.

On motion of Senator Harrington, seconded by Senator Soles, the Senate adjourns to meet tomorrow, Wednesday, March 27, at 1:30 P.M.



## THIRTY-SEVENTH DAY

SENATE CHAMBER,  
Wednesday March 27, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Rabbi David Zielonka, Temple Emmanuel, Gastonia, as follows:

"Lord: we praise You and seek Your blessing.

"You have placed us on this bountiful earth and showered us with Your favor. You have given us resources and productivity beyond our needs, and challenged us to use them wisely. You have given us friends and family to share our joys and sorrows and encouraged us to treat them kindly. You have given us co-workers with whom we carry on our common labors, and directed us to work cooperatively.

"In return, You ask only that we acknowledge Your sovereignty, live in accordance with Your teachings, and devote our best efforts to helping others.

"Give us, we pray, a share of Your wisdom and compassion. Inspire our hearts and minds, that we better understand the needs of others. Moderate our deliberations, that we blend our efforts toward common goals. Guide our actions, that we do only those things which will allow all people to grow in freedom.

"Strengthen our hearts with Your teachings. Guard us from folly and unyielding pride, and guide us to work out Your standards of righteousness in our lives.

"Blessed is the Lord, Who loves righteousness and justice, and from Whom all blessings flow. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 27**, an act to provide penalties for removal of "separate" property during separation when an equitable distribution will be or is requested. (Ch. 31)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**H. J. R. 10** (Committee Substitute), a joint resolution urging Congress and the President to take action necessary to moderate the growth of textile and apparel imports, with a favorable report.

**H. B. 191**, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives, with a favorable report.

By Senators Rauch and Thomas of Henderson for the **Finance Committee**:

**H. B. 16**, a bill making a technical correction to the revenue laws, with a favorable report.

**H. B. 75**, a bill to make clear that the privilege license tax on persons engaged in the business of selling knives and other weapons does not apply to persons engaged in the business of selling slingshots, with a favorable report.

By Senator Martin of Guilford for the **Higher Education Committee**:

**S. B. 86**, a bill to establish a trust fund for the endowment of chairs at the constituent institutions of the University of North Carolina, with a favorable report.

On motion of Senator Martin of Guilford the bill is re-referred to the **Appropriations Committee**.

By Senator Warren for the **Transportation Committee**:

**S. B. 95**, a bill to permit left turns on red in certain situations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, March 29.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Conder, Hunt of Moore, and Tally:

**S. B. 133**, a bill to provide for automobile insurance premium discounts for certain persons who complete accident prevention courses.

Referred to **Insurance Committee**.

By Senator Conder:

**S. B. 134**, a bill to amend G. S. 159-90 of the State and Local Government Revenue Bond Act and G. S. 159-163 relating to revenue bond anticipation notes.

Referred to **Finance Committee**.

By Senators Plyler and Conder:

**S. B. 135**, a bill to amend the restrictions on force account work as they apply to the City of Monroe.

Referred to **Local Government and Regional Affairs Committee**.

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 160**, a bill repealing the authority of ABC stores to sell native unfortified wine. Referred to **Judiciary II Committee**.

**H. B. 226**, a bill to validate certain conveyances where seals were omitted. Referred to **Judiciary II Committee**.

**H. B. 227**, a bill to validate certain acts of notaries. Referred to **Judiciary II Committee**.

**H. B. 296**, a bill making technical corrections in Chapter 24, Session Laws of 1985. On motion of Senator Harrington, the rules are suspended (electronically recorded), and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 85**, a bill to incorporate the Town of Willow Creek in Davidson County, upon second reading.

The Chair rules a majority vote of three-fifths of the membership of the Senate is required by the Constitution.

The bill passes its second reading by roll-call vote, ayes 39, noes 10, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Woodard, and Wright—39.

Voting in the negative: Senators Ezzell, Hunt of Durham, Martin of Guilford, McDuffie, Sawyer, Shaw, Speed, Tally, Watt, and Winner—10.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 109**, a bill to provide a sixth ward for the City of New Bern, and to provide that the mayor counts toward a quorum and towards the number of votes necessary to pass an ordinance, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 179**, a bill to revise and consolidate the Charter of the Town of Columbus, upon second reading.



The bill passes its second reading by roll-call vote, ayes 50, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—50.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 51**, a bill to repeal local legislation permitting the sale of rock fish in Halifax and Northampton Counties.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 108**, a bill to allow Rowan County ordinances regulating waste disposal to apply countywide, and to authorize Rowan County to enter into long term contracts for disposal of solid waste.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 117**, a bill to amend Chapter 381 of the Private Laws of North Carolina, 1905, as it relates to the designation of the Kings Mountain Graded School District.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 150**, a bill to regulate the filing of copies of plats, etc., in Brunswick County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 172**, a bill relating to the Forsyth County Tourism Development Authority.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 177**, a bill to validate a conveyance of the Town of Greenerivers.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 184**, a bill to authorize the City of Raleigh to perform certain activities not currently allowed by its Charter or State statute.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 202**, a bill to provide that in certain circumstances vacancies in the Board of Education of Watauga County be filled only until the next general election.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 203**, a bill to amend the Charter of the Town of Clarkton.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 209**, a bill to repeal the law creating the "City-County Radio and Identification Bureau Commission" in Buncombe County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 83**, a bill to transfer the regulation of workers' compensation self-insurance from the Industrial Commission to the Department of Insurance.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

### APPOINTMENT OF COMMITTEES

The President of the Senate announces additional appointments to the following Select Committees:

**Select Committee on University Board of Governors:** Senators Guy and Kincaid are appointed.

**Select Committee on Board of Community Colleges:** Senator Warren is appointed.

On motion of Senator Harrington, seconded by Senator Simpson, the Senate adjourns to meet tomorrow, Thursday, March 28, at 1:30 P.M.

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### THIRTY-EIGHTH DAY

SENATE CHAMBER,  
Thursday March 28, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend William D. Sabiston III, North Carolina Conference Council on Ministries of the United Methodist Church, Raleigh, as follows:

"Almighty God, bless our State that it may be a blessing to the Nation and the world. Grant us sound government and just laws, good education, and a responsible press, simplicity and justice in our relations with one another, and, above all, a spirit of service which will abolish pride of place and inequality of opportunity. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Plyler for today and tomorrow, March 29, and to Senators Ballenger, Conder, Kincaid, and Parnell for tomorrow, March 29.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 150**, an act to regulate the filing of copies of plats, etc., in Brunswick County. (Ch. 32)

**H. B. 172**, an act relating to the Forsyth County Tourism Development Authority. (Ch. 33)

**H. B. 177**, an act to validate a conveyance of the Town of Greenevers. (Ch. 34)

**H. B. 184**, an act to authorize the City of Raleigh to perform certain activities not currently allowed by its Charter or State statute. (Ch. 35)

**H. B. 203**, an act to amend the Charter of the Town of Clarkton. (Ch. 36)

**H. B. 209**, an act to repeal the law creating the "City-County Radio and Identification Bureau Commission" in Buncombe County. (Ch. 37)

**H. B. 296**, an act making technical corrections in Chapter 24, Session Laws of 1985. (Ch. 38)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Jordan for the **Manufacturing and Labor Committee**:

**H. B. 246**, a bill to clarify the Employment Security Law to assure compliance with federal law regarding the employees of educational service agencies, with a favorable report.

**H. B. 247**, a bill to amend the Employment Security Law to encourage employer participation in adult cooperative education, with a favorable report.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**.

**S. B. 118**, a bill to amend the Charter of the Town of Rhodhiss to provide for a four-year term for the mayor and staggered four-year terms for the board of commissioners, with a favorable report.

**S. B. 132**, a bill to repeal the limitation on the number of members of a political party who may serve on the Asheboro City Board of Education, and to clarify that absentee voting is allowed, with a favorable report.

**H. B. 169** (Committee Substitute), a bill to provide an additional procedure by which the City of Winston-Salem may acquire property for public purposes by eminent domain, with a favorable report.

**H. B. 178**, a bill to permit persons to engage in business as pawnbrokers in unincorporated areas of Harnett County, with a favorable report.



**H. B. 217**, a bill to amend the Raleigh City Charter concerning zoning, with a favorable report.

**H. B. 221**, a bill to repeal the Charter of the Town of Shady Forest, with a favorable report.

**H. B. 224**, a bill to amend the Charter of the Town of Cary concerning zoning regulations, with a favorable report.

**H. B. 233**, a bill to revise and consolidate the Charter of the Town of Garysburg, with a favorable report.

**H. B. 235**, a bill to provide that the Cabarrus County Board of Education shall be elected at the time of the primary, with a favorable report.

**S. B. 121**, a bill to revise and consolidate the Charter of the Town of Marietta and to repeal prior local acts, with a favorable report, as amended.

**S. B. 129**, a bill to permit Craven County to construct and lease a natural gas line and participate in construction of an electrical power line, with a favorable report, as amended.

By Senator Barnes for the **Judiciary I Committee**:

Senator Cobb rises to a point of order, stating that the meeting today of the Judiciary I Committee was improperly convened, the time and place of the meeting not having been announced in the Senate Chamber. The Chair fails to sustain the point of order and rules proper notice under the Senate rules is accomplished with the announcement carried on the Senate Calendar and directs the Clerk to read the report submitted.

**S. B. 53**, a bill to grant veto power to the Governor, with an unfavorable report.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 106**, a bill to authorize appeal of Personnel Commission decisions awarding attorney fees in grievance proceedings, with a favorable report.

On motion of Senator Staton the bill is re-referred to the **State Government Committee**.

By Senator Kaplan for the **Election Laws Committee**:

**H. B. 91**, a bill to provide for nomination of members of the State Board of Elections by the State political party chairmen, and concerning the term of office of the Executive Secretary-Director, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Ward, Hunt of Moore, and Tally:

**S. B. 136**, a bill to clarify the confidentiality of education records.

Referred to **Education Committee**.

By Senator Simpson:

**S. B. 137**, a bill to protect from retaliation State employees who report government waste and abuse.

Referred to **Judiciary IV Committee**.

By Senators Barnes, Hunt of Moore, Johnson of Wake, Rauch, Tally, Warren, and Winner:

**S. B. 138**, a bill to provide for the purchase of two-way radios and telephone answering equipment for the State parks and recreation areas.

Referred to **Appropriations Committee**.

By Senator Guy:

**S. B. 139**, a bill to authorize the Department of Transportation to participate in the nonbetterment costs of adjustment or relocation of municipally owned utilities in existing State highway system rights-of-way on State highway system improvements let to contract.

Referred to **Transportation Committee**.

By Senators Barnes, Hunt of Moore, Rauch, Tally, Warren, and Winner:

**S. B. 140**, a bill to designate a river a potential component of the Natural and Scenic Rivers System and to protect against direct and adverse development.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Parnell and Hunt of Moore:

**S. B. 141**, a bill to continue unreduced service retirement benefits at age sixty with twenty-five years of service in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senators Thomas of Henderson, Hipps, and Thomas of Craven:

**S. B. 142**, a bill to require counties and cities that grant cable television franchises to regulate service and rates.

Referred to **Judiciary III Committee**.

By Senators Marvin, Basnight, Hunt of Moore, Simpson, Taft, Tally, and Thomas of Craven:

**S. J. R. 143**, a joint resolution approving the State plan for vocational education.

Referred to **Education Committee**.

By Senators Marvin, Hunt of Moore, Taft, Tally, and Warren:

**S. B. 144**, a bill to retain vocational teachers eliminated by loss of federal funding.

Referred to **Education Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 30**, a bill to allow certain members of the armed forces who are on extended active duty a longer period of time in which to roll over gain on the sale of their principal residence.

Referred to **Finance Committee**.

**H. B. 49**, a bill to allow spouses to share their annual gift tax exclusions only if both spouses are residents of North Carolina and to make consent to share annual exclusions irrevocable.

Referred to **Finance Committee**.

**H. B. 50**, a bill to eliminate the necessity of obtaining an inheritance tax waiver for securities declared and interest accruing after the decedent's death.

Referred to **Finance Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 85**, a bill to incorporate the Town of Willow Creek in Davidson County, upon third reading.

Having received a three-fifths affirmative majority vote, the bill passes its third reading by roll-call vote, ayes 40, noes 5, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Walker, Ward, Woodard, and Wright—40.

Voting in the negative: Senators Hunt of Durham, Martin of Guilford, Sawyer, Tally; and Watt—5.

The bill is ordered sent to the House of Representatives.

**S. B. 109**, a bill to provide a sixth ward for the City of New Bern, and to provide that the mayor counts toward a quorum and towards the number of votes necessary to pass an ordinance, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Woodard, and Wright—42.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**H. B. 179**, a bill to revise and consolidate the Charter of the Town of Columbus, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford,



Martin of Pitt, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—49.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 88**, a bill to amend the Constitution of North Carolina to provide that future Governors and Lieutenant Governors may not succeed themselves, and to make a conforming change to the General Statutes, upon second reading.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

Having received a three-fifths affirmative majority vote, the bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 11, as follows:

The following pair is announced: Senator Plyler "aye;" Senator Marvin "no."

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, McDuffie, Parnell, Rand, Rauch, Royall, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Ward, Warren, Watt, Winner, and Woodard—37.

Voting in the negative: Senators Cobb, Price, Redman, Sawyer, Shaw, Simpson, Somers, Taft, Thomas of Henderson, Walker, and Wright—11.

Without objection, the bill remains on the Calendar for further consideration upon third reading today.

Having received a three-fifths affirmative majority vote, the bill, as amended, passes its third reading by roll-call vote, ayes 37, noes 11, as follows:

The following pair is announced: Senator Plyler "aye;" Senator Marvin "no."

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, McDuffie, Parnell, Rand, Rauch, Royall, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Ward, Warren, Watt, Winner, and Woodard—37.

Voting in the negative: Senators Cobb, Price, Redman, Sawyer, Shaw, Simpson, Somers, Taft, Thomas of Henderson, Walker, and Wright—11.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 32** (Committee Substitute), a bill to permit enforcement of alimony judgments while on appeal.

Senator Somers offers Amendment No. 1 which fails of adoption (electronically recorded).

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. J. R. 10** (Committee Substitute), a joint resolution urging Congress and the President to take action necessary to moderate the growth of textile and apparel imports.

The Committee Substitute joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 16**, a bill making a technical correction to the revenue laws.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 75**, a bill to make clear that the privilege license tax on persons engaged in the business of selling knives and other weapons does not apply to persons engaged in the business of selling slingshots.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 191**, a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

### REMOVE FROM TABLE

#### S. B. 53

Senator Cobb offers a motion, seconded by Senator Kincaid, that **S. B. 53**, a bill to grant veto power to the Governor, placed upon the table by an unfavorable Committee report, be removed and placed before the Senate for immediate consideration.

Senator Soles, seconded by Senator Harris, offers a motion that the motion of Senator Cobb do lie upon the table. Senator Cobb calls for the "ayes" and "noes" on the motion of Senator Soles. The call is sustained.

The motion of Senator Soles that the motion of Senator Cobb do lie upon the table prevails by roll-call vote, ayes 36, noes 13, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—36.

Voting in the negative: Senators Ballenger, Cobb, Hunt of Moore, Johnson of Cabarrus, Kincaid, McDuffie, Redman, Sawyer, Shaw, Simpson, Smith, Somers, and Wright—13.

The motion to remove the bill from the table lies upon the table.

On motion of Senator Harrington, seconded by Senator Redman, the Senate adjourns to meet tomorrow, Friday, March 29, at 10:00 A.M.

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### THIRTY-NINTH DAY

SENATE CHAMBER,  
Friday, March 29, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Bishop C. P. Minnick, Jr., Resident Bishop of The United Methodist Church, Raleigh, as follows:

"O Lord, our Lord, how majestic is Your name in all the earth! When I consider Your heavens, the work of Your hands, the moon and the stars which You have made, who are we that You should be mindful of us? Yet, in so many ways You do show to us daily that You care about us. We thank You for Your love that never lets us go.

"Grant to us in this moment the assurance of Your guiding presence in our lives and in our work.

"Bless, O God, in a very special way, these persons who have been elected to serve the people of this State in this legislative body.

"Give to them wisdom as they deal with difficult decisions.

"Make them patient and kind in their dealings with each other.

"Deepen their commitment to honesty, truth, and justice.

"Keep them open every moment to the guidance of Your Spirit.

"Make them equal to their responsibilities.

"O Lord, our Lord, how majestic is Your name in all the earth! Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Wright, who is touring State facilities with the Governor in his home district, and to Senator McDuffie for today.

Leaves of absence granted previously to Senators Plyler, Ballenger, Kincaid, Conder, and Parnell are noted.

### RECALL FROM ENROLLING

**H. J. R. 10** (Committee Substitute), a joint resolution urging Congress and the President to take action necessary to moderate the growth of textile and apparel imports.

Senator Speed offers a motion that the Committee Substitute joint resolution be recalled from the Enrolling Office for further consideration, which motion prevails.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 36**, an act to require draft registration of certain military dependents for scholarship and in-state tuition purposes. (Ch. 39)

**S. B. 92**, an act to abolish the Office of Coroner in Rowan County. (Ch. 40)

**S. B. 94**, an act to allow the Monroe City Board of Education to pay its ten-month employees on or before the sixteenth of each month. (Ch. 41)

**S. B. 100**, an act to appoint persons to the North Carolina Hazardous Waste Treatment Commission upon the recommendation of the President of the Senate. (Ch. 42)



**H. B. 191**, an act to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives. (Ch. 43)

**H. B. 16**, an act making a technical correction to the revenue laws. (Ch. 44)

**H. B. 75**, an act to make clear that the privilege license tax on persons engaged in the business of selling knives and other weapons does not apply to persons engaged in the business of selling slingshots. (Ch. 45)

**H. B. 179**, an act to revise and consolidate the Charter of the Town of Columbus. (Ch. 46)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Winner for the **Education Committee**:

**S. B. 68**, a bill to govern the establishment, maintenance, and implementation of a comprehensive basic education program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, April 2.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton, Rauch, Royall, and Smith:

**S. B. 145**, a bill to repeal the State gift tax.  
Referred to **Finance Committee**.

By Senator Ezzell:

**S. B. 146**, a bill to increase the Confederate widows' pension.  
Referred to **Pensions and Retirement Committee**.

By Senators Barnes and Winner:

**S. B. 147**, a bill to provide for the voluntary registration and dedication of natural areas.  
Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Redman, Ballenger, Cobb, Johnson of Cabarrus, Kincaid, McDuffie, Sawyer, Shaw, Simpson, Smith, Somers, and Wright:

**S. B. 148**, a bill to enact "The Tax Relief Act of 1985".  
Referred to **Finance Committee**.

By Senators Ward, Rauch, and Warren:

**S. B. 149**, a bill to allow a personal income tax exemption for certain types of spina bifida.

Referred to **Finance Committee**.

By Senator Rauch:

**S. B. 150**, a bill to increase the certified public accountant examination fee.

Referred to **Finance Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 151**, a bill to put Swain County under the statewide fox hunting law.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 152**, a bill to appropriate funds for capital improvements at the Western North Carolina Agricultural Center.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 153**, a bill to appropriate funds to the Brevard Music Center for capital improvements.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson, Hipps, Rand, Rauch, Royall, Thomas of Craven, and Warren:

**S. B. 154**, a bill to amend the Constitution to allow a county to exempt property held by a business as part of its inventory from property tax or reduce the amount of property tax.

Referred to **Finance Committee**.

By Senator Ballenger:

**S. B. 155**, a bill to amend the law establishing a supplemental retirement fund for firemen in the City of Hickory.

Referred to **Pensions and Retirement Committee**.

By Senator Johnson of Wake:

**S. B. 156**, a bill to amend Chapters 24 and 45 to provide for equity lines of credit.

Referred to **Commerce Committee**.

By Senators Hardison, Barnes, Conder, Guy, Harris, Hunt of Moore, Kaplan, Martin of Pitt, Marvin, Rand, Rauch, Royall, Smith, Staton, Swain, Taft, Tally, Thomas of Henderson, Ward, and Warren:

**S. B. 157**, a bill to appropriate additional funds to the Aid to Public Libraries Fund.

Referred to **Appropriations Committee**.

By Senator Hardison:

**S. B. 158**, a bill to appropriate funds to improve marketing of North Carolina grapes.

Referred to **Appropriations Committee**.

By Senator Hardison:

**S. B. 159**, a bill to establish a minimum weekly compensation for certain volunteer workers under the Workers' Compensation Act.

Referred to **Manufacturing and Labor Committee**.

By Senators Hardison and Rauch:

**S. B. 160**, a bill to clarify the governing bodies required to provide annual certification of firemen eligible for membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

Referred to **Pensions and Retirement Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 182** (Committee Substitute), a bill to provide a fair procedure in partition sales. Referred to **Judiciary I Committee**.

**H. B. 239**, a bill to permit certain nonstudents to ride on school buses in Hyde County. Referred to **Local Government and Regional Affairs Committee**.

**H. B. 241**, a bill to approve the private sale of real property by the Albemarle City School Administrative Unit.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 249**, a bill to provide that temporary vehicle registration plates or markers are effective for a maximum of thirty days instead of twenty days.

Referred to **Transportation Committee**.

**H. B. 252**, a bill to permit the sale of products produced by inmates to public institutions outside the State of North Carolina.

Referred to **Judiciary I Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 121**, a bill to revise and consolidate the Charter of the Town of Marietta and to repeal prior local acts, upon second reading.

Senator Harrington moves the adoption of Committee Amendment No. 1.

On motion of Senator Harrington, consideration of the bill, with Committee Amendment No. 1 pending, is postponed until Monday, April 1.

**H. B. 233**, a bill to revise and consolidate the Charter of the Town of Garysburg, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—39.



Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 118**, a bill to amend the Charter of the Town of Rhodhiss to provide for a four-year term for the mayor and staggered four-year terms for the board of commissioners.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 129**, a bill to permit Craven County to construct and lease a natural gas line and participate in construction of an electrical power line.

On motion of Senator Thomas of Craven, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 132**, a bill to repeal the limitation on the number of members of a political party who may serve on the Asheboro City Board of Education, and to clarify that absentee voting is allowed.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 169** (Committee Substitute), a bill to provide an additional procedure by which the City of Winston-Salem may acquire property for public purposes by eminent domain.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 178**, a bill to permit persons to engage in business as pawnbrokers in unincorporated areas of Harnett County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 217**, a bill to amend the Raleigh City Charter concerning zoning.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 221**, a bill to repeal the Charter of the Town of Shady Forest.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 224**, a bill to amend the Charter of the Town of Cary concerning zoning regulations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 235**, a bill to provide that the Cabarrus County Board of Education shall be elected at the time of the primary.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 32** (Committee Substitute), a bill to permit enforcement of alimony judgments while on appeal, upon third reading.

Senator Rand offers Amendment No. 2 which is adopted (electronically recorded).

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

**S. B. 95** (Committee Substitute), a bill to permit left turns on red in certain situations.

On motion of Senator Harris, consideration of the Committee Substitute bill is postponed until Tuesday, April 2.

**H. B. 91**, a bill to provide for nomination of members of the State Board of Elections by the State political party chairmen, and concerning the term of office of the Executive Secretary-Director.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

Senator Redman offers Amendment No. 2. Senator Kaplan, seconded by Senator Rand, offers a motion that the Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded), and Amendment No. 2 lies upon the table.

Senator Redman offers Amendment No. 3, amending Amendment No. 1. Senator Kaplan, seconded by Senator Royall, offers a motion that Amendment No. 3 do lie upon the table, which motion prevails (electronically recorded), and Amendment No. 3 lies upon the table.

Senator Simpson offers Amendment No.4. Senator Kaplan, seconded by Senator Royall, offers a motion that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded), and Amendment No. 4 lies upon the table.

Senator Kaplan calls the previous question, seconded by Senator Royall. The call is sustained (electronically recorded). The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Redman to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 246**, a bill to clarify the Employment Security Law to assure compliance with federal law regarding the employees of educational service agencies.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 247**, a bill to amend the Employment Security Law to encourage employer participation in adult cooperative education.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

### RECOMMITAL

**S. B. 95** (Committee Substitute), a bill to permit left turns on red in certain situations.

Senator Warren offers a motion that the Committee Substitute bill be taken from the Calendar for Tuesday, April 2, and recommitted to the **Transportation Committee**, which motion prevails.

### RECONSIDERATION

**H. J. R. 10** (Committee Substitute), a joint resolution urging Congress and the President to take action necessary to moderate the growth of textile and apparel imports.

Senator Speed offers a motion that the vote by which the Committee Substitute joint resolution passes its third reading be reconsidered, which motion prevails. Senator Speed offers Amendment No. 1, which is adopted (electronically recorded).

The Committee Substitute joint resolution, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

On motion of Senator Harrington, seconded by Senator Shaw, the Senate adjourns to meet Monday, April 1, at 8:00 P.M.

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### FORTIETH DAY

SENATE CHAMBER,  
Monday, April 1, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend C. Vernon Tyson, Edenton Street United Methodist Church, Raleigh, as follows:

"Our Heavenly Father, behind every good and perfect gift, we see Your hand of grace; and for life on this lovely spring day we are grateful; for the full flower that we see, the promise of all around us, and the world being made new.

"Forbid, O Lord, that the world on the outside would be refreshed and renewed and we would be our same old selves. Therefore, give us fresh and new thoughts and refresh the love of our heart and help us to know Your Mind and Your Spirit.

"We are grateful for those persons whose trust has enabled us to serve them and the noble purposes of our good State; and now grant in this time that we may know those things worth knowing, love those things worth loving, and praise and promote those things which please Thee most. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Cobb to attend a State Ports Authority function in Charlotte and to Senator Ballenger for an indefinite period due to medical reasons. Senator Cobb is noted present for a portion of tonight's Session.

The President extends courtesies of the floor to Jack Rhyne, former Senator from Gaston County.

The President extends courtesies of the gallery to Mrs. Alma Street Jenkins of Selma, 1985 Mother of the Year for North Carolina.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 169** (Committee Substitute), an act to provide an additional procedure by which the City of Winston-Salem may acquire property for public purposes by eminent domain. (Ch. 47)



**H. B. 178**, an act to permit persons to engage in business as pawnbrokers in unincorporated areas of Harnett County. (Ch. 48)

**H. B. 217**, an act to amend the Raleigh City Charter concerning zoning. (Ch. 49)

**H. B. 221**, an act to repeal the Charter of the Town of Shady Forest. (Ch. 50)

**H. B. 224**, an act to amend the Charter of the Town of Cary concerning zoning regulations. (Ch. 51)

**H. B. 235**, an act to provide that the Cabarrus County Board of Education shall be elected at the time of the primary. (Ch. 52)

**H. B. 246**, an act to clarify the Employment Security Law to assure compliance with federal law regarding the employees of educational service agencies. (Ch. 53)

**S. B. 105**, an act to amend Chapter 20 to grandfather truck weight limitations for packaged fertilizer and agriculture lime. (Ch. 54)

**H. J. R. 10** (Committee Substitute), a joint resolution urging Congress and the President to take action necessary to moderate the growth of textile and apparel imports. (Res. 4)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Marvin, Harris, and Rauch:

**S. B. 161**, a bill to change the manner of election of the Lincoln County Board of Education from partisan to nonpartisan plurality election, and to provide for election of residence district instead of nomination by voting district and election by residence district.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Johnson of Wake:

**S. B. 162**, a bill to amend the Workers' Compensation Act with respect to county agricultural extension service employees.

Referred to **Manufacturing and Labor Committee**.

By Senators Walker and Hunt of Moore:

**S. B. 163**, a bill to increase the membership of the Asheboro Airport Authority.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Hardison:

**S. B. 164**, a bill to provide an income tax credit for distributing wine made principally from North Carolina grapes.

Referred to **Finance Committee**.

By Senators Hippy and Redman:

**S. B. 165**, a bill to authorize electronic transmission or recording of the testimony of children in cases of physical or sexual abuse of children.

Referred to **Judiciary I Committee**.

By Senator Hipps:

**S. B. 166**, a bill to appropriate funds to establish the Families and Schools Together (FAST) Program and to combat the youth drug problem in North Carolina.

Referred to **Appropriations Committee**.

By Senator Hipps:

**S. B. 167**, a bill to implement the Missing Children Act of 1985.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 101** (Committee Substitute), a bill to raise the minimum age for purchase, possession and consumption of malt beverages and unfortified wine.

Referred to **Judiciary III Committee**.

**H. B. 151** (Committee Substitute), a bill to treat adopted and natural persons alike for purposes of grants and devises.

Referred to **Judiciary II Committee**.

**H. B. 200**, a bill to regulate hunting with rifles in certain townships of Moore County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 201**, a bill to regulate the shining of lights in deer areas in Moore County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 231**, a bill to permit the taking of foxes in Hoke and Robeson Counties.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 258**, a bill to provide for the continuation of the Utility Review Committee as the Joint Legislative Utility Review Committee.

Referred to **Commerce Committee**.

**H. B. 250**, a bill to verify the boundaries of the Town of King.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 278**, a bill to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Madison.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 233**, a bill to revise and consolidate the Charter of the Town of Garysburg, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Higgs, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 121**, a bill to revise and consolidate the Charter of the Town of Marietta and to repeal prior local acts, upon second reading with pending Committee Amendment No. 1.

On motion of Senator Parnell, the Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Ezzell, Goldston, Harrington, Higgs, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 91**, a bill to provide for nomination of members of the State Board of Elections by the State political party chairmen, and concerning the term of office of the Executive Secretary-Director, as amended, upon third reading.

Senator Somers offers Amendment No. 5 which fails of adoption (electronically recorded).

Senator Redman rises to speak on the bill. Senator Royall rises to a point of order, stating that Senator Redman is not discussing the bill. The Chair rules that remarks should address the bill. Senator Kaplan calls the previous question, seconded by Senator Rauch. The call is sustained (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded).

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

Senator Kincaid rises to a point of personal privilege. Senator Royall rises to a point of order, stating that Senator Kincaid is not allowed under the Rules of the Senate to explain a vote while rising to a point of personal privilege. The Chair sustains the point of order.

The President recognizes the following pages serving in the Senate this week: Thomas E. Beaman, Jr., Wilson; Michael Lynn Best, Mt. Olive; T. Keith Boan, Statesville; Tonya Boykin, Raleigh; Nancy Brooks, Raleigh; Carrie Burgin, Asheville; Monica Chavis, Clinton; LuAnne Cole, Fayetteville; Raymond Dean Evans, Asheville; Joseph Thomas Goswick, Franklinton; Paul Phillips Hoffman, Raleigh; Wendy Kelly, Fayetteville; Melanie Nantz, Harmony; Phaedra Ann Neely, Raleigh; John J. Noonan III, Statesville; Jonathan Hutchison Owen, Wilmington; John D. Ward, Wilmington; and Lisa Wood, Holly Springs.

On motion of Senator Harrington, seconded by Senator Cobb, the Senate adjourns to meet tomorrow, Tuesday, April 2, at 1:30 P.M.



## FORTY-FIRST DAY

SENATE CHAMBER,  
Tuesday, April 2, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Claude Godwin, Executive Secretary, Presbyterian Synod, Raleigh, and former Chaplain of the Senate, as follows:

"O God of compassion and peace: You created us for life together in this, Your world; but we confess we have not yet learned to live together in harmony. We pray today for all of us who live under the shadow of fear; the shadow of war; the shadow of hostility. We are black and white; we are Jew and Arab; we are Contra and Sandanista; we are Protestant and Catholic; we are capitalists and communists; we are Republican and Democrat. Help us to remember and to celebrate not that which keeps us apart, but to remember and rejoice in our common humanity. Especially empower our leaders, the women and the men of this Senate, to show us the way to mutual trust, to esteem and affection, that we may learn how to live on this planet in hope rather than in fear. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Ballenger is noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 202**, an act to provide that in certain circumstances vacancies in the Board of Education of Watauga County be filled only until the next general election. (Ch. 55)

**H. B. 233**, an act to revise and consolidate the Charter of the Town of Garysburg. (Ch. 56)

**H. B. 247**, an act to amend the Employment Security Law to encourage employer participation in adult cooperative education. (Ch. 57)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Martin of Guilford for the **Higher Education Committee**:

**H. B. 158** (Committee Substitute), a bill to regulate terms of trustees of institutions of the community college system, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 72**, a bill to provide for assistant counsel to represent indigents in capital cases, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Harris, Guy, and Plyler:

**S. B. 168**, a bill to promote the safe placement of subsurface installations in North Carolina.

Referred to **Commerce Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 130**, a bill to allow modification of a child custody or support order in a different county.

Referred to **Judiciary I Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 121**, a bill to revise and consolidate the Charter of the Town of Marietta and to repeal prior local acts, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

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

**S. B. 68** (Committee Substitute), a bill to govern the establishment, maintenance, and implementation of a comprehensive basic education program.

On motion of Senator Winner, the rules are suspended to the end that Dr. Howard Maniloff, Department of Public Instruction, is extended courtesies of the floor. Senator Kincaid offers a motion that the Committee Substitute bill be removed from the Calendar for today and placed on the Calendar for Tuesday, April 9. Senator Royall, Chairman of the **Ways and Means Committee** requests a fiscal note under Rule 42.1.

The Chair orders the Committee Substitute bill placed on the Calendar for Thursday, April 4, for receipt of the fiscal note.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Staton for the **Judiciary II Committee**:

**H. B. 160**, a bill repealing the authority of ABC stores to sell native unfortified wine, with a favorable report.

On motion of Senator Harrington, seconded by Senator Shaw, the Senate adjourns to meet tomorrow, Wednesday, April 3, at 1:30 P.M.

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### FORTY-SECOND DAY

SENATE CHAMBER,  
Wednesday, April 3, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Elton Hendricks, President, Methodist College, Fayetteville, as follows:

"Our lives, O Lord, our times, and the offices we hold are but trust from Thee. We play our scene upon this stage and we are gone.

"But the good that we do lives after us, blessing our children and our children's children.

"Grant, O Lord, to Your servants, the Senators of North Carolina, wisdom and courage that in their time upon this stage that they might be instruments of justice and peace and prosperity and love for all of Your people.

"We make our prayer in the name of Jesus. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Ballenger is noted.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harris for the **Human Resources Committee**:



**S. B. 123**, a bill to continue the North Carolina Marital and Family Therapy Certification Act and the North Carolina Marital and Family Therapy Certification Board, with a favorable report.

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 134**, a bill to amend G. S. 159-90 of the State and Local Government Revenue Bond Act and G. S. 159-163 relating to revenue bond anticipation notes, with a favorable report.

By Senator Guy for the **State Government Committee**:

**S. B. 112**, a bill abolishing the advisory board of the North Carolina School of the Arts, with a favorable report.

**S. B. 131**, a bill to grant scholarship benefits for children of Medal of Honor recipients under the scholarships for children of war veterans program, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Woodard, McDuffie, Sawyer, Swain, and Wright:

**S. B. 169**, a bill to appropriate funds to be used to construct a new infirmary at North Carolina Correctional Center for Women.

Referred to **Appropriations Committee**.

By Senators Staton and Johnson of Wake:

**S. B. 170**, a bill to amend Chapter 97 of the General Statutes pertaining to salaries of commissioners.

Referred to **Manufacturing and Labor Committee**.

By Senators Staton, Johnson of Wake, and Winner:

**S. B. 171**, a bill pertaining to salaries of deputy commissioners of the Industrial Commission.

Referred to **Manufacturing and Labor Committee**.

By Senators Barnes and Winner:

**S. B. 172**, a bill to create a commission on State parks and recreation areas.

Referred to **State Government Committee**.

By Senators Guy and Wright:

**S. B. 173**, a bill to amend G. S. 54B-14 concerning examination of certificates of incorporation of savings and loan associations by the Secretary of State.

Referred to **Commerce Committee**.

By Senators Guy and Wright:

**S. B. 174**, a bill to amend G. S. 54B-147 concerning the fee which may be charged for returned checks by savings and loan associations.

Referred to **Commerce Committee**.

By Senator Guy:

**S. B. 175**, a bill to amend G. S. Chapter 115C to permit local school administrative units to deposit funds in savings and loan associations and to designate savings and loan associations as official depositories.

Referred to **Commerce Committee**.

By Senators Conder, Barnes, Goldston, Hipps, Hunt of Moore, Martin of Pitt, McDuffie, Plyler, Rand, Rauch, Shaw, Smith, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, and Warren:

**S. B. 176**, a bill to clarify the authority of cities and counties to undertake economic development activities.

Referred to **Local Government and Regional Affairs Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 135**, a bill to allow members of the Consolidated Judicial Retirement System to transfer member contributions in the Teachers' and State Employees' and Local Governmental Employees' Retirement Systems to the Supplemental Retirement Income Plan.

Referred to **Pensions and Retirement Committee**.

**H. B. 242**, a bill to provide for an increased minimum wage if the federal minimum wage increases.

Referred to **Manufacturing and Labor Committee**.

**H. B. 260**, a bill to repeal Chapter 318 of the 1967 Session Laws and bring Dare County under the General Statutes governing alcoholic beverage control concerning enforcement.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 158** (Committee Substitute), a bill to regulate terms of trustees of institutions of the community college system.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 160**, a bill repealing the authority of ABC stores to sell native unfortified wine.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H. B. 88

HOUSE OF REPRESENTATIVES

April 3, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. No. 88, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT FUTURE GOVERNORS AND LIEUTENANT GOVERNORS MAY NOT SUCCEED THEMSELVES, AND TO MAKE A CONFORMING CHANGE IN THE GENERAL STATUTES**, and request conferees. The Speaker has appointed Representatives Dennis Wicker, Martin Nesbitt, and Edward Warren on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

Senator Royall moves that the President appoint conferees, which motion prevails. The President appoints Senators Royall, Soles, and Rand as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### CONFERENCE REPORT

H. B. 88

Senator Royall, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 88, a bill to amend the Constitution of North Carolina to provide that future governors and lieutenant governors may not succeed themselves, and to make a conforming change in the General Statutes**, submits the following report:

To the President of the Senate and  
the Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 88, Second Edition engrossed, **A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT FUTURE GOVERNORS AND LIEUTENANT GOVERNORS MAY NOT SUCCEED THEMSELVES, AND TO MAKE A CONFORMING CHANGE TO THE GENERAL STATUTES**, wish to report as follows:

The House concurs in Senate Amendment #1 with an amendment on page 2, lines 10 and 12, delete the words "statement beginning" both places those words appear, and substituting in both places "word", and on page 2, lines 8 and 11, changing the word "amendments" to "amendment".

And the Senate concurs in the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.



This the 3rd day of April, 1985.

KENNETH C. ROYALL, JR.  
ANTHONY E. RAND  
R. C. SOLES, JR.  
*Conferees for the Senate*

DENNIS A. WICKER  
MARTIN L. NESBITT  
EDWARD N. WARREN  
*Conferees for the  
House of Representatives*

On motion of Senator Royall, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Smith, the Senate adjourns to meet tomorrow, Thursday, April 4, at 1:30 P.M.

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### FORTY-THIRD DAY

SENATE CHAMBER,  
Thursday, April 4, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Michael W. Safley, Associate Director, Conference Council on Ministries, North Carolina Conference of the United Methodist Church, Raleigh, as follows:

"Let us pray:

"O Lord, we come into Your midst in the holiest season of the Christian faith. During this week we:

- celebrate Your triumphant entry into Jerusalem
- remember Your depth of caring demonstrated at The Last Supper when You washed the feet of Your disciples
- agonize over Your death upon the cross.

Then out of the darkness of Thursday and Friday comes the bright sunshine on Sunday with the resurrection and Your victory over evil and death. Lord, allow us not to become so busy in this Holy season that we forget the significance of Your life and death.

"Lord, through Your Holy Spirit enable us as Your servants and as servants of our constituents and State of North Carolina to exemplify in our lives the virtues You gave us.

"Help us to be advocates and instruments of equality.

"Help us to be advocates and instruments of justice.

"Help us to be advocates and instruments of mercy and forgiveness.

"Help us to be advocates and instruments of honesty and fairness.

"Help us to be advocates and instruments of patience.

"Help us to be advocates and instruments of peace.

"Help us to be advocates and instruments of love, which binds all things together in perfect harmony.

"Lord, enable us to remember that as advocates and instruments of Your virtues we are neither male nor female, slave nor free, rich nor poor, Republican nor Democrat, conservative nor liberal, but one together working for the common good of all persons.

"Open our cold hearts and closed minds so that Your Spirit of love can transcend all divisions and bind us as one. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Ballenger is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 158** (Committee Substitute), an act to regulate terms of trustees of institutions of the community college system. (Ch. 58)

**H. B. 160**, an act repealing the authority of ABC stores to sell native unfortified wine. (Ch. 59)

**S. B. 59** (Committee Substitute), an act to amend the statutes relating to the election of councilors to the North Carolina State Bar in order to provide for uniform rules and terms of office. (Ch. 60)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**S. B. 124**, a bill to put Buncombe County under the statewide fox hunting law, with a favorable report.

**S. B. 140**, a bill to designate a river a potential component of the Natural and Scenic Rivers System and to protect against direct and adverse development, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 151** (Committee Substitute), a bill to treat adopted and natural persons alike for purposes of grants and devises, with a favorable report.

**H. B. 226**, a bill to validate certain conveyances where seals were omitted, with a favorable report.

**H. B. 227**, a bill to validate certain acts of notaries, with a favorable report.

By Senator Warren for the **Transportation Committee**:

**S. B. 120**, a bill to authorize the Department of Transportation to enter into reciprocal inspection agreements with other states and the Federal Highway Administration for highway supplies and materials, with a favorable report.

**H. B. 76**, a bill to require vehicle headlights to be illuminated from sunset to sunrise, with a favorable report.

**S. B. 37**, a bill to increase the fees for the equipment inspection of motor vehicles, with a favorable report, as amended.

On motion of Senator Warren, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Warren, the bill, as amended, is ordered engrossed and referred to the **Finance Committee**.

By Senator Swain for the **Judiciary III Committee**:

**H. B. 163**, a bill regarding liquor prices, with a favorable report.

**H. B. 164**, a bill to redefine unfortified wine in the ABC law, with a favorable report.

**H. B. 161**, a bill authorizing retail businesses to obtain an ABC permit to sell unfortified wine for off-premises consumption, with a favorable report, as amended.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Staton:

**S. B. 177**, a bill to appropriate funds to the Department of Agriculture for a science education center of the North Carolina Museum of Natural History.

Referred to **Appropriations Committee**.

By Senator Staton:

**S. B. 178**, a bill to appropriate funds to bring the program of the North Carolina State Museum of Natural History to American Association of Museums accreditation standards.

Referred to **Appropriations Committee**.

By Senators Wright and Harris:

**S. B. 179**, a bill to prohibit the Board of Mortuary Science from issuing special permits or courtesy cards to nonresident funeral directors, embalmers, and funeral service licensees from states that do not reciprocate.

Referred to **Human Resources Committee**.

By Senators Rand, Barnes, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Royall, Soles, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, and Winner:



**S. B. 180**, a bill to repeal the Presidential Preference Primary Act, so as to allow political parties to regulate the nomination of President and Vice President of the United States.

Referred to **Judiciary IV Committee**.

By Senators Rand, Barnes, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rauch, Royall, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard:

**S. B. 181**, a bill to exempt from inheritance tax certain agricultural land, horticultural land, and forestland classified for ad valorem taxation at present-use value.

Referred to **Agriculture Committee**.

By Senators Rand, Conder, Hipps, Martin of Guilford, Plyler, and Taft:

**S. B. 182**, a bill to expand the membership of the Joint Legislative Commission on Governmental Operations.

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

By Senators Thomas of Henderson, Hipps, Hunt of Moore, Plyler, Rand, Thomas of Craven, Warren, and Woodard:

**S. B. 183**, a bill to classify farm machinery and exclude it from inventory tax.

Referred to **Agriculture Committee**.

By Senators Thomas of Henderson, Hipps, Hunt of Moore, Smith, Thomas of Craven, Warren, and Woodard:

**S. B. 184**, a bill to exempt gifts from one spouse to the other from gift tax.

Referred to **Finance Committee**.

Senator Rand, seconded by Senator Tally, offers a motion to suspend the rules to the end that a resolution honoring Fayetteville as an All-American City may be presented to the Senate, which motion prevails.

The Chair orders Senator Tally to file the joint resolution.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 134** (Committee Substitute), a bill to authorize individual and consumer finance lenders to charge up to sixteen percent interest on small loans.

Referred to **Commerce Committee**.

**H. B. 175**, a bill to establish a supplemental pension fund for firemen in the Town of Wilkesboro.

Referred to **Pensions and Retirement Committee**.

**H. B. 253** (Committee Substitute), a bill to make technical changes in the law regarding the correctional system.

Referred to **Judiciary I Committee**.

**H. B. 271**, a bill to give local school boards flexibility as to where they maintain student records.

Referred to **Education Committee**.

**H. B. 277**, a bill to increase the requirements for pesticide applicator licenses for pilots.

Referred to **Agriculture Committee**.

**H. B. 283**, a bill to prohibit unsafe movements in public vehicular areas.

Referred to **Judiciary II Committee**.

**H. B. 12**, a bill regarding a certificate of resale.

Referred to **Judiciary III Committee**.

**H. B. 194** (Committee Substitute), a bill to require the certification of adult day care program.

Referred to **Senior Citizens Committee**.

### CONFERENCE REPORT

**H. B. 88**, a bill to establish a Water Well and Pump Contractors' Licensing Board. Senator Royall offers a motion that the vote by which the Conference Report was adopted yesterday be retaken by roll-call vote to be in compliance with the Senate Rules and the North Carolina Constitution, which motion prevails without objection.

The Conference Report is adopted by roll-call vote, ayes 41, noes 4, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—41.

Voting in the negative: Senators Cobb, Redman, Sawyer, and Wright—4.

Having received a three-fifths affirmative majority vote, a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 134**, a bill to amend G. S. 159-90 of the State and Local Government Revenue Bond Act and G. S. 159-163 relating to revenue bond anticipation notes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 68** (Committee Substitute), a bill to govern the establishment, maintenance, and implementation of a comprehensive basic education program.

On motion of Senator Winner, the rules are suspended to the end that Dr. Howard Maniloff, of the North Carolina Department of Public Instruction, is extended the courtesies of the floor.

Senator Jordan offers Amendment No. 1, changing the title to read **S. B. 68** (Committee Substitute), a bill authorizing the Legislative Research Commission to study a bill governing the establishment, maintenance, and implementation of a comprehensive basic education program. Senator Winner, seconded by Senator Hipps, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 1 lies upon the table.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

Senator Winner calls the previous question, seconded by Senator Harris. The call is sustained (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Cobb objects to the third reading. The Committee Substitute bill, as amended, remains upon the Calendar for further consideration upon third reading.

**S. B. 112**, a bill abolishing the advisory board of the North Carolina School of the Arts.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 123**, a bill to continue the North Carolina Marital and Family Therapy Certification Act and the North Carolina Marital and Family Therapy Certification Board.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 131**, a bill to grant scholarship benefits for children of Medal of Honor recipients under the scholarships for children of war veterans program.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 88**

HOUSE OF REPRESENTATIVES  
April 4, 1985

*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. 88, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE THAT FUTURE GOVERNORS AND LIEUTENANT GOVERNORS MAY NOT SUCCEED THEMSELVES, AND TO MAKE A COMFORMING CHANGE IN THE GENERAL STATUTES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*



On motion of Senator Harrington, seconded by Senator Woodard, the Senate adjourns to meet tomorrow, Friday, April 5, at 10:00 A.M.

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#### FORTY-FOURTH DAY

SENATE CHAMBER,  
Friday, April 5, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of justice, as we recall the first Good Friday, we confess that our sins are such as sent Jesus to the cross.

“Like the Chief Priests and Sadducees, we have often sought to do away with those whose religious or political views differed from our own.

“Like the crowd, we have often been ruled by mob psychology instead of reason; and we have often allowed innocent persons to suffer in order that our friends might go free.

“Like Pontius Pilate, we have often sought to wash our hands of politically sensitive issues, for fear the crowd might turn against us, rather than take the stand that we know we ought to take.

“O God of mercy, forgive us for these and all other sins; and give us the courage to stand up for love, truth, and justice.

“O God of power, as we recall that first Passover long ago in Egypt, we rejoice to know that always You have been on the side of the poor and the oppressed; and that in due time You have raised up men and women of courage and faith like Moses and Miriam to say to all the Pharaohs—‘Let my people go.’

“O God of righteousness, we thank Thee for all those men and women of faith who have worked with You in the deliverance of Thy people from injustice and oppression, and we pray, no matter how powerful the forces of the Pharaoh may be, that we may always be counted on to be the champion of the needy, the oppressed, and the powerless.

“O God of springtime, go with us as we go to our homes and to our houses of worship this weekend; renew a right spirit within each of us; and give to each of us the victory of the Passover and Easter Seasons. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Harris, Johnson of Cabarrus, McDuffie, and Taft for today.

A leave of absence granted previously to Senator Ballenger is noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 88**, an act to amend the Constitution of North Carolina to provide that future Governors and Lieutenant Governors may not succeed themselves, and to make a conforming change to the General Statutes. (Ch. 61)

**H. B. 91**, an act to provide for nomination of members of the State Board of Elections by the State political party chairmen, and concerning the term of office of the Executive Secretary-Director. (Ch. 62)

**S. B. 108**, an act to allow Rowan County ordinances regulating waste disposal to apply countywide, and to authorize Rowan County to enter into long term contracts for disposal of solid waste. (Ch. 63)

**S. B. 109**, an act to provide a sixth ward for the City of New Bern, and to provide that the mayor counts toward a quorum and towards the number of votes necessary to pass an ordinance. (Ch. 64)

**S. B. 117**, an act to amend Chapter 381 of the Private Laws of North Carolina, 1905, as it relates to the designation of the Kings Mountain Graded School District. (Ch. 65)

## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Basnight:

**S. B. 185**, a bill to amend Section 2 of Chapter 1120, 1979 Session Laws to give the County of Washington the power of condemnation to acquire real property for access roads to Economic Development Commission property.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Barnes, Swain, and Winner:

**S. B. 186**, a bill to provide for capital improvement projects at various State parks and recreation areas.

Referred to **Appropriations Committee**.

By Senators Watt, Cobb, McDuffie, and Johnson of Cabarrus:

**S. B. 187**, a bill amending the Charter of the City of Charlotte concerning the powers of the City Manager.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Watt, Cobb, McDuffie, and Johnson of Cabarrus:

**S. B. 188**, a bill to amend the Charter of the City of Charlotte relating to the Civil Service Board.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Watt, Cobb, McDuffie, and Johnson of Cabarrus:

**S. B. 189**, a bill to amend Chapter 926, 1947 Session Laws As Amended, relating to the Charlotte Firemen's Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senators Watt, Cobb, McDuffie, and Johnson of Cabarrus:

**S. B. 190**, a bill to amend the Charter of the City of Charlotte relating to the lease of property.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Watt, Cobb, McDuffie, and Johnson of Cabarrus:

**S. B. 191**, a bill to amend the Charter of the City of Charlotte relating to uptown development projects.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Watt, Cobb, McDuffie, and Johnson of Cabarrus:

**S. B. 192**, a bill amending the Charter of the City of Charlotte relating to the approval of street name change requests.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Watt, Cobb, and McDuffie:

**S. B. 193**, a bill amending the Charter of the City of Charlotte.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Parnell:

**S. B. 194**, a bill to cause the surviving designated beneficiary of a deceased disabled member of any of the State administered retirement systems who did not live to the effective date of a disability retirement to be paid a monthly retirement allowance equal to the one hundred percent joint survivorship allowance which could otherwise have been paid had the member lived to the effective date of a disability retirement.

Referred to **Pensions and Retirement Committee**.

By Senator Kincaid:

**S. B. 195**, a bill to amend Chapter 10 of the General Statutes relative to registration restoration fees.

Referred to **Finance Committee**.

By Senators Tally and Rand:

**S. J. R. 196**, a joint resolution honoring the City of Fayetteville on being named an All American city.

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

By Senators Marvin, Barnes, Basnight, Conder, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Plyler, Price, Rand, Rauch, Shaw, Simpson, Smith, Speed, Tally, Thomas of Henderson, Walker, Ward, Watt, Woodard, and Wright:

**S. B. 197**, a bill to appropriate funds for spouse abuse programs.

Referred to **Appropriations Committee**.



By Senators Parnell, Basnight, Goldston, Guy, Harrington, Hunt of Durham, Martin of Pitt, and Speed:

**S. B. 198**, a bill to appropriate funds for the North Carolina Fire Commission.  
Referred to **Appropriations Committee**.

By Senators Winner and Swain:

**S. B. 199**, a bill to provide that the Yancey County Board of Education shall be elected by the nonpartisan election and runoff election method.

Referred to **Local Government and Regional Affairs Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 272**, a bill to increase certain fees collected by the Board of Mortuary Science.  
Referred to **Human Resources Committee**.

**H. B. 297**, a bill to permit the Town of Wake Forest to utilize conditional use zoning districts.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 298**, a bill to permit the Town of Zebulon to utilize conditional use zoning districts.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 311**, a bill to provide for annexation by referendum in towns in Craven County with a population of less than five hundred which provide less than six of the seven services normally necessary to receive Powell Bill funds.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 314**, a bill to authorize block grant funds for certain officials of the Town of Elon College.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 324**, a bill to authorize the City of Brevard to enter into long-term contracts to establish a community arts facility.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 304**, a bill to allow the governing body of any county or municipality to delegate the authority to make certain refunds and releases of property taxes.

Referred to **Local Government and Regional Affairs Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 124**, a bill to put Buncombe County under the statewide fox hunting law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 134**, a bill to amend G. S. 159-90 of the State and Local Government Revenue Bond Act and G. S. 159-163 relating to revenue bond anticipation notes, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Wright—39.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S. B. 140**, a bill to designate a river a potential component of the Natural and Scenic Rivers System and to protect against direct and adverse development, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—39.

Voting in the negative: None.

Having received a three-fifths affirmative majority vote, and without objection, the bill remains on the Calendar for Tuesday, April 9, for further consideration upon third reading.

**S. B. 68** (Committee Substitute), a bill to govern the establishment, maintenance, and implementation of a comprehensive basic education program, as amended, upon third reading.

On motion of Senator Winner, the rules are suspended to the end that Dr. Howard Maniloff, Department of Public Instruction, is extended the courtesies of the floor.

Senator Redman offers Amendment No. 3 which is adopted (electronically recorded).

Senator Martin of Pitt offers Amendment No. 4 which fails of adoption (electronically recorded).

Senator Martin of Pitt offers Amendment No. 5 which is adopted (electronically recorded).

Senator Winner calls the previous question, which fails to prevail for lack of a second. After further debate, Senator Winner calls the previous question, seconded by Senator Swain. The call is sustained.

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

**S. B. 120**, a bill to authorize the Department of Transportation to enter into reciprocal inspection agreements with other states and the Federal Highway Administration for highway supplies and materials.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 76**, a bill to require vehicle headlights to be illuminated from sunset to sunrise.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 151** (Committee Substitute), a bill to treat adopted and natural persons alike for purposes of grants and devises.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Harrington, the Committee Substitute bill remains on the Calendar for Tuesday, April 9, for further consideration upon third reading.

On motion of Senator Harrington, seconded by Senator Staton, the Senate adjourns to meet Monday, April 8, at 8:30 P.M.

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#### FORTY-FIFTH DAY

SENATE CHAMBER,  
Monday, April 8, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

“Our Heavenly Father, we are thankful for the privilege of living in this beautiful springtime and the free country of America.

“We are thankful for the privilege of worshipping in our own way in the place of our choice.

“We have observed Easter from the darkest hour to the brightest moment.

“On the bright side of Easter, as we continue to live with hope and joy, help us to continue to be aware of the needs of the people that we represent.

“As we work together in the Senate, and as we make our difficult decisions, help us to remember that we have had a living example of what we should do.

“We ask for Your continued blessings. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Ballenger is noted.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 76**, an act to require vehicle headlights to be illuminated from sunset to sunrise. (Ch. 66)



## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Martin of Guilford:

**S. B. 200**, a bill to create a new district judgeship for the Eighteenth District Court District.

Referred to **Judiciary II Committee**.

By Senators Harris and Smith:

**S. B. 201**, a bill to amend G. S. 105-446.1 to include area mental health, mental retardation, and substance abuse authorities and their contract agencies in the list of entities entitled to gasoline tax reimbursements.

Referred to **Finance Committee**.

By Senator Harris:

**S. B. 202**, a bill to make technical changes in the public health law and related laws.

Referred to **Human Resources Committee**.

By Senator Harris:

**S. B. 203**, a bill to authorize local health directors to enter contracts.

Referred to **Human Resources Committee**.

By Senator Parnell:

**S. B. 204**, a bill to change the maximum allowable interest rates on bonds and notes of drainage districts.

Referred to **Finance Committee**.

By Senators Hunt of Moore and Walker:

**S. B. 205**, a bill to expand the Moore County Board of Commissioners from five to seven members and to provide for nomination and election by district.

Referred to **Local Government and Regional Affairs Committee**.

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 83**, a bill to revise and consolidate the Charter of the Town of Wendell and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 255**, a bill to clarify statutory references relating to overloading of motor vehicles.

Referred to **Transportation Committee**.

**H. B. 267**, a bill to provide for staggered terms on the East Bend Town Board of Commissioners.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 312**, a bill to amend the Business Corporation Act to authorize corporations to issue stock redeemable at the shareholder's option.

Referred to **Judiciary II Committee**.

**H. B. 315**, a bill to revise and consolidate the Charter of the Town of Elon College.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 330**, a bill to incorporate a satellite area within the corporate limits of the City of Mount Holly.

Referred to **Local Government and Regional Affairs Committee**.

The President recognizes the following pages serving in the Senate this week: Derek Wayne Batchelor, Tarboro; John Brady Bone, Manteo; John Lowell Briscoe, Union Mills; Kevin Neal Cummings, Raleigh; James E. Ezzell III, Rocky Mount; Rob Frederick, Rose Hill; Rick Gantt, Sanford; Regina Carroll Hunt, Durham; Reginald C. Hunt, Durham; Kathryn Ivey Johnson, Raleigh; Edwin B. Jordan, Vanceboro; Amy Amanda Long, Raleigh; Alan Gregory McKinnon, Carthage; Michael Allen Mitchell, Wake Forest; Jennie L. Powell, Raleigh; James E. Reid, Cary; Allen Morris Thomas, Vanceboro; Charles Jeffrey Untz, Mt. Holly; Heather Eileen Van Dine, Asheville; Shanel A. Williamson, Raleigh; Deanne Woody, Roxboro; and Kennen Thomas Wynn, Raleigh.

On motion of Senator Harrington, seconded by Senator Staton, the Senate adjourns in honor of the volunteer firemen across this State, their auxiliaries and the people who are supporting them in protecting our State during this past week of damaging fires which have ravaged parts of the State, to meet tomorrow, Tuesday, April 9, at 1:30 P.M.

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#### FORTY-SIXTH DAY

SENATE CHAMBER,  
Tuesday, April 9, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Robert Ladehoff, St. John's Episcopal Church, Fayetteville, as follows:

"O Lord and Heavenly Father, we thank You for these, Your servants, who offer themselves and their time and their ability for the service of Your people. Sustain them and strengthen them as they make hard decisions. Keep them always aware of Your presence and Your grace. You have made this State a good place for us to live. Help us all to be good stewards of Your gifts.

"Grant that the Members of this Senate, and all who lead and serve this State, may work with wisdom and compassion and patience and a keen sense of justice, that You will be glorified and Your people served. And to Your Holy Name we give praise, honor, and glory, now and forever. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Ballenger is noted.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 62**, a bill to make the parole consequences of all life sentences the same, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, April 11.

By Senator Winner for the **Education Committee**:

**S. B. 47**, a bill to provide for state funding of vocational education under the Federal Vocational Education Act, with a favorable report, as amended.

On motion of Senator Winner, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**S. J. R. 143**, a joint resolution approving the State plan for vocational education, with a favorable report, as amended.

By Senator Swain for the **Judiciary III Committee**:

**H. B. 101** (Committee Substitute), a bill to raise the minimum age for purchase, possession and consumption of malt beverages and unfortified wine, with a favorable report.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 135**, a bill to amend the restrictions on force account work as they apply to the City of Monroe, with a favorable report.

**S. B. 161**, a bill to change the manner of election of the Lincoln County Board of Education from partisan to nonpartisan plurality election, and to provide for election by residence district instead of nomination by voting district and election by residence district, with a favorable report.

**S. B. 163**, a bill to increase the membership of the Asheboro Airport Authority, with a favorable report.

**S. B. 176**, a bill to clarify the authority of cities and counties to undertake economic development activities, with a favorable report.



**S. B. 185**, a bill to amend Section 2 of Chapter 1120, 1979 Session Laws to give the County of Washington the power of condemnation to acquire real property for access roads to Economic Development Commission property, with a favorable report.

**S. B. 187**, a bill amending the Charter of the City of Charlotte concerning the powers of the City Manager, with a favorable report.

**S. B. 188**, a bill to amend the Charter of the City of Charlotte relating to the Civil Service Board, with a favorable report.

On motion of Senator Ezzell, the bill is re-referred to the **Pensions and Retirement Committee**.

**S. B. 190**, a bill to amend the Charter of the City of Charlotte relating to the lease of property, with a favorable report.

**S. B. 191**, a bill to amend the Charter of the City of Charlotte relating to uptown development projects, with a favorable report.

**S. B. 192**, a bill amending the Charter of the City of Charlotte relating to the approval of street name change requests, with a favorable report.

**S. B. 193**, a bill amending the Charter of the City of Charlotte, with a favorable report.

**S. B. 199**, a bill to provide that the Yancey County Board of Education shall be elected by the nonpartisan election and runoff election method, with a favorable report.

**S. B. 205**, a bill to expand the Moore County Board of Commissioners from five to seven members and to provide for nomination and election by district, with a favorable report.

**H. B. 239**, a bill to permit certain nonstudents to ride on school buses in Hyde County, with a favorable report.

**H. B. 241**, a bill to approve the private sale of real property by the Albemarle City School Administrative Unit, with a favorable report.

**H. B. 250**, a bill to verify the boundaries of the Town of King, with a favorable report.

**H. B. 260**, a bill to repeal Chapter 318 of the 1967 Session Laws and bring Dare County under the General Statutes governing alcoholic beverage control concerning enforcement, with a favorable report.

**H. B. 278**, a bill to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Madison, with a favorable report.

**H. B. 297**, a bill to permit the Town of Wake Forest to utilize conditional use zoning districts, with a favorable report.

**H. B. 298**, a bill to permit the Town of Zebulon to utilize conditional use zoning districts, with a favorable report.

**H. B. 304**, a bill to allow the governing body of any county or municipality to delegate the authority to make certain refunds and releases of property taxes, with a favorable report.

On motion of Senator Ezzell, the bill is re-referred to the **Finance Committee**.

**H. B. 311**, a bill to provide for annexation by referendum in towns in Craven County with a population of less than five hundred which provide less than six of the seven services normally necessary to receive Powell Bill funds, with a favorable report.

**H. B. 314**, a bill to authorize block grant funds for certain officials of the Town of Elon College, with a favorable report.

**H. B. 324**, a bill to authorize the City of Brevard to enter into long-term contracts to establish a community arts facility, with a favorable report.

**S. B. 114**, a bill for the County of Onslow and its municipalities concerning zoning, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Marvin:

**S. B. 206**, a bill authorizing the collection of spousal support in certain instances in cases brought or enforced under this Article, as required by federal law.

Referred to **Judiciary II Committee**.

By Senator Marvin:

**S. B. 207**, a bill to clarify rule-making authority under the North Carolina Drinking Water Act.

Referred to **Human Resources Committee**.

By Senators Rauch and Wright:

**S. B. 208**, a bill to provide that vested benefits under the Deferred Compensation Plan are nonforfeitable and exempt from garnishment and from tax.

Referred to **Finance Committee**.

By Senators Rauch and Wright:

**S. B. 209**, a bill to amend the General Statutes to provide express authorization for joint agencies to pledge, assign, mortgage or otherwise grant a security interest in any real or personal property or any interest therein.

Referred to **Judiciary IV Committee**.

By Senators Rauch and Wright:

**S. B. 210**, a bill to authorize municipalities to name up to two alternate commissioners to a joint agency and a joint municipal assistance agency.

Referred to **Judiciary IV Committee**.

By Senator Rauch:

**S. B. 211**, a bill to amend the General Statutes to provide express authorization for joint agencies and joint municipal assistance agencies to provide for the defense of and indemnify commissioners, officers or employees, and to provide for the venue for actions involving such agencies.

Referred to **Judiciary IV Committee**.

By Senator Woodard:

**S. B. 212**, a bill to provide for fees to be collected by the North Carolina Board of Physical Therapy Examiners.

Referred to **Finance Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 87** (Committee Substitute), a bill to clarify the law against carrying concealed weapons.

Referred to **Judiciary I Committee**.

**H. B. 236**, a bill to repeal Section 146 of Chapter 1034 of the 1983 Session (Regular Session, 1984) relating to the Comparable Worth Study.

Referred to **Appropriations Committee**.

**H. B. 251** (Committee Substitute), a bill to amend the law regarding public hospital bidding procedures.

Referred to **Judiciary II Committee**.

#### CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from April 5, are taken up and disposed of as follows:

**H. B. 161**, a bill authorizing retail businesses to obtain an ABC permit to sell unfortified wine for off-premises consumption.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 163**, a bill regarding liquor prices.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 164**, a bill to redefine unfortified wine in the ABC law.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 226**, a bill to validate certain conveyances where seals were omitted.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 227**, a bill to validate certain acts of notaries.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:



**S. B. 140**, a bill to designate a river a potential component of the Natural and Scenic Rivers System and to protect against direct and adverse development, upon third reading.

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

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—49.

Voting in the negative: None.

Having received a three-fifths affirmative majority vote, the bill is sent to the House of Representatives.

**H. B. 151** (Committee Substitute), a bill to treat adopted and natural persons alike for purposes of grants and devises, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

#### CHANGE OF VOTE

**S. B. 68** (Committee Substitute), a bill authorizing the Legislative Research Commission to study a bill governing the establishment, maintenance, and implementation of a comprehensive basic education program.

Senator Kincaid rises to a point of personal privilege and moves to suspend the rules to the end that his vote cast upon second reading Thursday, April 4, may be changed from "aye" to "no." The motion prevails (electronically recorded), and the Chair orders Senator Kincaid's vote on second reading changed from "aye" to "no."

On motion of Senator Harrington, seconded by Senator Ezzell, the Senate adjourns to meet tomorrow, April 10, at 1:30 P.M.

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#### FORTY-SEVENTH DAY

SENATE CHAMBER,  
Wednesday, April 10, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Howard A. Chubbs, Providence Baptist Church, Greensboro, as follows:

"Our Father, God, we bow in reverence at this time, thankful for Thine abundant goodness that You have bestowed on this great land of ours. For the citizens of this great nation, for the form of government, that even though imperfect, as we are imperfect, still exceeds any other known to the mind of man; for legislators and governors whose responsibility it is to administer the affairs of this State, and for citizens concerned about the welfare of all, we give Thee thanks.

"We pray Thy blessings upon the President of this great nation and that Thou wouldst bring to fruition the dreams of its founders. Embue us with Thy love, compassion, and courage, that we might indeed hold true to our commitments to making this a nation of liberty and justice for all. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today.

A leave of absence granted previously to Senator Ballenger is noted.

The President extends courtesies of the gallery to J. William Copeland, retired Associate Justice of the Supreme Court of North Carolina and former Senator from Northampton County.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 151** (Committee Substitute), an act to treat adopted and natural persons alike for purposes of grants and devises. (Ch. 67)

**H. B. 163**, an act regarding liquor prices. (Ch. 68)

**H. B. 164**, an act to redefine unfortified wine in the ABC law. (Ch. 69)

**H. B. 226**, an act to validate certain conveyances where seals were omitted. (Ch. 70)

**H. B. 227**, an act to validate certain acts of notaries. (Ch. 71)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. J. R. 196**, a joint resolution honoring the City of Fayetteville on being named an All American city, with a favorable report.

On motion of Senator Harrington, the joint resolution is placed on the Calendar for Thursday, April 11.

By Senator Harris for the **Human Resources Committee**:

**S. B. 179**, a bill to prohibit the Board of Mortuary Science from issuing special permits or courtesy cards to nonresident funeral directors, embalmers, and funeral service licensees from states that do not reciprocate, with a favorable report.

By Senator Kaplan for the **Election Laws Committee**:

**S. B. 127**, a bill to eliminate unneeded campaign finance reports, with a favorable report, as amended.

By Senator Speed for the **Agriculture Committee**:

**S. B. 181**, a bill to exempt from inheritance tax certain agricultural land, horticultural land, and forestland classified for ad valorem taxation at present-use value, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Finance Committee**.

By Senator Hips for the **Children and Youth Committee**:

**S. B. 20**, a bill to improve the law regarding minimum licensing standards for day-care facilities, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hips, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hips, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, April 11.

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

**S. B. 150**, a bill to increase the certified public accountant examination fee, with a favorable report.

**S. B. 204**, a bill to change the maximum allowable interest rates on bonds and notes of drainage districts, with a favorable report.

On motion of Senator Parnell, the rules are suspended and the bill is placed on today's Calendar for consideration upon second reading.

**H. B. 6**, a bill to remove the reporting requirements for estates of less than one hundred thousand dollars in value, with a favorable report.

**H. B. 14**, a bill to clarify the scope of the inheritance tax exemption for property passing to a charitable, religious, or educational organization or for a charitable, religious, or educational purpose, with a favorable report.

**H. B. 15**, a bill to extend the income tax exclusion for certain employee death benefits to similar death benefits of self-employed individuals, with a favorable report.

**H. B. 30**, a bill to allow certain members of the armed forces who are on extended active duty a longer period of time in which to roll over gain on the sale of their principal residence, with a favorable report.

**H. B. 32**, a bill to simplify the alcoholic beverage tax statutes, with a favorable report.

**H. B. 49**, a bill to allow spouses to share their annual gift tax exclusions only if both spouses are residents of North Carolina and to make consent to share annual exclusions irrevocable, with a favorable report.

**H. B. 50**, a bill to eliminate the necessity of obtaining an inheritance tax waiver for securities declared and interest accruing after the decedent's death, with a favorable report.



**H. B. 73**, a bill to allow a divorced or separated parent to claim an income tax deduction for expenses for medical care for his child, regardless whether the parent provided over one-half his child's support for the taxable year, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Woodard, Johnson of Wake, Speed, and Staton:

**S. B. 213**, a bill to amend the Charter of the City of Raleigh and to allow the City staff to grant final approval of subdivision plats.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Ward and Kaplan:

**S. B. 214**, a bill to endorse and appropriate funds for the Forsyth County Agricultural Land Preservation Fund.

Referred to **Appropriations Committee**.

By Senator Soles:

**S. B. 215**, a bill to incorporate the Village of Bald Head Island.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Ezzell:

**S. B. 216**, a bill to provide that funds from special personalized registration plates be used to promote travel accessibility for the disabled.

Referred to **Transportation Committee**.

By Senators Wright and Smith:

**S. B. 217**, a bill to extend the income tax exclusion for military retirement pay to beneficiaries of deceased servicemen under the Retired Serviceman's Family Protection Plan or the Survivor Benefit Plan.

Referred to **Finance Committee**.

By Senators Thomas of Henderson, Conder, Hipps, Plyler, Rand, Rauch, Smith, Soles, Staton, Thomas of Craven, and Warren:

**S. B. 218**, a bill to lower the threshold for qualifying for the current manufacturers' inventory tax credit.

Referred to **Finance Committee**.

By Senators Rauch, Guy, Hardison, Harris, Marvin, Parnell, Plyler, Rand, Royall, Smith, and Thomas of Henderson:

**S. B. 219**, an act to provide an income tax credit for low and middle-income taxpayers.

Referred to **Finance Committee**.

By Senators Marvin, Barnes, Harrington, Hunt of Durham, Hunt of Moore, Johnson of Wake, Plyler, Rand, Rauch, Redman, Speed, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, and Woodard:

**S. B. 220**, a bill to increase the defined benefit formula accrual rate in the Teachers' and State Employees' Retirement System from one and fifty-seven hundredths percent to one and sixty-hundredths percent for both active and retired members commencing on and after July 1, 1985; to increase death benefit from twenty thousand dollars to thirty thousand dollars and other changes affecting sick leave and survivor's alternate benefit.

Referred to **Pensions and Retirement Committee**.

By Senators Staton and Johnson of Wake:

**S. B. 221**, a bill to authorize Wake County to exercise the power of eminent domain under G. S. 40A-42(a) to acquire property for public safety and other facilities.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Redman and Harris:

**S. B. 222**, a bill to repeal the certification requirement for laboratories performing syphilis serologies.

Referred to **Human Resources Committee**.

By Senator Redman:

**S. B. 223**, a bill to appropriate funds to complete the restoration of the Murray's Mill Complex in Catawba County.

Referred to **Appropriations Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 185**, a bill to amend Section 2 of Chapter 1120, 1979 Session Laws to give the County of Washington the power of condemnation to acquire real property for access roads to Economic Development Commission property, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 250**, a bill to verify the boundaries of the Town of King, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 278**, a bill to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Madison, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 311**, a bill to provide for annexation by referendum in towns in Craven County with a population of less than five hundred which provide less than six of the seven services normally necessary to receive Powell Bill funds, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 114**, a bill for the County of Onslow and its municipalities concerning zoning. On motion of Senator Guy, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 135**, a bill to amend the restrictions on force account work as they apply to the City of Monroe.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 161**, a bill to change the manner of election of the Lincoln County Board of Education from partisan to nonpartisan plurality election, and to provide for election by residence district instead of nomination by voting district and election by residence district.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 163**, a bill to increase the membership of the Asheboro Airport Authority.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 187**, a bill amending the Charter of the City of Charlotte concerning the power of the City Manager.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.



**S. B. 190**, a bill to amend the Charter of the City of Charlotte relating to the lease of property.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 191**, a bill to amend the Charter of the City of Charlotte relating to uptown development projects.

The bill passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the bill remains on the Calendar for further consideration.

**S. B. 192**, a bill amending the Charter of the City of Charlotte relating to the approval of street name change requests.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 193**, a bill amending the Charter of the City of Charlotte.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 199**, a bill to provide that the Yancey County Board of Education shall be elected by the nonpartisan election and runoff election method.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 205**, a bill to expand the Moore County Board of Commissioners from five to seven members and to provide for nomination and election by district.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 239**, a bill to permit certain nonstudents to ride on school buses in Hyde County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 241**, a bill to approve the private sale of real property by the Albemarle City School Administrative Unit.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 260**, a bill to repeal Chapter 318 of the 1967 Session Laws and bring Dare County under the General Statutes governing alcoholic beverage control concerning enforcement.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 297**, a bill to permit the Town of Wake Forest to utilize conditional use zoning districts.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 298**, a bill to permit the Town of Zebulon to utilize conditional use zoning districts.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 314**, a bill to authorize block grant funds for certain officials of the Town of Elon College.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 324**, a bill to authorize the City of Brevard to enter into long-term contracts to establish a community arts facility.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 176**, a bill to clarify the authority of cities and counties to undertake economic development activities, upon second reading.

Senator Hardison offers Amendment No. 1 which he subsequently withdraws.

On motion of Senator Rauch, consideration of the bill is postponed until Thursday, April 11.

**S. B. 204**, a bill to change the maximum allowable interest rates on bonds and notes of drainage districts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—46.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. J. R. 143**, a joint resolution approving the State plan for vocational education.

On motion of Senator Marvin, Committee Amendment No. 1 is adopted.

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 101** (Committee Substitute), a bill to raise the minimum age for purchase, possession and consumption of malt beverages and unfortified wine.

Senator McDuffie offers Amendment No. 1. Senator Taft, seconded by Senator Royall, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails (electronically recorded), and Amendment No. 1 lies upon the table.

Senator McDuffie offers Amendment No. 2. Senator Swain, seconded by Senator Kaplan, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded), and Amendment No. 2 lies upon the table.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Jordan to its third reading, the Committee Substitute bill remains on the Calendar for further consideration.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 43**, a bill to authorize the expenditure of private gifts for a new dormitory and

infirmary at the North Carolina School of Science and Mathematics, for concurrence in House Amendment No. 1.

On motion of Senator Royall, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Walker, the Senate adjourns to meet tomorrow, Thursday, April 11, at 1:30 P.M.

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### FORTY-EIGHTH DAY

SENATE CHAMBER,  
Thursday, April 11, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Paul Lowder, Leaksville United Methodist Church, Eden, as follows:

“Oh God, we thank You for the blessings of life;  
for health and energy,  
for opportunities that challenge our best,  
for the freedom to participate in choosing our destiny,  
and for the awesome, sacred trust You bestow on us.

“Renew in us a sense of calling to fulfill Your plan for all people. Give us courage to stand for those values which come from You,  
those things which are reconciling and healing,  
that which lasts and is not temporary.

“Give us clarity in seeing what is important and deliver us from becoming absorbed in the insignificant.

“Bring us a vision that inspires and gives us hope, wisdom equal to the demands of technology, creativity in finding answers when the old ones no longer suffice.

“Grant us love enough to place the needs of others before our own,  
never taking for granted the value of each individual.  
And finally bring us a sense of meaning and fulfillment,  
knowing that while we cannot do everything, we have done what we could. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Ballenger is noted.



### APPOINTMENTS OF THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following message from the Governor:

#### STATE OF NORTH CAROLINA OFFICE OF THE GOVERNOR

April 4, 1985

The Honorable Robert B. Jordan III  
President of the Senate  
State Legislative Office Building  
Raleigh, North Carolina 27611

*Dear Lieutenant Governor:*

I hereby transmit to you the names of the following persons appointed by me to the State Board of Education and submit them to the General Assembly for confirmation, pursuant to North Carolina General Statute Section 115C-10:

1. Mebane M. Pritchett  
Orange County  
At-large member
2. Mary Morgan  
Onslow County  
Education District No. 2
3. Cary Caperton Owen  
Buncombe County  
Education District No. 8

Sincerely,  
S/ JAMES G. MARTIN  
*Governor*

Referred to **Education Committee.**

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 43**, an act to authorize the expenditure of private gifts for a new dormitory and infirmary at the North Carolina School of Science and Mathematics. (Ch. 72)

**H. B. 239**, an act to permit certain nonstudents to ride on school buses in Hyde County. (Ch. 73)

**H. B. 241**, an act to approve the private sale of real property by the Albemarle City School Administrative Unit. (Ch. 74)

**H. B. 260**, an act to repeal Chapter 318 of the 1967 Session Laws and bring Dare County under the General Statutes governing alcoholic beverage control concerning enforcement. (Ch. 75)

April 11, 1985

**H. B. 297**, an act to permit the Town of Wake Forest to utilize conditional use zoning districts. (Ch. 76)

**H. B. 298**, an act to permit the Town of Zebulon to utilize conditional use zoning districts. (Ch. 77)

**H. B. 314**, an act to authorize block grant funds for certain officials of the Town of Elon College. (Ch. 78)

**H. B. 324**, an act to authorize the City of Brevard to enter into long-term contracts to establish a community arts facility. (Ch. 79)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 180**, a bill to repeal the Presidential Preference Primary Act, so as to allow political parties to regulate the nomination of President and Vice President of the United States, with a favorable report.

On motion of Senator Soles, the bill is placed on the Calendar for Tuesday, April 16.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 39** (Committee Substitute), a bill to make the use of seat belts in motor vehicles mandatory and to remove the sunset on the use of child restraint devices, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Barnes, the rules are suspended and Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Barnes, Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Tuesday, April 16.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 155**, a bill to amend the law establishing a supplemental retirement fund for firemen in the City of Hickory, with a favorable report.

On motion of Senator Marvin, the bill is placed on the Calendar for Wednesday, April 17.

**S. B. 113**, a bill to provide retirement benefits to permanent part-time employees in the Teachers' and State Employees' Retirement System, with a favorable report, as amended.

On motion of Senator Marvin, the rules are suspended and the bill is placed before the Senate for immediate consideration and on her further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Warren for the **Transportation Committee**:

**H. B. 249**, a bill to provide that temporary vehicle registration plates or markers are effective for a maximum of thirty days instead of twenty days, with a favorable report.

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

**H. B. 119**, a bill to repeal the partial gasoline and special fuels tax exemption for alcohol fuels, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 119**, a bill to restrict the partial gasoline and special fuels tax exemption for alcohol fuels to fuels produced in North Carolina from agricultural or forestry products, and to provide that the special exemption is repealed if this restriction is declared unconstitutional, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, April 15.

By Senator Jordan for the **Manufacturing and Labor Committee**:

**S. B. 159**, a bill to establish a minimum weekly compensation for certain volunteer workers under the Workers' Compensation Act, with a favorable report.

**S. B. 162**, a bill to amend the Worker's Compensation Act with respect to county agricultural extension service employees, with a favorable report.

**H. B. 242** a bill to provide for an increased minimum wage if the federal minimum wage increases, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 283**, a bill to prohibit unsafe movements in public vehicular areas, with a favorable report.

**H. B. 67**, a bill to give the surviving cotenant of a lock box access to life insurance policies stored in the box, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Winner and Marvin:

**S. J. R. 224**, a joint resolution authorizing the Legislative Research Commission to study whether home study programs should satisfy the requirement of compulsory school attendance.

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

By Senator Ward:

**S. B. 225** a bill to change the grade levels at which certain tests are administered.  
Referred to **Education Committee**.

By Senators Hunt of Durham and Royall:



**S. B. 226**, a bill allowing the City of Durham not to levy assessments on City-owned property.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Hunt of Durham and Royall:

**S. B. 227**, a bill concerning notice of withdrawal of street dedication by the City of Durham.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Harrington:

**S. B. 228**, a bill to appropriate funds for the Dr. Calvin Scott Brown Regional Cultural Center to serve all of the citizens of the Roanoke-Chowan area of northeastern North Carolina.

Referred to **Appropriations Committee**.

By Senator Walker:

**S. B. 229**, a bill to prohibit hunting from the rights-of-way of public roads in Randolph County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Martin of Pitt, Conder, Goldston, Guy, Hunt of Durham, Parnell, Price, Smith, and Walker:

**S. B. 230**, a bill to amend provisions concerning compensation of local Board of Health members.

Referred to **Appropriations Committee**.

By Senator Parnell:

**S. B. 231**, a bill to provide that certain appointive officers and employees of the Town of Parkton need not be residents of that Town.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Martin of Pitt:

**S. B. 232**, a bill to permit the City of Wilson to increase its parking penalties.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Warren:

**S. B. 233**, a bill to amend Chapter 136 of the General Statutes to provide for service upon the Department of Transportation.

Referred to **Judiciary I Committee**.

By Senator Johnson of Wake:

**S. B. 234**, a bill to provide a means to determine the jurisdiction of the Commissioner of Insurance over providers of health care benefits.

Referred to **Insurance Committee**.

By Senator Johnson of Wake:

**S. B. 235**, a bill to require participation by insurers in the National Association of Insurance Commissioners Insurance Regulatory Information System.

Referred to **Insurance Committee**.

By Senators Plyler, Cobb, Conder, Harris, Johnson of Cabarrus, and McDuffie:

**S. B. 236**, a bill to amend the statute permitting the appointment of traffic control officers and establishing their duties to apply uniformly throughout the State.

Referred to **Judiciary I Committee**.

By Senators Plyler, Conder, Rand, Royall, Swain, Taft, Tally, Ward, and Watt:

**S. B. 237**, a bill to provide Good Samaritan protection to public school employees and volunteers.

Referred to **Judiciary I Committee**.

By Senators Woodard, Johnson of Wake, and Staton:

**S. B. 238**, a bill to authorize the City of Raleigh to enact and enforce ordinances regulating the planting, maintenance, removal, replacement and preservation of trees and to exercise eminent domain powers for open space.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Harris:

**S. B. 239**, a bill to incorporate the Town of White Plains in Cleveland County.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Taft, and Martin of Durham:

**S. B. 240**, a bill to repeal the centralized payroll system for the Pitt County public schools.

Referred to **Local Government and Regional Affairs Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 29** (Committee Substitute), a bill to change the method for measuring the tread depth on tires to determine whether they are safe, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, April 12.

**H. B. 302**, a bill to further effectuate the separation of powers.

Referred to **Judiciary IV Committee**.

**H. B. 402**, a bill to allow the Town of Lake Lure to sell certain property at private sale.

Referred to **Local Government and Regional Affairs Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. J. R. 196**, a joint resolution honoring the City of Fayetteville on being named an All America city.

Senator Tally offers a motion to the end that the joint resolution may be considered out of its regular order of business, which motion prevails.

The joint resolution passes its second and third readings (electronically recorded) and is ordered, without objection, sent to the House of Representatives by special messenger.

**S. B. 185**, a bill to amend Section 2 of Chapter 1120, 1979 Session Laws to give the County of Washington the power of condemnation to acquire real property for access roads to Economic Development Commission property, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Wright—46.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**H. B. 250**, a bill to verify the boundaries of the Town of King, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, Winner, and Wright—45.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 278**, a bill to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Madison, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, Winner, and Wright—45.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 311**, a bill to provide for annexation by referendum in towns in Craven County with a population of less than five hundred which provide less than six of the seven services normally necessary to receive Powell Bill funds, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, Winner, and Wright—45.



Voting in the negative: None:  
The bill is ordered enrolled.

**S. B. 191**, a bill to amend the Charter of the City of Charlotte relating to uptown development projects, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 204**, a bill to change the maximum allowable interest rates on bonds and notes of drainage districts, upon third reading.

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

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Walker, Ward, Watt, Winner, and Woodard—43.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

**S. B. 176**, a bill to clarify the authority of cities and counties to undertake economic development activities, upon second reading.

Senator Conder offers Amendment No. 2 which is adopted (electronically recorded.)

On motion of Senator Ezzell, the bill, as amended, is re-referred to the **Judiciary III Committee**.

**H. B. 32**, a bill to simplify the alcoholic beverage tax statutes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—46.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 101** (Committee Substitute), a bill to raise the minimum age for purchase, possession and consumption of malt beverages and unfortified wine, upon third reading.

On motion of Senator Thomas of Henderson, consideration of the Committee Substitute bill (electronically recorded) is postponed until Tuesday, April 16.

**S. B. 20** (Committee Substitute), a bill to improve the law regarding minimum licensing standards for day-care facilities.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 62** (Committee Substitute), a bill to make the parole consequences of all life sentences the same.

Senator Thomas of Henderson, Co-Chairman of the Finance Committee, requests a fiscal note.

Without objection, consideration of the Committee Substitute bill is postponed until Wednesday, April 17.

**S. B. 127**, a bill to eliminate unneeded campaign finance reports.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 150**, a bill to increase the certified public accountant examination fee.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 179**, a bill to prohibit the Board of Mortuary Science from issuing special permits or courtesy cards to nonresident funeral directors, embalmers, and funeral service licensees from states that do not reciprocate.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 6**, a bill to remove the reporting requirements for estates of less than one hundred thousand dollars in value.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 14**, a bill to clarify the scope of the inheritance tax exemption for property passing to a charitable, religious, or educational organization or for a charitable, religious, or educational purpose.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 15**, a bill to extend the income tax exclusion for certain employee death benefits to similar death benefits of self-employed individuals.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 30**, a bill to allow certain members of the armed forces who are on extended active duty a longer period of time in which to roll over gain on the sale of their principal residence.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 49**, a bill to allow spouses to share their annual gift tax exclusions only if both spouses are residents of North Carolina and to make consent to share annual exclusions irrevocable.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 50**, a bill to eliminate the necessity of obtaining an inheritance tax waiver for securities declared and interest accruing after the decedent's death.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 73**, a bill to allow a divorced or separated parent to claim an income tax deduction for expenses for medical care for his child, regardless whether the parent provided over one-half child's support for the taxable year.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

### RE-REFERRALS

**S. B. 67**, a bill to permit local boards of education to elect to pay their employees through local payroll systems instead of through the centralized payroll system.

Without objection, the Chair orders the bill removed from the **Education Committee** and recommitted to the **Appropriations Committee**.

**S. B. 240**, a bill to repeal the centralized payroll system for the Pitt County public schools.

Without objection, the Chair orders the bill removed from the **Local Government and Regional Affairs Committee** and recommitted to the **Appropriations Committee**.

**S. B. 233**, a bill to amend Chapter 136 of the General Statutes to provide for service upon the Department of Transportation.

Without objection, the Chair orders the bill removed from the **Judiciary I Committee** and recommitted to the **Transportation Committee**.

Senator Swain rises to a point of personal privilege and upon his motion, his comments are spread upon the Journal, as follows:

"Mr. President, Members of the Senate, I have been accorded the honor of moving for adjournment. Prior to making that motion, I wish to make a few statements relative to the subject that Senator Johnson (Cabarrus) mentioned.

"Giles Harmon was a resident of my County of Buncombe. He was born in Asheville. He grew up in the area represented by Senator Hipps and Senator 'Bo' Thomas. He was the only son of Mr. and Mrs. Frank C. Harmon of Brevard. This young man I knew. Senator Winner and I have both known him. I'm speaking for the delegation of Buncombe and Transylvania Counties. I knew this young man and was impressed with him. He was not a great big tall patrolman like we sometimes picture our soldiers. He was a little man in stature, but he was big in many ways.

"I had some clients who had been stopped by him and had charges laid by this fine officer. You could discuss with him—he was open and honest, he was not oppressive. That is one characteristic that you don't find in all peace officers. He did not try to damage your person beyond what the truth required. He was not what I referred to yesterday as a 'macho officer.' He was a humble man who carried out his duties honestly, directly, and without fanfare.

"He was educated by the University of Tennessee and graduated with honors with a Degree in Criminology. He was only twenty-six years old. His parents, Mr. and Mrs. Harmon, are lifelong natives of this State. I believe his mother came from Iredell County and his father, of course, was from Buncombe. I make these remarks in an effort to inform you and to inform his parents and his wife of a few years, Mrs. Belinda Morgan Harmon. She resides now at 32 Turnberry Road in Arden, which is within the district represented by Senator Winner and me.



"Mr. President, I move that this Body adjourn and that the contents of the message I have just delivered be placed on the Journal to be transmitted to the wife and the parents of this fine young representative of our citizens. Tomorrow, there will be a memorial service in Brevard at 2:00 P.M. at the First Methodist Church in Brevard. There will be a private graveside service.

"Mr. President, I move that the minutes reflect these remarks and that we adjourn in honor of this fine citizen of our State, Giles A. Harmon."

On motion of Senator Swain, seconded by Senator Winner, the Senate adjourns in memory of Trooper Giles A. Harmon, to meet tomorrow, Friday, April 12, at 10:00 A.M.

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#### FORTY-NINTH DAY

SENATE CHAMBER,  
Friday, April 12, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Reginald Ponder, First United Methodist Church, Rocky Mount, as follows:

"Almighty God, our Heavenly Father, we thank you for this most beautiful day in the 'goodliest land' under the sun. We thank You for the manifold blessings You have bestowed upon our great State. We thank You for the heritage we have received from our forbearers who have forged for us a rich tradition on the awful anvil of self-sacrifice. We are here today to carry on that rich tradition and noble heritage. May the decisions made by this body of Senators be in the best interest of all of our citizens and in keeping with Your holy purpose and will.

"Almighty God, Who alone gives wisdom and understanding, inspire the minds of all to whom You have committed the responsibility of government and leadership in our beloved State. Give to them the vision of truth and justice so that by their counsel all of Your people may work together in true fellowship and unity.

"O God, the Great Governor of the whole world, we pray for all who hold public office and power in our State—our Governor and Lieutenant Governor, the officers of the Council of State, the members of the Senate and the House, and all others who affect the life and welfare of the citizens of the State of North Carolina. Strengthen the sense of duty in our political life. Grant that the servants of this State may feel ever more deeply that any diversion of their public powers for private ends is a betrayal of a sacred trust. Purge our counties, cities, and State of the deep causes of corruption which have so often made sin profitable and uprightness difficult. Breathe a new spirit of righteousness into our State. Give these our leaders new vision and set their hearts on fire with Your purposes. May they be a generation of men and women with the faith and the daring resolve of the Kingdom of God in hearts, who will commit themselves to the holy business of giving justice, dignity, and a meaningful life to all citizens of this State.

"Guide, we pray, the presiding officer of this Senate and all who serve in its assembly this day. We thank You for their faithfulness and commitment. May they be servants, too, in the image and spirit of Jesus Christ, our Risen Savior, in whose name we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Guy, Hardison, Johnson of Cabarus, Johnson of Wake, McDuffie, Soles, Swain, and Thomas of Henderson for today.

A leave of absence granted previously to Senator Ballenger is noted.

Senator Thomas of Henderson is noted present for a portion of today's session.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 51**, an act to repeal local legislation on permitting the sale of rock fish in Halifax and Northampton Counties. (Ch. 80)

**S. B. 132**, an act to repeal the limitation of the number of members of a political party who may serve on the Asheboro City Board of Education, and to clarify that absentee voting is allowed. (Ch. 81)

**H. B. 6**, an act to remove the reporting requirements for estates of less than one hundred thousand dollars in value. (Ch. 82)

**H. B. 14**, an act to clarify the scope of the inheritance tax exemption for property passing to a charitable, religious, or educational organization or for a charitable, religious, or educational purpose. (Ch. 83)

**H. B. 15**, an act to extend the income tax exclusion for certain employee death benefits to similar death benefits of self-employed individuals. (Ch. 84)

**H. B. 30**, an act to allow certain members of the armed forces who are on extended active duty a longer period of time in which to roll over gain on the sale of their principal residence. (Ch. 85)

**H. B. 49**, an act to allow spouses to share their annual gift tax exclusions only if both spouses are residents of North Carolina and to make consent to share annual exclusions irrevocable. (Ch. 86)

**H. B. 50**, an act to eliminate the necessity of obtaining an inheritance tax waiver for securities declared and interest accruing after the decedent's death. (Ch. 87)

**H. B. 73**, an act to allow a divorced or separated parent to claim an income tax deduction for expenses for medical care for his child, regardless whether the parent provided over one-half his child's support for the taxable year. (Ch. 88)

**H. B. 161**, an act authorizing retail businesses to obtain an ABC permit to sell unfortified wine for off-premises consumption. (Ch. 89)

**H. B. 250**, an act to verify the boundaries of the Town of King. (Ch. 90)

**H. B. 278**, an act to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Madison. (Ch. 91)

**H. B. 311**, an act to provide for annexation by referendum in towns in Craven County with a population of less than five hundred which provide less than six of the seven services normally necessary to receive Powell Bill funds. (Ch. 92)

**S. J. R. 196**, a joint resolution honoring the City of Fayetteville on being named an All America city. (Res. 5)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**S. B. 151**, a bill to put Swain County under the statewide fox hunting law, with a favorable report.

**H. B. 200**, a bill to regulate hunting with rifles in certain townships of Moore County, with a favorable report.

**H. B. 201**, a bill to regulate the shining of lights in deer areas in Moore County, with a favorable report.

**H. B. 231**, a bill to permit the taking of foxes in Hoke and Robeson Counties, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Soles:

**S. B. 241**, a bill to amend Chapter 87 of the General Statutes relating to the qualifications and rosters of general contractors.

Referred to **Judiciary IV Committee**.

By Senator Johnson of Cabarrus:

**S. B. 242**, a bill to require consent of the Cabarrus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the county.

Referred to **Judiciary I Committee**.

By Senators Marvin, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Rauch, Redman, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, and Woodard:

**S. B. 243**, a bill to improve the law regarding endangered children.

Referred to **Children and Youth Committee**.

By Senators Marvin, Harris, Rauch, and Winner:



**S. B. 244**, a bill to make the unlawful possession of hydromorphone, commonly known Dilaudid, a Class I felony.

Referred to **Judiciary II Committee**.

By Senators Hunt of Durham and Royall:

**S. B. 245**, a bill concerning duties of the Durham City Inspection Department.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Royall:

**S. J. R. 246**, a joint resolution honoring the life and memory of Charles Harris Livengood, Jr.

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

By Senators Smith and Somers:

**S. B. 247**, a bill to allow Rowan County to establish voting precincts without regard to township boundaries.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Woodard:

**S. B. 248**, a bill to amend Chapter 88 of the General Statutes relating to cosmetic arts.

Referred to **Human Resources Committee**.

By Senator Woodard:

**S. B. 249**, a bill requiring persons who represent themselves as certified therapeutic recreation specialists or certified therapeutic recreation assistants to meet certain standards.

Referred to **State Government Committee**.

By Senators Woodard, Plyer, Rand, and Royall:

**S. B. 250**, a bill affecting certain boards, commissions and councils.

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

By Senator Johnson of Wake:

**S. B. 251**, a bill to clarify the Fair Housing Act.

Referred to **Judiciary III Committee**.

By Senators Staton, Johnson of Wake, and Woodard:

**S. B. 252**, a bill to appropriate funds to the General William C. Lee Memorial Museum Commission.

Referred to **Appropriations Committee**.

By Senators Staton, Johnson of Wake, and Woodard:

**S. B. 253**, a bill to appropriate funds to assist in the restoration of the Temple Theatre in Sanford.

Referred to **Appropriations Committee**.

By Senator Speed:

**S. B. 254**, a bill to allow the Town of Wake Forest to dispose of real property at private sale for the purpose of economic development.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Speed:

**S. B. 255**, a bill to allow the Town of Wake Forest to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Rand, Barnes, Ezzell, Hipps, Johnson of Wake, Martin of Guilford, Soles, Staton, Swain, Taft, Walker, Watt, and Winner:

**S. B. 256**, a bill to authorize appellate judges to have more than one law clerk.

Referred to **Judiciary IV Committee**.

By Senators Rand, Barnes, Ezzell, Hipps, Johnson of Wake, Martin of Guilford, Soles, Staton, Swain, Taft, Walker, Watt, and Winner:

**S. B. 257**, a bill to create the State Judicial Center Commission and to appropriate funds for its operation.

Referred to **Judiciary IV Committee**.

By Senators Redman, Cobb, Conder, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Marvin, Price, Shaw, Simpson, Smith, Somers, Speed, Staton, Thomas of Craven, Walker, Ward, Woodard, and Wright:

**S. B. 258**, a bill to amend Chapter 15B of the General Statutes to streamline the North Carolina Victims Compensation Program and make it more effective.

Referred to **Judiciary IV Committee**.

By Senator Redman:

**S. B. 259**, a bill to change the name of the Statesville-Iredell Civic Center Authority, and to expand its Board.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Walker, Hunt of Moore, Plyler, Rand, Redman, and Tally:

**S. B. 260**, a bill to appropriate funds to increase the level of the grants-in-aid to the private child-caring institutions.

Referred to **Appropriations Committee**.

By Senators Walker, Hunt of Moore, and Woodard:

**S. B. 261**, a bill to appropriate funds for housing for mentally retarded adults.

Referred to **Appropriations Committee**.

By Senators Walker and Hunt of Moore:

**S. B. 262**, a bill to amend G. S. 118-7 as that statute applies to the City of Asheboro to establish supplemental retirement benefits for Asheboro's firemen.

Referred to **Pensions and Retirement Committee**.

By Senator Soles:

**S. B. 263**, a bill creating a bird sanctuary at Lake Tabor in Columbus County.  
Referred to **Local Government and Regional Affairs Committee**.

By Senators Harris, Price, and Sawyer:

**S. B. 264**, a bill to clarify the authority of parents and day-care providers to regulate discipline in day-care centers and plans.  
Referred to **Children and Youth Committee**.

By Senator Harris:

**S. B. 265**, a bill to authorize the State Registrar to retain overpayments of two dollars or less unless the payor requests a refund.  
Referred to **Finance Committee**.

By Senator Harris:

**S. B. 266**, a bill to make technical changes and to amend the CON Statute.  
Referred to **Human Resources Committee**.

By Senators Soles, Rand, Winner, and Sawyer:

**S. B. 267**, a bill to protect jurors from firings because of jury service.  
Referred to **Judiciary IV Committee**.

By Senators Soles, Rand, Sawyer, and Winner:

**S. B. 268**, a bill to provide for initial randomization of the biennial jury list in counties using electronic data processing equipment for jury selection.  
Referred to **Judiciary IV Committee**.

By Senators Winner, Rand, Sawyer, and Soles:

**S. B. 269**, a bill to allow civil motions to be heard outside county.  
Referred to **Judiciary IV Committee**.

By Senators Winner, Rand, Sawyer, and Soles:

**S. B. 270**, a bill to provide that requests for admissions be filed like other discovery papers.  
Referred to **Judiciary IV Committee**.

By Senator Harrington:

**S. B. 271**, a bill to appropriate funds to assist in the adaptive restoration of the Gates County Courthouse in Gatesville.  
Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:



**S. B. 56**, a bill to enact the Uniform Management of Institutional Funds Act as recommended by the General Statutes Commission, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for Monday, April 15.

**S. B. 80** (Committee Substitute), a bill to assure continuity of care for individuals with mental retardation, for concurrence in House Amendment No. 1 which is placed on the Calendar for Monday, April 15.

**S. B. 129**, a bill to permit Craven County to construct and lease a natural gas line and participate in construction of an electrical power line, for concurrence in House Amendment No. 1 which is placed on the Calendar for Monday, April 15.

**H. B. 28** (Committee Substitute), a bill to provide that Rule 56 of the Rules of Civil Procedure shall apply to actions for absolute divorce.

Referred to **Judiciary III Committee**.

**H. B. 64**, a bill to authorize the Tyrrell County Board of Commissioners and the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 349**, a bill to allow the Hertford County Board of Education to lease land to cities without finding that the land is unnecessary or undesirable for school purposes.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 359**, a bill to allow Duplin County to make an addition to a county building with its own personnel.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 383**, a bill to enlarge the amount of land which may be condemned for school sites by the Charlotte-Mecklenburg County Schools.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 394**, a bill to eliminate the requirement in Scotland County that cosmetologists shall employ only licensed personnel to do shampooing.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 32**, a bill to simplify the alcoholic beverage tax statutes, upon third reading. Senator Rauch offers Amendment No. 1 held to be material, which is adopted (electronically recorded) constituting the first reading of the bill.

The bill, as amended, is placed on the Calendar for Monday, April 15, upon second reading.

**S. B. 159**, a bill to establish a minimum weekly compensation for certain volunteer workers under the Worker's Compensation Act.

Without objection, consideration of the bill is postponed until Monday, April 15.

**S. B. 162**, a bill to amend the Workers' Compensation Act with respect to county agricultural extension service employees.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 67**, a bill to give the surviving cotenant of a lock box access to life insurance policies stored in the box.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 242**, a bill to provide for an increased minimum wage if the federal minimum wage increases.

The bill passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the bill remains on the Calendar for further consideration.

**H. B. 249**, a bill to provide that temporary vehicle registration plates or markers are effective for a maximum of thirty days instead of twenty days.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 283**, a bill to prohibit unsafe movements in public vehicular areas.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 29** (Committee Substitute), a bill to change the method for measuring the tread depth on tires to determine whether they are safe, for concurrence in House Amendment No. 1.

On motion of Senator Parnell, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

#### RE-REFERRALS

**S. B. 230**, a bill to amend provisions concerning compensation of local Board of Health members.

Without objection, the Chair orders the bill removed from the **Appropriations Committee** and re-referred to the **Local Government and Regional Affairs Committee**.

**S. B. 200**, a bill to create a new district judgeship for the Eighteenth District Court District.

Without objection, the Chair orders the bill removed from the **Judiciary II Committee** and re-referred to the **Appropriations Committee**.

On motion of Senator Harrington, seconded by Senator Royall, the Senate adjourns in memory of President Franklin Delano Roosevelt on the 40th Anniversary of his death, to meet Monday, April 15, at 8:00 P.M.

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#### FIFTIETH DAY

SENATE CHAMBER,  
Monday, April 15, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of the Family, in our busy schedules, help us not to neglect our families; but grant that we may always give to them that same kind of love and support which we need from them. We thank Thee for the time of fellowship which we shared with our families this weekend; and we pray that we may ever see the maintenance of strong family ties as a priority in our personal lives and in the life of our State.

"O God of Life, as we deal with substantive matters which affect the life of every individual and family in our State, we pray for Thy guidance and Thy support. Deliver us from petty bickering between individuals, power blocks, and political parties. Give us insight to deal with the complicated issues of the State budget, proposals for tax cuts, the question of State funding for abortion, the issue of pollution control, and the sensitive issues of child care and child abuse. Give us strength to withstand the pressure of hundreds of lobbyists; make us sensitive to the feelings of the residents of our district; and give us the courage to vote our convictions after having carefully considered all sides of every issue.

"On the day when we have all had to pay our State and federal taxes, make us sensitive to both the personal needs and the tax burdens of the people of our State. Help us to plan for programs that will minister to the needs of all the children, youth, and adults of our State. Help us to plan wisely for the use of our State's resources, and help us to develop a tax plan that will be fair to all our people.

"O God of Strength, as we deal with personal pressures at home, in our business, and in the Chamber; give us the strength to be men and women of conviction, tolerance, understanding, love, and compassion.

"All this we ask in the Name of our God, Who loves us as a mother loves her children, and Who desires that we live and work together in a cooperative spirit as members of the Household of God. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday, April 12, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senators Winner and Staton for tonight and to Senator Winner for tomorrow, April 16.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 29** (Committee Substitute), an act to change the method for measuring the tread depth on tires to determine whether they are safe. (Ch. 93)

**S. B. 118**, an act to amend the Charter of the Town of Rhodhiss to provide for a four-year term for the mayor and staggered four-year terms for the board of commissioners. (Ch. 94)



**H. B. 249**, an act to provide that temporary vehicle registration plates or markers are effective for a maximum of thirty days instead of twenty days. (Ch. 95)

**H. B. 283**, an act to prohibit unsafe movements in public vehicular areas. (Ch. 96)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barnes:

**S. B. 272**, a bill to protect handicapped persons.  
Referred to **Judiciary I Committee**.

By Senator Hardison:

**S. B. 273**, a bill to create a Regional Council Economic and Community Development Technical Assistance Program and to provide funding.  
Referred to **Appropriations Committee**.

By Senator Redman:

**S. B. 274**, a bill to amend Article 11, G. S. 130A, entitled "Sanitary Sewage Systems."  
Referred to **Human Resources Committee**.

By Senator Basnight:

**S. J. R. 275**, a joint resolution honoring the life and memory of Charles Brantley Aycock Brown—"Mr. Outer Banks."  
Referred to **Rules and Operation of the Senate Committee**.

By Senator Basnight:

**S. B. 276**, a bill to amend Chapter 20 of the General Statutes to allow a sign to designate a single handicapped parking space.  
Referred to **Transportation Committee**.

By Senator Basnight:

**S. B. 277**, a bill to permit the Town of Kill Devil Hills to regulate building construction to prevent fire hazards.  
Referred to **Local Government and Regional Affairs Committee**.

By Senators Harrington, Parnell, and Speed:

**S. B. 278**, a bill to direct the Department of Revenue to establish soil productivity ratings for each soil phase in the State, to be used in developing a uniform system of taxing land classified for taxation at its present-use value.  
Referred to **Agriculture Committee**.

By Senators Harrington, Parnell, and Speed:

**S. B. 279**, a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning the eligibility for present-use value taxation.  
Referred to **Agriculture Committee**.

By Senator Kincaid:

**S. B. 280**, a bill authorizing the qualified voters of the Town of Beech Mountain to determine whether mixed beverages may be sold in that town.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Ezzell:

**S. B. 281**, a bill to allow the Town of Nashville to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Cobb:

**S. B. 282**, a bill to amend the Charlotte Charter.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Plyler and Conder:

**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills.

Referred to **Judiciary II Committee**.

By Senator Basnight:

**S. B. 284**, a bill to provide for posting of notice of pending applications for CAMA permits.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Taft:

**S. B. 285**, a bill to appropriate funds for the outdoor drama, "Blackbeard—Knight of the Black Flag."

Referred to **Appropriations Committee**.

By Senators Rand, Conder, Hunt of Durham, Hunt of Moore, Kaplan, Marvin, Plyler, Price, Royall, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard:

**S. B. 286**, a bill to create the North Carolina Medical Database Commission.

Referred to **Judiciary IV Committee**.

By Senators Woodard, Hunt of Durham, Martin of Guilford, Rand, Redman, Staton, and Walker:

**S. B. 287**, a bill to make felonious the willful nonpayment of group health and life insurance premiums by employers or other trustees and to require insurers to publicly notify employees in such situations.

Referred to **Judiciary I Committee**.

By Senator Johnson of Wake:

**S. B. 288**, a bill to establish clearer and stronger standards for agreements between domestic insurers and reinsurers.

Referred to **Insurance Committee**.

By Senator Johnson of Wake:

**S. B. 289**, a bill to provide for the integrity of insurance company assets for the protection of policyholders.

Referred to **Insurance Committee**.

By Senator Kincaid:

**S. B. 290**, a bill to provide funds for the Avery County Adult Developmental Activity Program.

Referred to **Appropriations Committee**.

By Senator Tally:

**S. B. 291**, a bill to repeal statutes allowing local boards of education to charge tuition for students over 18 years old.

Referred to **Education Committee**.

By Senator Tally:

**S. B. 292**, a bill to amend G. S. 113-294 with respect to the penalty for unlawful taking of deer.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Tally:

**S. B. 293**, a bill to require health assessments for kindergarten children in the public schools.

Referred to **Education Committee**.

By Senator Thomas of Craven:

**S. B. 294**, a bill to conform the public notice times in the shellfish cultivation statute.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Thomas of Craven:

**S. B. 295**, a bill to increase appropriations for the North Carolina Technological Development Authority.

Referred to **Appropriations Committee**.

By Senators Thomas of Craven and Wright:

**S. B. 296**, a bill to extinguish ancient mineral claims and to require the recordation and listing of these claims for taxation.

Referred to **Judiciary III Committee**.

By Senator Winner:

**S. J. R. 297**, a joint resolution authorizing the Legislative Research Commission to study the laws concerning pretrial release.

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

By Senators Harrington and Parnell:



**S. B. 298**, a bill to establish a uniform statewide system of appraising land classified for taxation at its present-use value, to clarify the type land that qualifies for present-use value taxation, and to make technical changes concerning eligibility for present-use value taxation.

Referred to **Agriculture Committee**.

By Senators Hunt of Moore and Walker:

**S. B. 299**, a bill to incorporate Dornoch Village.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Marvin:

**S. B. 300**, a bill to authorize the use of State income tax refund offset procedures in non-AFDC and interstate cases as required by federal law.

Referred to **Finance Committee**.

By Senator Goldston:

**S. B. 301**, a bill to amend G. S. 20-162.1 to increase the penalty for parking violations and to make the prima facie rules of evidence inapplicable to stolen vehicles; and to amend G. S. 15A-302(d) to provide for service of parking violation citations.

Referred to **Judiciary IV Committee**.

By Senator Ezzell:

**S. B. 302**, a bill to provide that where a school unit lies in Nash and Edgecombe County either County may withdraw and become a part of their County unit.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Marvin:

**S. B. 303**, a bill to amend Chapter 50 of the General Statutes to establish procedures for withholding from wages and other income in child support cases as required by federal law.

Referred to **Judiciary II Committee**.

By Senator Wright:

**S. B. 304**, a bill to rewrite the procedures under which shellfish lease applications are determined.

Referred to **Natural and Economic Resources and Wildlife Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 237** (Committee Substitute), a bill to exempt for-hire passenger vehicles of less than fifteen-passenger capacity.

Referred to **Transportation Committee**.

**H. B. 326**, a bill to annex certain Town owned property to the Town of Ayden.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 373**, a bill to change the boundary line between the Towns of Southern Shores and Kitty Hawk.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 386**, a bill to amend the Charter of the Town of Garner to permit the collection of money instead of requiring land dedication for recreational purposes and for sidewalks.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 151**, a bill to put Swain County under the statewide fox hunting law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 200**, a bill to regulate hunting with rifles in certain townships of Moore County.

On motion of Senator Walker, consideration of the bill is postponed until Wednesday, April 17.

**H. B. 201**, a bill to regulate the shining of lights in deer areas in Moore County.

On motion of Senator Walker, consideration of the bill is postponed until Wednesday, April 17.

**H. B. 231**, a bill to permit the taking of foxes in Hoke and Robeson Counties.

On motion of Senator Tally, Committee Amendment No. 1, changing the title, upon concurrence, to read, **H. B. 231**, a bill to permit the taking of foxes in Hoke and Robeson Counties and in part of Scotland County, is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 129**, a bill to permit Craven County to construct and lease a natural gas line and participate in construction of an electrical power line, for concurrence in House Amendment No. 1.

On motion of Senator Thomas of Craven, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

**H. B. 32**, a bill to simplify the alcoholic beverage tax statutes, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Conder, Ezzell, Goldston, Guy, Hardsion, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Woodard, and Wright—44.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 119** (Senate Committee Substitute), a bill to restrict the partial gasoline and special fuels tax exemption for alcohol fuels to fuels produced in North Carolina from agricultural or forestry products, and to provide that the special exemption is repealed if this restriction is declared unconstitutional, upon second reading.

On motion of Senator Hardison, consideration of the Committee Substitute bill is postponed until Wednesday, April 17.

**H. B. 242**, a bill to provide for an increased minimum wage if the federal minimum wage increases, upon third reading. The bill passes its third reading (electronically recorded) and is ordered enrolled.

**S. B. 159**, a bill to establish a minimum weekly compensation for certain volunteer workers under the Workers' Compensation Act.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 56**, a bill to enact the Uniform Management of Institutional Funds Act as recommended by the General Statutes Commission, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Royall, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

**S. B. 80** (Committee Substitute), a bill to assure continuity of care for individuals with mental retardation, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 (electronically recorded) and the Committee Substitute bill is ordered enrolled.

On motion of Senator Harrington, Rules 41 and 18 are suspended to the end that **S. B. 305** through **S. B. 364** and **Draft 3540**, filed tonight, may be introduced tomorrow, April 16.

#### ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills and resolutions previously introduced:

Senator Martin of Pitt:

**S. B. 264**, a bill to clarify the authority of parents and day-care providers to regulate discipline in day-care centers and plans.

The President recognizes the following pages serving in the Senate this week: Kathryn Barron Foster, Statesville; Gina Michelle Foust, Durham; Beth Herndon, Durham; Turner Holmes, Raleigh; Robert Gregory Lee, Raleigh; Tracy Shannon Patrick, Raleigh; Miracle Raye Perry, Elizabeth City; Susan Paige Pressly, Greenville; Amanda LaVonne Shelton, King; Rhonda F. Spivey, Gatesville; Linda Yvette Stevens, Knightdale; Sandra Swann, Greensboro; Tonya Lavette Thomas, Greensboro; A. J. Whittington, Greensboro; and Dianne Williams, Bunn.

On motion of Senator Harrington, seconded by Senator Rand, the Senate adjourns to meet tomorrow, Tuesday, April 16, at 1:30 P.M.



## FIFTY-FIRST DAY

SENATE CHAMBER,  
Tuesday, April 16, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend R. Dennis Ricks, Jr., Garner United Methodist Church, Garner, as follows:

"Eternal God—Creator of us all—bless and inspire us with Your Presence. Keep us sensitive to our needs and the needs of others.

"Give us courage and wisdom as we seek Your will.

"Guide us in the right use of power—that we shall not use it selfishly or with malice toward anyone.

"When decisions are difficult, reveal more light.

"May this day bring forth good fruit for all of our labors. Refresh us for the various responsibilities yet to be done.

"Forgive us for any wrong attitudes and for being less than we can be.

"Keep us aware of our opportunities as well as our privileges.

"And, O God, continue to bless, sustain, and guide us that our talents and time will be used for what is best for our State and our Nation. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. Upon his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Winner noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 242**, an act to provide for an increased minimum wage if the federal minimum wage increases. (Ch. 97)

**S. B. 56**, an act to enact the Uniform Management of Institutional Funds Act as recommended by the General Statutes Commission. (Ch. 98)

**S. B. 80** (Committee Substitute), an act to assure continuity of care for individuals with mental retardation. (Ch. 99)

**S. B. 129**, an act to permit Craven County to construct and lease a natural gas line and participate in construction of an electrical power line. (Ch. 100)

**REPORTS OF COMMITTEES**

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 209**, a bill to amend the General Statutes to provide express authorization for joint agencies to pledge, assign, mortgage or otherwise grant a security interest in any real or personal property or any interest therein, with a favorable report.

**S. B. 210**, a bill to authorize municipalities to name up to two alternate commissioners to a joint agency and a joint municipal assistance agency, with a favorable report, as amended.

**S. B. 211**, a bill to amend the General Statutes to provide express authorization for joint agencies and joint municipal assistance agencies to provide for the defense of and indemnify commissioners, officers or employees, and to provide for the venue for actions involving such agencies, with a favorable report, as amended.

**H. B. 72** (Committee Substitute), a bill to clarify that the legislative review of proposals to license new occupations and professions includes commissions, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, April 18.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 215**, a bill to incorporate the Village of Bald Head Island, with a favorable report.

**S. B. 226**, a bill allowing the City of Durham not to levy assessments on City-owned property, with a favorable report.

**S. B. 227**, a bill concerning notice of withdrawal of street dedication by the City of Durham, with a favorable report.

**S. B. 231**, a bill to provide that certain appointive officers and employees of the Town of Parkton need not be residents of that Town, with a favorable report.

**S. B. 232**, a bill to permit the City of Wilson to increase its parking penalties, with a favorable report.

**H. B. 83**, a bill to revise and consolidate the Charter of the Town of Wendell and to repeal prior local acts, with a favorable report.

**H. B. 267**, a bill to provide for staggered terms on the East Bend Town Board of Commissioners, with a favorable report.

**H. B. 315**, a bill to revise and consolidate the Charter of the Town of Elon College, with a favorable report.

**H. B. 330**, a bill to incorporate a satellite area within the corporate limits of the City of Mount Holly, with a favorable report.

**H. B. 402**, a bill to allow the Town of Lake Lure to sell certain property at private sale, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 312**, a bill to amend the Business Corporation Act to authorize corporations to issue stock redeemable at the shareholder's option, with a favorable report.

By Senator Speed for the **Agriculture Committee**:

**S. B. 183**, a bill to classify farm machinery and exclude it from inventory tax, with a favorable report.

On motion of Senator Speed, the bill is re-referred to the **Finance Committee**.

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 109**, a bill to allow an officer charged with serving a summary ejection summons to determine whether to telephone the defendant before attempting personal delivery of the summons, with a favorable report.

**H. B. 252**, a bill to permit the sale of products produced by inmates to public institutions outside the State of North Carolina, with a favorable report.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Harrington offers a motion that the following bills filed for introduction be held in filed status, which motion prevails:

By Senator Hipps:

**S. B. 309**, a bill to permit the Alcoholic Beverage Commission to issue permits to establishments on federal property on the Blue Ridge Parkway.

By Senators Redman, Smith, and Wright:

**S. B. 323**, a bill to amend the Constitution of North Carolina to provide for nonpartisan selection of justices and judges of the General Court of Justice.

By Senators Redman, Smith, and Wright:

**S. B. 325**, a bill to create a Judicial Nominating Commission and to implement the nonpartisan plan for the selection of judges as required by Article IV, Section 16, of the North Carolina Constitution.

By Senator Thomas of Craven:

**S. B. 364**, a bill to remove the western end of Bogue Banks from the Town of Emerald Isle and incorporate the removed area as the Town of Inlet Dunes.

Bills and resolutions filed for introduction are presented to the Senate, read the first time and disposed of upon the motion of Senator Harrington to suspend the rules to allow the introduction and referral to committee:



By Senator Simpson:

**S. B. 305**, a bill to permit Burke County to use revenue received from one-half percent local sales and use taxes for any public purpose.

Referred to **Finance Committee**.

By Senator Simpson:

**S. B. 306**, a bill to amend the school budget and fiscal control act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.

Referred to **Education Committee**.

By Senator Guy:

**S. B. 307**, a bill to appropriate funds to Onslow County to provide the local share for a groundwater study.

Referred to **Appropriations Committee**.

By Senator Guy:

**S. B. 308**, a bill to appropriate funds to Coastal Carolina Community College for capital improvements.

Referred to **Appropriations Committee**.

By Senator Swain:

**S. B. 310**, a bill to authorize temporary custody of absconding juveniles by the Joint Security Force outside territory.

Referred to **Judiciary III Committee**.

By Senator Johnson of Wake:

**S. B. 311**, a bill to create the State Health Insurance Pool of North Carolina.

Referred to **Insurance Committee**.

By Senator Smith:

**S. B. 312**, a bill to exempt the Lexington City Administrative Unit from the provisions of G. S. 115C-325 which relate to career status for supervisors and principals.

Referred to **Education Committee**.

By Senator Smith:

**S. B. 313**, a bill to appropriate funds for restoration of the Historic Salisbury Railroad Station.

Referred to **Appropriations Committee**.

By Senator Smith:

**S. B. 314**, a bill to appropriate funds for additional rehabilitation of Spencer Shops State Historic Site.

Referred to **Appropriations Committee**.

By Senators Smith and Somers:

**S. B. 315**, a bill to establish the boundary line between the Town of Landis and the City of Kannapolis.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Plyler:

**S. B. 316**, a bill to clarify the law relating to acquisition by the City of Monroe of street right-of-way outside the corporate limits.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Plyler:

**S. J. R. 317**, a joint resolution authorizing the Legislative Research Commission to study the feasibility of an inmate substance abuse therapy program.

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

By Senators Plyler and Conder:

**S. B. 318**, a bill to provide that Stanly County is authorized to construct gas lines.

Referred to **Local Government and Regional Affairs Committee.**

By Senator Hardison:

**S. B. 319**, a bill to permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways.

Referred to **Human Resources Committee.**

By Senator Hardison:

**S. B. 320**, a bill to allow the Secretary of Human Resources to adopt rules on damage of theft of personal property belonging to employees, volunteers, and clients in institutions of the Department of Human Resources.

Referred to **Human Resources Committee.**

By Senator Swain:

**S. J. R. 321**, a joint resolution honoring the Golden Anniversary of the Blue Ridge Parkway and honoring the memory of Franklin D. Roosevelt, under whose administration the Parkway was established.

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

By Senators Redman, Smith, Somers, Staton, and Wright:

**S. B. 322**, a bill to provide numbered National Guard registration plates to senior enlisted members and retired members.

Referred to **Transportation Committee.**

By Senators Redman, Smith, Somers, and Wright:

**S. B. 324**, a bill to increase use of disciplinary action against State employees engaged in prohibited political activity.

Referred to **State Government Committee.**

By Senators Redman, Ballenger, Cobb, McDuffie, Smith, Somers, and Wright:

**S. B. 326**, a bill to amend the Open Meeting Law.

Referred to **Judiciary I Committee.**

By Senators Redman, Smith, Somers, and Wright:

**S. B. 327**, a bill to abolish certain executive branch boards and to consolidate the functions of other boards.

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

By Senators Redman, Smith, Somers, and Wright:

**S. B. 328**, a bill to protect children against sexual abuse, child prostitution, child pornography and sexual performances.

Referred to **Children and Youth Committee**.

By Senators Redman, Smith, Somers, and Wright:

**S. J. R. 329**, a joint resolution directing the State Personnel Commission to study the State Personnel Act and to design changes to give professional State employees the protection and security from political pressures they deserve and establish a senior executive service.

Referred to **State Government Committee**.

By Senator Harrington:

**S. B. 330**, a bill to appropriate funds for construction of a Warren County satellite campus of Vance-Granville Community College.

Referred to **Appropriations Committee**.

By Senator Basnight:

**S. B. 331**, a bill to appropriate funds to the Perquimans County Restoration Association, Inc., for further development and interpretation of the Newbold-White House and site.

Referred to **Appropriations Committee**.

By Senators Somers and Smith:

**S. B. 332**, a bill to provide the procedure for filling a vacancy in the Office of Sheriff in Rowan County.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Ezzell:

**S. B. 333**, a bill relating to the authority of the Governor's Advocacy Council for persons with disabilities in order to comply with changes in federal law.

Referred to **Human Resources Committee**.

By Senator Tally:

**S. B. 334**, a bill to appropriate funds to establish a day care training program at the Cumberland County Public Health Center.

Referred to **Appropriations Committee**.

By Senators Harris and Harrington:

**S. B. 335**, a bill to enact hazardous substances right to know provisions and to amend and transfer the Occupational Safety and Health Act of North Carolina.

Referred to **Human Resources Committee**.



By Senators Harris and Harrington:

**S. B. 336**, a bill to amend G. S. 49-14 to allow the establishment of paternity until age eighteen in accordance with North Carolina case law and as required by federal law.

Referred to **Judiciary III Committee**.

By Senators Harris and Harrington:

**S. B. 337**, a bill to amend the application fee and cost recovery provisions of G. S. 110-130.1 regarding non-AFDC services.

Referred to **Human Resources Committee**.

By Senators Harris and Harrington:

**S. B. 338**, a bill extending the provision of services under this Article to children over age eighteen in certain instances.

Referred to **Human Resources Committee**.

By Senators Harris and Harrington:

**S. B. 339**, a bill clarifying the standing of the designated representative of county commissioners to bring actions under this Article.

Referred to **Judiciary III Committee**.

By Senators Harris and Harrington:

**S. B. 340**, a bill authorizing the transfer of child support orders for enforcement purposes when in the interests of justice.

Referred to **Children and Youth Committee**.

By Senators Harris and Harrington:

**S. B. 341**, a bill to provide for alternative arrangements for local program administration.

Referred to **Human Resources Committee**.

By Senators Harris, Harrington, Jordan, and Rauch:

**S. J. R. 342**, a joint resolution honoring the life and memory of Clyde Nolan, "Mr. Democrat."

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

By Senators Hunt of Moore and Walker:

**S. B. 343**, a bill relating to extraterritorial zoning jurisdiction by the Town of Aberdeen, the Village of Pinehurst and the Town of Southern Pines in Moore County.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Sawyer and Shaw:

**S. B. 344**, a bill to provide for the incorporation of the Village of Colfax.

Referred to **Local Government and Regional Affairs Committee**.

By Senators Ward and Kaplan:

**S. B. 345**, a bill allowing the City of Winston-Salem to establish, agree to and/or comply with minimum minority and/or women's business enterprise participation requirements.

Referred to **Judiciary III Committee**.

By Senators Ward and Kaplan:

**S. B. 346**, a bill amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects.

Referred to **Judiciary III Committee**.

By Senator Ward:

**S. B. 347**, a bill to amend the law regarding payment of costs in Department of Human Resources institutions.

Referred to **Human Resources Committee**.

By Senator Royall:

**S. B. 348**, a bill to consider the effects of unencumbered actuarial gains upon employer or State contributions to and unfunded accrued liabilities of retirement and pension plans administered by the State.

Referred to **Pensions and Retirement Committee**.

By Senator Walker:

**S. B. 349**, a bill to permit certain municipalities to exclude only volunteer firemen from OSHA coverage.

Referred to **Manufacturing and Labor Committee**.

By Senator Walker:

**S. B. 350**, a bill regarding the public's right to know of the presence of toxic and hazardous substances and to require the designation of a person to provide information concerning hazardous substances in the event of an emergency.

Referred to **Human Resources Committee**.

By Senator Watt:

**S. B. 351**, a bill to authorize the City of Charlotte to levy an income tax not to exceed one percent of net income and to designate how revenues from this tax shall be used.

Referred to **Finance Committee**.

By Senator Ballenger:

**S. B. 352**, a bill to expand the Catawba County Board of Education from five to seven members.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Wright:

**S. B. 353**, a bill to designate Wilmington the City of Azaleas.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Wright:

**S. B. 354**, a bill to designate New Hanover County the County of Azaleas.  
Referred to **Local Government and Regional Affairs Committee**.

By Senator Parnell:

**S. B. 355**, a bill to appropriate funds to commemorate the centennial of Pembroke State University.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S. B. 356**, a bill to allow the City of Greensboro to set requirements for public projects contracts.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Hardison:

**S. B. 357**, a bill to raise the renewal fee for professional engineers and registered land surveyors.

Referred to **Finance Committee**.

By Senators Taft and Martin of Pitt:

**S. B. 358**, a bill to provide a supplemental retirement fund for firemen in the City of Williamston.

Referred to **Pensions and Retirement Committee**.

By Senator Soles:

**S. B. 359**, a bill to conform North Carolina boating safety equipment and accident reporting laws to federal law and rules so that they can be enforced by wildlife officers.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Rauch, Kaplan, and Taft:

**S. B. 360**, a bill to establish the North Carolina Council on the Holocaust.

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

By Senators Rauch and Taft:

**S. B. 361**, a bill to clarify certain powers of a joint municipal electric power with respect to interest on bonds.

Referred to **Finance Committee**.

By Senator Jordan:

**S. B. 362**, a bill to limit the annual increase in the number of county employees in Alamance County.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Jordan:

**S. B. 363**, a bill to limit the annual increase in the number of county employees in Caswell County.

Referred to **Local Government and Regional Affairs Committee**.



By Senator Barnes:

**S. B. 365**, a bill to authorize Wayne County to pay bounties on beavers.  
Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Johnson of Wake and Redman:

**S. B. 368**, a bill to add a new Article 17 to Chapter 20 of the General Statutes and make other necessary changes in Chapter 20 and Chapter 62.  
Referred to **Commerce Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 71** (Committee Substitute), a bill to allow counties to issue voter registration cards, and set minimum standards for such cards.  
Referred to **Election Laws Committee**.

**H. B. 108** (Committee Substitute), a bill to provide an income tax credit for construction of a resource recovery facility that uses solid waste as a primary fuel.  
Referred to **Finance Committee**.

**H. B. 295** (Committee Substitute), a bill to move the election date for the Randolph County Board of Education from the primary to the general election.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 342**, a bill to permit the City of Jacksonville to increase its parking penalties to five dollars.  
Referred to **Finance Committee**.

**H. B. 371**, a bill to increase the fee for a record search or for a copy of a vital record.  
Referred to **Finance Committee**.

### CALENDAR

Bills and resolution on the Calendar are taken up and disposed of as follows:

**H. B. 32**, a bill to simplify the alcoholic beverage tax statutes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Woodard, and Wright—48.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 101** (Committee Substitute), a bill to raise the minimum age for purchase, possession and consumption of malt beverages and unfortified wine, upon third reading.

On motion of Senator Swain, the Committee Substitute bill is recommitted to the **Judiciary III Committee**.

**S. B. 39** (Committee Substitute No. 2), a bill to make the use of seatbelts in motor vehicles mandatory and to remove the sunset on the use of child restraint devices.

Senator Sawyer offers Amendment No. 1, held to be material, which fails of adoption (electronically recorded).

Senator Harris offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Wright offers Amendment No. 3 which fails of adoption (electronically recorded).

Senator Sawyer offers Amendment No. 4 which fails of adoption (electronically recorded).

Senator Warren calls the previous question, seconded by Senator Royall. The call is sustained.

The Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Harris to its third reading, the Committee Substitute bill No. 2 remains on the Calendar for tomorrow, April 17, for further consideration.

**S. B. 180**, a bill to repeal the Presidential Preference Primary Act, so as to allow political parties to regulate the nomination of President and Vice President of the United States.

Senator Kincaid offers Amendment No. 1.

On motion of Senator Rand, the bill with pending Amendment No. 1 is recommitted to the **Judiciary IV Committee** (electronically recorded).

#### ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills and resolutions previously introduced:

By Senators Taft and Thomas of Craven:

**S. B. 278**, a bill to direct the Department of Revenue to establish soil productivity ratings for each soil phase in the State, to be used in developing a uniform system of taxing land classified for taxation at its present-use value.

By Senators Taft and Thomas of Craven:

**S. B. 279**, a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning the eligibility for present-use value taxation.

On motion of Senator Harrington, seconded by Senator Kaplan, the Senate adjourns to meet tomorrow, Wednesday, April 17, at 1:30 P.M.

## FIFTY-SECOND DAY

SENATE CHAMBER,  
Wednesday, April 17, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Father Charles Reese, Pastor, Saint Benedict's Catholic Church, Greensboro, as follows:

"Solomon prayed:

'Give your servant an understanding heart that I might discern between good and bad, in judging and ruling your people.'

"And God said to him:

'Because you have asked for this and not a long life, nor riches, nor revenge on your enemies, I will give you a wise and understanding heart which will be matched by no one before or after you.'

"For the Members of the North Carolina Senate, I pray the same. For it sometimes seems that our folly, our intemperate decisions, our rash words, our snap judgments are matched by no one before or after us. They hurt us and worse, they hurt others, whom we love. Since Solomon has no further need for it, please give us a small portion of his wisdom.

"Make us instruments of Your goodness that we may be just, fair and equal in making decisions for the people of North Carolina.

"I ask this in Your Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Guy for tomorrow, Thursday, April 18, and for Friday, April 19.

## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Shaw:

**S. B. 366**, a bill to exempt from the sales and use tax shells sold to the State for use in shellfish beds.

Referred to **Finance Committee**.

By Senator Marvin:

**S. B. 367**, a bill to improve the collection of property taxes on motor vehicles by requiring that these taxes be paid when a vehicle registration is renewed.

Referred to **Finance Committee**.



## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 300**, a bill to permit ordained or licensed clergymen to be considered self-employed for tax withholding purposes instead of an employee of a church.

Referred to **Finance Committee**.

**H. B. 427**, a bill to extend parental liability in motor vehicle cases to adult children.

Referred to **Judiciary I Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 215**, a bill to incorporate the Village of Bald Head Island, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 315**, a bill to revise and consolidate the Charter of the Town of Elon College, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 330**, a bill to incorporate a satellite area within the corporate limits of the City of Mount Holly, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 83**, a bill to revise and consolidate the Charter of the Town of Wendell and to repeal prior local acts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 200**, a bill to regulate hunting with rifles in certain townships of Moore County.

Senator Walker offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 155**, a bill to amend the law establishing a supplemental retirement fund for firemen in the City of Hickory.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 226**, a bill allowing the City of Durham not to levy assessments on City-owned property.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 227**, a bill concerning notice of withdrawal of street dedication by the City of Durham.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 231**, a bill to provide that certain appointive officers and employees of the Town of Parkton need not be residents of that Town.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 232**, a bill to permit the City of Wilson to increase its parking penalties.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 402**, a bill to allow the Town of Lake Lure to sell certain property at private sale.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 201**, a bill to regulate the shining of lights in deer areas in Moore County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 267**, a bill to provide for staggered terms on the East Bend Town Board of Commissioners.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 209**, a bill to amend the General Statutes to provide express authorization for joint agencies to pledge, assign, mortgage or otherwise grant a security interest in any real or personal property or any interest therein, upon second reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—49.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 211**, a bill to amend the General Statutes to provide express authorization for joint agencies and joint municipal assistance agencies to provide for the defense of and indemnify commissioners, officers or employees, and to provide for the venue for actions involving such agencies, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—49.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 119** (Senate Committee Substitute), a bill to restrict the partial gasoline and special fuels tax exemption for alcohol fuels to fuels produced in North Carolina from agricultural or forestry products, and to provide that the special exemption is repealed if this restriction is declared unconstitutional, upon second reading.

On motion of Senator Hardison, consideration of the Senate Committee Substitute bill is postponed until Wednesday, April 24.

**S. B. 39** (Committee Substitute No. 2), a bill to make the use of seat belts in motor vehicles mandatory, upon third reading.

Senator Kincaid offers Amendment No. 5 which fails of adoption (electronically recorded).



Senator Winner calls the previous question, seconded by Senator Royall. The call is sustained.

The Committee Substitute bill No. 2 passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 62** (Committee Substitute), a bill to make the parole consequences of all life sentences the same.

Senator Winner calls the previous question, seconded by Senator Rand. The call is sustained.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 210**, a bill to authorize municipalities to name up to two alternate commissioners to a joint agency and a joint municipal assistance agency.

On motion of Senator Rauch, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 109**, a bill to allow an officer charged with serving a summary ejectment summons to determine whether to telephone the defendant before attempting personal delivery of the summons.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 252**, a bill to permit the sale of products produced by inmates to public institutions outside the State of North Carolina.

Senator Soles offers a motion that the bill be re-referred to the **Judiciary I Committee**.

Senator Barnes offers a substitute motion that the bill be taken from today's Calendar and placed on the Calendar for Thursday, April 18, which motion prevails.

**H. B. 312**, a bill to amend the Business Corporation Act to authorize corporations to issue stock redeemable at the shareholder's option.

On motion of Senator Staton, consideration of the bill is postponed until Thursday, April 18.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harris for the **Human Resources Committee**:

**S. B. 128**, a bill to appropriate funds to the Division of Mental Health, Mental Retardation and Substance Abuse Services, Department of Human Resources, for the purpose of promoting equalization of State appropriated matching funds to area authorities, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee**.

**S. B. 203**, a bill to authorize local health directors to enter contracts, with a favorable report.

**S. B. 202**, a bill to make technical changes in the public health law and related laws, with a favorable report, as amended.

**S. B. 222**, a bill to repeal the certification requirement for laboratories performing syphilis serologies, with a favorable report, as amended.

By Senator Staton for the **Judiciary II Committee**.

**H. B. 251** (Committee Substitute), a bill to amend the law regarding public hospital bidding procedures, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, April 22.

On motion of Senator Harrington, seconded by Senator Plyler, the Senate adjourns to meet tomorrow, Thursday, April 18, at 1:30 P.M.

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### FIFTY-THIRD DAY

SENATE CHAMBER,  
Thursday, April 18, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Frank B. Mayes, Associate Minister, First Presbyterian Church, Gastonia, as follows:

"Oh, Thou Who has made it very clear that it is our duty to pray for one another, hear us now as we pray for Thy servants who labor in this place of authority and legislation, and even though the task might be confusing and frustrating and laborious, give to them clear minds, compassionate hearts and willing spirits, so that indeed the cause of justice in fair government might be upheld. Encourage them in their work, O Lord, lest in a world of complex systems and distorted values they should feel their work is in vain.

"Give us courage to stand for Thy truth and the willingness to sacrifice comforts and privileges that Your Kingdom may come among us.

"These prayers we offer for Thy Name's sake. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Johnson of Cabarrus, McDuffie, and Winner for today and tomorrow, Friday, April 19. A leave of absence granted previously to Senator Guy is noted.

The President extends courtesies of the gallery to Michael Mullins, former Senator from Mecklenburg County.

**ENROLLED BILLS**

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 112**, an act abolishing the advisory board of the North Carolina School of the Arts. (Ch. 101)

**H. B. 109**, an act to allow an officer charged with serving a summary ejection summons to determine whether to telephone the defendant before attempting personal delivery of the summons. (Ch. 102)

**H. B. 201**, an act to regulate the shining of lights in deer areas in Moore County. (Ch. 103)

**H. B. 267**, an act to provide for staggered terms on the East Bend Town Board of Commissioners. (Ch. 104)

**H. B. 402**, an act to allow the Town of Lake Lure to sell certain property at private sale. (Ch. 105)

**REPORTS OF COMMITTEES**

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Speed for the **Agriculture Committee**:

**S. B. 74**, a bill to provide a refundable income tax credit for the 1985 marketing assessments on North Carolina tobacco producers under the no net cost tobacco program, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 74**, a bill to provide an income tax deduction for marketing assessments on tobacco grown in North Carolina, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted and on his further motion is re-referred to the **Finance Committee**.

By Senator Warren for the **Transportation Committee**:

**S. B. 139**, a bill to authorize the Department of Transportation to participate in the nonbetterment costs of adjustment or relocation of municipally owned utilities in existing State highway system rights-of-way on State highway system improvements let to contract, with a favorable report.

**H. B. 255**, a bill to clarify statutory references relating to overloading of motor vehicles, with a favorable report.

**S. B. 233**, a bill to amend Chapter 136 of the General Statutes to provide for service upon the Department of Transportation, with a favorable report, as amended.

By Senator Staton for the **Judiciary II Committee**:



**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills, with a favorable report.

By Senator Hardison for the **Commerce Committee**:

**H. B. 57** (Committee Substitute), a bill to modify the definition of utility for purposes of imposing sales tax on certain utility services and to allow all municipalities or State agencies that sell electricity or piped natural gas a three percent (3%) deduction on their markup, with a favorable report.

On motion of Senator Hardison, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H. B. 258**, a bill to provide for the continuation of the Utility Review Committee as the Joint Legislative Utility Review Committee, with a favorable report.

On motion of Senator Hardison, the bill is re-referred to the **Appropriations Committee**.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 256**, a bill to authorize appellate judges to have more than one law clerk, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Appropriations Committee**.

**S. B. 257**, a bill to create the State Judicial Center Commission and to appropriate funds for its operation, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Appropriations Committee**.

**S. B. 269**, a bill to allow civil motions to be heard outside county, with a favorable report.

**S. B. 267**, a bill to protect jurors from firings because of jury service, with an unfavorable report.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 141**, a bill to continue unreduced service retirement benefits at age sixty with twenty-five years of service in the Teachers' and State Employees' Retirement System, with a favorable report and no recommendation as to appropriations.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee**.

**S. B. 348**, a bill to consider the effects of unencumbered actuarial gains upon employer or State contributions to and unfunded accrued liabilities of retirement and pension plans administered by the State, with a favorable report.

**S. B. 146**, a bill to increase the Confederate widows' pension, with a favorable report, as amended.

By Senator Hips for the **Children and Youth Committee**:

**H. B. 124**, a bill to make domestic violence remedies applicable to children, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 236**, a bill to amend the statute permitting the appointment of traffic control officers and establishing their duties to apply uniformly throughout the State, with a favorable report.

By Senator Swain for the **Judiciary III Committee**:

**H. B. 12**, a bill regarding a certificate of resale, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Finance Committee**.

**S. B. 176**, a bill to clarify the authority of cities and counties to undertake economic development activities, with a favorable report, as amended.

**S. B. 310**, a bill to authorize temporary custody of absconding juveniles by the Joint Security Force outside territory, with a favorable report, as amended.

**H. B. 28** (Committee Substitute), a bill to provide that Rule 56 of the Rules of Civil Procedure shall apply to actions for absolute divorce, with a favorable report, as amended.

**H. B. 101** (Committee Substitute), a bill to raise the minimum age for purchase, possession and consumption of malt beverages and unfortified wine, with a favorable report, as amended.

On motion of Senator Swain, the Committee Substitute bill is placed on the Calendar for Tuesday, April 23.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Martin of Guilford offers a motion that the following joint resolution filed for introduction be held in filed status, which motion prevails:

By Senators Martin of Guilford, Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright:

**S. J. R. 373**, a joint resolution authorizing the Legislative Research Commission to study the Community Colleges System.

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Henderson:

**S. B. 369**, a bill to prohibit taking bear with bait.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Marvin and Watt:

**S. B. 370**, a bill to provide that copies of protective orders issued in domestic violence cases may be retained by county police departments.

Referred to **Judiciary II Committee**.

By Senator Martin of Guilford:

**S. B. 371**, a bill to allow investments in obligations issued, assumed or guaranteed by the African Development Bank.

Referred to **Insurance Committee**.

By Senators Kincaid and Wright:

**S. B. 372**, a bill to amend the North Carolina Constitution to limit the number of days the General Assembly may remain in Session each year.

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

By Senator Staton:

**S. B. 374**, a bill to disallow as deductions interest on the North Carolina inheritance tax, the federal estate tax, and on funds borrowed to pay such taxes.

Referred to **Finance Committee**.

By Senators Staton, Ballenger, Barnes, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rauch, Redman, Royall, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Winner, Woodard, and Wright.

**S. J. R. 375**, a joint resolution honoring the life and memory of Ruth Whetstone Holmes.

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

By Senators Rauch and Harris:

**S. B. 376**, a bill to amend the definition of sales price for purposes of determining sales tax due on items sold in vending machines.

Referred to **Finance Committee**.

By Senator Basnight:

**S. B. 377**, a bill to appropriate funds for the David Stick Library.

Referred to **Appropriations Committee**.

By Senators Rand, Hardison, Kaplan, Marvin, Plyler, Royall, Tally, Thomas of Henderson, Walker, and Ward:

**S. B. 378**, a bill to clarify that defendants convicted of drug trafficking or conspiring to commit drug trafficking may not avoid the fines imposed for these offenses by serving an additional thirty days in prison.

Referred to **Judiciary IV Committee**.

By Senators Rand, Kaplan, Marvin, Plyler, Royall, Swain, Tally, Thomas of Henderson, and Walker:

**S. B. 379**, a bill to prohibit discrimination in the business of life and accident and health insurance and annuities against persons who are blind or partially blind.

Referred to **Insurance Committee**.

By Senators Rand, Soles, and Winner:

**S. B. 380**, a bill to allow the Chief Justice to recall retired justices and judges to assist the Appellate Division in expediting its work.

Referred to **Judiciary IV Committee**.



By Senators Rand, Soles, and Winner:

**S. B. 381**, a bill to implement a constitutional amendment approved by the voters by providing for temporary service by retired State Supreme Court justices on either the Supreme Court or the Court of Appeals.

Referred to **Judiciary IV Committee**.

By Senators Thomas of Craven, Martin of Guilford, and Plyler:

**S. B. 382**, a bill to coordinate election precinct boundaries with those of census blocks used by the U.S. Census and to provide additional statistical information for redistricting purposes in 1991 and thereafter.

Referred to **Election Laws Committee**.

By Senators Sawyer, Ballenger, Johnson of Cabarrus, Kincaid, McDuffie, Redman, Shaw, Simpson, Smith, Somers, and Wright:

**S. B. 383**, a bill to amend Chapter 15A, Article 81A of the General Statutes to add as an aggravating factor that defendant's acts caused the death of an unborn child.

Referred to **Judiciary I Committee**.

By Senators Sawyer, Ballenger, Johnson of Cabarrus, Kincaid, McDuffie, Redman, Shaw, Simpson, Smith, Somers, and Wright:

**S. B. 384**, a bill to amend Chapter 15A, Article 100 of the General Statutes to add as an aggravating factor that the murder resulted in the death of an unborn child.

Referred to **Judiciary I Committee**.

By Senators Johnson of Wake, Barnes, Harrington, Parnell, Rand, Royall, Speed, Staton, Taft, Thomas of Craven, Winner, and Woodard:

**S. B. 385**, a bill to insure the competitive selection of payroll deduction insurance products paid for by State employees.

Referred to **Insurance Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 269**, a bill to amend G. S. 20-288(e) relating to dealer bonds.

Referred to **Transportation Committee**.

**H. B. 270**, a bill to amend G. S. 20-294 relating to dealer licenses.

Referred to **Transportation Committee**.

**H. B. 303**, a bill to restore to the Governor power to prepare and administer the budgets of the State Treasurer, State Auditor, and Administrative Officer of the Courts.

Referred to **Appropriations Committee**.

**H. B. 370**, a bill to authorize the Commission for Health Services to exempt children already enrolled in school from new immunization requirements.

Referred to **Human Resources Committee**.

**H. B. 435**, a bill to add an additional factor in division of marital property.  
Referred to **Judiciary III Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 215**, a bill to incorporate the Village of Bald Head Island, upon third reading.  
The bill passes its third reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, Woodard, and Wright—43.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**H. B. 83**, a bill to revise and consolidate the Charter of the Town of Wendell and to repeal prior local acts, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, Woodard, and Wright—43.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 315**, a bill to revise and consolidate the Charter of the Town of Elon College, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 330**, a bill to incorporate a satellite area within the corporate limits of the City of Mount Holly, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, and Wright—44.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 211**, a bill to amend the General Statutes to provide express authorization for joint agencies and joint municipal assistance agencies to provide for the defense of and indemnify commissioners, officers or employees, and to provide for the venue for actions involving such agencies, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Woodard, and Wright—42.

Voting in the negative: None.

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

**S. B. 209**, a bill to amend the General Statutes to provide express authorization for joint agencies to pledge, assign, mortgage or otherwise grant a security interest in any real or personal property or any interest therein, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Woodard, and Wright—44.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S. B. 62** (Committee Substitute), a bill to make the parole consequences of all life sentences the same, upon third reading.

Without objection, consideration of the Committee Substitute bill is postponed until Tuesday, April 23.

**S. B. 202**, a bill to make technical changes in the public health law and related laws.

On motion of Senator Harris, Committee Amendments No. 1 and No. 2 are adopted.

On motion of Senator Harris, the bill, as amended, is recommitted to the **Human Resources Committee**.

**S. B. 203**, a bill to authorize local health directors to enter contracts.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 222**, a bill to repeal the certification requirement for laboratories performing syphilis serologies.

On motion of Senator Redman, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.



**H. B. 72** (Senate Committee Substitute), a bill to clarify that the legislative review of proposals to license new occupations and professions includes commissions.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Senator Hipps objects to its third reading, which objection he subsequently withdraws. The Senate Committee Substitute bill passes its third reading and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 252**, a bill to permit the sale of products produced by inmates to public institutions outside the State of North Carolina.

Senator Kaplan offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 312**, a bill to amend the Business Corporation Act to authorize corporations to issue stock redeemable at the shareholder's option.

The bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill remains on the Calendar for Monday, April 22, for further consideration, upon third reading.

#### ADDITIONAL ENDORSEMENTS

The following Senators request to be recorded endorsing bills and resolutions previously introduced:

Senator Sawyer:

**S. B. 378**, a bill to clarify that defendants convicted of drug trafficking or conspiring to commit drug trafficking may not avoid the fines imposed for these offenses by serving an additional thirty days in prison.

**S. B. 380**, a bill to allow the Chief Justice to recall retired justices and judges to assist the Appellate Division in expediting its work.

**S. B. 381**, a bill to implement a constitutional amendment approved by the voters by providing for temporary service by retired State Supreme Court justices on either the Supreme Court or the Court of Appeals.

Senators Kincaid and Simpson:

**S. B. 385**, a bill to insure the competitive selection of payroll deduction insurance products paid for by State employees.

On motion of Senator Rauch, seconded by Senator Kaplan, the Senate adjourns in memory of the six million Jews and others killed in the Holocaust on the 40th Anniversary of the Holocaust, to meet tomorrow, Friday, April 19, at 10:00 A.M.

## FIFTY-FOURTH DAY

SENATE CHAMBER,  
Friday, April 19, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Harold F. Leatherman, Pastor, First United Methodist Church, Rockingham, as follows:

"Eternal God, our Father, when You made the earth, You could have finished it. But You didn't. Instead You left it as raw material—to challenge, to set us to thinking, to risk and to adventure into the unknown. It is in this arena we find our supreme interest in living and in serving.

"You gave us the challenge of raw materials, not the satisfaction of perfect, finished things.

"You left us a world, a state, and varied communities to build, in order that all Your children might become involved in stimulating, exciting and creative activities, resulting in a full and rich life for each of us.

"Dear God, grant these, Your servants, a special sense of Your presence and wisdom, as they seek to be Your servants and thus, co-laborers with You, creating a world and state, wherein all persons may have the opportunity to become the person You created them to be. In the name of the Creator of all, Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Cobb, Guy, Kincaid, McDuffie, and Winner for today.

A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 67**, an act to give the surviving cotenant of a lock box access to life insurance policies stored in the box. (Ch. 106)

**H. B. 83**, an act to revise and consolidate the Charter of the Town of Wendell and to repeal prior local acts. (Ch. 107)

**H. B. 231**, an act to permit the taking of foxes in Hoke and Robeson Counties and in part of Scotland County. (Ch. 108)

**H. B. 315**, an act to revise and consolidate the Charter of the Town of Elon College. (Ch. 109)

**H. B. 330**, an act to incorporate a satellite area within the corporate limits of the City of Mount Holly. (Ch. 110)

## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barnes:

**S. B. 386**, a bill to delete the additional fee of ten dollars for special license plates issued to members of fire departments and rescue squads.

Referred to **Finance Committee**.

By Senator Barnes:

**S. B. 387**, a bill to exempt fire and emergency vehicles from light-traffic road weight limitations.

Referred to **Transportation Committee**.

By Senators Swain, Goldston, Hipps, Hunt of Moore, Marvin, Tally, Thomas of Henderson, and Woodard:

**S. B. 388**, a bill to establish the Western Correction Center for Women at Black Mountain.

Referred to **Judiciary III Committee**.

By Senators Kaplan, Marvin, and Royall:

**S. B. 389**, a bill to modify the retirement actuarial note requirement.

Referred to **Pensions and Retirement Committee**.

By Senators Goldston, Ballenger, Barnes, Basnight, Conder, Ezzell, Hardison, Hipps, Hunt of Durham, Jordan, Kaplan, Martin of Pitt, McDuffie, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Smith, Thomas of Henderson, Warren, Winner, and Wright:

**S. B. 390**, a bill to change the holiday for Easter from Easter Monday to Good Friday.

Referred to **State Government Committee**.

By Senator Ward:

**S. B. 391**, a bill to improve the special education hearing process.

Referred to **Education Committee**.

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 234** (Committee Substitute), a bill to clarify interest relating to judgments and provide for interest on noncontract judgments regardless of insurance coverage.

Referred to **Judiciary IV Committee**.

**H. B. 366**, a bill to abolish the Office of Coroner in Greene County.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 424**, a bill to allow the Burke County Board of Education to build a school on land leased from the State.

Referred to **Local Government and Regional Affairs Committee**.



**H. B. 425**, a bill to permit Wayne County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 431**, a bill to correct the qualification and term of Alamance County Board of Education members.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 439**, a bill to permit certain nonstudents to ride on school buses in Yadkin County.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 440**, a bill concerning notices of street closings by the City of Durham.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 465**, a bill to establish the extraterritorial planning jurisdiction for the Town of Blowing Rock.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 478**, a bill to provide that vacancies in the Yadkin County Board of Education shall be filled until the next election.

Referred to **Local Government and Regional Affairs Committee**.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H. J. R. 707**, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 1:30 o'clock P.M. Wednesday, April 24, 1985, and providing for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education.

On motion of Senator Ward, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

Senator Hipps requests to be recorded voting "aye."

The joint resolution passes its second and third readings and is ordered enrolled.

### **CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(The Chair declares the voting equipment inoperative for a portion of today's session.)

**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills, upon second reading.

On motion of Senator Plyler, consideration of the bill is postponed until Friday, April 26.

**S. B. 176**, a bill to clarify the authority of cities and counties to undertake economic development activities, as amended, upon second reading.

On motion of Senator Conder, Committee Amendment No. 3 is adopted; changing the title to read, **S. B. 176**, a bill to clarify the authority of Stanly County and the municipalities therein to undertake economic development activities.

The bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Goldston, Hardison, Harrington, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Speed, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Woodard, and Wright—36.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 139**, a bill to authorize the Department of Transportation to participate in the nonbetterment costs of adjustment or relocation of municipally owned utilities in existing State highway system rights-of-way on State highway system improvements let to contract.

On motion of Senator Warren, consideration of the bill is postponed until Monday, April 22.

**S. B. 146**, a bill to increase the Confederate widows' pension.

On motion of Senator Royall, the Committee Amendment No. 1 adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 236**, a bill to amend the statute permitting the appointment of traffic control officers and establishing their duties to apply uniformly throughout the State.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 269**, a bill to allow civil motions to be heard outside county.

On motion of Senator Barnes, consideration of the bill is postponed until Tuesday, April 23.

**S. B. 310**, a bill to authorize temporary custody of absconding juveniles by the Joint Security Force outside territory.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 348**, a bill to consider the effects of unencumbered actuarial gains upon employer or State contributions to and unfunded accrued liabilities of retirement and pension plans administered by the State.

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

**S. B. 233**, a bill to amend Chapter 136 of the General Statutes to provide for service upon the Department of Transportation.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 124**, a bill to make domestic violence remedies applicable to children.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 255**, a bill to clarify statutory references relating to overloading of motor vehicles. The bill passes its second reading.

On objection of Senator Thomas of Craven to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 28** (Committee Substitute), a bill to provide that Rule 56 of the Rules of Civil Procedure shall apply to actions for absolute divorce.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

On motion of Senator Swain, further consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, April 23.

On motion of Senator Harrington, seconded by Senator Taft, the Senate adjourns to meet Monday, April 22, at 8:00 P.M.

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### FIFTY-FIFTH DAY

SENATE CHAMBER,  
Monday, April 22, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend James H. Miller, Jr., First United Methodist Church, Cary, as follows:

"Our Father, we assemble here tonight with gratitude for a weekend of rest and relaxation and for weekend journeys safely made. Even as we are gathered here, we are mindful of concerns that are some miles from here, people loved and causes cherished. We know that we do not need to ask for Your presence here or for Your blessings upon the deliberations of this Body, but we do need to ask that You help the members of this Senate to be aware of Your presence and responsive to Your guidance when all about there is the clamor of those who seek to influence decisions. To those entrusted with legislative responsibilities You have given wisdom, compassion, a sense of justice, a sense of right and wrong. Grant that in the decisions of this week they may be found faithful in the discharge of their responsibilities and the use of Your gifts, and that the great State of North Carolina and its people may be the beneficiary. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal for Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Hipps, Conder, and Simpson for tonight, and to Senator McDuffie for tonight through Friday, April 22 through April 26.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 121**, an act to revise and consolidate the Charter of the Town of Marietta and to repeal prior local acts. (Ch. 111).



**S. B. 124**, an act to put Buncombe County under the statewide fox hunting law. (Ch. 112)

**H. B. 124**, an act to make domestic violence remedies applicable to children. (Ch. 113)

**H. J. R. 707**, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 1:30 o'clock P.M. Wednesday, April 24, 1985, and providing for consideration at that Session of confirmation of the Governor's appointments to the State Board of Education. (Res. 6)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Hardison for the **Commerce Committee**:

**S. B. 156**, a bill to amend Chapters 24 and 45 to provide for equity lines of credit, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for tomorrow, April 23.

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. J. R. 375**, a joint resolution honoring the life and memory of Ruth Whetstone Holmes, with a favorable report.

On motion of Senator Harrington, the joint resolution is placed on the Calendar for tomorrow, April 23, and on his further motion is set as Special Order of Business No. 1.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Ballenger and Wright:

**S. B. 392**, a bill to provide the North Carolina government-in-the-sunshine law. Referred to **Judiciary I Committee**.

By Senators Taft, Barnes, Goldston, Harrington, Hipps, Hunt of Durham, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Price, Rand, Royall, Sawyer, Smith, Thomas of Craven, Thomas of Henderson, Walker, and Woodard:

**S. B. 393**, a bill to clarify the jurisdiction of grand juries. Referred to **Judiciary III Committee**.

By Senators Rand, Conder, Goldston, Hardison, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Marvin, Plyler, Price, Royall, Tally, Thomas of Henderson, Ward, Warren, Watt, and Woodard:

**S. B. 394**, a bill to establish a general statewide cash management policy for the State of North Carolina.

Referred to **State Government Committee**.

By Senators Rand, Goldston, Hardison, Harrington, Hunt of Durham, Kaplan, Plyler, and Walker:

**S. B. 395**, a bill to expand the offense of armed robbery to include robberies in which a simulated weapon or a real but inoperable weapon is used.

Referred to **Judiciary IV Committee**.

By Senators Rand, Barnes, Conder, Goldston, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Plyler, Price, Royall, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, and Woodard:

**S. B. 396**, a bill making technical and clarifying amendments concerning criminal law and procedure, and to restore the increased punishment for felony child abuse that was inadvertently repealed by the 1983 General Assembly.

Referred to **Judiciary IV Committee**.

By Senators Thomas of Henderson, Barnes, Conder, Harrington, Hipps, Martin of Pitt, Parnell, Plyler, Rand, Speed, Taft, Thomas of Craven, Walker, and Warren:

**S. B. 397**, a bill to classify individually owned and used farm machinery and exclude it from property taxation.

Referred to **Finance Committee**.

By Senators Sawyer, Ballenger, Martin of Guilford, Shaw, and Taft:

**S. B. 398**, a bill to raise the age limit for expunging the criminal record of a misdemeanor first offender, or a person charged but not convicted of a crime, from eighteen to twenty-one.

Referred to **Judiciary I Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 83**, a bill to transfer the regulation of workers' compensation self-insurance from the Industrial Commission to the Department of Insurance, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, April 23.

**H. B. 204**, a bill to provide better notice to persons whose voter registration is being purged for failure to vote.

Referred to **Election Laws Committee**.

**H. B. 222** (Committee Substitute), a bill to provide broad-based tax relief to North Carolina citizens.

Referred to **Finance Committee**.

**H. B. 334** (Committee Substitute), a bill to permit municipal land planning ordinances to permit money instead of land dedication for recreational purposes.

Referred to **Judiciary II Committee**.

**H. B. 343**, a bill to increase the State Board of Community Colleges.  
Referred to **Rules and Operation of the Senate Committee**.

**H. B. 360**, a bill to require that when condemned land is no longer needed it shall first be offered to the owner from whom it was purchased.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 362**, a bill amending the Asheville Charter concerning the voting rights of the mayor.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 390**, a bill to clarify the insignia to be placed on military reserve license plates.  
Referred to **State Government Committee**.

**H. B. 393**, a bill to permit the taking of foxes in Avery County.  
Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 422**, a bill to redistrict the Cumberland County Board of Education, and to appoint two persons to the Cumberland County Interim Board of Education.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 438**, a bill to revise the Charter of the Town of Patetown.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 446**, a bill to prevent taking wild turkeys with rifles.  
Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 472**, a bill to authorize the Town of Ahoskie to join in conveyance of industrial development corporation property.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 477**, a bill to repeal the permission for persons to engage in business as pawnbrokers in the unincorporated areas of Dare County.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 495**, a bill to repeal the limitation on media expenses in certain statewide races, which has been declared unconstitutional.  
Referred to **Election Laws Committee**.

**H. B. 505**, a bill to amend the school budget and fiscal control act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.  
Referred to **Education Committee**.

**H. B. 525**, a bill to prohibit hunting on the land of another without his permission in Hoke County.  
Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 526**, a bill to regulate hunting with rifles in Hoke County.  
Referred to **Natural and Economic Resources and Wildlife Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:



**S. B. 176**, a bill to clarify the authority of Stanly County and the municipalities therein to undertake economic development activities, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—42.

Voting in the negative: None.

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

**H. B. 255**, a bill to clarify statutory references relating to overloading of motor vehicles, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

**H. B. 312**, a bill to amend the Business Corporation Act to authorize corporations to issue stock redeemable at the shareholder's option, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

**S. B. 139**, a bill to authorize the Department of Transportation to participate in the nonbetterment costs of adjustment or relocation of municipally owned utilities in existing State highway system rights-of-way on State highway system improvements let to contract.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 251** (Senate Committee Substitute), a bill to amend the law regarding public hospital bidding procedures.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

### REMOVAL FROM CALENDAR

**S. B. 269**, a bill to allow civil motions to be heard outside county.

On motion of Senator Barnes, the bill is taken from the Calendar for Tuesday, April 23, and re-referred to the **Judiciary I Committee**.

The President recognizes the following pages serving in the Senate this week: Robert Christopher Alford, Wake Forest; Brian J. Boswell, Havelock; Robert G. Bryant, Rocky Mount; Lisa Raynette Chance, Raleigh; Tracey Marietta Covington, Rockingham; Anna Eagles Curtis, Rocky Mount; Jack Fisher, Winston-Salem; Evelyn B. Horrell, Richlands; Melissa Dawn Jones, Reidsville; Sonya K. Moore, Raleigh; Jannette Suzanne Pippin, Jacksonville; Ele Stokes, Richlands; Katherine Anita Taafe, Murphy; Kelly Turner, Jacksonville; Kimberly Camille West, Raleigh; Judith Lynn Wilson, Raleigh; and Stephanie Lynn Yelton, Clinton.

On motion of Senator Harrington, seconded by Senator Marvin, the Senate adjourns in memory of Mrs. Admanda Hunt Allen, mother of Senator Ralph Hunt, to meet tomorrow, Tuesday, April 23, at 1:30 P.M.

## FIFTY-SIXTH DAY

SENATE CHAMBER,  
Tuesday, April 23, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Strength, we need Thy presence here, for we feel under pressure from all sides. Our party leaders, our political opponents, our constituents, the lobbyists, and the news media—all seek to pressure us into supporting their positions on tax reform, the budget, the veto, and all other major bills. Give us the determination to examine all sides of each issue and the pros and cons of each bill. Grant us the wisdom to discern what is best for the citizens of our fair State; and then grant us the courage to speak our mind and to vote our personal convictions.

"O God of Tolerance, in our zeal to support a given issue or a particular bill, deliver us from the temptation to attack the integrity of those whose views may be exactly opposite from ours. Grant that we may debate each bill on its own merits. Deliver us from the temptation to attack the character of fellow legislators; and give us strength to withstand attempts at character assassination which may be aimed at us. Give us grace to debate the issues in committee and in this Chamber instead of in the media; and help us to stand up firmly for what we believe; but grant us also tolerance for those whose opinions may differ sharply with our own; and let us give them the right to stand as firmly for their convictions as we do for our own.

"O God of Compassion, make us sensitive to the hurts and needs of others. Help us to become good listeners; so that we may hear what our family members, our co-workers, our friends, and our constituents are trying to say to us. Give us hearts of compassion, so that we may be touched by the hurt and pain of others; equip us to reach out with 'the touch of tenderness' to those about us who long for some expression of love and support: and help us to enact laws which will minister effectively to the needs of all the people of our State.

"O God of Life, we thank Thee for the life of Thy servant, Ruth Holmes. We thank Thee for the example and for the life which she shared with us. Grant that we, too, may come, like her, to live a life of service to others. For this we ask in Your Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator McDuffie is noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 32**, an act to simplify the alcoholic beverage tax statutes. (Ch. 114)

**H. B. 200**, an act to regulate hunting with rifles in certain townships of Moore County. (Ch. 115)

**H. B. 255**, an act to clarify statutory references relating to overloading of motor vehicles. (Ch. 116)

**H. B. 312**, an act to amend the Business Corporation Act to authorize corporations to issue stock redeemable at the shareholder's option. (Ch. 117)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 268**, a bill to provide for initial randomization of the biennial jury list in counties using electronic data processing equipment for jury selection, with a favorable report.

**H. B. 302**, a bill to further effectuate the separation of powers, with a favorable report.

**S. B. 180**, a bill to repeal the Presidential Preference Primary Act, so as to allow political parties to regulate the nomination of President and Vice President of the United States, with a favorable report, as amended.

By Senator Speed for the **Agriculture Committee**:

**H. B. 277**, a bill to increase the requirements for pesticide applicator licenses for pilots, with a favorable report.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 245**, a bill concerning duties of the Durham City Inspection Department, with a favorable report.

**S. B. 281**, a bill to allow the Town of Nashville to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners, with a favorable report.

**S. B. 316**, a bill to clarify the law relating to acquisition by the City of Monroe of street right-of-way outside the corporate limits, with a favorable report.

**S. B. 352**, a bill to expand the Catawba County Board of Education from five to seven members, with a favorable report.

**H. B. 64**, a bill to authorize the Tyrrell County Board of Commissioners and the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes, with a favorable report.

**H. B. 295** (Committee Substitute), a bill to move the election date for the Randolph County Board of Education from the primary to the general election, with a favorable report.

**H. B. 349**, a bill to allow the Hertford County Board of Education to lease land to cities without finding that the land is unnecessary or undesirable for school purposes, with a favorable report.



**H. B. 359**, a bill to allow Duplin County to make an addition to a county building with its own personnel, with a favorable report.

**H. B. 373**, a bill to change the boundary line between the Town of Southern Shores and Kitty Hawk, with a favorable report.

**H. B. 394**, a bill to eliminate the requirement in Scotland County that cosmetologists shall employ only licensed personnel to do shampooing, with a favorable report.

**S. B. 315**, a bill to establish the boundary line between the Town of Landis and the City of Kannapolis, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Johnson of Wake, Staton, and Woodard:

**S. B. 399**, a bill to appropriate funds for the Mordecai Square Revolving Fund.  
Referred to **Appropriations Committee**.

By Senators Johnson of Wake, Staton, and Woodard:

**S. B. 400**, a bill to appropriate funds for recreational equipment at the Dorothea Dix Adolescent Treatment Unit.  
Referred to **Appropriations Committee**.

By Senators Ward, Hardison, Harris, Martin of Guilford, Marvin, Redman, Royall, Shaw, Speed, Swain, Tally, Walker, Warren, Woodard, and Wright:

**S. B. 401**, a bill concerning services to individuals with developmental disabilities.  
Referred to **Appropriations Committee**.

By Senator Walker:

**S. B. 402**, a bill to appropriate funds for local schools' Willie M. Programs.  
Referred to **Appropriations Committee**.

By Senator Walker:

**S. B. 403**, a bill to repeal the requirement that the Legislative Services Commission appoint an independent auditor for expenditures under the North Carolina Election Campaign Fund.

Referred to **Election Laws Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 395**, a bill to revise the Charter of the Town of Hookerton.  
Referred to **Local Government and Regional Affairs Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

## SPECIAL ORDER NO. 1

## S. J. R. 375

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being S. J. R. 375, a joint resolution honoring the life and memory of Ruth Whetstone Holmes.

The President directs the Reading Clerk to read the joint resolution in its entirety.

Courtesies of the gallery are extended to the family of Ruth Whetstone Holmes: Thomas H. Holmes, Thomas Scott Holmes, Dorothy Dupree Holmes, Jennifer Holmes Brock, Christopher Daniel Brock, and Erikson Brock; and to W. Craig Lawing, former Senator from Mecklenburg County and former President Pro Tempore of the Senate, and to Philip Godwin, former Senator from Gates County and former Speaker of the House of Representatives for whom Ruth Whetstone Holmes worked in the General Assembly.

The joint resolution passes its second (electronically recorded) and third readings and is ordered without objection, sent to the House of Representatives by special messenger.

**S. B. 62** (Committee Substitute), a bill to make the parole consequences of all life sentences the same, upon third reading.

The Committee Substitute bill fails to pass its third reading (electronically recorded).

**H. B. 101** (Committee Substitute), a bill to raise the minimum age for purchase, possession and consumption of malt beverages and unfortified wine, upon third reading.

On motion of Senator Swain, Committee Amendment No. 3 is adopted.

Senator Rand offers Amendment No. 4. Senator Swain, seconded by Senator Hardison, offers a motion that Amendment No. 4 do lie upon the table, which motion fails to prevail (electronically recorded). Senator Rand calls the previous question, seconded by Senator Harris. The call is sustained. Amendment No. 4 fails of adoption (electronically recorded).

Senator Higgs offers Amendment No. 5. Senator Swain rises to a point of order stating that Amendment No. 5 is the same as previously offered and defeated. The Chair fails to sustain the point of order. Amendment No. 5 fails of adoption (electronically recorded).

Senator Winner offers Amendment No. 6, which he subsequently withdraws.

Senator Swain calls the previous question, seconded by Senator Rand. The call is sustained. The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 3.

On motion of Senator Harrington, seconded by Senator Swain, the Senate adjourns in memory of Ruth Whetstone Holmes, to meet tomorrow, April 24, at 1:15 P.M.

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FIFTY-SEVENTH DAY

SENATE CHAMBER,  
Wednesday, April 24, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Paul L. Leeland, Saint Andrews United Methodist Church, Garner, as follows:

“Almighty God, receive now our humble praise and glad service for that which sustains us, though we comprehend it not. Because Thou hast first loved us, we now love Thee, and in reverence, humble ourselves before Thee, O Lord of hosts.

“As entrusted leaders of our State, we confess that we have misunderstood and been misunderstood. We have misinterpreted and been misinterpreted. We have let frustration anger us and allowed minor issues to seem primary. We, who love the people of this State, have often erred when trying to do right. Forgive our failures; bless our best efforts; and nurture us into godly men and women.

“As people who are sometimes dependent upon the leadership of others, we confess we become impatient with their outdated, outmoded, and old-fashioned ideas. In that judgment we may be right; we may be wrong; but, Lord, do not let it corrode our respect for one another. Help us to honor our colleagues where honor is due and to obey when it is our reasonable service.

“We confess that the demands upon our time have often divided us and caused us to be away from our families. We confess the need to serve others and the privilege of family are difficult to keep in balance. Mold our character and multiply our patience so that time spent with our families will be of the finest quality and lasting worth.

“We acknowledge the special gifts and graces that are represented in this Assembly. Grant them moral fiber to stand for truth and goodness when all about them tempts toward the counterfeit and transitory. We would learn from one another. For those who serve as models of political integrity, we ask a measure of Thy understanding and an astute sense of Thy leadership.

“Lord, let us seek peaceful accord in decision making, respect in discipline, and honor regardless of our differences. May our love for Thee be mirrored in our affection for one another. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Hunt of Durham due to the death of his mother. A leave of absence granted previously to Senator McDuffie is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 252**, an act to permit the sale of products produced by inmates to public institutions outside the State of North Carolina. (Ch. 118)

**S. J. R. 375**, a joint resolution honoring the life and memory of Ruth Whetstone Holmes. (Res. 7)



### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harris for the **Human Resources Committee**:

**S. B. 274**, a bill to amend Article 11, G. S. 130A, entitled "Sanitary Sewage Systems," with a favorable report.

**S. B. 319**, a bill to permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways, with a favorable report.

**S. B. 320**, a bill to allow the Secretary of Human Resources to adopt rules on damage or theft of personal property belonging to employees, volunteers, and clients in institutions of the Department of Human Resources, with a favorable report.

**S. B. 338**, a bill extending the provision of services under this Article to children over age eighteen in certain instances, with a favorable report.

**S. B. 341**, a bill to provide for alternative arrangements for local program administration, with a favorable report, as amended.

By Senator Plyler for the **Appropriations Committee**:

**H. B. 236**, a bill to repeal Section 146 of Chapter 1034 of the 1983 Session (Regular Session, 1984) relating to the Comparable Worth Study, with a favorable report, as amended.

By Senator Guy for the **State Government Committee**:

**S. B. 172**, a bill to create a commission on State parks and recreation areas, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Appropriations Committee**.

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

**S. B. 212**, a bill to provide for fees to be collected by the North Carolina Board of Physical Therapy Examiners, with a favorable report.

**S. B. 149**, a bill to allow a personal income tax exemption for certain types of spina bifida, with a favorable report, as amended.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 707**

HOUSE OF REPRESENTATIVES  
April 24, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that pursuant to HJR 707, A JOINT RESOLUTION PROVIDING FOR A JOINT SESSION

OF THE SENATE AND HOUSE OF REPRESENTATIVES AT 1:30 O'CLOCK P.M. WEDNESDAY, APRIL 24, 1985, AND PROVIDING FOR CONSIDERATION AT THAT SESSION OF CONFIRMATION OF THE GOVERNOR'S APPOINTMENTS TO THE STATE BOARD OF EDUCATION, the House of Representatives stands ready to receive the Senate in Joint Session at the appointed hour.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

The President orders a Special Message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House pursuant to **H. J. R. 707**, a joint resolution providing for a Joint Session of the Senate and House of Representatives at 1:30 o'clock P.M., Wednesday, April 24, 1985, and providing for consideration at that session of confirmation of the Governor's appointments to the State Board of Education.

On motion of Senator Harrington, in accordance with **H. J. R. 707**, the Senate recesses to repair to the Hall of the House of Representatives, there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for the further consideration of business.

#### JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor Robert B. Jordan III, President of the Senate.

The Clerk of the Senate calls the roll of the Senate and the following members answer the call:

Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—44.

The call of the roll of the House of Representatives is taken electronically and the following members answer the call:

Speaker Ramsey, Representatives Allran, Anderson, Ballance, Barbee, Barker, Barnes, Barnhill, Beall, Beard, Bowman, Boyd, Brannan, Brawley, Brinkley, Brown, Brubaker, Buchanan, Bumgardner, Chalk, Chapin, Church, Cochrane, Cole, Colton, Craven, J. W. Crawford, N. J. Crawford, Creecy, Cromer, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, L. Etheridge, W. B. Ethridge, Evans, Fitch, Fletcher, Foster, Fussell, Gardner, Gist, Greenwood, Hackney, A. Hall, M. Hall, Hasty, Hauser, Hege, Hightower, Holmes, Holroyd, Hudson, Huffman, Hughes, Hunt, Hunter, Hurst, James, Jeralds, Jones, Keese-Forrester, Kennedy, Lancaster, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McDowell, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Noles, Nye, Owens, Payne, Pool, Privette, Quinn, Redwine, Rhyne, Richardson, Robinson, Sparrow, Spoon, Stamey, Tyndall, Tyson, Walker, E. Warren, R. Warren, Watkins, Wicker, Windley, Wiser, Wood, B. P. Woodard, C. D. Woodard, and Wright—112.

The President of the Senate declares a quorum of each House present.

The President of the Senate directs the Reading Clerk of the Senate to read the following messages from the Governor:

State of North Carolina  
Office of the Governor  
Raleigh 27611  
April 4, 1985

The Honorable Robert B. Jordan III  
President of the Senate  
State Legislative Office Building  
Raleigh, North Carolina 27611

*Dear Lieutenant Governor:*

I hereby transmit to you the names of the following persons appointed by me to the State Board of Education and submit them to the General Assembly for confirmation, pursuant to North Carolina General Statute Section 115C-10:

1. Mebane M. Pritchett  
Orange County  
At-large member
2. Mary Morgan  
Onslow County  
Education District No. 2
3. Cary Caperton Owen  
Buncombe County  
Education District No. 8

Sincerely,  
S/ JAMES G. MARTIN  
Governor

State of North Carolina  
Office of the Governor  
Raleigh 27611  
April 4, 1985

The Honorable Liston Bryan Ramsey  
Speaker of the House  
State Legislative Building, Office 2317  
Raleigh, North Carolina 27611

*Dear Mr. Speaker:*

I hereby transmit to you the names of the following persons appointed by me to the State Board of Education and submit them to the General Assembly for confirmation, pursuant to North Carolina General Statute Section 115C-10:



1. Mebane M. Pritchett  
Orange County  
At-large member
2. Mary Morgan  
Onslow County  
Education District No. 2
3. Cary Caperton Owen  
Buncombe County  
Education District No. 8

Sincerely,  
S/ JAMES G. MARTIN  
Governor

Senator Winner, Chairman of the **Senate Education Committee**, submits the following report:

The Honorable Robert B. Jordan III  
Lieutenant Governor of North Carolina  
Raleigh, North Carolina

*Dear Mr. President:*

In compliance with the provisions of North Carolina General Statute 115C-10 that nominees to fill positions on the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session, Governor Martin has submitted for confirmation by the General Assembly the following names:

1. Mebane M. Pritchett to be reappointed to an at large position with a term expiring April 1, 1993 to succeed himself.
2. Mary Morgan, representing Education District 2 to a term expiring April 1, 1993 to succeed Dr. John L. Tart.
3. Cary Caperton Owen, representing Education District 8, to a term expiring April 1, 1993 to succeed Dr. Ben H. Battle.

Pursuant to **H. J. R. 707**, the Senate Education Committee has considered the nominees and makes the following recommendation to this Joint Session:

That the nominations of Mr. Mebane M. Pritchett, Mrs. Mary Morgan, and Mrs. Cary Caperton Owen be confirmed.

Respectfully submitted,

S/ DENNIS J. WINNER, *Chairman*  
*Senate Education Committee*

Representative Foster, Chairman of the **House Education Committee**, submits the following report.

The Honorable Liston B. Ramsey  
 Speaker of the House of Representatives  
 Raleigh, North Carolina 27611

*Dear Mr. Speaker:*

In compliance with the provisions of North Carolina General Statute 115C-10 that nominees to fill positions on the State Board of Education shall be subject to confirmation by the General Assembly in Joint Session, Governor Martin has submitted for confirmation by the General Assembly the following names:

1. Mebane M. Pritchett to be reappointed to an at large position with a term expiring April 1, 1993 to succeed himself.
2. Mary Morgan, representing Education District 2 to a term expiring April 1, 1993 to succeed Dr. John L. Tart.
3. Cary Caperton Owen, representing Education District 8, to a term expiring April 1, 1993 to succeed Dr. Ben H. Battle.

Pursuant to **H. J. R. 707**, the House Committee on Education has considered the nominees and makes the following recommendation to this Joint Session:

That the nominations of Mr. Mebane M. Pritchett, Mrs. Mary Morgan, and Mrs. Cary Caperton Owen be confirmed.

Respectfully submitted,

S/ JO GRAHAM FOSTER  
*Chairman*  
*House Committee on Education*

Senator Winner moves that the Senate do confirm the appointment of Mebane Pritchett as a member-at-large of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the appointment of Mebane Pritchett as a member-at-large of the State Board of Education.

The President of the Senate order the roll of the Senate called and thereafter the roll of the House of Representatives, stating that the results of the vote of each Body shall be announced afterwards.

The motions to confirm the appointment of Mebane Pritchett as a member-at-large of the State Board of Education prevail by the following roll-call votes:

Senate—ayes 44, noes 1, as follows:

Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—44.

Voting in the negative: Senator Shaw—1.

House of Representatives—ayes 96, noes 6, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Allran, Anderson, Balance, Barbee, Barker, Barnes, Barnhill, Beall, Beard, Bowman, Boyd, Brannan, Brawley, Brinkley, Brubaker, Buchanan, Bumgardner, Chapin, Church, Colton, J. W. Crawford, N. J. Crawford, Creecy, Cromer, Dawkins, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Bob Etheridge, W. B. Ethridge, Evans, Fitch, Fletcher, Foster, Fussell, Gist, Greenwood, Hackney, A. Hall, M. Hall, Hasty, Hauser, Hightower, Holmes, Holroyd, Hudson, Hughes, Hunt, Hunter, Hurst, James, Jeralds, Jones, Keesee-Forrester, Kennedy, Lancaster, Lilley, Lineberry, Locks, Lutz, McAlister, McDowell, McLaughlin, Mavretic, Michaux, Miller, Murphy, Nesbitt, Noles, Nye, Owens, Payne, Pool, Quinn, Redwine, Rhyne, Richardson, Robinson, Sparrow, Spoon, Stamey, Tyndall, Tyson, Walker, E. Warren, Watkins, Wicker, Windley, Wiser, B. P. Woodard, C. D. Woodard, and Wright—96.

Voting in the negative: Representatives Brown, Cole, Decker, L. Etheridge, Privette, and Wood—6.

Having received a majority of votes of both Houses, the appointment of Mebane Pritchett as a member-at-large of the State Board of Education is confirmed.

Senator Winner moves that the Senate do confirm the appointment of Mary Morgan as a member of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the appointment of Mary Morgan as a member of the State Board of Education.

The motions to confirm the appointment of Mary Morgan as a member of the State Board of Education prevail by the following roll-call votes:

Senate—ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—43.

Voting in the negative: None.

House of Representatives—ayes 105, noes 2, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Allran, Anderson, Balance, Barbee, Barker, Barnes, Barnhill, Beall, Beard, Bowman, Boyd, Brannan, Brawley, Brinkley, Brown, Buchanan, Bumgardner, Chapin, Church, Cochrane, Cole, Colton, J. W. Crawford, N. J. Crawford, Creecy, Cromer, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, W. B. Ethridge, Evans, Fitch, Fletcher, Foster, Fussell, Gardner, Gist, Greenwood, Hackney, A. Hall, Hasty, Hauser, Hightower, Holmes, Holroyd, Hudson, Huffman, Hughes, Hunt, Hunter, Hurst, James, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Lancaster, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McDowell, McLaughlin, Mavretic, Michaux, Miller, Murphy, Nesbitt, Nye, Owens, Payne, Pool, Privette, Quinn, Redwine, Rhyne, Richardson, Robinson, Sizemore, Sparrow, Spoon, Stamey, Tyndall, Tyson, Walker, E. Warren, Watkins, Wicker, Windley, Wiser, Wood, B. P. Woodard, C. D. Woodard, and Wright—105.

Voting in the negative: Representatives L. Etheridge and Noles—2.



Having received a majority of votes of both Houses, the appointment of Mary Morgan as a member of the State Board of Education is confirmed.

Senator Winner moves that the Senate do confirm the appointment of Cary Caperton Owen as a member of the State Board of Education. Representative Foster moves that the House of Representatives do confirm the appointment of Cary Caperton Owen as a member of the State Board of Education.

The motions to confirm the appointment of Cary Caperton Owen as a member of the State Board of Education prevail by the following roll-call votes:

Senate—ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—44.

Voting in the negative: None.

House of Representatives—ayes 111, noes 0, as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Allran, Ballance, Barbee, Barker, Barnes, Barnhill, Beall, Beard, Bowman, Boyd, Brannan, Brawley, Brinkley, Brown, Brubaker, Buchanan, Bumgardner, Chapin, Church, Cochrane, Cole, Colton, Craven, J. W. Crawford, N. J. Crawford, Creecy, Cromer, Dawkins, DeVane, Diamont, Duncan, Easterling, Edwards, Enloe, Esposito, Bob Etheridge, W. B. Ethridge, Evans, Fitch, Fletcher, Foster, Fussell, Gardner, Gist, Greenwood, Hackney, A. Hall, M. Hall, Hasty, Hauser, Hege, Hightower, Holmes, Holroyd, Hudson, Huffman, Hughes, Hunt, Hunter, Hurst, James, Jeralds, Jones, Justus, Keese-Forrester, Kennedy, Lancaster, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McDowell, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Noles, Nye, Owens, Payne, Pool, Privette, Quinn, Redwine, Rhyne, Richardson, Robinson, Sizemore, Sparrow, Spoon, Stamey, Tyndall, Tyson, Walker, E. Warren, R. Warren, Watkins, Wicker, Windley, Wisner, Wood, B. P. Woodard, C. D. Woodard, and Wright—111.

Voting in the negative: None.

Having received a majority of votes of both Houses, the appointment of Cary Caperton Owen as a member of the State Board of Education is confirmed.

The President of the Senate orders the Governor notified of the action of the General Assembly sitting in Joint Session upon the confirmations of the appointments of Mebane M. Pritchett, Mary Morgan, and Cary Caperton Owen as members of the State Board of Education.

On motion of Senator Harrington, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

#### WITHDRAWAL FROM COMMITTEE

H. B. 422, a bill to redistrict the Cumberland County Board of Education, and to appoint two persons to the Cumberland County Interim Board of Education.

On motion of Senator Ezzell and without objection, the bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for today in its regular order of business.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Woodard, Johnson of Wake, Redman, Staton, Swain, and Wright:

**S. B. 404**, a bill to appropriate funds to the Crippled Children's Program.  
Referred to **Appropriations Committee**.

By Senator Staton:

**S. B. 405**, a bill to amend Chapter 83A regarding architects.  
Referred to **Judiciary II Committee**.

By Senators Swain, Barnes, Goldston, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Royall, Shaw, Soles, Speed, Staton, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright:

**S. B. 406**, a bill to authorize a study by the Legislative Research Commission to determine the feasibility of establishing work release centers and to appropriate funds to hire special consultants to conduct the study.

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

By Senators Martin of Guilford and Jordan:

**S. B. 407**, a bill to appropriate funds to purchase property and upgrade facilities for the Charlotte Hawkins Brown Memorial State Historic Site and Black History Center.  
Referred to **Appropriations Committee**.

By Senators Somers, Johnson of Cabarrus, and Sawyer:

**S. B. 408**, a bill to change the standard working hours during which a judge can permit limited driving privileges after a conviction for driving while impaired.  
Referred to **Judiciary III Committee**.

By Senators Plyler, Conder, Kaplan, Rand, Rauch, Redman, Smith, Speed, Thomas of Henderson, Warren, and Wright:

**S. B. 409**, a bill to provide a temporary State income tax credit for part of the amount of property taxes paid by retailers and wholesalers on inventories.  
Referred to **Finance Committee**.

By Senators Rand, Barnes, Conder, Ezzell, Guy, Hardison, Harrington, Hips, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Price, Rauch, Redman, Sawyer, Soles, Somers, Speed, Staton, Swain, Tally, Thomas of Craven, Ward, Warren, Watt, Winner, Woodard, and Wright:

**S. B. 410**, a bill to provide equitable retirement and other fringe benefits to law enforcement officers employed by local governments and to make appropriations.  
Referred to **Pensions and Retirement Committee**.

By Senator Warren:

**S. B. 411**, a bill to allow for a system of differentiated pay for certified public school employees.

Referred to **Education Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 140**, a bill to designate a river a potential component of the Natural and Scenic Rivers System and to protect against direct and adverse development, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for tomorrow, April 25.

**H. B. 105** (Committee Substitute), a bill to clarify the authority to appoint community college trustees.

Referred to **Higher Education Committee**.

**H. B. 225**, a bill to make a technical correction in G. S. 32A-1.

Referred to **Judiciary II Committee**.

**H. B. 376**, a bill to provide a local supplemental retirement benefit fund for fire fighters in the Town of Cary and to modify the application of G. S. 118-5 and G. S. 118-7.

Referred to **Pensions and Retirement Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Staton moves that Rule 40 be suspended to allow the introduction and referral to committee of the following Senate joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Staton, Barnes, Conder, Guy, Harrington, Johnson of Wake, Parnell, Plyler, Royall, Speed, Warren, and Woodard:

**S. J. R. 414**, a joint resolution honoring Hugh Hammond Bennett, the father of soil conservation, and commemorating the Fiftieth Anniversary of the Soil Conservation Service.

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

### CALENDAR

Bills and resolutions on the Calendar carried forward as unfinished business from April 23 are taken up and disposed of as follows:

**S. B. 156** (Committee Substitute), a bill to amend Chapters 24 and 45 to provide for equity lines of credit.

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



**H. B. 28** (Committee Substitute), a bill to provide that Rule 56 of the Rules of Civil Procedure shall apply to actions for absolute divorce, as amended.

Senator Somers offers Amendment No. 2 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 83**, a bill to transfer the regulation of workers' compensation self-insurance from the Industrial Commission to the Department of Insurance, as amended, for concurrence in House Amendment No. 1.

On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

**S. B. 315**, a bill to establish the boundary line between the Town of Landis and the City of Kannapolis, upon second reading.

On motion of Senator Smith, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 316**, a bill to clarify the law relating to acquisition by the City of Monroe of street right-of-way outside the corporate limits, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 373**, a bill to change the boundary line between the Towns of Southern Shores and Kitty Hawk, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—44.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 422**, a bill to redistrict the Cumberland County Board of Education, and to appoint two persons to the Cumberland County Interim Board of Education.

The bill passes its second reading (electronically recorded).

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 281**, a bill to allow the Town of Nashville to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners.

On motion of Senator Ezzell, the bill is recommitted to the **Local Government and Regional Affairs Committee**.

**S. B. 245**, a bill concerning duties of the Durham City Inspection Department.

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

**S. B. 352**, a bill to expand the Catawba County Board of Education from five to seven members.

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

**H. B. 64**, a bill to authorize the Tyrrell County Board of Commissioners and the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 295** (Committee Substitute), a bill to move the election date for the Randolph County Board of Education from the primary to the general election.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

**H. B. 349**, a bill to allow the Hertford County Board of Education to lease land to cities without finding that the land is unnecessary or undesirable for school purposes.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 359**, a bill to allow Duplin County to make an addition to a county building with its own personnel.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 394**, a bill to eliminate the requirement in Scotland County that cosmetologists shall employ only licensed personnel to do shampooing.

The bill passes its second and third readings and is ordered enrolled.

**H. B. 119** (Senate Committee Substitute), a bill to restrict the partial gasoline and special fuels tax exemption for alcohol fuels to fuels produced in North Carolina from agricultural or forestry products, and to provide that the special exemption is repealed if this restriction is declared unconstitutional, upon second reading.

On motion of Senator Rauch, the Senate Committee Substitute bill is recommitted to the **Finance Committee**.

**S. B. 180**, a bill to repeal the Presidential Preference Primary Act, so as to allow

political parties to regulate the nomination of President and Vice President of the United States, with pending Amendment No. 1.

Without objection, Senator Kincaid withdraws Amendment No. 1.

On motion of Senator Rand, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 268**, a bill to provide for initial randomization of the biennial jury list in counties using electronic data processing equipment for jury selection.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 277**, a bill to increase the requirements for pesticide applicator licenses for pilots.

On motion of Senator Redman, consideration of the bill is postponed until Wednesday, May 1.

**H. B. 302**, a bill to further effectuate the separation of powers.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 422**, a bill to redistrict the Cumberland County Board of Education, and to appoint two persons to the Cumberland County Interim Board of Education, upon third reading.

On motion of Senator Rand, the bill is placed before the Senate for further consideration upon third reading.

Without objection, Senator Watt is excused from voting for the stated reason: "Appearance of conflict."

The bill passes its third reading and is ordered enrolled.

#### RE-REFERRAL

**S. B. 172**, a bill to create a commission on State parks and recreation areas.

Without objection, the bill is taken from the Calendar for Thursday, April 25, and re-referred to the **Appropriations Committee**.

Senator Simpson rises to a point of personal privilege and offers remarks on the death of former United States Senator Sam J. Ervin, Jr., who passed away on April 23.

On motion of Senator Hipps, the remarks of Senator Simpson are spread upon the Journal, as follows:

"Ladies and gentlemen of the Senate, I'm sure you all know from reading today's paper and from reading—or from watching television that Burke County and North Carolina and this Nation lost a very distinguished citizen to the Grim Reaper.

"Mr. President, there's not much that I can add to what we have read in the paper and to what we have seen on television and there are not many accolades that I could give Senator Ervin that haven't already been given. But maybe I did have the opportunity to know Senator Ervin in just a little different way from most of you.

"When I returned after the War to Burke County to practice law, Senator Ervin had just been elected to a judgeship and as a new attorney and 'green behind the ears,' I needed all the help I could get and Senator Ervin had probably the largest private law



library in North Carolina. He used that library, Mr. President, to try to satiate his thirst for knowledge. I don't believe the man ever completely satiated that thirst, because all his life he was seeking and obtaining knowledge. And what it did for those of us who lived near him and who practiced law in his courts, it gave us the opportunity to seek advice and to seek his wise counsel, which he never hesitated to give. Why a Judge of the North Carolina Supreme Court would stop to talk to some young attorney and to explain to him the intricacies of the law, tell him where he could find the answers to his questions is one of the things that made him a great man.

"Senator Ervin never sought fame, he never sought fortune and he never sought the limelight, but he received all of these, Mr. President, because he had a set of goals and ideals which were before him and which he always strived for, and which he never lost sight of. And as a result of these goals and these ideals, both fame and fortune came his way.

"Maybe if we look at his life and tried to pattern our own after his goals and ideals and tried to reach them, maybe many more of us would obtain the type of fame that he did receive; and Mr. President, when we adjourn today, I would like to request that we adjourn in memory of this great Burke Countian, North Carolinian, and American.

"Thank you."

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 105**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
April 24, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body requesting the return of Committee Substitute for House Bill 105, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE AUTHORITY TO APPOINT COMMUNITY COLLEGE TRUSTEES, for further consideration by the House of Representatives.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

On motion of Senator Warren, the Chair orders the Committee Substitute for **H. B. 105** taken from the **Higher Education Committee** and returned to the House of Representatives for further consideration by that Honorable Body.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 273**, a bill to amend an act to provide a supplemental retirement fund for firemen in the Town of Tarboro and to modify the application of G. S. 118-5, 118-6, and 118-7 to the Town of Tarboro.

Referred to **Pensions and Retirement Committee**.

**H. B. 382**, a bill to provide gain time credit to prisoners sentenced for felonies committed on or after July 1, 1981, for participation in rehabilitative programs.

Referred to **Judiciary I Committee**.

On motion of Senator Harrington, seconded by Senator Watt, the Senate adjourns to meet tomorrow, Thursday, April 25, at 1:30 P.M.

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### FIFTY-EIGHTH DAY

SENATE CHAMBER,  
Thursday, April 25, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Danny M. French, Kitt Swamp Christian Church, Ernul, as follows:

"Heavenly Father, as we humbly bow in Your presence here today, help us to focus our minds upon You. As You have given each one of us our duties, help us to perform them in the way You would have us to, depending on You for the leadership and guidance in every decision we make. As we face the pressures and problems, help each of us to realize You are there and can handle all things. We thank You for each member of the Senate and pray for them diligently as they make decisions that affect many lives. Father, we now put this State and this Session of the Senate in Your hands, and may Thy will be done. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Johnson of Wake, Watt, and Rand for today.

Leaves of absence granted previously to Senators Hunt of Durham and McDuffie are noted.

The President appoints Senators Hardison, Harris, Rand, Royall, Simpson, Swain, and Kincaid as a delegation representing the Senate of the North Carolina General Assembly at the funeral of former United States Senator Sam J. Ervin, Jr., which is to be held Friday, April 26, and indicates the President of the Senate will be in attendance.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 83**, an act to transfer the regulation of workers' compensation self-insurance from the Industrial Commission to the Department of Insurance. (Ch. 119)

**H. B. 64**, an act to authorize the Tyrrell County Board of Commissioners and the Tyrrell County Board of Education to enter into certain contracts without complying with the provisions of Chapter 133 and of Article 8 of Chapter 143 of the General Statutes. (Ch. 120)

**H. B. 295** (Committee Substitute), an act to move the election date for the Randolph County Board of Education from the primary to the general election. (Ch. 121)

**H. B. 302**, an act to further effectuate the separation of powers. (Ch. 122)

**H. B. 349**, an act to allow the Hertford County Board of Education to lease land to cities without finding that the land is unnecessary or undesirable for school purposes. (Ch. 123)

**H. B. 359**, an act to allow Duplin County to make an addition to a county building with its own personnel. (Ch. 124)

**H. B. 394**, an act to eliminate the requirement in Scotland County that cosmetologists shall employ only licensed personnel to do shampooing. (Ch. 125)

**H. B. 422**, an act to redistrict the Cumberland County Board of Education, and to appoint two persons to the Cumberland County Interim Board of Education. (Ch. 126)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**S. B. 229**, a bill to prohibit hunting from the rights-of-way of public roads in Randolph County, with a favorable report.

**S. B. 284**, a bill to provide for posting of notice of pending applications for CAMA permits, with a favorable report.

**S. B. 292**, a bill to amend G. S. 113-294 with respect to the penalty for unlawful taking of deer, with a favorable report.

**S. B. 304**, a bill to rewrite the procedures under which shellfish lease applications are determined, with a favorable report.

**S. B. 369**, a bill to prohibit taking bear with bait, with a favorable report.

**S. B. 147**, a bill to provide for the voluntary registration and dedication of natural areas, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Tally, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Tally, the Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Wednesday, May 1.

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. J. R. 414**, a joint resolution honoring Hugh Hammond Bennett, the father of soil conservation, and commemorating the Fiftieth Anniversary of the Soil Conservation Service, with a favorable report.

On motion of Senator Harrington, the joint resolution is placed on the Calendar as Special Order of Business No. 1 for April 26.

By Senator Staton for the **Judiciary II Committee**:



**S. B. 370**, a bill to provide that copies of protective orders issued in domestic violence cases may be retained by county police departments, with a favorable report.

By Senator Warren for the **Transportation Committee**:

**S. B. 276**, a bill to amend Chapter 20 of the General Statutes to allow a sign to designate a single handicapped parking space, with a favorable report.

**H. B. 237** (Committee Substitute), a bill to exempt for-hire passenger vehicles of less than fifteen-passenger capacity, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 378**, a bill to clarify that defendants convicted of drug trafficking or conspiring to commit drug trafficking may not avoid the fines imposed for these offenses by serving an additional thirty days in prison, with a favorable report.

**S. B. 395**, a bill to expand the offense of armed robbery to include robberies in which a simulated weapon or a real but inoperable weapon is used, with a favorable report.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 188**, a bill to amend the Charter of the City of Charlotte relating to the Civil Service Board, with a favorable report.

**S. B. 189**, a bill to amend Chapter 926, 1947 Session Laws As Amended, relating to the Charlotte Firemen's Retirement System, with a favorable report.

**S. B. 358**, a bill to provide a supplemental retirement fund for firemen in the City of Williamston, with a favorable report.

**H. B. 135**, a bill to allow members of the Consolidated Judicial Retirement System to transfer member contributions in the Teachers' and State Employees' and Local Governmental Employees' Retirement Systems to the Supplemental Retirement Income Plan, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee**.

**H. B. 175**, a bill to establish a supplemental pension fund for firemen in the Town of Wilkesboro, with a favorable report.

**S. B. 262**, a bill to amend G. S. 118-7 as that Statute applies to the City of Asheboro to establish supplemental retirement benefits for Asheboro's firemen, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Marvin, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Marvin, the Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Wednesday, May 1.

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 87** (Committee Substitute), a bill to clarify the law against carrying concealed weapons, with a favorable report.

On motion of Senator Barnes, the Committee Substitute bill is placed on the Calendar for Wednesday, May 1.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 336**, a bill to amend G. S. 49-14 to allow the establishment of paternity until age eighteen in accordance with North Carolina case law and as required by federal law, with a favorable report.

**H. B. 435**, a bill to add an additional factor in division of marital property, with a favorable report.

**S. B. 119**, a bill to provide for renewals of drivers licenses of safe drivers by mail, with an unfavorable report.

**S. B. 296**, a bill to extinguish ancient mineral claims and to require the recordation and listing of these claims for taxation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 1.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson, Plyler, Rand, Taft, and Wright:

**S. B. 412**, a bill to provide a partial property tax exclusion for inventories of retailers and wholesalers and to reimburse local governmental units for the resulting revenue loss. Referred to **Finance Committee**.

By Senator Redman:

**S. B. 413**, a bill to amend the law relating to penalties for violation of the revenue laws. Referred to **Finance Committee**.

By Senators Goldston, Basnight, Guy, Harrington, Hipps, Hunt of Durham, Martin of Pitt, Martin of Guilford, Speed, Thomas of Henderson, Warren, Winner, and Wright:

**S. B. 415**, a bill to appropriate funds to the Department of Commerce for additional advertising and tourism promotion grants. Referred to **Appropriations Committee**.

By Senators Rand, Basnight, Guy, Harrington, Harris, Hipps, Hunt of Durham, Kaplan, Martin of Pitt, Marvin, Parnell, Rauch, Thomas of Craven, Thomas of Henderson, Walker, Winner, and Wright:

**S. B. 416**, a bill to strengthen the rape shield evidence rule by making it clear that it applies to all offenses being tried at the same time as the rape or sex offense charge. Referred to **Judiciary IV Committee**.

By Senators Rand, Barnes, Basnight, Guy, Harrington, Harris, Hipps, Hunt of Durham, Kaplan, Martin of Pitt, Marvin, Parnell, Plyler, Rauch, Royall, Soles, Thomas of Craven, Thomas of Henderson, Walker, Warren, Winner, and Wright:

**S. B. 417**, a bill to create the Indigent Care Study Commission.  
Referred to **Judiciary IV Committee**.

By Senators Rand, Basnight, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Kaplan, Martin of Pitt, Marvin, Parnell, Plyler, Rauch, Royall, Soles, Thomas of Craven, Thomas of Henderson, Walker, and Warren:

**S. B. 418**, a bill to permit the Treasurer to authorize limited exemptions from the Daily Deposit Law.  
Referred to **State Government Committee**.

By Senators Rand, Barnes, Basnight, Guy, Harrington, Harris, Hipps, Hunt of Durham, Kaplan, Martin of Pitt, Marvin, Parnell, Plyler, Rauch, Thomas of Craven, Thomas of Henderson, Walker, Warren, and Winner:

**S. B. 419**, a bill to allow a prosecutor to enter a dismissal with leave for nonappearance when a defendant cannot be found to serve an order for arrest after the grand jury has indicted him.

Referred to **Judiciary IV Committee**.

By Senators Rand, Barnes, Basnight, Guy, Harrington, Harris, Hipps, Kaplan, Martin of Pitt, Parnell, Thomas of Craven, Thomas of Henderson, Walker, and Winner:

**S. B. 420**, a bill creating the criminal offense of felonious restraint.  
Referred to **Judiciary IV Committee**.

By Senators Plyler, Barnes, Conder, Hardison, Hipps, Hunt of Moore, Kaplan, Martin of Pitt, Rand, Royall, Soles, Staton, Swain, Taft, Thomas of Craven, Walker, Warren, and Watt:

**S. B. 421**, a bill regarding emergency response right to know.  
Referred to **Human Resources Committee**.

By Senators Woodard, Johnson of Wake, Speed, and Staton:

**S. B. 422**, a bill to appropriate funds to the Capital Area Soccer League, Inc., to assist in construction of soccer facilities within Wake County.  
Referred to **Appropriations Committee**.

By Senators Woodard, Johnson of Wake, Speed, and Staton:

**S. B. 423**, a bill to appropriate funds for the educational programs of the Creative Exchange, Inc., in Wake County.  
Referred to **Appropriations Committee**.

By Senators Woodard, Johnson of Wake, and Staton:

**S. B. 424**, a bill to appropriate funds for the restoration and preservation of the Spring Hill House and property.  
Referred to **Appropriations Committee**.

Senator Martin of Guilford offers a motion to the end that all members sponsoring **S. J. R. 373**, a joint resolution authorizing the Legislative Research Commission to study the Community Colleges System, be recorded sponsoring **S. B. 425**, which motion prevails without objection.



By Senators Martin of Guilford, Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright:

**S. B. 425**, a bill authorizing the Legislative Research Commission to study the Community Colleges System.

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

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 315**, a bill to establish the boundary line between the Town of Landis and the City of Kannapolis, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Winner, Woodard, and Wright—40.

Voting in the negative: None.

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

**S. B. 316**, a bill to clarify the law relating to acquisition by the City of Monroe of street right-of-way outside the corporate limits, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0 as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Winner, Woodard, and Wright—41.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**H. B. 373**, a bill to change the boundary line between the Towns of Southern Shores and Kitty Hawk, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Winner, Woodard, and Wright—40.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 149**, a bill to allow a personal income tax exemption for certain types of spina bifida.

On motion of Senator Ward, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

Senator Soles objects to the third reading of the bill, as amended.

On motion of Senator Ward, consideration of the bill, as amended, upon third reading, is postponed until Wednesday, May 1.

**S. B. 212**, a bill to provide for fees to be collected by the North Carolina Board of Physical Therapy Examiners.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 274**, a bill to amend Article 11, G. A. 130A, entitled "Sanitary Sewage Systems."

The bill passes its second reading (electronically recorded).

On objection of Senator Redman to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 319**, a bill to permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 320**, a bill to allow the Secretary of Human Resources to adopt rules on damage or theft of personal property belonging to employees, volunteers, and clients in institutions of the Department of Human Resources.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 338**, a bill extending the provision of services under this Article to children over age eighteen in certain instances.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 341**, a bill to provide for alternative arrangements for local program administration.

On motion of Senator Marvin, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 236**, a bill to repeal Section 146 of Chapter 1034 of the 1983 Session (Regular Session, 1984) relating to the Comparable Worth Study.

On motion of Senator Royall, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 140**, a bill to designate a river a potential component of the Natural and Scenic Rivers System and to protect against direct and adverse development, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Barnes, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

#### WITHDRAWAL FROM CALENDAR

**H. B. 87** (Committee Substitute), a bill to clarify the law against carrying concealed weapons.

On motion of Senator Barnes the Committee Substitute bill is taken from the Calendar for Friday, April 26, and is placed on the Calendar for Wednesday, May 1.

On motion of Senator Harrington, seconded by Senator Hardison, the Senate adjourns in memory of John Sledge, President of The Farm Bureau, to meet tomorrow, Friday, April 26, at 9:00 A.M.

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#### FIFTY-NINTH DAY

SENATE CHAMBER,  
Friday, April 26, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend John R. Nagle, Pastor, Christ the King Lutheran Church, Cary, as follows:

"The calendar says that the week is almost over, O God. But our hearts and our heads and our desks remind us that there's still much work to be done. Nor will we ever be finished, O Lord, as long as this world is imperfect. Ours is an awesome task: to seek out responsibility, morality, and justice. Why did You choose us to do Your will? And if You didn't choose us, at least work through us so that Your will is done.

"Remind us of the opportunities You put before us to work with You in achieving Your intentions for this State. We long for perfection and completeness. But remind us that, as we are not finished with the agenda, You are not finished with us either. So work through us to do what is right, and to be satisfied that the end of the week finds us going as far as we can go, that the members of this Body and the people of this State may see Your hand in all that has been accomplished. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Taft and Soles for today. Senators Higgs and Tally are noted present for a portion of today's Session.

Leaves of absence granted previously to Senators McDuffie and Hunt of Durham are noted.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:



**S. B. 120**, an act to authorize the Department of Transportation to enter into reciprocal inspection agreements with other states and the Federal Highway Administration for highway supplies and materials. (Ch. 127)

**S. B. 135**, an act to amend the restrictions on force account work as they apply to the City of Monroe. (Ch. 128)

**S. B. 140**, an act to designate a river a potential component of the Natural and Scenic Rivers System and to protect against direct and adverse development. (Ch. 129)

**H. B. 373**, an act to change the boundary line between the Towns of Southern Shores and Kitty Hawk. (Ch. 130)

### SPECIAL MESSAGE TO THE HOUSE OF REPRESENTATIVES

The following special message is sent to the House of Representatives:

**H. B. 236**, a bill to repeal Section 146 of Chapter 1034 of the 1983 Session (Regular Session, 1984) relating to the Comparable Worth Study, as amended.

Senator Royall offers a motion that the bill, as amended by the Senate, having passed its second and third readings yesterday, be sent to the House of Representatives by Special Messenger, which motion prevails.

The Chair orders the bill, as amended, returned to the House of Representatives by Special Messenger.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the the Calendar as follows:

By Senator Winner for the **Education Committee**:

**S. B. 46**, a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the Office of the Superintendent of Public Instruction appointive, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 1.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 388**, a bill to establish the Western Correction Center for Women at Black Mountain, with a favorable report, as amended.

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 234**, a bill to provide a means to determine the jurisdiction of the Commissioner of Insurance over providers of health care benefits, with a favorable report, as amended.

**S. B. 235**, a bill to require participation by insurers in the National Association of Insurance Commissioners Insurance Regulatory Information System, with a favorable report, as amended.

## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Thomas of Henderson and Hipps:

**S. B. 426**, a bill to appropriate funds to operate a southwestern regional family violence program in Cherokee, Clay, Graham, Macon, Swain, Haywood, Henderson, Jackson, Polk, and Transylvania Counties.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 427**, a bill to appropriate funds for the restoration and preservation of the Beaufort Odd Fellows Lodge.

Referred to **Appropriations Committee**.

By Senators Smith, Guy, and Parnell:

**S. B. 428**, a bill to allow a supplier of special fuel who consigns fuel to a reseller to pay the excise tax on the fuel when it is sold by the reseller instead of when it is delivered to the reseller.

Referred to **Finance Committee**.

By Senators Taft, Basnight, Conder, Ezzell, Goldston, Guy, Harrington, Hipps, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Parnell, Plyler, Price, Redman, Royall, Sawyer, Smith, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Winner, Woodard, and Wright:

**S. B. 429**, a bill to allow candidates to use familiar names on the ballot in certain circumstances.

Referred to **Election Laws Committee**.

By Senators Harris and Smith:

**S. B. 430**, a bill to provide an income tax credit for supervisory fees paid by savings and loan associations to the Administrator of the Savings and Loan Division.

Referred to **Finance Committee**.

By Senators Winner, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Hipps, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Marvin, Parnell, Redman, Royall, Simpson, Speed, Swain, Taft, Tally, Ward, and Woodard:

**S. B. 431**, a bill to increase State sales and use taxes by one-half percent and to use the proceeds to establish a Public School Capital Construction Fund.

Referred to **Education Committee**.

By Senators Winner and Swain:

**S. B. 432**, a bill to permit traffic control officers to operate vehicles with red lights.

Referred to **Judiciary III Committee**.

By Senator Winner:

**S. B. 433**, a bill to add adultery as a ground for divorce from bed and board.  
Referred to **Judiciary IV Committee**.

By Senator Barnes:

**S. B. 434**, a bill to appropriate funds for the Town of Hookerton's rescue squad.  
Referred to **Appropriations Committee**.

By Senator Winner:

**S. B. 435**, a bill to allow physicians practicing psychiatry and licensed psychologists to form professional corporations.  
Referred to **Judiciary IV Committee**.

By Senator Kincaid:

**S. B. 436**, a bill that notification of a minor's parents by law enforcement officers is not required when a minor is charged with committing violations of wildlife statutes or regulations punishable by fines of less than fifty dollars or imprisonment not to exceed thirty days.

Referred to **Judiciary III Committee**.

By Senators Ballenger and Wright:

**S. B. 437**, a bill to establish qualifications for members of the Utilities Commission.  
Referred to **Commerce Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 560**, a bill to abolish the Office of Coroner in New Hanover County.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 561**, a bill to amend the Charter of the City of Wilmington concerning the City tax collector.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 563**, a bill to provide for judicial review of decisions of the City of Wilmington in granting or denying approval of subdivision plats.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 627**, a bill to permit Onslow County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 637**, a bill to authorize the City Council of the City of Kinston and the Board of County Commissioners of Lenoir County to create and fix the powers of the Lenoir County Development Commission and to appropriate funds for the expenses thereof.

Referred to **Local Government and Regional Affairs Committee**.

**H. J. R. 640**, a joint resolution honoring the Golden Anniversary of the Blue Ridge Parkway and honoring the memory of Franklin D. Roosevelt, under whose administration the Parkway was established.

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



**H. B. 659**, a bill to provide for an alternative eminent domain procedure for the City of Conover and the Town of Maiden.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 419** (Committee Substitute), a bill to allow notice of a mineral interest to be made on behalf of a claimant by an agent.

Referred to **Judiciary III Committee**.

**H. J. R. 317**, a joint resolution designating the first week of every month as "Buy Only American Week" and to honor the memory of North Carolinians who helped to build North Carolina's textile industry.

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

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

(The Chair declares the voting equipment inoperative for a portion of today's Session.)

### SPECIAL ORDER NO. 1

#### **S. J. R. 414**

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. J. R. 414**, a joint resolution honoring Hugh Hammond Bennett, the father of soil conservation, and commemorating the Fiftieth Anniversary of the Soil Conservation Service.

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives by Special Messenger.

**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills, upon second reading.

On motion of Senator Plyler, consideration of the bill is postponed until Thursday, May 2.

**S. B. 358**, a bill to provide a supplemental retirement fund for firemen in the City of Williamston.

On motion of Senator Taft, consideration of the bill is postponed until Monday, April 29.

**S. B. 188**, a bill to amend the Charter of the City of Charlotte relating to the Civil Service Board.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 189**, a bill to amend Chapter 926, 1947 Session Laws As Amended, relating to the Charlotte Firemen's Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 229**, a bill to prohibit hunting from the rights-of-way of public roads in Randolph County.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 175**, a bill to establish a supplemental pension fund for firemen in the Town of Wilkesboro.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 274**, a bill to amend Article 11, G. S. 130A, entitled "Sanitary Sewage Systems," upon third reading.

On motion of Senator Redman, consideration of the bill is postponed until Wednesday, May 1.

**S. B. 276**, a bill to amend Chapter 20 of the General Statutes to allow a sign to designate a single handicapped parking space.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 284**, a bill to provide for posting of notice of pending applications for CAMA permits.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 292**, a bill to amend G. S. 113-294 with respect to the penalty for unlawful taking of deer.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 304**, a bill to rewrite the procedures under which shellfish lease applications are determined.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 336**, a bill to amend G. S. 49-14 to allow the establishment of paternity until age eighteen in accordance with North Carolina case law and as required by federal law.

On motion of Senator Swain, consideration of the bill is postponed until Monday, April 29.

**S. B. 369**, a bill to prohibit taking bear with bait.

The bill passes its second reading (electronically recorded).

On objection of Senator Thomas of Henderson to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 370**, a bill to provide that copies of protective orders issued in domestic violence cases may be retained by county police departments.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 378**, a bill to clarify that defendants convicted of drug trafficking or conspiring to commit drug trafficking may not avoid the fines imposed for these offenses by serving an additional thirty days in prison.

The bill passes its second reading.

On objection of Senator Watt to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 389**, a bill to modify the retirement actuarial note requirement.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 395**, a bill to expand the offense of armed robbery to include robberies in which a simulated weapon or a real but inoperable weapon is used.

The bill passes its second reading.

Senator Hipps requests to be recorded voting "aye".

On objection of Senator Martin of Guilford to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 237** (Committee Substitute), a bill to exempt for-hire passenger vehicles of less than fifteen-passenger capacity.

The Committee Substitute bill passes its second and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Speed, the Senate adjourns to meet Monday, April 29, at 8:00 P.M.

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### SIXTIETH DAY

SENATE CHAMBER,

Monday, April 29, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Susan Allred, Saxapahaw United Methodist Church, Saxapahaw, as follows:

"Creator and Ever Loving God, we invoke Your blessings upon this evening's Session of the North Carolina Senate. For those talents and gifts which reside within these persons chosen to be our leaders, we offer You thanks and acknowledge You as the source of all good gifts, among them health, physical energy, mental alertness, imagination, creativity, commitment, and compassion. You are the author of life, and You have created us to live in the human family. As Your sons and daughters, we seek Your patience and Your guidance as we attempt to facilitate this reality—to recognize the value of each person and to live together as one family under one God. Endow these Senators with Your creative power so that insight, discernment, imagination and openness will always accompany their daily search for the truth, the best, the fairest, and the wisest decisions. Amidst that kind of pressure, we pray that You will provide for them a constant source of renewal and refreshment, especially during times of barrenness, discouragement and defeat. In gratitude for meaningful work, we move ahead to the tasks at hand. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday, April 26, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Woodard for tonight and to Senator Thomas of Craven for Monday through Friday, April 29 through May 3.

The President recognizes the following pages serving in the Senate this week: Dexter D. Davis, Ahoskie; Michael Todd Felts, North Wilkesboro; Nancy "Lorin" Freeman, Greensboro; Paul Barrow Gainey, Havelock; Camillia LaVette Harkley, Havelock; Earl



Oliver Horton IV, Zebulon; Ronald "Scott" Johnson, Zebulon; Gina Dawn King, Whiteville; Brent Edward Lancaster, Benson; Benjamin Kelly McDowell, Elizabeth City; Shannon MacFadyen, Raleigh; Jason McMurtrey Mills, New Bern; Kathryn Elizabeth Murray, Wilson; Michelle A. Reynolds, Ahoskie; Marie Lynn Smith, Jacksonville; and Darryl Whitaker, Raleigh.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 175**, an act to establish a supplemental pension fund for firemen in the Town of Wilkesboro. (Ch. 131)

**H. B. 237** (Committee Substitute), an act to exempt for-hire passenger vehicles of less than fifteen-passenger capacity. (Ch. 132)

**S. B. 159**, an act to establish a minimum weekly compensation for certain volunteer workers under the Workers' Compensation Act. (Ch. 133)

**S. B. 185**, an act to amend Section 2 of Chapter 1120, 1979 Session Laws to give the County of Washington the power of condemnation to acquire real property for access roads to Economic Development Commission property. (Ch. 134)

**S. B. 199**, an act to provide that the Yancey County Board of Education shall be elected by the nonpartisan election and runoff election method. (Ch. 135)

**S. B. 204**, an act to change the maximum allowable interest rates on bonds and notes of drainage districts. (Ch. 136)

**S. B. 232**, an act to permit the City of Wilson to increase its parking penalties. (Ch. 137)

**S. J. R. 414**, a joint resolution honoring Hugh Hammond Bennett, the father of soil conservation, and commemorating the Fiftieth Anniversary of the Soil Conservation Service. (Res. 8)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Winner:

**S. B. 438**, a bill to impose minimum terms of imprisonment for convictions of concealing merchandise or switching price tags.

Referred to **Judiciary IV Committee**.

By Senator Winner:

**S. B. 439**, a bill to clarify the shoplifting laws of North Carolina concerning the use of electronic devices to detect shoplifting.

Referred to **Judiciary IV Committee**

By Senator Winner:

**S. B. 440**, a bill authorizing law enforcement officers to arrest, without warrants, persons suspected of shoplifting or switching price tags.

Referred to **Judiciary IV Committee**.

By Senators Wright and Redman:

**S. B. 441**, a bill to change the qualifications for a limited pilotage license issued by the Cape Fear Navigation and Pilotage Commission.

Referred to **State Government Committee**.

By Senators Woodard, Hardison, Parnell, Plyler, Price, Redman, Royall, Sawyer, Shaw, Thomas of Henderson, and Winner:

**S. B. 442**, a bill to provide for treble damages as a civil remedy for the writing of worthless checks.

Referred to **Judiciary III Committee**.

By Senators Woodard, Johnson of Wake, and Staton:

**S. B. 443**, a bill to appropriate funds to Arts Together, Inc., for restoration of the Tucker Carriage House.

Referred to **Appropriations Committee**.

By Senators Woodard, Johnson of Wake, and Staton:

**S. J. R. 444**, a joint resolution honoring the life and memory of Dr. Ellen Black Winston.

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

By Senators Thomas of Henderson, Hipps, Smith, and Winner:

**S. B. 445**, a bill to make the issuance of worthless checks in certain amounts a felony.

Referred to **Judiciary III Committee**.

By Senators Thomas of Henderson, Hipps, Smith, and Winner:

**S. B. 446**, a bill regarding conditions of probation for writing worthless checks.

Referred to **Judiciary III Committee**.

By Senators Thomas of Henderson and Smith:

**S. B. 447**, a bill to eliminate inequities in the taxation of shoppers' guides by exempting from sales and use taxes the component parts of and sales by printers of free circulation publications.

Referred to **Finance Committee**.

By Senator Martin of Guilford:

**S. B. 448**, a bill to appropriate to the Department of Community Colleges funds for the Human Resources Development (HRD) Program.

Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 155** (Committee Substitute), a bill to amend the Well Construction Act, G. S. 87-83 *ET SEQ.*, to provide for civil penalties.

Referred to **Judiciary I Committee**.

**H. B. 415**, a bill to provide a method for activating voters when a city has not held its most recent two elections and the charter of that city is revised.

Referred to **Election Laws Committee**.

**H. B. 483**, a bill to assure compliance of the North Carolina Employment Security Law with federal law.

Referred to **Manufacturing and Labor Committee**.

**H. B. 490**, a bill to clarify the duty of candidates, political committees, and referendum committees to report receipts and expenditures received or made after the election.

Referred to **Election Laws Committee**.

**H. B. 494**, a bill to clarify that expenditure reports shall include the name and address of all individuals receiving expenditures over a certain amount.

Referred to **Election Laws Committee**.

**H. B. 510**, a bill to repeal the statutory requirement that a health certificate be obtained before receiving a license to marry.

Referred to **Human Resources Committee**.

**H. B. 538**, a bill to authorize an election in the Ellenboro Fire Protection District in Rutherford County.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 558** (Committee Substitute), a bill to change reporting requirements of compulsory school attendance law.

Referred to **Education Committee**.

**H. B. 598**, a bill to provide for use of all property tax collection methods in the collection of special assessments in the Town of Mayodan.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 602**, a bill to authorize Macon County to impose fees for fire protection based on the value of improvements to real property.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 605**, a bill to make changes in the scheduling of certain controlled substances.

Referred to **Human Resources Committee**.

**H. B. 635**, a bill to permit Burke County to use revenue received from one-half percent local sales and use taxes for any public purpose.

Referred to **Finance Committee**.

**H. B. 647**, a bill to authorize Wayne County to pay bounties on beavers.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 669**, a bill to increase certain fees for architects.

Referred to **Finance Committee**.

**H. B. 693**, a bill to prohibit taking bear with bait.

Referred to **Natural and Economic Resources and Wildlife Committee**.



**H. B. 696**, a bill to exempt nonprofit teen centers from the privilege license tax on amusements.

Referred to **Finance Committee**.

**H. B. 633**, a bill to allow the Bladen and Wake Counties Board of Commissioners to reduce the petition requirement for annexation to a fire district.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 681**, a bill to impose comparable license fees on out-of-state fishermen.

Referred to **Natural and Economic Resources and Wildlife Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 358**, a bill to provide a supplemental retirement fund for firemen in the City of Williamston.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 369**, a bill to prohibit taking bear with bait, upon third reading.

Senator Thomas of Henderson offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 378**, a bill to clarify that defendants convicted of drug trafficking or conspiring to commit drug trafficking may not avoid the fines imposed for these offenses by serving an additional thirty days in prison, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 395**, a bill to expand the offense of armed robbery to include robberies in which a simulated weapon or a real but inoperable weapon is used, upon third reading.

Senator Sawyer offers Amendment No. 1.

Senator McDuffie moves that the bill, with pending Amendment No. 1, be re-referred to the **Judiciary III Committee**.

Senator Kaplan, seconded by Senator Hardison, offers a motion that the motion of Senator McDuffie do lie upon the table, which motion prevails (electronically recorded). The motion offered by Senator McDuffie lies upon the table.

Senator Swain offers a motion that the bill with pending Amendment No. 1 be re-committed to the **Judiciary IV Committee**. The Chair rules the motion offered by Senator Swain out of order.

Senator Rand offers a motion, seconded by Senator Hardison, that Amendment No. 1 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 1 lies upon the table.

Senator Martin of Guilford offers a motion that consideration of the bill be postponed until Wednesday, May 1, which motion fails to prevail (electronically recorded).

Senator Kaplan calls the previous question, seconded by Senator Rand. Citing Rule 23 of the Senate Rules, the Chair rules the motion out of order.

Senator Soles, Chairman of the **Judiciary IV Committee**, calls the previous question, seconded by Senator Rand. The call is sustained (electronically recorded).

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 234**, a bill to provide a means to determine the jurisdiction of the Commissioner of Insurance over providers of health care benefits.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 235**, a bill to require participation by insurers in the National Association of Insurance Commissioners Insurance Regulatory Information System.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 336**, a bill to amend G. S. 49-14 to allow the establishment of paternity until age eighteen in accordance with North Carolina case law and as required by federal law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 388**, a bill to establish the Western Correction Center for Women at Black Mountain.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 435**, a bill to add an additional factor in division of marital property.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Rauch, the Senate adjourns to meet tomorrow, Tuesday, April 30, at 1:30 P.M.

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## SIXTY-FIRST DAY

SENATE CHAMBER,  
Tuesday, April 30, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable J. J. Harrington, President Pro Tempore.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of the Ages, help us to be good stewards of our hours and of our days, lest our weeks, months, and years slip away from us and be wasted.

"O God of Creation, help us to be good stewards of our personal time, talent, and resources; and grant that we may pass legislation which helps our great State be a good steward of its human and natural resources.

"O God of Eternity, as we labor here in this Chamber for the good of the people of our State, grant that we may listen attentively to each side of all issues; and help us to make

decisions which will not only serve the clamor of the moment, but decisions which will serve the best interest of the citizens of our State for years to come.

“And like the Psalmist, teach us to so number our days, that we may apply our hearts unto wisdom. Amen.”

Senator Royall for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President Pro Tempore grants a leave of absence to Senator Plyler for today. A leave of absence granted previously to Senator Thomas of Craven is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 55**, an act to refund certain firemen contributions in the Local Governmental Employee's Retirement System to surviving beneficiaries. (Ch. 138)

**S. B. 155**, an act to amend the law establishing a supplemental retirement fund for firemen in the City of Hickory. (Ch. 139)

**H. B. 28** (Committee Substitute), an act to provide that Rule 56 of the Rules of Civil Procedure shall apply to actions for absolute divorce. (Ch. 140)

**H. B. 101** (Committee Substitute), an act to raise the minimum age for purchase, possession and consumption of malt beverages and unfortified wine. (Ch. 141)

**H. B. 236**, an act to repeal Section 146 of Chapter 1034 of the 1983 Session (Regular Session, 1984) relating to the Comparable Worth Study. (Ch. 142)

**H. B. 435**, an act to add an additional factor in division of marital property. (Ch. 143)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 385**, a bill to insure the competitive selection of payroll deduction insurance products paid for by State employees, with a favorable report.

**S. B. 379**, a bill to prohibit discrimination in the business of life and accident and health insurance and annuities against persons who are blind or partially blind, with a favorable report, as amended.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 247**, a bill to allow Rowan County to establish voting precincts without regard to township boundaries, with a favorable report.

**S. B. 280**, a bill authorizing the qualified voters of the Town of Beech Mountain to determine whether mixed beverages may be sold in that town, with a favorable report.



**S. B. 254**, a bill to allow the Town of Wake Forest to dispose of real property at private sale for the purpose of economic development, with a favorable report.

**S. B. 255**, a bill to allow the Town of Wake Forest to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners, with a favorable report.

**S. B. 263**, a bill creating a bird sanctuary at Lake Tabor in Columbus County, with a favorable report.

**S. B. 277**, a bill to permit the Town of Kill Devil Hills to regulate building construction to prevent fire hazards, with a favorable report.

**S. B. 282**, a bill to amend the Charlotte Charter, with a favorable report.

**S. B. 343**, a bill relating to extraterritorial zoning jurisdiction by the Town of Aberdeen, the Village of Pinehurst and the Town of Southern Pines in Moore County, with a favorable report.

**H. B. 326**, a bill to annex certain Town owned property to the Town of Ayden, with a favorable report.

**H. B. 465**, a bill to establish the extraterritorial planning jurisdiction for the Town of Blowing Rock, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 225**, a bill to make a technical correction in G. S. 32A-1, with a favorable report.

**H. B. 334** (Committee Substitute), a bill to permit municipal land planning ordinances to permit money instead of land dedication for recreational purposes, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hipps:

**S. B. 449**, a bill to create a Crime Victims Compensation Fund, and to place a five thousand dollar limit on aggregate payouts.

Referred to **Judiciary I Committee**.

By Senator Harris:

**S. B. 450**, a bill to amend the laws concerning the time of execution of persons sentenced to death.

Referred to **Judiciary IV Committee**.

By Senators Ward, Kaplan, Marvin, Rauch, Smith, Tally, and Walker:

**S. B. 451**, a bill to classify certain works of fine art and exclude them from inventory tax.

Referred to **Finance Committee**.

By Senator Cobb:

**S. B. 452**, a bill to amend the lyrics of the State song.  
Referred to **Judiciary IV Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 335** (Committee Substitute), a bill to prohibit trapping at certain times in Dare County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 550**, a bill to amend Chapter 767 of the 1983 Session Laws and relating to the purchase of credit in the Charlotte Firemen's Retirement System.

Referred to **Pensions and Retirement Committee**.

**H. B. 599**, a bill to establish a Supplemental Pension Fund for firemen in the City of Mayodan.

Referred to **Pensions and Retirement Committee**.

On motion of Senator Royall, seconded by Senator Kaplan, the Senate adjourns in memory of the 1,595 North Carolinians who sacrificed their lives during the Vietnam conflict, to meet tomorrow, Wednesday, May 1, at 1:30 P.M.

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#### SIXTY-SECOND DAY

SENATE CHAMBER,  
Wednesday, May 1, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Del Parkenson, Pastor, First Baptist Church, Sanford, as follows:

"We bow, O Heavenly Father, at the opening of this Session of the North Carolina Senate to acknowledge Your sovereignty over our lives, and over the affairs of mankind. Grant to each member of this Body a heart like that of our blessed Saviour—a heart more ready to minister than to be ministered unto. Guide today their deliberations to the end that the attitudes expressed and the actions which are taken might reflect for all the world to see the fruits of honesty, integrity, and commitment to the ideal of serving others.

**"May each Senator, O Lord, use:**

- Disappointment as material for patience and determination;
- Success as material for thankfulness;
- Obstacles and opposition as material for perseverance;
- The unjust pressures sent in their direction by special interest groups and persons as material for courage;
- The carping criticism of those who have no vision as material for unyielding commitment to progress;
- The praise and flattery of their peers as material for humility and grace;

The temptations always thrown in the pathway of those who would be leaders as material for self-control;

Their position and privilege as material for commitment to the ideal of serving ALL the citizens of our great State.

"These things I pray in their behalf, O Lord, that they may be good stewards of the duties and opportunities with which You have endowed them—in the Name of the Father, and of the Son, and of the Holy Spirit. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Thomas of Craven is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 162**, an act to amend the Workers' Compensation Act with respect to county agricultural extension service employees. (Ch. 144)

**H. B. 251** (Senate Committee Substitute), an act to amend the law regarding public hospital bidding procedures. (Ch. 145)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 381**, a bill to implement a constitutional amendment approved by the voters by providing for temporary service by retired State Supreme Court justices on either the Supreme Court or the Court of Appeals, with a favorable report.

**S. B. 380**, a bill to allow the Chief Justice to recall retired justices and judges to assist the Appellate Division in expediting its work, with a favorable report, as amended.

**S. B. 396**, a bill making technical and clarifying amendments concerning criminal law and procedure, and to restore the increased punishment for felony child abuse that was inadvertently repealed by the 1983 General Assembly, with a favorable report, as amended.

By Senator Warren for the **Transportation Committee**:

**S. B. 387**, a bill to exempt fire and emergency vehicles from light-traffic road weight limitations, with a favorable report.

By Senator Guy for the **State Government Committee**:

**H. B. 390**, a bill to clarify the insignia to be placed on military reserve license plates, with a favorable report.



**S. B. 390**, a bill to change the holiday for Easter from Easter Monday to Good Friday, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee**:

**H. B. 370**, a bill to authorize the Commission for Health Services to exempt children already enrolled in school from new immunization requirements, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 237**, a bill to provide Good Samaritan protection to public school employees and volunteers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 2.

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

**H. B. 8**, a bill to eliminate double taxation of income in respect of a decedent, with a favorable report.

**H. B. 304**, a bill to allow the governing body of any county or municipality to delegate the authority to make certain refunds and releases of property taxes, with a favorable report.

**H. B. 342**, a bill to permit the City of Jacksonville to increase its parking penalties to five dollars, with a favorable report.

**S. B. 154**, a bill to amend the Constitution to allow a county to exempt property held by a business as part of its inventory from property tax or reduce the amount of property tax, with a favorable report, as amended.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Winner:

**S. B. 453**, a bill to clarify court costs for foreclosure under a power of sale.  
Referred to **Judiciary IV Committee**.

By Senator Woodard:

**S. B. 454**, a bill to appropriate funds to the North Carolina Arts Council to improve State programs in the arts.  
Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 114**, a bill for the County of Onslow and its municipalities concerning zoning, for concurrence in House Amendments No. 1, which changes the title to read, **S. B. 114**, a bill for the County of Onslow and its municipalities and for the County of Nash concerning zoning, and No. 2 which is placed on the Calendar for Thursday, May 2.

**H. B. 496**, a bill to provide that savings and loan associations shall have the same power as banks to make loans to candidates or political committees in the ordinary course of business.

Referred to **Election Laws Committee**.

**H. B. 508**, a bill to provide supplemental retirement funds for members of the City of Shelby Fire Department and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of Shelby.

Referred to **Pensions and Retirement Committee**.

**H. B. 511**, a bill to amend G. S. 108A-14 affecting the duties and responsibilities of county directors of social services.

Referred to **Human Resources Committee**.

**H. B. 600** (Committee Substitute), a bill to provide for the taking of foxes in Rockingham County during short open season.

Referred to **Natural and Economic Resources and Wildlife Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 326**, a bill to annex certain Town owned property to the Town of Ayden, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, Watt, Winner, and Woodard—43.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 247**, a bill to allow Rowan County to establish voting precincts without regard to township boundaries.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 254**, a bill to allow the Town of Wake Forest to dispose of real property at private sale for the purpose of economic development.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 255**, a bill to allow the Town of Wake Forest to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners.

Senator Speed offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 262** (Committee Substitute), a bill to amend G. S. 118-7 as that Statute applies to the City of Asheboro to establish supplemental retirement benefits for Asheboro's firemen.

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

**S. B. 263**, a bill creating a bird sanctuary at Lake Tabor in Columbus County.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 277**, a bill to permit the Town of Kill Devil Hills to regulate building construction to prevent fire hazards.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 280**, a bill authorizing the qualified voters of the Town of Beech Mountain to determine whether mixed beverages may be sold in that Town.

The bill passes its second reading (electronically recorded).

On objection of Senator Kincaid to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 282**, a bill to amend the Charlotte Charter.

Senator Harris offers a motion to the end that the bill be removed from the Calendar for today and recommitted to the **Local Government and Regional Affairs Committee**.

Senator Cobb offers a substitute motion to the end that the bill be removed from the Calendar for today and placed on the Calendar for Friday, May 3, for consideration, which motion prevails.

**S. B. 343**, a bill relating to extraterritorial zoning jurisdiction by the Town of Aberdeen, the Village of Pinehurst and the Town of Southern Pines in Moore County.

On motion of Senator Hunt of Moore, consideration of the bill is postponed until Thursday, May 2.

**H. B. 465**, a bill to establish the extraterritorial planning jurisdiction for the Town of Blowing Rock.

The bill passes its second reading (electronically recorded).

Senator Kincaid objects to third reading, which objection he subsequently withdraws. The bill passes its third reading and is ordered enrolled.

**S. B. 46** (Committee Substitute), a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the Office of the Superintendent of Public Instruction appointive, upon second reading.

Senator Sawyer offers Amendment No. 1 and requests that copies be distributed to the membership.

The Chair orders the Committee Substitute bill, with Amendment No. 1 pending, temporarily displaced to provide the members an opportunity to study the Amendment.



**S. B. 147** (Committee Substitute), a bill to provide for the voluntary registration and dedication of natural areas, upon second reading.

Having received a three-fifths affirmative majority vote, the Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 149**, a bill to allow a personal income tax exemption for certain types of spina bifida, as amended, upon third reading.

Senator Ward offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 274**, a bill to amend Article 11, G. S. 130A, entitled "Sanitary Sewage Systems," upon third reading.

Senator Martin of Pitt offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 296** (Committee Substitute), a bill to extinguish ancient mineral claims and to require the recordation and listing of these claims for taxation.

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

**S. B. 379**, a bill to prohibit discrimination in the business of life and accident and health insurance and annuities against persons who are blind or partially blind.

On motion of Senator Rand, Committee Amendment No. 1 is adopted, changing the title to read, **S. B. 379**, a bill to prohibit discrimination in the business of life and accident and health insurance and annuities against persons who are blind or partially blind or deaf or partially deaf.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 385**, a bill to insure the competitive selection of payroll deduction insurance products paid for by State employees.

Senator Johnson of Wake offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 87** (Committee Substitute), a bill to clarify the law against carrying concealed weapons.

Senator Speed offers a motion that the Committee Substitute bill be removed from the Calendar for today and recommitted to the **Judiciary I Committee**, which motion fails to prevail (electronically recorded).

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 225**, a bill to make a technical correction in G. S. 32A-1.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 277**, a bill to increase the requirements for pesticide applicator licenses for pilots.

Senator Redman offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 334** (Committee Substitute), a bill to permit municipal land planning ordinances to permit money instead of land dedication for recreational purposes.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 46** (Committee Substitute), a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the Office of the Superintendent of Public Instruction appointive, upon second reading, with pending Amendment No. 1, temporarily displaced by order of the Chair, is placed before the Senate for further consideration.

Without objection, Amendment No. 1 is not read in its entirety as copies are available to the membership.

Senator Warren is recognized to debate Amendment No. 1. Senator Sawyer rises to a point of order as to his right as the sponsor to explain Amendment No. 1. The Chair fails to sustain the point of order ruling that no objection was voiced as to the reading of Amendment No. 1 and the floor is awarded to the member addressing the Chair.

Senator Warren offers a motion that Amendment No. 1 do lie upon the table, seconded by Senator Winner, which motion prevails (electronically recorded) and Amendment No. 1 lies upon the table.

Having received a three-fifths affirmative majority vote, the Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 3, as follows:

The following pair is announced: Senator Ballenger "aye," Senator Somers "no."

Voting in the affirmative: Senators Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Ward, Warren, Watt, Winner, and Woodard—41.

Voting in the negative: Senators Cobb, Sawyer, and Walker—3.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

## APPOINTMENTS BY THE GOVERNOR

The Chair directs the Reading Clerk to read the following letter from the Governor:

State of North Carolina  
Office of the Governor  
Raleigh 27611  
May 1, 1985

The Honorable Robert B. Jordan III  
President of the Senate  
Lieutenant Governor of North Carolina  
Legislative Building  
Raleigh, North Carolina 27611

Re: North Carolina Utilities Commission

*Dear Lieutenant Governor:*

Pursuant to North Carolina General Statute Section 62-10, I hereby appoint Ms. Sarah Tate, Wake County; Robert O. Wells, Guilford County; and Julius A. Wright, New Hanover County; to the North Carolina Utilities Commission to serve terms beginning July 1, 1985, and expiring June 30, 1993, subject to confirmation by the General Assembly in joint session, and hereby submit their names to the General Assembly for said confirmation.

Sincerely,  
S/ JAMES G. MARTIN  
*Governor*

Referred to Commerce Committee.

On motion of Senator Harrington, seconded by Senator Harris, the Senate adjourns to meet tomorrow, May 2, at 1:30 P.M.

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**SIXTY-THIRD DAY**

SENATE CHAMBER,  
Thursday, May 2, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Michael Safley, Associate Director, Conference Council on Ministries, United Methodist Church, Raleigh, as follows:

"O Lord, God of Compassion and Justice, we pray to You today. In the midst of hectic schedules and special interests demanding our time, help us to take time for reflection and our own needs. Lord, help us not to become so burdened with daily responsibilities that we never take time to enjoy our family, our friends, and the beauty of Your creation. Lord, we know the crises that surround us—problems in education, transportation, crime, communication and so much more. But Lord, help us to realize that in order to solve these



problems effectively we must be physically and mentally alert. Therefore, give us the strength to care about ourselves so that we will be able to tend to the business of the State and Nation. Forgive us for trying to be all things to all people and neglecting our physical and spiritual needs.

“Lord, You set the example. When the demands became so overwhelming You separated Yourself and retreated to a secluded spot in order to discover answers and to refresh a weary soul. Enable us to follow Your example in these difficult days in which we face important decisions.

“Lord, help us to be open to You so that You may refresh us, strengthen us and empower us.

“In Your Name we pray. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Thomas of Craven is noted.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 334** (Committee Substitute), an act to permit municipal land planning ordinances to permit money instead of land dedication for recreational purposes. (Ch. 146)

**H. B. 465**, an act to establish the extraterritorial planning jurisdiction for the Town of Blowing Rock. (Ch. 147)

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**H. B. 681**, a bill to impose comparable license fees on out-of-state fishermen, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Finance Committee**.

By Senator Hardison for the **Commerce Committee**:

**S. B. 126**, a bill to empower nonprofit corporations to enter into arrangements with others for sharing of benefits or union of interests, with a favorable report.

**S. B. 173**, a bill to amend G. S. 54B-14 concerning examination of certificates of incorporation of savings and loan associations by the Secretary of State, with a favorable report.

On motion of Senator Hardison, the bill is placed on the Calendar for Tuesday, May 7.

**S. B. 174**, a bill to amend G. S. 54B-147 concerning the fee which may be charged for returned checks by savings and loan associations, with a favorable report.

On motion of Senator Hardison, the bill is placed on the Calendar for Tuesday, May 7.

**S. B. 175**, a bill to amend G. S. Chapter 115C to permit local school administrative units to deposit funds in savings and loan associations and to designate savings and loan associations as official depositories, with a favorable report.

On motion of Senator Hardison, the bill is placed on the Calendar for Tuesday, May 7.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 206**, a bill authorizing the collection of spousal support in certain instances in cases brought or enforced under this Article, as required by federal law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 206**, a bill authorizing the collection of spousal support in certain instances in cases brought or enforced under Article 9 of Chapter 110 of the General Statutes, as required by Part D of Title IV of the Social Security Act, is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 3.

**S. B. 244**, a bill to make the unlawful possession of hydromorphone, commonly known as Dilaudid, a Class I felony, with a favorable report.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 160**, a bill to clarify the governing bodies required to provide annual certification of firemen eligible for membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund, with a favorable report.

**H. B. 273**, a bill to amend an act to provide a supplemental retirement fund for firemen in the Town of Tarboro and to modify the application of G. S. 118-5, 118-6, and 118-7 to the Town of Tarboro, with a favorable report.

**H. B. 376**, a bill to provide a local supplemental retirement benefit fund for fire fighters in the Town of Cary and to modify the application of G. S. 118-5 and G. S. 118-7, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 242**, a bill to require consent of the Cabarrus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County, with a favorable report.

On motion of Senator Barnes, the bill is placed on the Calendar for Monday, May 6.

**H. B. 130**, a bill to allow modification of a child custody or support order in a different county, with a favorable report, as amended.

**S. B. 87**, a bill to provide for attorney's fees in foreclosure proceedings, with an unfavorable report.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 251**, a bill to clarify the Fair Housing Act, with a favorable report.

**S. B. 339**, a bill clarifying the standing of the designated representative of county commissioners to bring actions under this Article, with a favorable report.

**S. B. 408**, a bill to change the standard working hours during which a judge can permit limited driving privileges after a conviction for driving while impaired, with a favorable report.

**H. B. 419** (Committee Substitute), a bill to allow notice of a mineral interest to be made on behalf of a claimant by an agent, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 419**, a bill to allow a prosecutor to enter a dismissal with leave for nonappearance when a defendant cannot be found to serve an order for arrest after the grand jury has indicted him, with a favorable report.

**S. B. 435**, a bill to allow physicians practicing psychiatry and licensed psychologists to form professional corporations, with a favorable report.

**S. B. 433**, a bill to add adultery as a ground for divorce from bed and board, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 3.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Staton:

**S. B. 455**, a bill to authorize federal judges and magistrates to perform the marriage ceremony.

Referred to **Judiciary II Committee**.

By Senators Sawyer and Shaw:

**S. B. 456**, a bill to require certain persons arrested for impaired driving to receive medical care.

Referred to **Judiciary I Committee**.

By Senators Swain, McDuffie, and Sawyer:

**S. B. 457**, a bill to provide that the killing of a security guard, company police officer, railroad police officer, or private investigator is an aggravating circumstance for consideration by the jury at the sentencing hearing of the first degree murder trial.

Referred to **Judiciary III Committee**.

By Senators Hunt of Moore and Walker:

**S. J. R. 458**, a joint resolution honoring Matthew Wilkes Brown and recognizing the importance of organ donations.

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



By Senators Kaplan, Martin of Guilford, Sawyer, Shaw, and Ward:

**S. B. 459**, a bill to increase the size of the Greensboro-High Point Airport Authority membership by two from the F.A.A. service area.

Referred to **Judiciary II Committee**.

By Senators Rauch, Harris, Marvin, McDuffie, Sawyer, and Smith:

**S. B. 460**, a bill to classify property owned by a nonprofit residential retirement center and exclude this property from taxation.

Referred to **Finance Committee**.

By Senator Hipps:

**S. B. 461**, a bill to provide for private sale of redevelopment property.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Hipps:

**S. B. 462**, a bill to authorize the use of property taxes for community development activities.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Hipps:

**S. B. 463**, a bill to facilitate rehabilitation and new construction in urban redevelopment areas.

Referred to **Local Government and Regional Affairs Committee**:

By Senator Woodard:

**S. B. 464**, a bill relating to cosmetic arts.

Referred to **Human Resources Committee**.

By Senators Conder and Plyler:

**S. B. 465**, a bill to appropriate capital funds to build a regional allied health center at Stanly Technical College.

Referred to **Appropriations Committee**.

By Senator Speed:

**S. B. 466**, a bill to appropriate funds to assist in the continued restoration of the Person Place.

Referred to **Appropriations Committee**.

By Senators Harris, Harrington, Marvin, McDuffie, Redman, Sawyer, Tally, and Ward:

**S. B. 467**, a bill to provide funds for the perinatal program.

Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 27**, a bill relating to installment loans, loans secured by secondary mortgages, and loans by licensees under the North Carolina Consumer Finance Act, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, May 3.

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices.

Referred to **Judiciary II Committee**.

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled.

Referred to **Transportation Committee**.

**H. B. 346**, a bill to require that when names are affixed to discharges and releases of deeds of trust or other instruments the names be printed or typed so as to be legible.

Referred to **Judiciary IV Committee**.

**H. B. 356**, a bill to require a judicial official to state the reason(s) for requiring a secured bail bond as a condition of pretrial release.

Referred to **Judiciary III Committee**.

**H. B. 368** (Committee Substitute), a bill to include the moving traffic violation commonly known as "exceeding a safe speed" in the Safe Driver Insurance Plan exception.

Referred to **Insurance Committee**.

**H. B. 475**, a bill to include optometrists, veterinarians, and nurses in the exemption from the conflict of interest provisions governing membership on certain local boards.

Referred to **Judiciary II Committee**.

**H. B. 574**, a bill to provide that District Court may sit in Havelock until June 30, 1986.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 649**, a bill making it a general misdemeanor to sell or give to a minor a shurikin, commonly known as a star.

Referred to **Judiciary III Committee**.

**H. B. 723**, a bill to amend the North Carolina Uniform Commercial Code.

Referred to **Judiciary IV Committee**.

#### RE-REFERRALS

**S. B. 9**, a bill to make the use of child restraint systems in motor vehicles permanent and to broaden the requirements for their use.

On motion of Senator Hipps, the bill is taken from the **Children and Youth Committee** and re-referred to the **Transportation Committee**.

**S. B. 54**, a bill to lift the sunset on the child restraint requirement.

On motion of Senator Hipps, the bill is taken from the **Children and Youth Committee** and re-referred to the **Transportation Committee**.

**S. B. 449**, a bill to create a Crime Victims Compensation Fund, and to place a five thousand dollar limit on aggregate payouts.

On motion of Senator Hipps, and without objection, the bill is taken from the **Judiciary I Committee** and re-referred to the **Judiciary IV Committee**.

**S. B. 453**, a bill to clarify court costs for foreclosure under a power of sale.

On motion of Senator Hipps, and without objection, the bill is taken from the **Judiciary IV Committee** and re-referred to the **Finance Committee**.

**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills.

On motion of Senator Hipps, the bill is taken from the Calendar for Thursday, May 2, and recommitted to the **Judiciary II Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 326**, a bill to annex certain Town owned property to the Town of Ayden, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills, upon second reading.

On motion of Senator Plyler, the bill is recommitted to the **Judiciary II Committee**.

**S. B. 343**, a bill relating to extraterritorial zoning jurisdiction by the Town of Aberdeen, the Village of Pinehurst and the Town of Southern Pines in Moore County.

Senator Hunt of Moore offers Amendment No. 1 which is adopted (electronically recorded), changing the title to read, **S. B. 343**, a bill relating to the exercise of extraterritorial planning powers by the Town of Aberdeen, the Village of Pinehurst and the Town of Southern Pines in Moore County.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 342**, a bill to permit the City of Jacksonville to increase its parking penalties to five dollars.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 280**, a bill authorizing the qualified voters of the Town of Beech Mountain to determine whether mixed beverages may be sold in that Town, upon third reading.

Senator Kincaid offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 114**, a bill for the County of Onslow and its municipalities and for the County of Nash concerning zoning, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Guy, the Senate concurs in House Amendments No. 1 and No. 2, and the bill is ordered enrolled.



**S. B. 46** (Committee Substitute), a bill to amend the Constitution and the General Statutes to change the method of selecting the members of the State Board of Education and to make the Office of the Superintendent of Public Instruction appointive, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 4, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Ward, Warren, Watt, Winner, Woodard, and Wright—42.

Voting in the negative: Senators Cobb, Sawyer, Somers, and Walker—4.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S. B. 147** (Committee Substitute), a bill to provide for the voluntary registration and dedication of natural areas, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S. B. 154**, a bill to amend the Constitution to allow a county to exempt property held by a business as part of its inventory from property tax or reduce the amount of property tax, upon second reading.

On motion of Senator Rauch, consideration of the bill is postponed until Monday, May 6.

**S. B. 237** (Committee Substitute), a bill to provide Good Samaritan protection to public school employees and volunteers.

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

**S. B. 380**, a bill to allow the Chief Justice to recall retired justices and judges to assist the Appellate Division in expediting its work.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

Senator Rand offers a motion that the bill, as amended, be re-referred to the **Appropriations Committee**, which motion prevails.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**S. B. 381**, a bill to implement a constitutional amendment approved by the voters by providing for temporary service by retired State Supreme Court justices on either the Supreme Court or the Court of Appeals.

On motion of Senator Rand, the bill is re-referred to the **Appropriations Committee**.

**S. B. 387**, a bill to exempt fire and emergency vehicles from light-traffic road weight limitations.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 390**, a bill to change the holiday for Easter from Easter Monday to Good Friday.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted, changing the title to read, **S. B. 390**, a bill to change the holiday for Easter from Easter Monday to the Friday before Easter Sunday.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 396**, a bill making technical and clarifying amendments concerning criminal law and procedure, and to restore the increased punishment for felony child abuse that was inadvertently repealed by the 1983 General Assembly.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 8**, a bill to eliminate double taxation of income in respect of a decedent.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

**H. B. 304**, a bill to allow the governing body of any county or municipality to delegate the authority to make certain refunds and releases of property taxes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 370**, a bill to authorize the Commission for Health Services to exempt children already enrolled in school from new immunization requirements.

The bill passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 390**, a bill to clarify the insignia to be placed on military reserve license plates.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 87** (Committee Substitute), a bill to clarify the law against carrying concealed weapons, upon third reading.

Senator Winner offers Amendment No. 1.

On motion of Senator Winner, consideration of the Committee Substitute bill, with Amendment No. 1 pending, is postponed until Monday, May 6 (electronically recorded).

On motion of Senator Harrington, seconded by Senator Speed, the Senate adjourns to meet tomorrow, Friday, May 3, at 10:00 A.M.

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#### SIXTY-FOURTH DAY

SENATE CHAMBER,  
Friday, May 3, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Edward F. Hill, Associate Minister of Edenton Street United Methodist Church, Raleigh, as follows:

"There is a world outside of these walls, O God. A world not of our own making, but a world created out of Your love and sustained by Your mercy. In such a world it is a privilege for each of us to gather in this place to be about the tasks of governing. In a world as big as ours, we acknowledge that we and our people are a mere speck in the cosmos. But we rejoice in the assurance that to Your Eye there is none more precious than the people of this State. For those people, and for the privilege to serve them, we give You thanks.

"We give thanks also for those among us who come today with lofty ideals, those who come to serve others at a sacrifice to themselves, and those who come being particularly sensitive to the needs of people and their own need for Your guidance. And we, as members of this Body, are grateful for the call to serve and thankful for the clarity of mind with which to make decisions.

"O God, Thou knowest our hearts better than we ourselves. Look at the desires within us and elevate them to new heights; purify our thoughts, and direct our words and actions to Your glory. As we seek to accomplish the work that is before us, we remember the words of Christ when He said, 'not My will, but (Father) Thy will be done.' Might the desires and wishes of our hearts be in accordance with Your will for us.

"In all that we do, say, and seek to accomplish, may there be a whisper in our heart that says, Lord not what I will for my glory, but God to Thy glory might I do Your will.

"We pray in the Name of God our Creator, Redeemer, and Sustainer. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Soles for today.

A leave of absence granted previously to Senator Thomas of Craven is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 114**, an act for the County of Onslow and its municipalities and for the County of Nash concerning zoning. (Ch. 148)

**S. B. 150**, an act to increase the certified public accountant examination fee. (Ch. 149)

**H. B. 304**, an act to allow the governing body of any county or municipality to delegate the authority to make certain refunds and releases of property taxes. (Ch. 150)

**H. B. 326**, an act to annex certain Town owned property to the Town of Ayden. (Ch. 151)

**H. B. 342**, an act to permit the City of Jacksonville to increase its parking penalties to five dollars. (Ch. 152)



**H. B. 390**, an act to clarify the insignia to be placed on military reserve license plates. (Ch. 153)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 52**, a bill to increase the time during which community service for impaired driving convictions must be completed, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 52**, a bill to allow the coordinator, under certain conditions, to extend the time within which community service for impaired driving convictions must be completed, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 7.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Barnes, Taft, and Winner:

**S. B. 468**, a bill to provide that expenses for a wrongful death action may be advanced from the decedent's estate.

Referred to **Judiciary I Committee**.

By Senators Shaw, Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Harrington, Hips, Hunt of Durham, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Price, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, and Wright:

**S. B. 469**, a bill to require that zoning procedures include a notice requirement.

Referred to **Judiciary IV Committee**.

By Senators Kaplan, Johnson of Cabarrus, Martin of Guilford, Marvin, Rauch, Shaw, Staton, Tally, Thomas of Henderson, and Wright:

**S. B. 470**, a bill to remove barriers to direct insurance reimbursement to specialty nurses for professional services within their scope of practice.

Referred to **Judiciary II Committee**.

By Senators Martin of Guilford, Basnight, Guy, Harrington, Harris, Hunt of Durham, Parnell, Rauch, Royall, Speed, Taft, Walker, and Winner:

**S. B. 471**, a bill to allow for appointment of additional registration commissioners.

Referred to **Election Laws Committee**.

By Senator Sawyer:

**S. B. 472**, a bill to extend for two years the time for compliance by insurers with capital and/or surplus requirements for formation of insurance companies.

Referred to **Insurance Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 564**, a bill to permit the Town of Hope Mills to lease water rights for hydroelectric power generation for more than ten years.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 674**, a bill to clarify and simply the escheats and abandoned property statutes.

Referred to **Judiciary I Committee**.

**H. B. 754**, a bill to amend G. S. 20-7.2(b) relating to compliance with 90-day failures.

Referred to **Judiciary II Committee**.

**H. B. 423**, a bill to amend the Charter of the Town of Holly Springs concerning zoning regulations.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 430**, an act to permit vehicles operated by Macon County emergency medical service personnel to have red lights.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 449**, an act relating to zoning by Wake County.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 466**, a bill to authorize flexible procedures for the disposition of redevelopment property by the City of Goldsboro.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 489**, a bill to increase the number of members of the Winston-Salem/Forsyth County Board of Education from eight to nine members, and remove the limitation on reelection or reappointment of school board members.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 529**, a bill to add Robeson County to the list of counties in which it is a crime to obtain ambulance services without intending to pay for the services or to make an unneeded ambulance request.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 577**, a bill to permit persons less than 16 to take noncredit courses in the Community College System.

Referred to **Higher Education Committee**.

**H. B. 616**, a bill to authorize Currituck County to place or require developers to place stop signs as needed on streets not accepted into the State street system.

Referred to **Local Government and Regional Affairs Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 282**, a bill to amend the Charlotte Charter.

Senator Hardison offers a motion to the end that the bill be re-referred to the **Judiciary III Committee**, which motion fails to prevail (electronically recorded).

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 273**, a bill to amend an act to provide a supplemental retirement fund for firemen in the Town of Tarboro and to modify the application of G. S. 118-5, 118-6, and 118-7 to the Town of Tarboro.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 376**, a bill to provide a local supplemental retirement benefit fund for fire fighters in the Town of Cary and to modify the application of G. S. 118-5 and G. S. 118-7.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 126**, a bill to empower nonprofit corporations to enter into arrangements with others for sharing of benefits or union of interests.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 160**, a bill to clarify the governing bodies required to provide annual certification of firemen eligible for membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 206** (Committee Substitute), a bill authorizing the collection of spousal support in certain instances in cases brought or enforced under Article 9 of Chapter 110 of the General Statutes, as required by Part D of Title IV of the Social Security Act.

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

**S. B. 244**, a bill to make the unlawful possession of hydromorphone, commonly known as Dilaudid, a Class I felony.

Senator Martin of Guilford offers Amendment No. 1 which fails of adoption (electronically recorded).

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for Tuesday, May 7, for further consideration upon third reading.

**S. B. 251**, a bill to clarify the Fair Housing Act.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 339**, a bill clarifying the standing of the designated representative of county commissioners to bring actions under this Article.

The bill passes its second reading (electronically recorded).



On objection of Senator Watt to its third reading, the bill remains on the Calendar for Monday, May 6, for further consideration upon third reading.

**S. B. 408**, a bill to change the standard working hours during which a judge can permit limited driving privileges after a conviction for driving while impaired.

The bill passes its second reading (electronically recorded).

On objection of Senator Martin of Guilford to its third reading, the bill remains on the Calendar for Monday, May 6, for further consideration upon third reading.

Senator Martin of Guilford withdraws his objection to the third reading and without objection, the bill is taken from the Calendar for Monday, May 6, and is placed before the Senate for further consideration upon third reading.

Senator Martin of Guilford offers Amendment No. 1.

On motion of Senator Martin of Guilford, the bill with pending Amendment No. 1 is recommitted to the **Judiciary III Committee**.

**S. B. 419**, a bill to allow a prosecutor to enter a dismissal with leave for nonappearance when a defendant cannot be found to serve an order for arrest after the grand jury has indicted him.

The bill passes its second (electronically recorded) and third readings.

Senator Staton requests to be recorded voting "aye."

The bill is ordered sent to the House of Representatives.

**S. B. 433** (Committee Substitute), a bill to add adultery as a ground for divorce from bed and board.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 435**, a bill to allow physicians practicing psychiatry and licensed psychologists to form professional corporations.

The bill passes its second reading (electronically recorded) and remains, without objection, before the Senate for further consideration, upon third reading.

Senator Redman offers Amendment No. 1.

On motion of Senator Harris, consideration of the bill, with pending Amendment No. 1, is postponed until Monday, May 6.

**H. B. 130**, a bill to allow modification of a child custody or support order in a different county.

On motion of Senator Watt, Committee Amendment No. 1 is adopted.

Senator Watt offers Amendment No. 2 which is adopted (electronically recorded).

On motion of Senator Barnes, further consideration of the bill, as amended, is postponed until Monday, May 6.

**H. B. 419** (Committee Substitute), a bill to allow notice of a mineral interest to be made on behalf of a claimant by an agent.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 370**, a bill to authorize the Commission for Health Services to exempt children already enrolled in school from new immunization requirements, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

S. B. 27 (House Committee Substitute), a bill relating to installment loans, loans secured by secondary mortgages, and loans by licensees under the North Carolina Consumer Finance Act, for concurrence in the House Committee Substitute bill.

On motion of Senator Woodard, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the House Committee Substitute bill is ordered enrolled.

S. B. 435, a bill to allow physicians practicing psychiatry and licensed psychologists to form professional corporations, upon third reading with pending Amendment No. 1.

Without objection, the bill with pending Amendment No. 1 is taken from the Calendar for Monday, May 6, and is placed before the Senate for further consideration today upon third reading.

Without objection, Senator Redman withdraws Amendment No. 1.

The bill passes its third reading and is ordered sent to the House of Representatives.

On motion of Senator Harrington, seconded by Senator Martin of Guilford, the Senate adjourns to meet Monday, May 6, at 8:00 P.M.

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#### SIXTY-FIFTH DAY

SENATE CHAMBER,  
Monday, May 6, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend J. Earl Richardson, Minister of Visitation, Edenton Street United Methodist Church, Raleigh, as follows:

"O Thou, Who dost govern the world in righteousness, and whose judgments are true and righteous altogether: Grant, we pray Thee, that those who rule over us and who legislate for us may be of one mind to establish justice and promote the welfare of all our people.

"Endow all members of the Senate with a right understanding, pure purposes, and sound speech. Enable them to rise above all self-seeking and party zeal to the nobler concerns of public good and human brotherhood. Cleanse all public life of every evil; subdue in our Nation all that is harmful; and make us a disciplined and devoted people, that we may do Thy will on earth as it is done in Heaven; even through Jesus Christ our Lord. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Cobb and Staton for tonight.

The President grants courtesies of the floor to Richard W. Barnes, former Senator from Forsyth County.

**ENROLLED BILLS**

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 27** (House Committee Substitute), an act relating to installment loans, loans secured by secondary mortgages, and loans by licensees under the North Carolina Consumer Finance Act. (Ch. 154)

**S. B. 161**, an act to change the manner of election of the Lincoln County Board of Education from partisan to nonpartisan plurality election, and to provide for election by residence district instead of nomination by voting district and election by residence district. (Ch. 155)

**S. B. 215**, an act to incorporate the Village of Bald Head Island. (Ch. 156)

**H. B. 273**, an act to amend an act to provide a supplemental retirement fund for firemen in the Town of Tarboro and to modify the application of G. S. 118-5, 118-6, and 118-7 to the Town of Tarboro. (Ch. 157)

**H. B. 370**, an act to authorize the Commission for Health Services to exempt children already enrolled in school from new immunization requirements. (Ch. 158)

**H. B. 376**, an act to provide a local supplemental retirement benefit fund for fire fighters in the Town of Cary and to modify the application of G. S. 118-5 and G. S. 118-7. (Ch. 159)

**H. B. 419** (Committee Substitute), an act to allow notice of a mineral interest to be made on behalf of a claimant by an agent. (Ch. 160)

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Ballenger and Wright:

**S. B. 473**, a bill to remove the limitation on legal service benefits payable to motor club members.

Referred to **Insurance Committee**.

By Senators Taft and Martin of Pitt:

**S. B. 474**, a bill to provide funds for a high technology classroom facility at Pitt Community College.

Referred to **Appropriations Committee**.

By Senators Hipps and Thomas of Henderson:

**S. B. 475**, a bill to appropriate funds for an after-school program in the Haywood County Schools.

Referred to **Appropriations Committee**.

By Senators Royall, Hardison, Harris, and Walker:

**S. B. 476**, a bill to appropriate funds for services to persons with autism and similar



developmental disabilities.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson, Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Walker, Warren, Winner, Woodard, and Wright:

**S. B. 477**, a bill to appropriate funds for land acquisition at State Parks and for capital improvements at State Parks.

Referred to **Appropriations Committee**.

By Senator Staton:

**S. B. 478**, a bill to improve the administration of the property tax.

Referred to **Finance Committee**.

By Senators Parnell, Basnight, Guy, and Harrington:

**S. B. 479**, a bill to amend and clarify certain requirements for the purchase of creditable service for temporary employment by members of the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senators Sawyer and Shaw:

**S. B. 480**, a bill to allow appeals by the State on important questions of law in criminal cases.

Referred to **Judiciary I Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 413**, a bill to change the burden of proof in civil actions to establish paternity.

Referred to **Judiciary IV Committee**.

**H. B. 421**, a bill to amend the Charter of the Town of Garner concerning zoning regulations.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 547**, a bill to allow Mecklenburg County to appropriate non-ad valorem tax funds to promote and further the Carolinas Carrousel.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 610** (Committee Substitute), a bill to permit the Utilities Commission to employ legal counsel and recover the cost for that counsel when appearing before federal courts and agencies in matters relating to the wholesale rates for natural gas.

Referred to **Commerce Committee**.

**H. B. 617**, a bill to annex an area to the Town of Hertford.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 648** (Committee Substitute), a bill to amend G. S. 6-21.1 to raise the judgment limit to ten thousand dollars.

Referred to **Judiciary I Committee**.

**H. B. 668**, a bill to permit the Clinton Board of Alcoholic Control to contract with the City of Clinton for alcohol beverage control law enforcement services and to extend the enforcement area to six miles around the City of Clinton.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 703**, a bill to amend the funeral and trust funds laws.

Referred to **Human Resources Committee**.

**H. B. 742**, a bill to permit the Secretary of Revenue to delegate the authority to hold hearings required or allowed under Chapter 105, Taxation.

Referred to **Finance Committee**.

**H. B. 804**, a bill to establish the boundary between the Alamance County and Burlington City Schools Administrative Units.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 52** (Committee Substitute), a bill to amend Chapter 105A of the General Statutes, add a new Article 12 to Chapter 143B of the General Statutes, and make other changes in the administrative procedures of executive agencies.

Referred to **Judiciary I Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 242**, a bill to require consent of the Cabarrus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the county.

The bill passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 154**, a bill to amend the Constitution to allow a county to exempt property held by a business as part of its inventory from property tax or reduce the amount of property tax, upon second reading.

On motion of Senator Thomas of Henderson, Committee Amendment No. 1 is adopted.

On motion of Senator Thomas of Henderson, the bill, as amended, is recommitted to the **Finance Committee**.

**H. B. 130**, a bill to allow modification of a child custody or support order in a different county, as amended.

On motion of Senator Watt, the bill, as amended, is recommitted to the **Judiciary I Committee**.

**S. B. 339**, a bill clarifying the standing of the designated representative of county commissioners to bring actions under this Article, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 433** (Committee Substitute), a bill to add adultery as a ground for divorce from bed and board, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**H. B. 87** (Committee Substitute), a bill to clarify the law against carrying concealed weapons, with pending Amendment No. 1, upon third reading.

Without objection, Senator Winner withdraws pending Amendment No. 1.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

The President recognizes the following pages serving in the Senate this week: Sonya Page Bagley, Peachland; Jason Tate Benson, Four Oaks; Vonzella Brown, Vanceboro; Georgette McConner Burney, New Bern; Michael A. Burns, Greensboro; Leah Dawn Chappell, Wake Forest; Eric Newton Feeney, Statesville; Trent Gazzaway, Newport; David Lee Holmes, Jr., Raleigh; Brian Mahler, Havelock; Andrew Myles Shive, Monroe; William Todd Stillerman, Buies Creek; Andrea Yvette Thornton, Oxford; and Kimberly S. Williams, Greenville.

On motion of Senator Harrington, seconded by Senator Martin of Guilford, the Senate adjourns to meet tomorrow, Tuesday, May 7, at 1:30 P.M.

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#### SIXTY-SIXTH DAY

SENATE CHAMBER,  
Tuesday, May 7, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend D. W. McCollough, Pastor, First Baptist Church, Lewiston-Woodville, as follows:

“Our Father, we thank You for each expression of love which You have shown to us. We appreciate Your goodness to us in so many ways, and Father, we thank You for the people who run our government of our State. We pray that You would bless each one of them and help us, Father, as we contribute in the best way that we can to our fellow man.

“We pray Your blessings upon this Session. We ask that You would teach us to love, to express love and kindness to our fellow man in a real and vital way. For we ask it in Your Name, Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Guy for today and tomorrow, Wednesday, May 8.



## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 212**, an act to provide for fees to be collected by the North Carolina Board of Physical Therapy Examiners. (Ch. 161)

**H. B. 225**, an act to make a technical correction in G. S. 32A-1. (Ch. 162)

**H. B. 277**, an act to increase the requirements for pesticide applicator licenses for pilots. (Ch. 163)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 288**, a bill to establish clearer and stronger standards for agreements between domestic insurers and reinsurers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Johnson of Wake, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 9.

**S. B. 289**, a bill to provide for the integrity of insurance company assets for the protection of policyholders, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 289**, a bill to provide for the integrity of domestic insurance company assets for the protection of policyholders, is placed before the Senate for immediate consideration.

On motion of Senator Johnson of Wake, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 9.

**S. B. 311**, a bill to create the State Health Insurance Pool of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 311**, a bill to provide for the study by the Indigent Health Care Study Commission of the availability of health insurance, is placed before the Senate for immediate consideration.

On motion of Senator Johnson of Wake, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. B. 182**, a bill to expand the membership of the Joint Legislative Commission on Governmental Operations, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. J. R. 224**, a joint resolution authorizing the Legislative Research Commission to study whether home study programs should satisfy the requirement of compulsory school attendance, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee**.

**S. J. R. 297**, a joint resolution authorizing the Legislative Research Commission to study the laws concerning pretrial release, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee**.

**S. J. R. 317**, a joint resolution authorizing the Legislative Research Commission to study the feasibility of an inmate substance abuse therapy program, with a favorable report.

On motion of Senator Harrington, the joint resolution is re-referred to the **Appropriations Committee**.

**S. B. 360**, a bill to establish the North Carolina Council on the Holocaust, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 406**, a bill to authorize a study by the Legislative Research Commission to determine the feasibility of establishing work release centers and to appropriate funds to hire special consultants to conduct the study, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 425**, a bill authorizing the Legislative Research Commission to study the Community Colleges System, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**H. J. R. 640**, a joint resolution honoring the Golden Anniversary of the Blue Ridge Parkway and honoring the memory of Franklin D. Roosevelt, under whose administration the Parkway was established, with a favorable report.

By Senator Jordan for the **Manufacturing and Labor Committee**:

**S. B. 171**, a bill pertaining to salaries of deputy commissioners of the Industrial Commission, with an unfavorable report.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 281**, a bill to allow the Town of Nashville to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners, with a favorable report.

**H. B. 366**, a bill to abolish the Office of Coroner in Greene County, with a favorable report.

**H. B. 477**, a bill to repeal the permission for persons to engage in business as pawnbrokers in the unincorporated areas of Dare County, with a favorable report.

**H. B. 574**, a bill to provide that District Court may sit in Havelock until June 30, 1986, with a favorable report.

**H. B. 598**, a bill to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Mayodan, with a favorable report.

On motion of Senator Ezzell, the bill is placed on the Calendar for Friday, May 10.

**H. B. 804**, a bill to establish the boundary between the Alamance County and Burlington City School Administrative Units, with a favorable report.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H. J. R. 428**, a joint resolution honoring the life and memory of Philip O. Berry, a former member of the General Assembly.

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

### **MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 590**, a bill to clarify certain exemptions from licensing, to authorize the Real Estate Commission to increase certain fees, and to introduce a staggered renewal system for licenses.

Referred to **Judiciary I Committee**.

**H. B. 609**, a bill to revise fees and charges received by the Utilities Commission.

Referred to **Finance Committee**.

**H. B. 663**, a bill to amend G. S. 143B-153 to provide for adoption of rules by the Social Services Commission establishing standards for the inspection and licensing of domiciliary homes.

Referred to **Human Resources Committee**.

**H. B. 704**, a bill to permit the drivers of antique cars not to display the current registration plate under certain circumstances.

Referred to **Transportation Committee**.

**H. B. 708** (Committee Substitute), a bill to make clear when sentencing a person of impaired driving that a recent prior conviction of an offense involving impaired driving is an aggravating factor if it does not qualify as a grossly aggravating factor.

Referred to **Judiciary I Committee**.

**S. B. 127**, a bill to eliminate unneeded campaign finance reports, for concurrence in House Amendment No. 1, which is placed on the Calendar for Wednesday, May 8.

### **CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 242**, a bill to require consent of the Cabarrus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the county, upon third reading.



The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 52** (Committee Substitute), a bill to allow the coordinator, under certain conditions, to extend the time within which community service for impaired driving convictions must be completed.

Senator Soles offers Amendment No. 1, which he subsequently withdraws.

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

**S. B. 173**, a bill to amend G. S. 54B-14 concerning examination of certificates of incorporation of savings and loan associations by the Secretary of State.

Without objection, Senator Hunt of Durham is excused from voting for the stated reason: "Am a board member of a S & L association."

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 174**, a bill to amend G. S. 54B-147 concerning the fee which may be charged for returned checks by savings and loan associations.

Without objection, Senator Hunt of Durham is excused from voting for the stated reason: "Am a board member of a S & L association."

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 175**, a bill to amend G. S. Chapter 115C to permit local school administrative units to deposit funds in savings and loan associations and to designate savings and loan associations as official depositories.

Without objection, Senator Hunt of Durham is excused from voting for the stated reason: "Am a board member of a S & L association."

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 244**, a bill to make the unlawful possession of hydromorphone, commonly known as Dilaudid, a Class I felony, upon third reading.

Senator Taft offers Amendment No. 2. Following debate, Senator Taft offers a motion that the bill, with Amendment No. 2 pending, be taken from the Calendar for today and recommitted to the **Judiciary II Committee**, which motion fails to prevail (electronically recorded).

Senator Martin of Guilford offers a motion that the bill, with Amendment No. 2 pending, be removed from the Calendar for today and re-referred to the **Human Resources Committee**, which motion the Chair rules out of order.

Senator Rauch offers a motion that the bill, with Amendment No. 2 pending, be taken from the Calendar for today and placed on the Calendar for Tuesday, May 14, for further consideration, which motion prevails.

On motion of Senator Harrington, seconded by Senator Jordan, the Senate adjourns to meet tomorrow, Wednesday, May 8, at 1:30 P.M.

## SIXTY-SEVENTH DAY

SENATE CHAMBER,  
Wednesday, May 8, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Joseph M. Taylor, Jr., Minister, First United Methodist Church, Reidsville, as follows:

"Our Father, we come to this experience of prayer because we need close encounters of Your kind. As we encounter You, our thoughts turn to new directions. We experience greater commitment giving rise to new inspiration.

"Let this brief moment be a period of power for each of us. Give us courage and wisdom to receive all of the benefits of Your grace. As a flower opens to the sun and receives the light and nourishment, so may we open to You and receive understanding and strength to serve in keeping with Your will and purpose.

"In the Name of Jesus we pray that we may find this encounter. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to the members of the **Judiciary IV Committee**, Senators Soles, Ballenger, Cobb, Goldston, Parnell, Rand, and Winner for today, who are participating in public hearings in Wilmington and Manteo on the submerged land bills, and to Senator Marvin for tomorrow, Thursday, May 9, and Friday, May 10.

Senator Guy is noted present for today's Session.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Hips for the **Children and Youth Committee**:

**S. B. 11**, a bill to create a Division of Child Day Care within the Department of Human Resources, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hips, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 11** (Committee Substitute), a bill to reorganize State child day care services, is placed before the Senate for immediate consideration.

On motion of Senator Hips, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 14.

By Senator Harris for the **Human Resources Committee**:

**S. B. 333**, a bill relating to the authority of the Governor's Advocacy Council for persons with disabilities in order to comply with changes in federal law, with a favorable report.

**H. B. 605**, a bill to make changes in the scheduling of certain controlled substances, with a favorable report.

**S. B. 58**, a bill to recodify the Mental Health, Mental Retardation, and Substance Abuse Laws of North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, May 15.

By Senator Warren for the **Transportation Committee**:

**H. B. 81** (Committee Substitute), a bill to reenact the North Carolina child passenger restraint law, with a favorable report, as amended.

By Senator Watt, Vice-Chairman for the **Election Laws Committee**:

**H. B. 495**, a bill to repeal the limitation on media expenses in certain statewide races, which has been declared unconstitutional, with a favorable report.

**H. B. 71** (Committee Substitute), a bill to allow counties to issue voter registration cards, and set minimum standards for such cards, with a favorable report, as amended.

**H. B. 204**, a bill to provide better notice to persons whose voter registration is being purged for failure to vote, with a favorable report, as amended.

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 154**, a bill to amend the Constitution to allow a county to exempt property held by a business as part of its inventory from property tax or reduce the amount of property tax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 154** (Committee Substitute), a bill to amend the Constitution to allow a county to exempt, in full or in part, inventories of manufacturers, wholesalers, and retailers from property taxes imposed by that county and the local governmental units located in the county, is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 14.

**S. B. 361**, a bill to clarify certain powers of a joint municipal electric power with respect to interest on bonds, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Martin of Guilford:

**S. B. 481**, a bill to provide a refundable income tax credit to low-income individuals for sales and use taxes paid by them on food, to exempt food purchased with food stamps from sales tax, to reimburse counties and cities for lost sales tax revenue on exempt food, and to



establish progressive corporate income tax rates.

Referred to **Finance Committee**.

By Senators Taft, Basnight, and Martin of Pitt:

**S. B. 482**, a bill to appropriate funds for the restoration of the Grifton Depot.

Referred to **Appropriations Committee**.

By Senators Taft, Basnight, and Martin of Pitt:

**S. B. 483**, a bill to appropriate funds for the construction of a farmers market in Pitt County.

Referred to **Appropriations Committee**.

By Senators Simpson and Kincaid:

**S. B. 484**, a bill regarding the closing of schools due to hazardous weather conditions, natural disaster, or other emergency.

Referred to **Education Committee**.

By Senator Barnes:

**S. B. 485**, a bill to provide that a recorded instrument that corrects an error made in the instrument as originally recorded is valid if the correction in the new instrument is signed or initialed by the parties to the instrument.

Referred to **Judiciary I Committee**.

By Senator Harrington:

**S. B. 486**, a bill to appropriate funds for solar peanut drying research.

Referred to **Appropriations Committee**.

By Senators Parnell, Basnight, McDuffie, Plyler, Soles, Taft, Thomas of Craven, and Warren:

**S. B. 487**, a bill to appropriate funds for grain storage research stations.

Referred to **Appropriations Committee**.

By Senators Plyler, Barnes, Hardison, McDuffie, Parnell, Rand, Royall, Shaw, Smith, Soles, Staton, Taft, Thomas of Craven, and Thomas of Henderson:

**S. B. 488**, a bill to provide equitable sales tax treatment for livestock and poultry structures.

Referred to **Finance Committee**.

By Senators Plyler, Rand, Staton, and Thomas of Henderson:

**S. B. 489**, a bill to appropriate funds to the Department of Administration to complete land acquisitions in the State Government Center and for the acquisition of land adjacent to the Revenue Building outside the State Government Center.

Referred to **Appropriations Committee**.

By Senators Plyler, Barnes, Basnight, McDuffie, Parnell, Rand, Shaw, Soles, Staton, Taft, Thomas of Craven, and Thomas of Henderson:

**S. B. 490**, a bill to appropriate funds for poultry research.

Referred to **Appropriations Committee**.

By Senators Marvin, Basnight, Rand, Swain, Tally, and Walker:

**S. B. 491**, a bill to ensure that exceptional children receive the benefit of categorical education appropriations intended for the use of all children.

Referred to **Education Committee**.

By Senator Taft:

**S. B. 492**, a bill to appropriate funds for the Washington-Beaufort County Civic Center.

Referred to **Appropriations Committee**.

By Senators Taft and Martin of Pitt:

**S. B. 493**, a bill to appropriate funds for the East Carolina Summer Theater.

Referred to **Appropriations Committee**.

By Senators Taft and Martin of Pitt:

**S. B. 494**, a bill to appropriate funds to the Pitt County Historical Society for a countywide architectural survey of buildings of historical value.

Referred to **Appropriations Committee**.

By Senators Swain, Basnight, Hipps, Plyler, Watt, and Winner:

**S. B. 495**, a bill to transfer the community service alternative punishment and restitution, deferred prosecution, and volunteer programs to the Administrative Office of the Courts.

Referred to **Judiciary III Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 60** (House Committee Substitute), a bill to amend the statutes relating to discipline and disbarment of attorneys at law, for concurrence in the House Committee Substitute bill which is placed on the Calendar for tomorrow, May 9.

**H. B. 476** (Committee Substitute), a bill to abolish the Marine Resources Center Administrative Board, to reorganize the Marine Science Council, and to establish an Office of Marine Affairs.

Referred to **State Government Committee**.

**H. B. 515**, a bill to amend Chapter 35 and Chapter 108A regarding the appointment of disinterested public agents and others as guardians.

Referred to **Judiciary III Committee**.

**H. B. 638** (Committee Substitute), a bill to require prompt investigation of a report of juvenile abuse or neglect.

Referred to **Children and Youth Committee**.

**H. B. 756**, a bill to make it clear that a second notice to creditors need not be published if a prior notice has been published by a collector or personal representative as recommended by the General Statutes Commission.

Referred to **Judiciary III Committee**.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 477**, a bill to repeal the permission for persons to engage in business as pawnbrokers in the unincorporated areas of Dare County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, Watt, Woodard, and Wright—39.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 281**, a bill to allow the Town of Nashville to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 366**, a bill to abolish the Office of Coroner in Greene County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 574**, a bill to provide that District Court may sit in Havelock until June 30, 1986.

On motion of Senator Barnes, the bill is re-referred to the **Judiciary I Committee**.

**H. B. 804**, a bill to establish the boundary between the Alamance County and Burlington City School Administrative Units.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. J. R. 640**, a joint resolution honoring the Golden Anniversary of the Blue Ridge Parkway and honoring the memory of Franklin D. Roosevelt, under whose administration the Parkway was established.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 127**, a bill to eliminate unneeded campaign finance reports, for concurrence in House Amendment No. 1.

On motion of Senator Kaplan, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Guy, the Senate adjourns to meet tomorrow, Thursday, May 9, at 1:30 P.M.



## SIXTY-EIGHTH DAY

SENATE CHAMBER,  
Thursday, May 9, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Frank N. Bowers, Pastor, Parkton Baptist Church, Parkton, as follows:

"Dear God, we thank You for being approachable; yes, even wanting us to talk with You. We thank You here, that You are here with us when we call upon You; that you even hurt when we do not call upon You but move out in our own thinking.

"We now pray for this session of our State Senate. May the members seek until they find the right and best answers to their fellow Christian citizens' needs. Then we pray for courage to follow through until the best solution is completed.

"We pray for all North Carolinians. May we work together for the good of all others and be in peace with You and Your purpose for our creation. We make the same prayer for the North Carolina House of Representatives. We extend our concern to our National Congress and to other nations and to other governments of the world. May we all do unto others as we would like for them to do unto us, and thus pleasing our Creator with love and peace on earth. Amen"

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Goldston and Warren for today; to Senator Hunt of Moore for today and for tomorrow, Friday, May 10, and to Senator Kincaid for tomorrow, Friday, May 10.

A leave of absence granted previously to Senator Marvin is noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 127**, an act to eliminate unneeded campaign finance reports. (Ch. 164)

**H. B. 366**, an act to abolish the Office of Coroner in Greene County. (Ch. 165)

**H. B. 804**, an act to establish the boundary between the Alamance County and Burlington City School Administrative Units. (Ch. 166)

**H. J. R. 640**, a joint resolution honoring the Golden Anniversary of the Blue Ridge Parkway and honoring the memory of Franklin D. Roosevelt, under whose administration the Parkway was established. (Res. 9)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee:**

**H. B. 335** (Committee Substitute), a bill to prohibit trapping at certain times in Dare County, with a favorable report.

**H. B. 393**, a bill to permit the taking of foxes in Avery County, with a favorable report. On motion of Senator Tally, the bill is placed on the Calendar for Monday, May 13.

**H. B. 600** (Committee Substitute), a bill to provide for the taking of foxes in Rockingham County during short open season, with a favorable report.

**H. B. 647**, a bill to authorize Wayne County to pay bounties on beavers, with a favorable report, as amended.

By Senator Jordan for the **Manufacturing and Labor Committee:**

**S. B. 349**, a bill to permit certain municipalities to exclude only volunteer firemen from OSHA coverage, with a favorable report.

**H. B. 483**, a bill to assure compliance of the North Carolina Employment Security Law with federal law, with a favorable report, as amended.

**S. B. 170**, a bill to amend Chapter 97 of the General Statutes pertaining to salaries of commissioners, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 170**, a bill to create a commission to study the salaries paid the members of the North Carolina Industrial Commission and the Deputy Commissioners of the North Carolina Industrial Commission, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Committee Substitute bill is adopted and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Swain for the **Judiciary III Committee:**

**S. B. 436**, a bill that notification of a minor's parents by law enforcement officers is not required when a minor is charged with committing violations of wildlife statutes or regulations punishable by fines of less than fifty dollars or imprisonment not to exceed thirty days, with a favorable report.

On motion of Senator Swain, the bill is placed on the Calendar for Tuesday, May 14.

**S. B. 445**, a bill to make the issuance of worthless checks in certain amounts a felony, with a favorable report.

**S. B. 457**, a bill to provide that the killing of a security guard, company police officer, railroad police officer, or private investigator is an aggravating circumstance for consideration by the jury at the sentencing hearing of the first degree murder trial, with a favorable report.

**H. B. 649**, a bill making it a general misdemeanor to sell or give to a minor a shurikin, commonly known as a star, with a favorable report.

**S. B. 393**, a bill to clarify the jurisdiction of grand juries, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Tuesday, May 14.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 455**, a bill to authorize federal judges and magistrates to perform the marriage ceremony, with a favorable report.

On motion of Senator Staton, the bill is placed on the Calendar for Tuesday, May 14.

**H. B. 754**, a bill to amend G. S. 20-7.2(b) relating to compliance with 90-day failures, with a favorable report, as amended.

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. J. R. 275**, a joint resolution honoring the life and memory of Charles Brantley Aycock Brown—"Mr. Outer Banks," with a favorable report.

On motion of Senator Harrington, the joint resolution is placed on the Calendar for tomorrow, May 10, as Special Order of Business No. 1.

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 253** (Committee Substitute), a bill to make technical changes in the law regarding the correctional system, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 13.

**S. B. 468**, a bill to provide that expenses for a wrongful death action may be advanced from the decedent's estate, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

**S. B. 496**, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured.

Referred to **Transportation Committee**.

By Senators Guy, Barnes, Basnight, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Higgs, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Somers, Thomas of Henderson, Walker, Warren, Winner, and Wright:



**S. B. 497**, a bill to appropriate funds for crops research.

Referred to **Appropriations Committee**.

By Senators Basnight, Barnes, Conder, Goldston, Guy, Harrington, Hunt of Durham, Jordan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Royall, Shaw, Smith, Soles, Speed, Swain, Taft, Thomas of Craven, Thomas of Henderson, Ward, and Warren:

**S. B. 498**, a bill to appropriate funds for swine research at Tidewater Research Station.

Referred to **Appropriations Committee**.

By Senators Ward and Kaplan:

**S. B. 499**, a bill to appropriate funds for the support of the North Carolina Dance Theater.

Referred to **Appropriations Committee**.

By Senator Speed:

**S. B. 500**, a bill to amend the law regarding the retirement credit for temporary State employment in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senators Speed and Taft:

**S. B. 501**, a bill to appropriate funds for Oxford Tobacco Research Station improvements.

Referred to **Appropriations Committee**.

By Senator Speed:

**S. B. 502**, a bill to provide for an assessment for promotional purposes on all eggs produced or sold in North Carolina.

Referred to **Agriculture Committee**.

By Senator Jordan:

**S. B. 503**, a bill to limit the State subsidy of the University of North Carolina out-of-state tuition.

Referred to **Higher Education Committee**.

By Senator Jordan:

**S. B. 504**, a bill to restrict drivers under the age of seventeen to driving during daylight hours only unless driving to and from work or school.

Referred to **Transportation Committee**.

By Senators Woodard, Johnson of Wake, and Staton:

**S. B. 505**, a bill to appropriate funds to restore the Depot in Angier.

Referred to **Appropriations Committee**.

By Senators Sawyer, Johnson of Cabarrus, and Somers:

**S. B. 506**, a bill to prohibit the use of spousal testimony in the prosecution of certain

crimes based on that testimony.

Referred to **Judiciary I Committee**.

By Senator Hardison:

**S. B. 507**, a bill to prohibit obtaining housing assistance by misrepresentation.

Referred to **Judiciary III Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 203**, a bill to authorize local health directors to enter contracts, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 10.

**H. B. 121** (Committee Substitute), a bill to prohibit chiropractors from collecting fees in connection with free services.

Referred to **Human Resources Committee**.

**H. B. 195** (Committee Substitute), a bill to provide for the sale of clean detergents in North Carolina.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 491**, a bill to clarify reasonable support from a parent entity to a political action committee.

Referred to **Election Laws Committee**.

**H. B. 614**, a bill to increase certain fees charged by the Board of Medical Examiners.

Referred to **Finance Committee**.

**H. B. 752** (Committee Substitute), a bill authorizing tour boats to hold ABC permits.

Referred to **State Government Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 477**, a bill to repeal the permission for persons to engage in business as pawnbrokers in the unincorporated areas of Dare County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 43, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Winner, Woodard, and Wright—43.

Voting in the negative: Senator Cobb—1.

The bill is ordered enrolled.

**H. B. 71** (Committee Substitute), a bill to allow counties to issue voter registration cards, and set minimum standards for such cards.

On motion of Senator Kaplan, consideration of the Committee Substitute bill is postponed until Tuesday, May 14.

**H. B. 204**, a bill to provide better notice to persons whose voter registration is being purged for failure to vote.

On motion of Senator Kaplan, consideration of the bill is postponed until Tuesday, May 14.

**H. B. 495**, a bill to repeal the limitation on media expenses in certain statewide races, which has been declared unconstitutional.

On motion of Senator Kaplan, consideration of the bill is postponed until Tuesday, May 14.

**H. B. 81** (Committee Substitute), a bill to reenact the North Carolina child passenger restraint law.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Wednesday, May 15.

**S. B. 361**, a bill to clarify certain powers of a joint municipal electric power with respect to interest on bonds, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 288** (Committee Substitute); a bill to establish clearer and stronger standards for agreements between domestic insurers and reinsurers.

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

**S. B. 289** (Committee Substitute), a bill to provide for the integrity of domestic insurance company assets for the protection of policyholders.

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

**S. B. 333**, a bill relating to the authority of the Governor's Advocacy Council for persons with disabilities in order to comply with changes in federal law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 605**, a bill to make changes in the scheduling of certain controlled substances.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 60** (House Committee Substitute), a bill to amend the statutes relating to discipline and disbarment of attorneys at law, for concurrence in House Committee Substitute bill.



On motion of Senator Staton, the Senate concurs in the House Committee Substitute bill, and the bill is ordered enrolled.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 87**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
May 9, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Committee Substitute **H. B. NO. 87, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW AGAINST CARRYING CONCEALED WEAPONS**, and request conferees. The Speaker has appointed Representatives Joe Hackney (Chairman), Daniel DeVane, and Dennis Wicker on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

Senator Winner moves that the President appoint conferees, which motion prevails. The President appoints Senators Swain, Winner, and Barnes as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### ADDITIONAL ENDORSEMENTS

The following Senator requests to be recorded endorsing bills and resolutions previously introduced:

By Senator Taft:

**S. B. 486**, a bill to appropriate funds for solar peanut drying research.

**S. B. 491**, a bill to ensure that exceptional children receive the benefit of categorical education appropriations intended for the use of all children.

On motion of Senator Harrington, seconded by Senator Jordan, the Senate adjourns to meet tomorrow, Friday, May 10, at 10:00 A.M.

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### SIXTY-NINTH DAY

SENATE CHAMBER,  
Friday, May 10, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of the Family, we thank Thee for the love and support which we have received from our families; and we pray that we may ever be sensitive to the needs of our spouse and children—as they are to ours. And confronted with the pressures and stress of public office, deliver us from bickering with one another, and empower us to always love and affirm one another.

“As we approach this Mother’s Day weekend, we give Thee a special thanks for our mothers. For their love, for their gentleness, for their guidance in the formative years of our lives, and for their continued encouragement to us in our adult years—we give Thee thanks, O Lord.

“And remembering those mothers and grandmothers who have gone to their eternal reward, we pause to thank Thee for their positive influence in our lives and for the memories which fill our minds and sometimes overflow our eyes in tears of thanksgiving.

“Help us, O God, to always live lives that will bring honor to our mothers; and help us to enact legislation which will be to the best interest of young mothers, middle-aged working mothers, and aging grandmothers—for then we will know that we are passing laws which will benefit all the citizens of our State.

“All this we ask in the Name of the All Powerful God, Who has loved us with the love and tenderness with which a mother loves her children. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator McDuffie for today. Leaves of absence granted previously to Senators Hunt of Moore, Kincaid, Marvin, and Warren are noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 60** (House Committee Substitute), an act to amend the statutes relating to discipline and disbarment of attorneys at law. (Ch. 167)

**S. B. 222**, an act to repeal the certification requirement for laboratories performing syphilis serologies. (Ch. 168)

**S. B. 245**, an act concerning duties of the Durham City Inspection Department. (Ch. 169)

**S. B. 352**, an act to expand the Catawba County Board of Education from five to seven members. (Ch. 170)

**H. B. 477**, an act to repeal the permission for persons to engage in business as pawnbrokers in the unincorporated areas of Dare County. (Ch. 171)

**H. B. 605**, an act to make changes in the scheduling of certain controlled substances. (Ch. 172)

**H. B. 72** (Senate Committee Substitute), an act to clarify that the legislative review of proposals to license new occupations and professions includes commissions. (Ch. 173)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Redman and Ballenger:

**S. B. 508**, a bill to appropriate funds for a new mid-level adult development activities program.

Referred to **Appropriations Committee**.

By Senator Hardison:

**S. B. 509**, a bill to allow cumulative voting to elect corporate directors if there is a stockholder who owns or controls more than one fifth rather than one fourth of the voting stock.

Referred to **Judiciary III Committee**.

By Senator Hardison:

**S. B. 510**, a bill to appropriate funds to modify the pay scale for driver's license hearing officers.

Referred to **Appropriations Committee**.

By Senator Taft:

**S. B. 511**, a bill to appropriate funds for aflatoxin and butterfat testing.

Referred to **Appropriations Committee**.

By Senators Rauch and Smith:

**S. B. 512**, a bill to allow a personal income tax exemption for multiple sclerosis.

Referred to **Finance Committee**.

By Senator Jordan:

**S. B. 513**, a bill to restrict the availability of compensatory leave for State employees.

Referred to **State Government Committee**.

By Senator Jordan:

**S. B. 514**, a bill authorizing the Legislative Research Commission to study the salaries and fringe benefits of State employees to determine whether they are comparable to salaries and fringe benefits in the private sector.

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

By Senators Plyler, Conder, Guy, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Rand, Royall, Soles, Staton, Thomas of Henderson, Warren, Watt, and Woodard:



**S. B. 515**, a bill to provide assistance dogs for the handicapped.

Referred to **Human Resources Committee**.

By Senators Tally and Rand:

**S. B. 516**, a bill to appropriate funds for a central cultural arts facility in downtown Fayetteville.

Referred to **Appropriations Committee**.

By Senators Martin of Pitt, Basnight, Hunt of Durham, and Smith:

**S. B. 517**, a bill to provide for distribution to local governmental units of interest and other investment income earned on local sales and use taxes collected by the State.

Referred to **Finance Committee**.

By Senators Sawyer, Ballenger, Kincaid, Redman, Shaw, Smith, Somers, and Wright:

**S. B. 518**, a bill to encourage the assignment of students to neighborhood schools.

Referred to **Education Committee**.

By Senators Swain and Winner:

**S. B. 519**, a bill to appropriate funds for capital expenditures at Asheville-Buncombe Technical College.

Referred to **Appropriations Committee**.

By Senators Royall, Hunt of Durham, Johnson of Wake, Staton, Walker, and Woodard:

**S. B. 520**, a bill to authorize counties to establish research and production service districts.

Referred to **State Government Committee**.

By Senator Staton:

**S. B. 521**, a bill to provide for the simultaneous foreclosure of two or more deeds of trust secured by the same property.

Referred to **Judiciary II Committee**.

By Senator Jordan:

**S. B. 522**, a bill authorizing the Legislative Research Commission to study the feasibility of redistricting the Senate in 1990 so as to have single-member districts.

Referred to **Election Laws Committee**.

By Senator Jordan:

**S. B. 523**, a bill to provide that elections shall normally be held in May or November so as to reduce the cost and frequency of special elections.

Referred to **Election Laws Committee**.

By Senators Thomas of Henderson and Hips:

**S. B. 524**, a bill to appropriate funds for the North Carolina International Folk Festival.

Referred to **Appropriations Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 525**, a bill to appropriate funds for the Henderson Apple Festival.  
Referred to **Appropriations Committee**.

By Senators Guy, Harrington, Parnell, and Thomas of Henderson:

**S. B. 526**, a bill to allow the next-of-kin to have a representative present at the performance of an autopsy.

Referred to **Human Resources Committee**.

By Senators Martin of Guilford and Harris:

**S. B. 527**, a bill to improve the safety and quality of life for patients at the four area psychiatric hospitals.

Referred to **Appropriations Committee**.

By Senator Hardison:

**S. B. 528**, a bill to appropriate funds for capital expenditures at Lenior Community College.

Referred to **Appropriations Committee**.

By Senator Hardison:

**S. B. 529**, a bill to appropriate funds for a public auditorium in Jones County.

Referred to **Appropriations Committee**.

By Senators Hardison and Smith:

**S. B. 530**, a bill to require each area Health Education Center to have at least one pharmacist on its Board of Directors.

Referred to **Human Resources Committee**.

By Senator Hardison:

**S. B. 531**, a bill to appropriate funds for capital expenditures at James Sprunt Technical College.

Referred to **Appropriations Committee**.

By Senators Royall, Basnight, Guy, Johnson of Wake, Martin of Guilford, Marvin, and Rand:

**S. B. 532**, a bill to establish a State lottery after a binding referendum.

Referred to **Ways and Means Committee**.

By Senator Royall:

**S. B. 533**, a bill to provide unreduced service retirement benefits whenever age and years of service total eighty-five in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senators Royall, Harrington, Hipps, Marvin, Walker, and Ward:

**S. B. 534**, a bill to appropriate funds for an alcohol and drug defense program for the public schools.

Referred to **Education Committee.**

By Senators Royall, Harrington, Hipps, Marvin, Walker, and Ward:

**S. B. 535**, a bill to appropriate funds for training events and grants to local schools for the alcohol and drug defense program.

Referred to **Appropriations Committee.**

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 432**, a bill to regulate hunting on the land of another in Hyde County.

Referred to **Natural and Economic Resources and Wildlife Committee.**

**H. B. 464**, bill to provide for the establishment of the Pilot Mountain Civic and Recreation Center Authority.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 484**, a bill to permit the City of Mount Airy to dispose of certain real property by private negotiation and sale.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 553**, a bill to amend mandatory referral legislation applicable to special use permits in Mecklenburg County.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 594**, a bill to change the manner of election of the Onslow County Board of Education.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 607**, a bill to provide that when the General Assembly provides for the incorporation of a municipality and the simultaneous dissolution of a sanitary district contained within its borders, no referendum need be held.

Referred to **Judiciary III Committee.**

**H. B. 642**, a bill to authorize the Town of Pilot Mountain to undertake recreation programs by contract.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 765**, a bill to permit the widows of ex-prisoners of war to retain the distinctive registration plate under certain conditions.

Referred to **Transportation Committee.**

**H. B. 769**, a bill to modify the procedure for the delivery of temporary registration certificates for motor vehicles.

Referred to **Transportation Committee.**

**H. B. 823**, a bill to provide that public hospitals need not post bond on appeal.

Referred to **Judiciary III Committee.**

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:



## SPECIAL ORDER NO. 1

## S. J. R. 275 (Committee Substitute)

The hour having arrived for the consideration of Special Order No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being **S. J. R. 275**, a joint resolution honoring the life and memory of Charles Brantley Aycock Brown—"Mr. Outer Banks."

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

**H. B. 598**, a bill to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Mayodan, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Martin of Pitt, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, Winner, Woodard, and Wright—41.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 335** (Committee Substitute), a bill to prohibit trapping at certain times in Dare County.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 600** (Committee Substitute), a bill to provide for the taking of foxes in Rockingham County during short open season.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 647**, a bill to authorize Wayne County to pay bounties on beavers.

On motion of Senator Barnes, the bill is re-referred to the **Judiciary I Committee**.

**S. B. 361**, a bill to clarify certain powers of a joint municipal electric power with respect to interest on bonds, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Martin of Pitt, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, and Woodard—38.

Voting in the negative: None.

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

**S. B. 349**, a bill to permit certain municipalities to exclude only volunteer firemen from OSHA coverage.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 445**, a bill to make the issuance of worthless checks in certain amounts a felony. The bill passes its second reading (electronically recorded).

On objection of Senator Sawyer to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 457**, a bill to provide that the killing of a security guard, company police officer, railroad police officer, or private investigator is an aggravating circumstance for consideration by the jury at the sentencing hearing of the first degree murder trial.

The bill passes its second reading (electronically recorded).

On objection of Senator Higgs to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 468**, a bill to provide that expenses for a wrongful death action may be advanced from the decedent's estate.

On motion of Senator Barnes, consideration of the bill is postponed until Wednesday, May 15.

**H. B. 483**, a bill to assure compliance of the North Carolina Employment Security Law with federal law.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

Senator Martin of Guilford objects to the third reading of the bill, as amended, which objection he subsequently withdraws.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 649**, a bill making it a general misdemeanor to sell or give to a minor a shurikin, commonly known as a star.

Senator Redman offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 754**, a bill to amend G. S. 20-7.2(b) relating to compliance with 90-day failures.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

Senator Watt objects to the third reading of the bill, as amended, which objection he subsequently withdraws.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 203**, a bill to authorize local health directors to enter contracts.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Winner for the **Education Committee**:

**H. B. 505**, a bill to amend the school budget and fiscal control act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years, with a favorable report, as amended.

On motion of Senator Harrington, seconded by Senator Winner, the Senate adjourns to meet Monday, May 13, at 8:00 P.M.

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### SEVENTIETH DAY

SENATE CHAMBER,  
Monday, May 13, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Everett France, Associate Minister, First United Methodist Church, Cary, as follows:

"O God, Who the families of mankind know by so many different names, we beseech You to be present in the deliberation of this great Body. Allow the collective works of its individual members to be such that it will exemplify the best in human kind. Fill each member with the conviction of true representation, the courage to act in good faith, and the compassion that seeks reconciliation where there is strife. And lastly, O God, let there be in the hearts and minds of each one here a dedication to a sense of urgency in the fulfillment of the many tasks at hand. In Your glorious Name we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Royall for today through Friday, May 17. A continuing leave of absence is granted to Senator Johnson of Cabarrus due to hospitalization.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 149**, an act to allow a personal income tax exemption for certain types of spina bifida. (Ch. 174)

**S. B. 203**, an act to authorize local health directors to enter contracts. (Ch. 175)

**S. B. 315**, an act to establish the boundary line between the Town of Landis and the City of Kannapolis. (Ch. 176)

**S. B. 316**, an act to clarify the law relating to acquisition by the City of Monroe of street right-of-way outside the corporate limits. (Ch. 177)

**H. B. 335** (Committee Substitute), an act to prohibit trapping at certain times in Dare County. (Ch. 178)



**H. B. 600** (Committee Substitute), an act to provide for the taking of foxes in Rockingham County during short open season. (Ch. 179)

**S. J. R. 275**, a joint resolution honoring the life and memory of Charles Brantley Aycock Brown—"Mr. Outer Banks." (Res. 10)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Basnight:

**S. B. 536**, a bill to allow on-premise sales of beer at mini-breweries.

Referred to **State Government Committee**.

By Senators Staton, Hunt of Moore, Smith, Speed, and Woodard:

**S. B. 537**, a bill to expand the sales tax exemption for farm products to include all farm products sold by the producer of the products, regardless whether the producer is also a retail dealer.

Referred to **Finance Committee**.

By Senators Rauch, Harris, and Price:

**S. B. 538**, a bill to clarify Chapter 97 of the General Statutes with respect to apportionment in workers' compensation cases.

Referred to **Manufacturing and Labor Committee**.

By Senators Conder and Plyler:

**S. B. 539**, a bill to appropriate funds to construct a learning resource center at Richmond Technical College.

Referred to **Appropriations Committee**.

By Senators Rand, Plyler, and Royall:

**S. B. 540**, a bill to make clarifying amendments to the essential property insurance for beach area property act.

Referred to **Insurance Committee**.

By Senators Royall, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Hipsps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Martin of Pitt, Parnell, Plyler, Rand, Soles, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, and Woodard:

**S. B. 541**, a bill to authorize the Legislative Research Commission to study the infrastructure needs of the State.

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

By Senator Thomas of Craven:

**S. B. 542**, a bill to appropriate funds for capital expenditures at Craven Community College.

Referred to **Appropriations Committee**.

By Senator Jordan:

**S. B. 543**, a bill to provide for voluntary family planning.  
Referred to **Human Resources Committee**.

By Senator Jordan:

**S. B. 544**, a bill regarding limitations and disclosure of political campaign contributions.  
Referred to **Election Laws Committee**.

By Senators Johnson of Wake, Hunt of Moore, Speed, Staton, and Woodard:

**S. B. 545**, a bill to reinstate full funding for merit increments for State employees.  
Referred to **Appropriations Committee**.

By Senators Winner and Swain:

**S. B. 546**, a bill to provide that sales territories designated by an agreement between a wholesaler and a winery are exclusive.  
Referred to **Judiciary IV Committee**.

By Senator Swain:

**S. B. 547**, a bill to discontinue the insurance requirement for licensees of the Private Protective Services Board due to the creation of the Private Protective Services Recovery Fund.

Referred to **Judiciary III Committee**.

By Senator Swain:

**S. B. 548**, a bill to incorporate technical amendments into the Private Protective Services Act.

Referred to **Judiciary III Committee**.

By Senator Thomas of Craven:

**S. B. 549**, a bill to provide that the Morehead City Navigation and Pilotage Commission may regulate the piloting of shipping from Morehead City to Aurora.

Referred to **State Government Committee**.

By Senator Thomas of Craven:

**S. B. 550**, a bill to appropriate funds for the Craven Arts Council and Gallery.  
Referred to **Appropriations Committee**.

By Senators Sawyer and Shaw:

**S. B. 551**, a bill to amend Section 11, Article IV of the North Carolina Constitution to abolish the practice of rotation of superior court judges.

Referred to **Judiciary I Committee**.

By Senator Jordan:

**S. B. 552**, a bill to amend the North Carolina Constitution to limit the annual increase in the number of State employees.

Referred to **Judiciary II Committee**.

By Senators Jordan and Smith:

**S. B. 553**, a bill to provide an additional personal income tax exemption for individuals who are at least seventy years old and whose net income does not exceed twenty thousand dollars.

Referred to **Finance Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 173** (Committee Substitute), a bill to redistrict the Board of Commissioners of Mitchell County.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 480**, a bill to amend the Charter of the City of Wilson to include within the boundaries of the City of Wilson an area known as Newton Park.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 502**, a bill to revise and consolidate the Charter of the Town of Montreat.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 544**, a bill to permit the taking of foxes in Moore County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 611**, a bill to prohibit discrimination in the business of life and accident and health insurance and annuities against persons who are blind or partially blind or deaf or partially deaf.

Referred to **Insurance Committee**.

**H. B. 618**, a bill to include the corporate limits of the Town of Indian Beach within the Salter Path Rural Fire Protection District, and to allow that Town to remove itself from the District at a future time.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 626** (Committee Substitute), a bill concerning distribution of profits from the Walnut Cove ABC System.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 630**, a bill to permit electrofishing for catfish in a portion of the Cape Fear River in Bladen County.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 673**, a bill to allow the City of Wilson to charge an acreage charge for water and sewer and have that charge relate to diminishing capacity of water and sewer facilities.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 676**, a bill to transfer the powers, duties and functions of the Roanoke Voyages Corridor Commission to the Roanoke Voyages and Elizabeth II Commission, and to abolish the Corridor Commission.

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



**H. B. 784**, a bill to clarify that an emancipated minor may marry without the written consent of a parent or guardian as recommended by the General Statutes Commission.  
Referred to **Judiciary I Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 598**, a bill to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Mayodan, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, and Wright—41.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 393**, a bill to permit the taking of foxes in Avery County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 505**, a bill to amend the school budget and fiscal control act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.

On motion of Senator Simpson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 253** (Senate Committee Substitute), a bill to make technical changes in the law regarding the correctional system.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**S. B. 445**, a bill to make the issuance of worthless checks in certain amounts a felony, upon third reading.

Senator Martin of Guilford offers Amendment No. 1.

On motion of Senator Thomas of Henderson, consideration of the bill, with Amendment No. 1 pending, is postponed until Tuesday, May 14.

**S. B. 457**, a bill to provide that the killing of a security guard, company police officer, railroad police officer, or private investigator is an aggravating circumstance for consideration by the jury at the sentencing hearing of the first degree murder trial, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

The President recognizes the following pages serving in the Senate this week: Tobie Bellamy, Wilson; Elizabeth Bennett, Greensboro; Amber Braswell, Selma; Kelly Ann Carter, Wake Forest; Tammy Maria Casey, Wake Forest; Elizabeth Lee Cloninger,

Lincolnton; Tommie Leigh Cox, Fairmont; Edwina Lorene Crady, Hickory; Elizabeth Carolie Cutts, Raleigh; Darren Dowell, Cullowhee; Earl Nathan Frizzell, Sylva; Britt Nicole Fulford, Clayton; Erika Gordon Gantt, Charlotte; Cecil Lee Hinesley, Asheboro; Nancy Marie Inman, Wilmington; DeAnne Marie Johnson, Knightdale; Edward Delano Roberts, Raleigh; Tammy Renee Schley, Carolina Beach; Brain Vincent Watt, Charlotte; Rodriguez Pierre Webb, Raleigh; and Sherri Lynn Westbrook, Goldsboro.

On motion of Senator Harrington, seconded by Senator Winner, the Senate adjourns to meet tomorrow, Tuesday, May 14, at 1:30 P.M.

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### SEVENTY-FIRST DAY

SENATE CHAMBER,  
Tuesday, May 14, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Charles W. Lowry, Priest Associate of Emmanuel Episcopal Church, Pinehurst, as follows:

"Let us unite in prayer.

" 'Be still and know that I am God.'

" 'I am the Lord; there is no other. I the Lord speak what is right; declare what is just.'

"Our Father Who art in heaven, we acknowledge that Thou dost govern in the affairs of men. And if a sparrow cannot fall to the ground without Thy notice, how can we think Thou art indifferent to what we say and do here?

"If this day Thou dost want us to do, or not to do, any particular thing, we pray that Thou will make it plain to us, for Thou knowest how blind we can be, and how stubborn, in our own intentions.

"We pray for Thy help in our thinking and Thy love in our hearts. Let Thy rich blessing rest upon those who govern and upon the people of North Carolina.

"We pray in the Name of Him Who came as the Son of man and the Son of God, even Jesus Christ our Lord. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Leaves of absence granted previously to Senators Royall and Johnson of Cabarrus are noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 393**, an act to permit the taking of foxes in Avery County. (Ch. 180)

**H. B. 598**, an act to provide for the use of all property tax collection methods in the collection of special assessments in the Town of Mayodan. (Ch. 181)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 302**, a bill to provide that where a school unit lies in Nash and Edgecombe County either County may withdraw and become a part of their County unit, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 302** (Committee Substitute), a bill to provide that where a school unit lies in Nash and Edgecombe Counties either County may withdraw and become a part of its County unit, is placed before the Senate for immediate consideration. On motion of Senator Ezzell, the Committee Substitute bill is adopted.

Senator Martin of Guilford offers a motion to place the Committee Substitute bill on the Calendar for Tuesday, May 21, which motion fails to prevail (electronically recorded). On motion of Senator Ezzell, the Committee Substitute bill is placed on the Calendar for Thursday, May 16.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 241**, a bill to amend Chapter 87 of the General Statutes relating to the qualifications and rosters of general contractors, with a favorable report.

**H. B. 346**, a bill to require that when names are affixed to discharges and releases of deeds of trust or other instruments the names be printed or typed so as to be legible, with a favorable report.

**H. B. 234** (Committee Substitute), a bill to clarify interest relating to judgments and provide for interest on noncontract judgments regardless of insurance coverage, with a favorable report, as amended.

**S. B. 301**, a bill to amend G. S. 20-162.1 to increase the penalty for parking violations and to make the prima facie rule of evidence inapplicable to stolen vehicles; and to amend G. S. 15A-302(d) to provide for service of parking violation citations, with an unfavorable report.

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 371**, a bill to allow investments in obligations issued, assumed or guaranteed by the African Development Bank, with a favorable report.

On motion of Senator Johnson of Wake, the bill is re-referred to the **Commerce Committee**.

**S. B. 473**, a bill to remove the limitation on legal service benefits payable to motor club members, with a favorable report.

On motion of Senator Johnson of Wake, the bill is placed on the Calendar for Tuesday, May 21.



By Senator Staton for the **Judiciary II Committee**:

**S. B. 470**, a bill to remove barriers to direct insurance reimbursement to specialty nurses for professional services within their scope of practice, with a favorable report.  
On motion of Senator Staton, the bill is re-referred to the **Insurance Committee**.

**H. B. 475**, a bill to include optometrists, veterinarians, and nurses in the exemption from the conflict of interest provisions governing membership on certain local boards, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**.

**H. B. 427**, a bill to extend parental liability in motor vehicle cases to adult children, with a favorable report.

**H. B. 674**, a bill to clarify and simplify the escheats and abandoned property statutes, with a favorable report, as amended.

By Senator Martin of Guilford for the **Higher Education Committee**:

**H. B. 577**, a bill to permit persons less than 16 to take noncredit courses in the Community College System, with a favorable report.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hipps:

**S. B. 554**, a bill to appropriate funds for biological pest control.  
Referred to **Appropriations Committee**.

By Senator Hipps:

**S. B. 555**, a bill to appropriate funds for the Children's Trust Fund.  
Referred to **Appropriations Committee**.

By Senator Marvin:

**S. B. 556**, a bill to appropriate funds for purchase of emergency hospitalization for mentally ill minors when State facilities are over capacity.  
Referred to **Appropriations Committee**.

By Senator Marvin:

**S. B. 557**, a bill to increase the retirement formula for active and retired members of the Local Governmental Employees' Retirement System and Law Enforcement Officers' Retirement System.  
Referred to **Pensions and Retirement Committee**.

By Senator Hardison:

**S. J. R. 558**, a joint resolution providing for joint sessions of the Senate Committee on Commerce and the House Committee on Public Utilities to review the Governor's appointees to the Utilities Commission and providing for a joint session or sessions of the Senate

and the House of Representatives to act on confirmation on the appointments made by the Governor to membership on the North Carolina Utilities Commission.

On motion of Senator Hardison, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Without objection, Senator Wright is excused from voting.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

By Senator Harris:

**S. B. 559**, a bill to require that the Department of Human Resources study the issue of revision of minimum standards for the construction and operation of local jails.

Referred to **Human Resources Committee**.

By Senator Harrington:

**S. B. 560**, a bill to provide for land acquisition at Merchants Millpond State Park.

Referred to **Appropriations Committee**.

By Senators Harrington and Thomas of Craven:

**S. B. 561**, a bill to appropriate funds for land acquisition in the Roanoke River Floodplain Forest.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 562**, a bill to appropriate funds to the Pamlico County Rescue Squad.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 563**, a bill to appropriate funds for the State's portion of a study to deepen Morehead City Harbor to forty-five feet.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 564**, a bill to provide funds to United Tri-County Senior Citizens, Inc., for services to the elderly.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 565**, a bill to create a Fishermen's Marine Weather Service and to appropriate funds for its operation.

Referred to **Higher Education Committee**.

By Senator Thomas of Craven:

**S. B. 566**, a bill to appropriate funds for the continued restoration of the Craven County Courthouse.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 567**, a bill to appropriate funds to the Sealevel Rescue Squad.  
Referred to **Appropriations Committee**.

By Senators Staton and Woodard:

**S. B. 568**, a bill to amend Chapter 58 of the General Statutes to remove a distinction between accident insurance and travel accident insurance.  
Referred to **Insurance Committee**.

By Senators Johnson of Wake, Speed, Staton, and Woodard:

**S. B. 569**, a bill to appropriate funds to the Tammy Lynn Memorial Foundation, Inc.  
Referred to **Appropriations Committee**.

By Senators Johnson of Wake, Speed, Staton, and Woodard:

**S. B. 570**, a bill to appropriate funds for emergency technical training in high technology fields at Wake Technical Institute.  
Referred to **Appropriations Committee**.

By Senator Woodard:

**S. B. 571**, a bill to clarify the applicability of G. S. Chapter 24 and 25A to credit plans where no finance charge is imposed.  
Referred to **Commerce Committee**.

By Senators Taft and Martin of Pitt:

**S. B. 572**, a bill to appropriate funds to the Martin County Multi-Purpose Building Committee to construct a multi-purpose facility.  
Referred to **Appropriations Committee**.

By Senator Taft:

**S. B. 573**, a bill to authorize the Legislative Research Commission to study the advisability of allowing commercial laboratories in North Carolina to perform certain laboratory analysis services without competition from the Department of Human Resources.

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

By Senator Taft:

**S. B. 574**, a bill to permit visitation rights of a biological grandparent following adoption of the grandchild by a relative or stepparent.  
Referred to **Judiciary III Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 575**, a bill to transfer funds appropriated to certain dispute settlement centers to the Dispute Settlement Center in Henderson County.  
Referred to **Appropriations Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 576**, a bill to appropriate funds to add an additional fisheries biologist position in Western North Carolina.  
Referred to **Appropriations Committee**.



By Senators Hipps and Thomas of Henderson:

**S. B. 577**, a bill to appropriate funds to upgrade the Highlands magistrate position from part-time to full-time.

Referred to **Appropriations Committee**.

By Senators Staton, Johnson of Wake, and Woodard:

**S. B. 578**, a bill to amend G. S. 143-138(h).

Referred to **Judiciary II Committee**.

By Senators Plyler, Conder, Kaplan, and Rand:

**S. B. 579**, a bill to provide that an application for use value continue in effect until the property is transferred or becomes otherwise ineligible for use-value classification.

Referred to **Finance Committee**.

By Senators Plyler, Conder, Kaplan, and Rand:

**S. B. 580**, a bill to amend the sanitary sewage system law.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Martin of Pitt, Basnight, and Taft:

**S. B. 581**, a bill to increase the fee for service of process.

Referred to **Finance Committee**.

By Senators Somers and Smith:

**S. B. 582**, a bill to facilitate enforcement of the Animal Welfare Act.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Rauch:

**S. B. 583**, a bill to provide an incentive for substituting generic drugs for prescriptions covered by the State Medicaid program.

Referred to **Human Resources Committee**.

By Senators Taft, Ezzell, Rand, Sawyer, Somers, Staton, Swain, Walker, and Watt:

**S. B. 584**, a bill to provide for interest to run on worker's compensation awards in cases of appeals.

Referred to **Judiciary III Committee**.

By Senators Walker and Marvin:

**S. B. 585**, a bill to appropriate funds to raise the foster care board rates.

Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 123**, a bill to continue the North Carolina Marital and Family Therapy Certification Act and the North Carolina Marital and Family Therapy Certification Board, for

concurrence in House Amendment No. 1 which is re-referred to the **Judiciary III Committee**.

**H. B. 586**, a bill to allow the transfer of personal property of the Town of Black Creek. Referred to **Local Government and Regional Affairs Committee**.

**H. B. 636** (Committee Substitute), a bill to make changes to the Community Service Parole Program.

Referred to **Judiciary III Committee**.

**H. B. 771**, a bill to permit cities and counties to provide public services through contracts with private agencies.

Referred to **Judiciary IV Committee**.

**H. B. 783**, a bill to cross-refer in the adoption statutes to G. S. 14-320 regarding the separation of a child under six months old from a custodial parent as recommended by the General Statutes Commission and to make a clarifying amendment.

Referred to **Judiciary II Committee**.

**H. B. 801**, a bill authorizing the Department of Transportation to use aviation grant funds for all direct and indirect costs of administering airport grant projects.

Referred to **Transportation Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 154** (Committee Substitute), a bill to amend the Constitution to allow a county to exempt, in full or in part, inventories of manufacturers, wholesalers, and retailers from property taxes imposed by that county and the local governmental units located in the county, upon second reading.

Senator Thomas of Henderson offers Amendment No. 1 which is adopted (electronically recorded).

Senator Simpson offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Thomas of Henderson calls the previous question seconded by Senator Rand. The call is sustained.

Having received a three-fifths majority vote, the Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 31, noes 15, as follows:

Voting in the affirmative: Senators Barnes, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Winner, and Woodard—31.

Voting in the negative: Ballenger, Cobb, Kincaid, Martin of Pitt, Price, Redman, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Taft, Watt, and Wright—15.

On objection of Senator Winner to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for Monday, May 20, for further consideration upon third reading.

**S. B. 11** (Committee Substitute), a bill to reorganize State child day care services.

Senator Speed offers Amendment No. 1 which is adopted (electronically recorded).

Senator Harris offers Amendment No. 2 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Simpson to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 393**, (Committee Substitute), a bill to clarify the jurisdiction of grand juries.

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

**S. B. 436**, a bill that notification of a minor's parents by law enforcement officers is not required when a minor is charged with committing violations of wildlife statutes or regulations punishable by fines of less than fifty dollars or imprisonment not to exceed thirty days.

On motion of Senator Kincaid, consideration of the bill is postponed until Wednesday, May 15.

**S. B. 455**, a bill to authorize federal judges and magistrates to perform the marriage ceremony.

Senator Winner offers Amendment No. 1. Senator Staton rises to a point of order inquiring as to the constitutionality of the Amendment. The President sustains the point of order and rules Amendment No. 1 out of order. Senator Winner withdraws Amendment No. 1.

The bill passes its second reading (electronically recorded).

Senator Staton objects to the third reading of the bill and on his further motion, it remains on the Calendar for Thursday, May 16, for further consideration upon third reading.

**H. B. 71** (Committee Substitute), a bill to allow counties to issue voter registration cards, and set minimum standards for such cards.

On motion of Senator Kaplan, consideration of the Committee Substitute bill is postponed until Tuesday, May 21.

**H. B. 204**, a bill to provide better notice to persons whose voter registration is being purged for failure to vote.

On motion of Senator Watt, Committee Amendment No. 1 is adopted.

Senator Simpson offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 and No. 2.

**H. B. 495**, a bill to repeal the limitation on media expenses in certain statewide races, which has been declared unconstitutional.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 244**, a bill to make the unlawful possession of hydromorphone, commonly known as Dilaudid, a Class I felony, with pending Amendment No. 2, upon third reading.

Senator Marvin calls the previous question on Amendment No. 2, seconded by Senator Rauch. The call is sustained.

Amendment No. 2 offered by Senator Taft fails of adoption (electronically recorded).



Senator Marvin calls the previous question, seconded by Senator Harris. The call is sustained.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 445**, a bill to make the issuance of worthless checks in certain amounts a felony, with pending Amendment No. 1, upon third reading.

Without objection, Amendment No. 1, pending, offered by Senator Martin of Guilford, is withdrawn.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

### RE-REFERRAL

**S. B. 553**, a bill to provide an additional personal income tax exemption for individuals who are at least seventy years old and whose net income does not exceed twenty thousand dollars.

On motion of Senator Jordan, the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to the **Senior Citizens Committee**.

On motion of Senator Harrington, seconded by Senator Guy, the Senate adjourns in memory of Trooper Raymond Earl Worley, to meet tomorrow, Wednesday, May 15, at 1:30 P.M.

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### SEVENTY-SECOND DAY

SENATE CHAMBER,  
Wednesday, May 15, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of the little children, we thank Thee for Jesus’s love and support of children. We give Thee thanks for all those who work in child care centers, kindergartens, public schools, and Sunday schools—so that our children might find love and encouragement in their quest for joy and fulfillment. We thank Thee that under the leadership of the President of the North Carolina Senate and the Governor of North Carolina, that 1985 has been declared the ‘Year of the Child’ in our State; we are grateful for the work of the Children and Youth Committee of this Body; we rejoice in the many bills that have been introduced in both Houses of the General Assembly to benefit the children of North Carolina; and we pray Thee that in this Chamber we may pass bills which we believe will best protect and provide for the welfare of all the children of our State.

“O God of Comfort, we pray Thee to be with the husband of Mrs. Catherine Eastburn in Cumberland County, with the family of Highway Patrolman Raymond Worley, who was killed in the line of duty yesterday; and with all others who grieve the loss of a loved one. In the face of tragedy and heartache, give them that peace which the world can neither give nor take away.

"O God of Life, we thank Thee for being with Senator Jim Johnson and bringing him successfully through surgery yesterday; and we pray Thee to continue to work Thy healing powers in him, so that he may soon return to active duty in this Chamber.

"O God of Strength, be with us as we seek to deal with all the bills already in committee and the flood of new bills being introduced today. Help us to move with dispatch, but grant that we may give full consideration to all matters before this Body, so that we may be found faithful stewards of the sacred responsibilities which are ours as members of this legislative Body. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Basnight for tomorrow, Thursday, May 16, and Friday, May 17.

Leaves of absence granted previously to Senators Royall and Johnson of Cabarrus are noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 233**, an act to amend Chapter 136 of the General Statutes to provide for service upon the Department of Transportation. (Ch. 182)

**H. B. 495**, an act to repeal the limitation on media expenses in certain statewide races, which has been declared unconstitutional. (Ch. 183)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harris for the **Human Resources Committee**:

**S. B. 464**, a bill relating to cosmetic arts, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Finance Committee**.

**H. B. 511**, a bill to amend G. S. 108A-14 affecting the duties and responsibilities of county directors of social services, with a favorable report.

**H. B. 663**, a bill to amend G. S. 143B-153 to provide for adoption of rules by the Social Services Commission establishing standards for the inspection and licensing of domiciliary homes, with a favorable report.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**H. B. 525**, a bill to prohibit hunting on the land of another without his permission in Hoke County, with a favorable report.

**H. B. 526**, a bill to regulate hunting with rifles in Hoke County, with a favorable report.

By Senator Guy for the **State Government Committee:**

**H. B. 476** (Committee Substitute), a bill to abolish the Marine Resources Center Administrative Board, to reorganize the Marine Science Council, and to establish an Office of Marine Affairs, with a favorable report.

**S. B. 394**, a bill to establish a general statewide cash management policy for the State of North Carolina, with a favorable report.

**S. B. 418**, a bill to permit the Treasurer to authorize limited exemptions from the Daily Deposit Law, with a favorable report.

**S. B. 441**, a bill to change the qualifications for a limited pilotage license issued by the Cape Fear Navigation and Pilotage Commission, with a favorable report.

By Senator Hipps for the **Children and Youth Committee:**

**H. B. 638** (Committee Substitute), a bill to require prompt investigation of a report of juvenile abuse or neglect, with a favorable report.

By Senator Soles for the **Judiciary IV Committee:**

**S. B. 270**, a bill to provide that requests for admissions be filed like other discovery papers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 270** (Committee Substitute), a bill to make clear that requests for admissions must be filed with the Clerk of Court, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 17.

**H. B. 723**, a bill to amend the North Carolina Uniform Commercial Code, with a favorable report, as amended.

By Senator Kaplan for the **Election Laws Committee:**

**S. B. 403**, a bill to repeal the requirement that the Legislative Services Commission appoint an independent auditor for expenditures under the North Carolina Election Campaign Fund, with a favorable report.

**S. B. 471**, a bill to allow for appointment of additional registration commissioners, with a favorable report, as amended.

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

**S. B. 374**, a bill to disallow as deductions interest on the North Carolina inheritance tax, the federal estate tax, and on funds borrowed to pay such taxes, with a favorable report.

**H. B. 12**, a bill regarding a certificate of resale, with a favorable report.

**S. B. 195**, a bill to amend Chapter 10 of the General Statutes relative to registration restoration fees, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute



bill, which changes the title to read, **S. B. 195** (Committee Substitute), a bill to amend G. S. 20-309 pertaining to financial responsibility prerequisite to registration, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 17.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rand and Plyler:

**S. B. 586**, a bill to amend Section 75-16 of the North Carolina General Statutes to limit the award of treble damages for violations of Section 75-1.1.

Referred to **Judiciary IV Committee**.

By Senators Rand, Plyler, and Tally:

**S. B. 587**, a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year.

Referred to **Finance Committee**.

By Senator Rand:

**S. B. 588**, a bill to increase the service fee in G. S. 14-344 applicable to selling admission tickets.

Referred to **Finance Committee**.

By Senator Rand:

**S. B. 589**, a bill to amend the requirements of Chapter 95 of the General Statutes concerning certain unfired pressure vessels.

Referred to **Manufacturing and Labor Committee**.

By Senator Rand:

**S. B. 590**, a bill to amend the definition of a slot machine as it relates to arcade amusement machines, video games, and other devices.

Referred to **Judiciary IV Committee**.

By Senator Rand:

**S. B. 591**, a bill to make clarifying amendments to the Fair Access to Insurance Requirements Act.

Referred to **Insurance Committee**.

By Senator Rand:

**S. B. 592**, a bill to permit Extension Service employees having dual employment to participate in the Teachers' and State Employees' Retirement System, prevent partial withdrawal, and permit Extension Service employees to restore partially withdrawn accounts.

Referred to **Pensions and Retirement Committee**.

By Senator Rand:

**S. B. 593**, a bill to amend the General Statutes to provide that any action, suit or proceeding which relates to any bonds issued under Chapter 159B or to any security for said bonds must be tried in the Superior Court of Wake County.

Referred to **Judiciary IV Committee**.

By Senator Rand:

**S. B. 594**, a bill to amend the requirements for filling contact lens prescriptions.

Referred to **Human Resources Committee**.

By Senator Rand:

**S. B. 595**, a bill to provide victim and witness coordination and assistance in all prosecutorial districts of the State.

Referred to **Judiciary IV Committee**.

By Senators Swain, Barnes, Cobb, Guy, Hardison, Johnson of Wake, Kaplan, Marvin, McDuffie, Rand, Sawyer, Tally, Ward, and Watt:

**S. B. 596**, a bill to clarify conditions of probation.

Referred to **Judiciary III Committee**.

By Senator Ezzell:

**S. B. 597**, a bill to amend the Retail Installment Sales Act to clarify the validity and enforceability of consumer credit retail installment sales using simple interest finance charges.

Referred to **Judiciary II Committee**.

By Senators Staton and Johnson of Wake:

**S. B. 598**, a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested.

Referred to **Judiciary II Committee**.

By Senators Staton and Johnson of Wake:

**S. B. 599**, a bill to amend Chapter 36A of the General Statutes regarding investments in securities by banks or trust companies.

Referred to **Commerce Committee**.

By Senators Staton and Johnson of Wake:

**S. B. 600**, a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian.

Referred to **Commerce Committee**.

By Senator Warren:

**S. B. 601**, a bill to appropriate funds for capital expenditures at Sampson Technical College.

Referred to **Appropriations Committee**.

By Senator Warren:

**S. B. 602**, a bill to give school office support personnel an additional salary increment.  
Referred to **Appropriations Committee**.

By Senator Kincaid:

**S. B. 603**, a bill to provide for more expeditious proceedings in summary ejection actions.

Referred to **Judiciary III Committee**.

By Senator Smith:

**S. B. 604**, a bill to establish a General Reserve Fund.

Referred to **Appropriations Committee**.

By Senators Swain and Winner;

**S. B. 605**, a bill to provide maternity parole.

Referred to **Judiciary III Committee**.

By Senator Goldston:

**S. B. 606**, a bill to amend G. S. 20-116 relating to the length of certain vehicles.

Referred to **Transportation Committee**.

By Senator Hipps:

**S. B. 607**, a bill to appropriate funds for a visitors' center and laboratory complex at the Pisgah Forest Fish Hatchery.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S. B. 608**, a bill to define infractions and establish a procedure for disposition of infractions.

Referred to **Judiciary I Committee**.

By Senator Martin of Guilford:

**S. B. 609**, a bill to appropriate funds for the Triad Home for Autistic Youth.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S. B. 610**, a bill to assure continuous representation of an indigent person sentenced to death.

Referred to **Judiciary II Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 611**, a bill to authorize the Legislative Research Commission to study the issue of outdoor advertising.

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

By Senators Thomas of Henderson, Hipps, Rand, and Warren:

**S. B. 612**, a bill to permit the Commissioners of Motor Vehicles to issue fictitious licenses and registration plates to local law enforcement officers under certain circumstances.



Referred to **Transportation Committee.**

By Senator Harris:

**S. B. 613**, a bill to increase the punishments for various offenses involving animals.  
Referred to **Judiciary I Committee.**

By Senators Jordan and Hipps:

**S. B. 614**, a bill to require that school pictures of children are retained and made available to law enforcement in the event the children are missing.  
Referred to **Education Committee.**

By Senator Soles:

**S. B. 615**, a bill to appropriate funds for Southeastern Community College.  
Referred to Appropriations Committee.

By Senators Kaplan, Basnight, Ezzell, Guy, Hardison, Harrington, Hipps, Martin of Pitt, Marvin, Parnell, Plyler, Rand, Speed, Swain, Tally, and Ward:

**S. B. 616**, a bill to require a person to resign from State or local office if he or she seeks another public office the term of which runs concurrently with that of the office he is holding.

Referred to **Election Laws Committee.**

By Senators Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard:

**S. B. 617**, a bill to provide funds to purchase the critical areas of the park and recreation system.

Referred to **Appropriations Committee.**

By Senator Barnes:

**S. B. 618**, a bill to appropriate funds for a new deputy clerk position for Greene County.  
Referred to **Appropriations Committee.**

By Senator Barnes:

**S. B. 619**, a bill to appropriate funds to continue the alcohol education program offered by the Wayne County Public Schools.

Referred to **Appropriations Committee.**

By Senator Speed:

**S. B. 620**, a bill to amend the certificate of need law to permit the transfer of certain certificates of need.

Referred to **Human Resources Committee.**

By Senator Soles:

**S. B. 621**, a bill to provide that the time requirement limitations for a private protective

license do not apply to the time spent teaching police science subjects at a post-secondary educational institution.

Referred to **Judiciary IV Committee**.

By Senators Ballenger, Cobb, McDuffie, Sawyer, Somers, and Wright:

**S. B. 622**, a bill authorizing the issuance of State park and recreation area bonds, subject to approval by the voters in a referendum on the issue.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senators Kaplan and Watt:

**S. B. 623**, a bill to authorize urban centers industrial revenue bonds.

Referred to **Commerce Committee**.

By Senators Kaplan and Watt:

**S. B. 624**, a bill to increase the percentage of signatures required to call an alcoholic beverage election.

Referred to **Election Laws Committee**.

By Senators Johnson of Wake and Woodard:

**S. B. 625**, a bill to amend the fire protection laws.

Referred to **Insurance Committee**.

By Senator Harrington:

**S. B. 626**, a bill to appoint persons to various public offices upon the recommendation of the President Pro Tempore of the Senate.

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

By Senator Harrington:

**S. B. 627**, a bill to appropriate funds for historic preservation in the Town of Murfreesboro.

Referred to **Appropriations Committee**.

By Senators Watt and Kaplan:

**S. B. 628**, a bill to reduce the paper ballot printing requirement.

Referred to **Election Laws Committee**.

By Senators Walker and Hunt of Moore:

**S. B. 629**, a bill to make changes in procedures applicable to water and sewer authorities.

Referred to **Human Resources Committee**.

By Senators Warren, Hardison, and Martin of Guilford:

**S. B. 630**, a bill to remove references to the maintenance and operation of school facilities from the basic education program.

Referred to **Education Committee**.

By Senator Warren:

**S. B. 631**, a bill to appropriate funds for agricultural research stations.  
Referred to **Appropriations Committee**.

By Senator Johnson of Wake:

**S. B. 632**, a bill to discourage motor vehicle theft, insurance fraud and false police reports in North Carolina.  
Referred to **Insurance Committee**.

By Senator Hardison:

**S. B. 633**, a bill to tax foreign insurers the same as domestic insurers.  
Referred to **Insurance Committee**.

By Senators Rand, Harrington, and Thomas of Henderson:

**S. B. 634**, a bill to permit grand juries to investigate drug trafficking, to increase the maximum term of imprisonment for criminal contempt for refusing to testify after being granted immunity, and to limit the scope of immunity granted witnesses to use immunity.  
Referred to **Judiciary IV Committee**.

By Senators Rand, Barnes, and Guy:

**S. B. 635**, a bill to create a new chapter of the General Statutes concerning military affairs and to regulate military property sales facilities and discrimination against military members.  
Referred to **State Government Committee**.

By Senators Plyler, Conder, and Rand:

**S. B. 636**, a bill to authorize the Legislative Research Commission to study local land use control policies affecting manufactured housing.  
Referred to **Rules and Operation of the Senate Committee**.

By Senators Plyler, Conder, and Rand:

**S. B. 637**, a bill authorizing the establishment of a State Controller Study Commission to study the feasibility of establishing a State Controller.  
Referred to **Rules and Operation of the Senate Committee**.

By Senator Marvin:

**S. B. 638**, a bill to authorize the Legislative Research Commission to study child support issues.  
Referred to **Rules and Operation of the Senate Committee**.

By Senators Marvin, Harris, and Rauch:

**S. B. 639**, a bill to appropriate funds to establish the Gaston County Children's Council.  
Referred to **Appropriations Committee**.

By Senator Martin of Pitt:

**S. J. R. 640**, a joint resolution honoring the life and memory of Mrs. Eugenia Patterson VanLandingham and thereby applauding the efforts to remove or improve abandoned structures which blight the scenic beauty of North Carolina's roadways.  
Referred to **Rules and Operation of the Senate Committee**.



By Senators Tally, Barnes, and Woodard:

**S. B. 641**, a bill to create a study committee on hunter safety and outdoor ethics.  
Referred to **Rules and Operation of the Senate Committee**.

By Senators Cobb and Ballenger:

**S. B. 642**, a bill to repeal reciprocity requirements on inheritance rights of aliens.  
Referred to **Judiciary IV Committee**.

By Senator Cobb:

**S. B. 643**, a bill to provide for closed-circuit television appearances by criminal defendants in certain hearings in district court.  
Referred to **Judiciary IV Committee**.

By Senators Cobb and Smith:

**S. B. 644**, a bill to continue certain sales and use tax refunds to air carriers after airline deregulation.  
Referred to **Finance Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 274** (Committee Substitute), a bill to remove the requirement that absentee ballots from outside the United States need to be notarized.  
Referred to **Election Laws Committee**.

**H. B. 506** (Committee Substitute), a bill relating to quorum and voting requirements of the State Banking Commission.  
Referred to **Commerce Committee**.

**H. B. 788**, a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission.  
Referred to **Judiciary I Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 58** (Committee Substitute), a bill to recodify the Mental Health, Mental Retardation, and Substance Abuse Laws of North Carolina, upon second reading.

On motion of Senator Harris, the rules are suspended to the end that Lynn Gunn, Executive Director of the Mental Health Study Commission, is extended the courtesies of the floor for the purpose of assisting Senator Harris in the explanation of the Committee Substitute bill.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft,

Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 241**, a bill to amend Chapter 87 of the General Statutes relating to the qualifications and rosters of general contractors.

The bill passes its second reading (electronically recorded).

On objection of Senator Soles to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 436**, a bill that notification of a minor's parents by law enforcement officers is not required when a minor is charged with committing violations of wildlife statutes or regulations punishable by fines of less than fifty dollars or imprisonment not to exceed thirty days.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 468**, a bill to provide that expenses for a wrongful death action may be advanced from the decedent's estate.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 81** (Committee Substitute), a bill to reenact the North Carolina child passenger restraint law.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

Senator Sawyer offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Sawyer offers Amendment No. 3 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Warren objects to the third reading of the Committee Substitute bill, as amended, which objection he subsequently withdraws, and Senator Sawyer objects to the third reading of the Committee Substitute bill, as amended.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 234** (Committee Substitute), a bill to clarify interest relating to judgments and provide for interest on noncontract judgments regardless of insurance coverage.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

Senators Winner and Jordan request to be recorded voting "aye."

**H. B. 346**, a bill to require that when names are affixed to discharges and releases of deeds of trust or other instruments the names be printed or typed so as to be legible.

The bill passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 427**, a bill to extend parental liability in motor vehicle cases to adult children. Without objection, consideration of the bill is postponed until Thursday, May 16.

### INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Harrington offers a motion to the end that the Rules be suspended to allow the introduction of the following Senate resolution, which motion prevails by a two-thirds majority vote.

By Senator Harrington:

**S. R. 669**, a Senate resolution to provide for the extension of certain deadlines.

On motion of Senator Harrington, the rules are suspended and the Senate resolution is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Senate Resolution is adopted. The text of this resolution is as follows:

#### A SENATE RESOLUTION TO PROVIDE FOR THE EXTENSION OF CERTAIN DEADLINES.

Be it resolved by the Senate:

Section 1. For the purpose of Senate Rule 44.1, and the next to the last sentence of Senate Rule 41, any measure submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 p.m. on Wednesday, May 15, 1985, and filed in the House of Representatives before 3:00 p.m. on Friday, May 17, 1985, shall be treated as if it had been filed by May 15, 1985.

Sec. 2. For the purpose of Senate Rule 44.1, and the next to the last sentence of Senate Rule 41, any measure submitted to the Bill Drafting Division of the Legislative Service Office by 4:00 p.m. on Wednesday, May 15, 1985, and filed for introduction in the Senate before 3:00 p.m. on Friday, May 17, 1985, shall be treated as if it had been filed for introduction by May 15, 1985.

Sec. 3. This resolution shall only become effective if the House of Representatives adopts a similar resolution.

Sec. 4. This resolution is effective upon adoption.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 1157**, a joint resolution to provide for enforcement of the extension of the deadline for filing or introduction of certain measures.

Without objection, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

### CALENDAR (Continued)

**H. B. 475**, a bill to include optometrists, veterinarians, and nurses in the exemption



from the conflict of interest provisions governing membership on certain local boards.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

Senator Rand requests to be recorded voting "aye."

**H. B. 577**, a bill to permit persons less than 16 to take noncredit courses in the Community College System.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

### ENROLLED JOINT RESOLUTION

The Enrolling Clerk reports the following joint resolution properly enrolled, and duly ratified, and sent to the office of the Secretary of State:

**H. J. R. 1157**, a joint resolution to provide for enforcement of the extension of the deadline for filing or introduction of certain measures. (Res. 11)

### CALENDAR (Continued)

**H. B. 674**, a bill to clarify and simplify the escheats and abandoned property statutes.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 11** (Committee Substitute), a bill to reorganize State child day care services, as amended, upon third reading.

Senator Hipps offers Amendment No. 3.

Senator Redman rises to a point of order inquiring as to Amendment No. 3, amending the bill as amended by Amendment No. 1 previously adopted. The Chair sustains the point of order.

The Chair directs the Reading Clerk to read Amendment No. 3 with corrected citation.

Corrected Amendment No. 3 is adopted (electronically recorded).

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

### RE-REFERRAL

**S. B. 154** (Committee Substitute), a bill to amend the Constitution to allow a county to exempt, in full or in part, inventories of manufacturers, wholesalers, and retailers from property taxes imposed by that county and the local governmental units located in the county.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is taken from the Calendar for Monday, May 20, and is placed on the Calendar for Tuesday, May 21.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 1129**, a bill to modify the benefits provided under the Teachers' and State Employees' Comprehensive Major Medical Plan.

May 15, 1985

Senator Plyler offers a motion to suspend the rules to the end that the bill may be placed before the Senate for immediate consideration, which motion fails to prevail (electronically recorded).

On motion of Senator Staton, the bill is placed on the Calendar as Special Order of Business No. 1 for Thursday, May 16.

On motion of Senator Harrington, seconded by Senator Parnell, the Senate adjourns to meet tomorrow, Thursday, May 16, at 1:30 P.M.

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### SEVENTY-THIRD DAY

SENATE CHAMBER,  
Thursday, May 16, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator of Forsyth County, as follows:

“Our Heavenly Father, we are thankful for the privilege of gathering here again on another day to make some difficult decisions. We ask for Thy divine guidance as we study matters and try to make decisions that are fair to everyone.

“We ask Your privilege of letting us think carefully and weigh all the matters in every way possible before we make that final decision.

“These things we ask in Thy Name. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Swain for today and for tomorrow, Friday, May 17. Leaves of absence granted previously to Senators Basnight, Johnson of Cabarrus, and Royall are noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 146**, an act to increase the Confederate widows' pension. (Ch. 184)

**S. B. 189**, an act to amend Chapter 926, 1947 Session Laws As Amended, relating to the Charlotte Firemen's Retirement System. (Ch. 185)

**S. B. 262** (Committee Substitute), an act to amend G. S. 118-7 as that Statute applies to the City of Asheboro to establish supplemental retirement benefits for Asheboro's firemen. (Ch. 186)

**S. B. 348**, an act to consider the effects of unencumbered actuarial gains upon employer or State contributions to and unfunded accrued liabilities of retirement and pension plans administered by the State. (Ch. 187)

**S. B. 358**, an act to provide a supplemental retirement fund for firemen in the City of Williamston. (Ch. 188)

**S. B. 389**, an act to modify the retirement actuarial note requirement. (Ch. 189)

**H. B. 475**, an act to include optometrists, veterinarians, and nurses in the exemption from the conflict of interest provisions governing membership on certain local boards. (Ch. 190)

**H. B. 577**, an act to permit persons less than 16 to take noncredit courses in the Community College System. (Ch. 191)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 420**, a bill creating the criminal offense of felonious restraint, with a favorable report, as amended.

By Senator Marvin for the **Pensions and Retirement Committee**:

**H. B. 508**, a bill to provide supplemental retirement funds for members of the City of Shelby Fire Department and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of Shelby, with a favorable report.

**H. B. 550**, a bill to amend Chapter 767 of the 1983 Session Laws and relating to the purchase of credit in the Charlotte Firemen's Retirement System, with a favorable report.

**H. B. 599**, a bill to establish a Supplemental Pension Fund for firemen in the City of Mayodan, with a favorable report, as amended.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 521**, a bill to provide for the simultaneous foreclosure of two or more deeds of trust secured by the same property, with a favorable report.

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices, with a favorable report.

By Senator Warren for the **Transportation Committee**:

**H. B. 704**, a bill to permit the drivers of antique cars not to display the current registration plate under certain circumstances, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 20.



## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Tally:

**S. B. 645**, a bill to authorize the use of commercial water treatment operation firms.  
Referred to **Human Resources Committee**.

By Senator Tally:

**S. B. 646**, a bill to continue the work of the Commission on a Cafeteria-Style Benefits Program for Teachers and State Employees and to appropriate funds for that purpose.  
Referred to **Appropriations Committee**.

By Senator Harrington:

**S. B. 647**, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

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

By Senator Hardison:

**S. B. 648**, a bill to appropriate funds to a special fund of the Department of Public Education for expansion of the public schools' basic skills program in economic education.  
Referred to **Appropriations Committee**.

By Senator Walker:

**S. B. 649**, a bill to reduce the discount allowed merchants who remit sales and use taxes.  
Referred to **Finance Committee**.

By Senators Walker, Plyler, and Rand:

**S. B. 650**, a bill to require merchants who collect more than one thousand dollars a month in sales taxes to remit these taxes twice a month instead of once a month and to shorten the time after a reporting period by which merchants must remit taxes.

Referred to **Finance Committee**.

By Senator Walker:

**S. B. 651**, a bill to extend the law regarding principal and teacher employment contracts to all principals and teachers in the public schools of North Carolina.

Referred to **Education Committee**.

By Senator Walker;

**S. B. 652**, a bill to extend the law regarding principal and teacher employment contracts to all principals and teachers in the public schools of North Carolina.

Referred to **Education Committee**.

By Senator Simpson:

**S. B. 653**, a bill to permit a landlord to deliver property abandoned by a tenant to a nonprofit organization.

Referred to **Judiciary II Committee**.

By Senator Hipps:

**S. B. 654**, a bill to rewrite and broaden the Cartway Statute as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

By Senator Hipps:

**S. B. 655**, a bill to authorize the Legislative Research Commission to study plans for storage of high-level radioactive waste.

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

By Senator Thomas of Craven:

**S. B. 656**, a bill to appropriate funds for the construction of the Union Point River Resources Center.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 657**, a bill to appropriate funds for an historical museum and research library in Carteret County.

Referred to **Appropriations Committee**.

By Senators Watt and Kaplan:

**S. B. 658**, a bill to provide a uniform filing period for candidacies in municipal elections and making conforming changes in dates for setting filing fees and appointing municipal boards of elections.

Referred to **Election Laws Committee**.

By Senators Watt and Kaplan:

**S. B. 659**, a bill to change the deadlines for making application for absentee ballots to provide for applications by mail two days earlier, but extending by one day the deadline for one-stop absentee voting.

Referred to **Election Laws Committee**.

By Senators Rand, Martin of Pitt, and Taft:

**S. B. 660**, a bill to permit medical centers to increase their percentage of skilled nursing facility beds.

Referred to **Human Resources Committee**.

By Senators Rand, Johnson of Wake, Kaplan, Plyler, and Watt:

**S. B. 661**, a bill to provide for mutuality in insurance contracts with respect to refunds of unearned premiums and to provide for more expeditious refunds of unearned premiums after cancellations of insurance policies.

Referred to **Insurance Committee**.

By Senators Rand and Harrington:

**S. B. 662**, a bill to enhance the investigative capabilities of law enforcement in cases of drug trafficking by permitting the use of electronic surveillance in limited circumstances.

Referred to **Judiciary IV Committee**.

By Senators Thomas of Henderson and Higgs:

**S. B. 663**, a bill to impose sales tax on all property sold at flea markets and to require all persons who sell property at flea markets to display their sales tax licenses.

Referred to **Finance Committee**.

By Senators Barnes and Smith:

**S. B. 664**, a bill to expand the property tax exemption for certain civic and fraternal organizations to include recreational facilities that are owned by those organizations and are used only by members of the organizations.

Referred to **Finance Committee**.

By Senator Barnes:

**S. B. 665**, a bill to appropriate funds for the construction of a new building at Wayne Community College.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 666**, a bill to appropriate funds for the restoration of the King Solomon Lodge Masonic Building.

Referred to **Appropriations Committee**.

By Senators Woodard, Johnson of Wake, and Staton:

**S. B. 667**, a bill to permit employees of the State Employees Association of North Carolina, the employees of the North Carolina Association of Educators, and the employees of North Carolina School Boards Association the option of terminating membership in the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

By Senators Woodard, Johnson of Wake, and Staton:

**S. B. 668**, a bill to amend travel allowances of State officers and employees.

Referred to **Appropriations Committee**.

By Senators Rauch, Basnight, Tally, Thomas of Henderson, and Watt:

**S. B. 670**, a bill to authorize the Legislative Research Commission to study the financing of local government.

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

By Senator Rand:

**S. B. 671**, a bill to permit members of the Teachers' and State Employees' Retirement System and of the consolidated Judicial Retirement System to purchase creditable service for comparable federal employment.

Referred to **Pensions and Retirement Committee**.

By Senators Marvin, Barnes, Conder, Harris, Hunt of Moore, Johnson of Wake, Kaplan, Plyler, Rand, Rauch, Speed, Staton, Swain, Tally, Ward, Warren, Winner, and Woodard:



**S. B. 672**, a bill to change the manner in which the salary of a teacher who receives a master's degree is calculated.

Referred to **Education Committee**.

By Senators Ward, Harris, Kaplan, Marvin, Swain, and Tally:

**S. B. 673**, a bill to amend the Uniform Anatomical Gift Act relating to cornea donations.

Referred to **Human Resources Committee**.

By Senator Royall:

**S. B. 674**, a bill to establish the Personnel Classification Study Commission.

The Chair directs the Reading Clerk not to read the bill, improperly filed.

By Senators Redman, Harrington, Simpson, and Staton:

**S. B. 675**, a bill to create the State Personnel Study Commission to study the State Personnel Act and to propose changes to give professional State employees the protection and security from political pressures they deserve and to establish a senior executive service.

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

By Senators Cobb and Redman:

**S. B. 676**, a bill to amend the Constitution of North Carolina to provide for nonpartisan selection of justices and judges of the General Court of Justice.

Referred to **Judiciary IV Committee**.

By Senators Cobb and Redman:

**S. B. 677**, a bill to create a Judicial Nominating Commission and to implement the nonpartisan plan for the selection of judges as required by Article IV, Section 16, of the North Carolina Constitution.

Referred to **Judiciary IV Committee**.

By Senators Parnell, Cobb, Hipps, Johnson of Wake, Swain, and Taft:

**S. B. 678**, a bill to make appropriations from the reserve for the Safe Roads Act to reimburse counties for related jail costs.

Referred to **Appropriations Committee**.

Senator Redman moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Redman and Rauch:

**S. B. 679**, a bill to increase the CON threshold for the acquisition of major medical equipment and to require that a recipient of a CON follow the projections of its application.

Referred to **Human Resources Committee**.

Senator Redman moves that Rule 41 be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote:

By Senator Redman:

**S. B. 680**, a bill to define as a Class J felony any attempted influence by an elected or appointed public official, their agents, or representatives, and to prohibit former employees from acting in matters connected with former duties.

Referred to **Judiciary IV Committee**.

By Senators McDuffie and Redman:

**S. B. 681**, a bill to require the State Department of Public Instruction to adopt and implement rules promoting the safety of all cheerleaders enrolled in all public middle schools, junior high schools, and high schools.

Referred to **Education Committee**.

By Senators McDuffie and Redman:

**S. B. 682**, a bill to provide for safety rules for cheerleaders enrolled in the constituent institutions of the University of North Carolina.

Referred to **Higher Education Committee**.

By Senators Rand, Harrington, Higgs, Kaplan, Martin of Guilford, Marvin, Plyler, Tally, Thomas of Henderson, Warren, and Watt:

**S. B. 683**, a bill to create the North Carolina Housing Trust Fund.

Referred to **Judiciary I Committee**.

By Senator Ballenger:

**S. B. 684**, a bill exempting certain State employees from the requirement of paying a fee when they commute to work in a State car.

Referred to **State Government Committee**.

By Senator Watt:

**S. B. 685**, a bill to amend the Constitution of North Carolina to provide that midterm vacancy elections shall be held when the vacancy occurs at least sixty days before the election rather than at least thirty days before the election, so as to ease the administration of elections.

Referred to **Election Laws Committee**.

#### RE-REFERRAL

**S. B. 195** (Committee Substitute), a bill to amend G. S. 20-309 pertaining to financial responsibility prerequisite to registration.

On motion of Senator Kincaid the rules are suspended and the Committee Substitute bill is taken from the Calendar for Friday, May 17, and is placed on the Calendar for Monday, May 20.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 156** (Committee Substitute), a bill to amend Chapters 24 and 45 to provide for

equity lines of credit, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for tomorrow, May 17.

**S. B. 336**, a bill to amend G. S. 49-14 to allow the establishment of paternity until age eighteen in accordance with North Carolina case law and as required by federal law, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, May 17.

**H. B. 206** (Committee Substitute), a bill to reduce the fee rate for administration of estates and to set a maximum cumulative fee.

Referred to **Finance Committee**.

**H. B. 504**, a bill to authorize the County of Wilkes and the Cities of Wilkesboro and North Wilkesboro to appropriate money to the Wilkes YMCA.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 507**, a bill to amend the Town of Knightdale Charter to permit conditional use zoning.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 509**, a bill to authorize the Charlotte-Mecklenburg County Board of Education to continue its pilot program extending the probationary period for nontenured teachers.

Referred to **Education Committee**.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights.

Referred to **Judiciary II Committee**.

**H. B. 571**, a bill to authorize Wake County to accept gifts of real property for roadway reservations.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 603**, a bill to permit the Town of Cornelius to use conditional use zoning districts.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 650**, a bill to bring Mecklenburg County under the general law regarding setting salaries of the Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 787**, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

**H. B. 794**, a bill to permit the Town of Beaufort to regulate the possession of beer and unfortified wine by ordinance.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 812**, a bill to exempt partnerships that render professional services from the requirement that they file a certificate of assumed name.

Referred to **Judiciary II Committee**.

**H. B. 821**, a bill to ban the addition of sulfiting agents to certain foods.

Referred to **Agriculture Committee**.



**RE-REFERRAL**

**H. B. 119** (Senate Committee Substitute), a bill to restrict the partial gasoline and special fuels tax exemption for alcohol fuels to fuels produced in North Carolina from agricultural or forestry products, and to provide that the special exemption is repealed if this restriction is declared unconstitutional.

On motion of Senator Rauch, the rules are suspended, and the Senate Committee Substitute bill is taken from the Finance Committee and placed before the Senate for immediate consideration.

Senator Rauch offers a motion that the vote by which the Senate Committee Substitute bill was adopted be reconsidered, which motion prevails, and without objection, withdraws the Senate Committee Substitute bill.

Senator Rauch offers a motion that the original bill, entitled **H. B. 119**, a bill to repeal the partial gasoline and special fuels tax exemption for alcohol fuels, be taken from the table, which motion prevails and offers a further motion that the bill and the Senate Committee Substitute bill be recommitted to the **Finance Committee**, which motion prevails.

**CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**SPECIAL ORDER NO. 1****H. B. 1129**

The hour having arrived for the consideration of Special Order No. 1 the President of the Senate lays before the Senate Special Order No. 1, it being **H. B. 1129**, a bill to modify the benefits provided under the Teachers' and State Employees' Comprehensive Major Medical Plan.

Senator Plyler offers a motion that the rules be suspended to the end that the Fiscal Research Staff may be seated for the purpose of providing assistance to the Senate, which motion prevails.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**ENROLLED BILLS**

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 1129**, an act to modify the benefits provided under the Teachers' and State Employees' Comprehensive Major Medical Plan. (Ch. 192)

**CALENDAR (Continued)**

**S. B. 302** (Committee Substitute), a bill to provide that where a school unit lies in Nash and Edgecombe Counties either County may withdraw and become a part of its County unit.

Senator Harrington offers Amendment No. 1 which is adopted (electronically recorded).

On motion of Senator Harrington, the Committee Substitute bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**H. B. 525**, a bill to prohibit hunting on the land of another without his permission in Hoke County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 526**, a bill to regulate hunting with rifles in Hoke County.

Senator Parnell offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 58** (Committee Substitute), a bill to recodify the Mental Health, Mental Retardation, and Substance Abuse Laws of North Carolina, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Tally, Walker, Ward, Warren, Watt, Woodard, and Wright—39.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S. B. 374**, a bill to disallow as deductions interest on the North Carolina inheritance tax, the federal estate tax, and on funds borrowed to pay such taxes.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 394**, a bill to establish a general statewide cash management policy for the State of North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 403**, a bill to repeal the requirement that the Legislative Services Commission appoint an independent auditor for expenditures under the North Carolina Election Campaign Fund.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 418**, a bill to permit the Treasurer to authorize limited exemptions from the Daily Deposit Law.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 441**, a bill to change the qualifications for a limited pilotage license issued by the Cape Fear Navigation and Pilotage Commission.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 471**, a bill to allow for appointment of additional registration commissioners.

On motion of Senator Martin of Guilford, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Cobb to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 12**, a bill regarding a certificate of resale.

Senator Rauch, Co-Chairman of the **Finance Committee**, requests a fiscal note.

The bill is placed on the Calendar for Tuesday, May 21, for receipt of a fiscal note.

**H. B. 427**, a bill to extend parental liability in motor vehicle cases to adult children.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 476** (Committee Substitute), a bill to abolish the Marine Resources Center Administrative Board, to reorganize the Marine Science Council, and to establish an Office of Marine Affairs.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 511**, a bill to amend G. S. 108A-14 affecting the duties and responsibilities of county directors of social services.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 638** (Committee Substitute), a bill to require prompt investigation of a report of juvenile abuse or neglect.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 663**, a bill to amend G. S. 143B-153 to provide for adoption of rules by the Social Services Commission establishing standards for the inspection and licensing of domiciliary homes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 723**, a bill to amend the North Carolina Uniform Commercial Code.

On motion of Senator Cobb, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 241**, a bill to amend Chapter 87 of the General Statutes relating to the qualifications and rosters of general contractors, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 455**, a bill to authorize federal judges and magistrates to perform the marriage ceremony, upon third reading.

Senator Winner offers Amendment No. 2 which fails of adoption (electronically recorded).

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**H. B. 81** (Committee Substitute), a bill to reenact the North Carolina child passenger restraint law, as amended, upon third reading.



The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 346**, a bill to require that when names are affixed to discharges and releases of deeds of trust or other instruments the names be printed or typed so as to be legible, upon third reading.

On motion of Senator Watt, consideration of the bill is postponed until Tuesday, May 21.

#### APPOINTMENT BY THE GOVERNOR

The President directs the Reading Clerk to read the following message from the Governor:

State of North Carolina  
Office of the Governor  
Raleigh 27611  
May 14, 1985

The Honorable Robert B. Jordan, III  
President of the Senate  
Lieutenant Governor of North Carolina  
Legislative Building  
Raleigh, North Carolina 27611

Re: North Carolina Utilities Commission

*Dear Lieutenant Governor Jordan:*

Pursuant to North Carolina General Statute Section 62-10, I hereby appoint Julius A. Wright, New Hanover County, to the North Carolina Utilities Commission to fill the vacancy caused by the resignation of Hugh A. Crigler, Jr., whose term expires July 1, 1985, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,  
S/ JAMES G. MARTIN  
Governor

Referred to **Commerce Committee**.

On motion of Senator Harrington, seconded by Senator Martin of Pitt, the Senate adjourns to meet tomorrow, Friday, May 17, at 10:00 A.M.

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#### SEVENTY-FOURTH DAY

SENATE CHAMBER,  
Friday, May 17, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Justice, we thank You for the Ten Commandments, which You have given us as guides to our relationship with You and with one another.

"O God of Holiness, grant that we may put no other gods before You. Save us from the temptation to make gods or idols of power, popularity, money, sex, sports, or success. Deliver us from profanity; and grant that we may faithfully keep all the vows we have made to You and all the commitments we have made to others. Inspire us to live a godly life; and grant that we may seek first Your Kingdom and Your righteousness.

"O God of the Sabbath, help us to remember the Sabbath to keep it holy; grant that this weekend and every weekend that we may be found worshiping You in Your House; and inspire us to practice our faith not only in our houses of worship, but every day, in the social, political, and business arenas of life.

"O God of the Family, inspire us to honor our father and our mother; and grant that we may live honorable lives—which will be an inspiration to our children and grandchildren.

"O God of Covenant, equip us to faithfully fulfill our sacred responsibilities as spouses, parents, citizens, pastors, and Senators.

"O God of Love, inspire us to love You with all our being; grant that we may love our neighbors as we love ourselves; and give us hearts of compassion—which reach out in tenderness to all who are oppressed, wounded, abandoned, or in need of love and support.

"O God of Righteousness and Mercy, grant that we may pass laws in this Chamber which will bring honor to Your Name, and which will provide justice, protection, compassion, and opportunity for all the children, youth, and adults of our State—regardless of their race, sex, or station in life. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Conder for today.

Leaves of absence granted previously to Senators Royall, Johnson of Cabarrus, and Swain are noted.

The President grants courtesies of the floor to Carl Totherow, former Senator from Forsyth County.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

**S. J. R. 458**, a joint resolution honoring Matthew Wilkes Brown and recognizing the importance of organ donations, with a favorable report.

By Senator Winner for the **Education Committee:**

**S. B. 293**, a bill to require health assessments for kindergarten children in the public schools, with a favorable report, as amended.

**S. B. 431**, a bill to increase State sales and use taxes by one-half percent and to use the proceeds to establish a Public School Capital Construction Fund, with a favorable report, as amended.

On motion of Senator Winner, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

By Senator Thomas of Henderson for the **Finance Committee**:

**H. B. 119**, a bill to repeal the partial gasoline and special fuels tax exemption for alcohol fuels, with a favorable report.

On motion of Senator Thomas of Henderson, the bill is placed on the Calendar for Tuesday, May 21.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Sawyer:

**S. B. 686**, a bill to prohibit insurance points from being assessed after a speeding conviction in certain instances.

Referred to **Insurance Committee**.

By Senator Sawyer:

**S. B. 687**, a bill to create two additional pay scales for magistrates with eleven or more years of service.

Referred to **Appropriations Committee**.

By Senator Ezzell:

**S. B. 688**, a bill to appropriate funds for the Coastal Plains Law Enforcement Academy to use the Special Care Center in Wilson.

Referred to **Appropriations Committee**.

By Senator Taft:

**S. B. 689**, a bill prohibiting the copying of products by the direct molding process.

Referred to **Judiciary III Committee**.

By Senator Taft:

**S. B. 690**, a bill to continue the School Finance Pilot Project.

Referred to **Education Committee**.

By Senator Swain:

**S. B. 691**, a bill to incorporate certain changes into the Alarm Systems Licensing Act.

Referred to **Judiciary III Committee**.

By Senator Wright:

**S. B. 692**, a bill to exempt sixteen-foot long sailboats from the numbering requirements.

Referred to **Natural and Economic Resources and Wildlife Committee**.



By Senators Marvin and Hunt of Moore:

**S. B. 693**, a bill to allow the prosecution of the reputed father as well as the mother of an illegitimate child anytime before the child attains the age of eighteen years.

Referred to **Judiciary II Committee**.

By Senator Parnell:

**S. B. 694**, a bill to appropriate funds for the restoration and preservation of the Rowland Depot.

Referred to **Appropriations Committee**.

By Senators Parnell and Smith:

**S. B. 695**, a bill to reimburse counties for cost of caring for persons incarcerated under the Safe Roads Act.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S. B. 696**, a bill to provide that an indigent defendant's competency evaluation report will not be forwarded to the district attorney.

Referred to **Judiciary II Committee**.

By Senator Martin of Guilford:

**S. B. 697**, a bill to appropriate funds for alternate means of dispute resolution.

Referred to **Appropriations Committee**.

By Senators Martin of Guilford, Harris, Redman, and Walker:

**S. B. 698**, a bill to establish the Self-Reliance Pilot Project.

Referred to **Human Resources Committee**.

By Senators Martin of Guilford, Ezzell, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, McDuffie, Rand, Soles, Staton, Swain, Tally, Thomas of Henderson, Walker, Watt, and Woodard:

**S. B. 699**, a bill regarding the identification and labelling of toxic and hazardous substances.

Referred to **Human Resources Committee**.

By Senator Martin of Guilford:

**S. B. 700**, a bill to provide that when a vote is challenged on account of residence, it shall be counted for offices that the voter was eligible to vote for.

Referred to **Election Laws Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 701**, a bill to make unlawful the impersonation of county or State employees.

Referred to **Judiciary III Committee**.

By Senators Thomas of Henderson and Hipps:

**S. B. 702**, a bill to appropriate funds for health educator positions.

Referred to **Appropriations Committee**.

By Senators Taft, Ballenger, Conder, Goldston, Guy, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Tally, Thomas of Craven, Walker, Ward, Woodard, and Wright:

**S. B. 703**, a bill to create a North Carolina Medical Malpractice and Medical Liability Study Commission.

Referred to **Judiciary IV Committee**.

By Senator Ezzell:

**S. B. 704**, a bill to appropriate funds to rehabilitate the former Nashville Baptist Church for use as the Nash County Cultural Center.

Referred to **Appropriations Committee**.

By Senators Sawyer, Martin of Guilford, Simpson, Somers, Taft, and Watt:

**S. B. 705**, a bill to provide that judgments in personal injury actions shall bear interest from the date the cause of action accrues.

Referred to **Judiciary I Committee**.

By Senators Sawyer, Kincaid, Redman, Shaw, Smith, Somers, and Wright:

**S. B. 706**, a bill to give parents access to certain instructional material and to protect students' privacy in examination, testing, or treatment.

Referred to **Education Committee**.

By Senator Conder:

**S. B. 707**, a bill to authorize a procedure for units of government to borrow money up to one-half percent of the appraised value of property subject to taxation.

Referred to **Judiciary IV Committee**.

By Senator Conder:

**S. B. 708**, a bill to amend G. S. 159-81(3) of the State and Local Government Revenue Bond Act to include cable television systems as a revenue bond project.

Referred to **State Government Committee**.

By Senator Conder:

**S. B. 709**, a bill to amend the Constitution of North Carolina to repeal the authority of the General Assembly to authorize units of local government to contract debt without a vote of the people to the extent of two-thirds of net debt reduction in the preceding fiscal year and to substitute therefor authority to authorize such units to contract debt without a vote of the people to the extent of one-half percent of the appraised value of property subject to taxation by the unit.

Referred to **Judiciary IV Committee**.

By Senator Harris:

**S. B. 710**, a bill making the larceny of a cat or a dog under certain circumstances a Class J felony.

Referred to **Judiciary III Committee**.

By Senators Martin of Guilford, Guy, Hardison, Harrington, Hunt of Durham, Johnson of Wake, Marvin, Parnell, Rand, Rauch, Speed, Staton, Taft, Tally, Walker, Ward, Warren, Watt, Winner, and Woodard:

**S. B. 711**, a bill to amend the Constitution of North Carolina to provide for election of statewide officials in the fall of the odd-numbered years.

Referred to **Judiciary IV Committee**.

By Senators Warren and Price:

**S. B. 712**, a bill requiring repeal of existing regulatory provisions of law when new regulatory laws are enacted.

Referred to **Judiciary I Committee**.

By Senator Speed:

**S. B. 713**, a bill to require that persons summoned to serve for grand jury service be notified of that fact.

Referred to **Judiciary III Committee**.

By Senators Plyler, Conder, Hardison, Hunt of Moore, Kaplan, Marvin, Rand, Taft, Tally, Ward, and Watt:

**S. B. 714**, a bill creating the offense of dumping litter on private property.

Referred to **Judiciary IV Committee**.

By Senator Rand:

**S. B. 715**, a bill to require that one member of the Courts Commission be a public defender.

Referred to **Judiciary IV Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 385**, a bill to insure the competitive selection of payroll deduction insurance products paid for by State employees, for concurrence in the House amendment, which is placed on the Calendar for Monday, May 20.

**H. B. 365**, a bill to conform the General Statute authorizing and establishing the optional retirement program to later action of the General Assembly with respect to tax treatment of State retirement contributions and structure of the University of North Carolina.

Referred to **Pensions and Retirement Committee**.

**H. B. 488**, a bill to provide for coverage under the State Property Fire Insurance Fund to be on a replacement cost basis instead of an actual cash value basis; and to reimburse local fire departments for protection of State property from the General Fund.

Referred to **Insurance Committee**.

**H. B. 573**, a bill to expand the extraterritorial planning jurisdiction of the Town of Knightdale, and to expand the limit on satellite annexations by that Town.

Referred to **Local Government and Regional Affairs Committee**.



**H. B. 770**, a bill to make the Secretary of Cultural Resources an ex officio member of the governing body of the North Carolina Art Society, Inc.

Referred to **State Government Committee**.

**H. B. 780**, a bill to clarify Section 96-29 of the Employment Security Law.

Referred to **Manufacturing and Labor Committee**.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 247**, an act to allow Rowan County to establish voting precincts without regard to township boundaries. (Ch. 193)

**S. B. 242**, an act to require consent of the Cabarrus County Board of Commissioners before land in that County may be condemned or acquired by a unit of local government outside the County. (Ch. 194)

**S. B. 254**, an act to allow the Town of Wake Forest to dispose of real property at private sale for the purpose of economic development. (Ch. 195)

**S. B. 255**, an act to allow the Town of Wake Forest to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners. (Ch. 196)

**H. B. 483**, an act to assure compliance of the North Carolina Employment Security Law with federal law. (Ch. 197)

**H. B. 505**, an act to amend the school budget and fiscal control act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years. (Ch. 198)

**H. B. 649**, an act making it a general misdemeanor to sell or give to a minor a shurikin, commonly known as a star. (Ch. 199)

**H. B. 754**, an act to amend G. S. 20-7.2(b) relating to compliance with 90-day failures. (Ch. 200)

**H. B. 427**, an act to extend parental liability in motor vehicle cases to adult children. (Ch. 201)

**H. B. 476** (Committee Substitute), an act to abolish the Marine Resources Center Administrative Board, to reorganize the Marine Science Council, and to establish an Office of Marine Affairs. (Ch. 202)

**H. B. 511**, an act to amend G. S. 108A-14 affecting the duties and responsibilities of county directors of social services. (Ch. 203)

**H. B. 525**, an act to prohibit hunting on the land of another without his permission in Hoke County. (Ch. 204)

**H. B. 638** (Committee Substitute), an act to require prompt investigation of a report of juvenile abuse or neglect. (Ch. 205)

**H. B. 663**, an act to amend G. S. 143B-153 to provide for adoption of rules by the Social

Services Commission establishing standards for the inspection and licensing of domiciliary homes. (Ch. 206)

**S. J. R. 558**, a joint resolution providing for joint sessions of the Senate Committee on Commerce and the House Committee on Public Utilities to review the Governor's appointees to the Utilities Commission and providing for a joint session or sessions of the Senate and House of Representatives to act on confirmation of the appointments made by the Governor to membership on the North Carolina Utilities Commission. (Res. 12)

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 508**, a bill to provide supplemental retirement funds for members of the City of Shelby Fire Department and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of Shelby.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 550**, a bill to amend Chapter 767 of the 1983 Session Laws and relating to the purchase of credit in the Charlotte Firemen's Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 599**, a bill to establish a Supplemental Pension Fund for firemen in the City of Mayodan.

On motion of Senator Marvin, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 270** (Committee Substitute), a bill to make clear that requests for admissions must be filed with the Clerk of Court.

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

**S. B. 420**, a bill creating the criminal offense of felonious restraint.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 521**, a bill to provide for the simultaneous foreclosure of two or more deeds of trust secured by the same property.

On motion of Senator Staton, consideration of the bill is postponed until Wednesday, May 22.

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices.

On motion of Senator Staton, consideration of the bill is postponed until Monday, May 20.

**S. B. 471**, a bill to allow for appointment of additional registration commissioners, as amended, upon third reading.

Senator Cobb offers Amendment No. 2 which fails of adoption (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 156** (Committee Substitute), a bill to amend Chapters 24 and 45 to provide for equity lines of credit, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Johnson of Wake, the Senate concurs in House Amendments No. 1 and No. 2, and the Committee Substitute bill is ordered enrolled.

**S. B. 336**, a bill to amend G. S. 49-14 to allow the establishment of paternity until age eighteen in accordance with North Carolina case law and as required by federal law, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Hunt of Durham, the Senate adjourns to meet Monday, May 20, at 8:15 P.M.

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### SEVENTY-FIFTH DAY

SENATE CHAMBER,  
Monday, May 20, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Norman E. Mitchell, Pastor, Mt. Gilead Baptist Church, Fayetteville, as follows:

"Oh Lord, our Lord, how excellent is Thy Name in all the earth. Each of us acknowledge our unworthiness; yet with Thy Hand to direct, we face each day and each decision with a conscious awareness of Thy Presence.

"Father, these who are in authority are thus planted through the love, confidence and trust of others; may they never lose sight of their obligations to these.

"Yet, our dependent prayers for Your guidance will always steer to what is best for all. You, Father, were before us, present now, and hold the future and grant that each of us may never lose sight of our limited vision as we trust You for the future in our present decisions.

"May the light of Thy peace and justice shine upon all men, all states, and all nations; and accept, Oh Lord, our intercessions for all mankind and those who receive it, live it to the fullest.

"Bless each of these in authority over us and so rule their hearts that they maintain Thy true religion.

"In Jesus' Name we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.



A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 156** (Committee Substitute), an act to amend Chapters 24 and 45 to provide for equity lines of credit. (Ch. 207)

**S. B. 336**, an act to amend G. S. 49-14 to allow the establishment of paternity until age eighteen in accordance with North Carolina case law and as required by federal law. (Ch. 208)

**H. B. 508**, an act to provide supplemental retirement funds for members of the City of Shelby Fire Department and to modify the application of G. S. 118-5, G. S. 118-6, and G. S. 118-7 to the City of Shelby. (Ch. 209)

**H. B. 550**, an act to amend Chapter 767 of the 1983 Session Laws and relating to the purchase of credit in the Charlotte Firemen's Retirement System. (Ch. 210)

**H. B. 204**, an act to provide better notice to persons whose voter registration is being purged for failure to vote. (Ch. 211)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Basnight:

**S. B. 716**, a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Basnight:

**S. B. 717**, a bill to provide cleft palate coverage under the Teachers' and State Employees' Comprehensive Major Medical Plan as required of private insurers.

Referred to **Insurance Committee**.

By Senator Basnight:

**S. B. 718**, a bill authorizing the Legislative Research Commission to study the marketing of perishable food items and agricultural commodities.

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

By Senator McDuffie:

**S. B. 719**, a bill to amend the insurance laws concerning motor vehicle reinsurance facility recoupment.

Referred to **Insurance Committee**.

By Senators Hunt of Moore, Ballenger, Barnes, Conder, Ezzell, Guy, Hardison, Harris, Hipps, Hunt of Durham, Johnson of Wake, Kincaid, Martin of Guilford, Marvin,

McDuffie, Parnell, Plyler, Price, Rand, Sawyer, Shaw, Simpson, Smith, Somers, Staton, Tally, Thomas of Henderson, Walker, Warren, Watt, Winner, Woodard, and Wright:

**S. B. 720**, a bill to amend the pay out time and clarify the formula used to determine a distributive award made as an equitable distribution of marital property.

Referred to **Judiciary II Committee**.

By Senator Hunt of Moore:

**S. B. 721**, a bill to clarify the statutes which prohibit unauthorized damage to railroads and their property.

Referred to **Judiciary II Committee**.

By Senator Redman:

**S. J. R. 722**, a joint resolution honoring the life and memory of Herbert W. Sampsel.

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

By Senator McDuffie:

**S. B. 723**, a bill to require motor vehicle insurers to obtain and the Division of Motor Vehicles to provide at cost drivers' license records.

Referred to **Insurance Committee**.

By Senator Redman:

**S. B. 724**, a bill to appropriate funds for the rehabilitation of the Statesville City Hall.

Referred to **Appropriations Committee**.

By Senator Rand:

**S. B. 725**, a bill to permit a member of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase membership service credits for omitted contributions.

Referred to **Pensions and Retirement Committee**.

By Senators Rand and Taft:

**S. B. 726**, a bill to abolish certain boards and commissions.

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

By Senators Rauch and Smith:

**S. B. 727**, a bill to increase the reimbursement to the Department of Revenue for expenses incurred in collecting assessments on primary forest products.

Referred to **Finance Committee**.

By Senator Jordan:

**S. B. 728**, a bill to reduce class size by one pupil per year for four years starting in fall 1987.

Referred to **Education Committee**.

By Senator Higgs:

**S. B. 729**, a bill to provide additional aggravating circumstances to be considered in sentencing persons convicted of capital felonies.

Referred to **Judiciary I Committee**.

By Senator Jordan:

**S. B. 730**, a bill levying a sales tax on advertising for alcoholic beverages.

Referred to **Finance Committee**.

By Senators Jordan and Smith:

**S. B. 731**, a bill to permit individuals aged 70 or over whose residence qualifies for the "Homestead Exemption" to defer payment of ad valorem tax on this property until the property is transferred.

Referred to **Finance Committee**.

By Senators Plyler and Conder:

**S. B. 732**, a bill to appropriate capital funds to build a regional technical/vocational training center at Anson Technical College.

Referred to **Appropriations Committee**.

By Senator Rand:

**S. B. 733**, a bill making the recordation of jury selection proceedings in noncapital cases and of opening and closing arguments discretionary rather than mandatory.

Referred to **Judiciary IV Committee**.

By Senator Jordan:

**S. B. 734**, a bill requiring all media articles to be signed.

Referred to **Judiciary IV Committee**.

By Senator Rand:

**S. B. 735**, a bill to make attendance counselors school social workers.

Referred to **Education Committee**.

By Senators Ward and Kaplan:

**S. B. 736**, a bill to direct the State Board of Education to continue to develop and to implement a Career Development Pilot Program for certificated instructional personnel, instructional support personnel, and administrators in the public schools.

Referred to **Appropriations Committee**.

By Senators Winner, Cobb, Ezzell, Johnson of Wake, Sawyer, Simpson, Soles, Staton, and Taft:

**S. B. 737**, a bill to exempt attorneys who are not engaged in the private practice of law and do not handle clients' funds from payment of the client security fund fee.

Referred to **Judiciary III Committee**.

By Senator Johnson of Wake:

**S. B. 738**, a bill to improve the regulation of insurance by making technical improvements and increasing fees and penalties.

Referred to **Insurance Committee**.



By Senator Johnson of Wake:

**S. B. 739**, a bill establishing a commission to study and recommend possible changes in the tax structure of North Carolina.

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

By Senator Johnson of Wake:

**S. B. 740**, a bill to provide an alternate procedure for holding good faith deposits with the State Treasurer.

Referred to **Finance Committee**.

By Senator Hardison:

**S. B. 741**, a bill to adopt a comparative fault system.

Referred to **Judiciary IV Committee**.

By Senators Hardison and Warren:

**S. B. 742**, a bill to clarify school board liability insurance coverage.

Referred to **Education Committee**.

By Senators Ward, Kaplan, Swain, and Winner:

**S. B. 743**, a bill to appropriate funds for extension of the Microelectronics Communications System to Asheville and Winston-Salem.

Referred to **Appropriations Committee**.

By Senator Hunt of Durham:

**S. B. 744**, a bill to grant community college status to Durham Technical Institute.

Referred to **Higher Education Committee**.

By Senator Ward:

**S. B. 745**, a bill to appropriate funds to implement the on-the-job training components of the Quality Assurance Program.

Referred to **Appropriations Committee**.

By Senator Martin of Guilford:

**S. B. 746**, a bill to make a violation of the child restraint laws an infraction.

Referred to **Judiciary II Committee**.

By Senator Ballenger:

**S. B. 747**, a bill creating the presumption that a vehicle from which litter was discarded was operated by the registered owner of the vehicle.

Referred to **Judiciary IV Committee**.

By Senator Ballenger:

**S. B. 748**, a bill to appropriate funds to help rebuild the Hiddenite Center.

Referred to **Appropriations Committee**.

By Senator Hardison:

**S. B. 749**, a bill to raise thresholds for major medical equipment and new institutional health services above which a certificate of need is required.

Referred to **Human Resources Committee**.

By Senator Hardison:

**S. B. 750**, a bill to exempt certain boilers and pressure vessels from provisions of the Uniform Boiler and Pressure Vessel Act.

Referred to **Manufacturing and Labor Committee**.

By Senator Watt:

**S. B. 751**, a bill to provide for the investigation of certain crimes.

Referred to **Judiciary I Committee**.

By Senator Ballenger:

**S. B. 752**, a bill to enable county boards of commissioners to extend and abolish county water and sewer districts.

Referred to **Local Government and Regional Affairs Committee**.

By Senator Ward:

**S. B. 753**, a bill to permit governmental entities to receive refunds of sales taxes paid on utility purchases.

Referred to **Finance Committee**.

By Senator Watt:

**S. B. 754**, a bill to provide that an injured worker may select his or her own physician for treatment provided under the Workers' Compensation Act.

Referred to **Manufacturing and Labor Committee**.

By Senator McDuffie:

**S. B. 755**, a bill to require motor vehicle insurers to report property damage liability and physical damage insurance claims to the Division of Motor Vehicles.

Referred to **Insurance Committee**.

By Senator Jordan:

**S. B. 756**, a bill to reduce indirect staff for public schools by two percent per year for four years starting in fall 1987.

Referred to **Education Committee**.

By Senator Sawyer:

**S. B. 757**, a bill to create the statutory offense of aiding and abetting a person driving while impaired.

Referred to **Judiciary I Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 540** (Committee Substitute), a bill to require the Coastal Resources Commission to consider the use of adjacent waters before granting a permit under the Coastal Area Management Act.

Referred to **Natural and Economic Resources and Wildlife Committee.**

**H. B. 572** (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Apex and to repeal prior local acts.

Referred to **Local Government and Regional Affairs Committee.**

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 195** (Committee Substitute), a bill to amend G. S. 20-309 pertaining to financial responsibility prerequisite to registration.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Soles objects to the third reading of the Committee Substitute bill, as amended.

Senator Soles subsequently withdraws his objection to third reading.

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

**S. B. 293**, a bill to require health assessments for kindergarten children in the public schools.

On motion of Senator Tally, Committee Amendment No. 1 is adopted.

Senator Kaplan offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Woodard to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. J. R. 458**, a joint resolution honoring Matthew Wilkes Brown and recognizing the importance of organ donations.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices.

The bill passes its second reading (electronically recorded).

Senator Winner objects to the third reading of the bill, as amended.

On motion of Senator Staton, the bill, as amended, is placed on the Calendar for Thursday, May 23, for further consideration, upon third reading.

**H. B. 704** (Senate Committee Substitute), a bill to permit the drivers of antique cars not to display the current registration plate under certain circumstances.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**S. B. 385**, a bill to insure the competitive selection of payroll deduction insurance products paid for by State employees, for concurrence in House Amendment No. 1.



On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 61**, a joint resolution honoring the life and memory of William Frank Redding III, former member of the General Assembly.

On motion of Senator Walker, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. J. R. 781**, a joint resolution honoring the life and memory of Cyrus Roby Garner, Sr.

On motion of Senator Walker, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

### RE-REFERRAL

**H. B. 119**, a bill to repeal the partial gasoline and special fuels tax exemption for alcohol fuels.

On motion of Senator Rauch, the bill is taken from the Calendar for Tuesday, May 21, and is placed on the Calendar for Thursday, May 23.

The President recognizes the following pages serving in the Senate this week: W. Louis Bissette III, Asheville; Kenneth Booker, Raleigh; Jennifer Leigh Bradley, Kings Mountain; Jason Tyler Brannon, Asheville; Brandon Michael Britt, Wilmington; Wende Faulk, Mount Holly; Jon Mark Galifianakis, Durham; Thomas Sloane Guy IV, Elkin; Debbie Hodges, Mount Holly; Melanie Starr Howell, Monroe; Tabe Kimzey, Raleigh; Amy Lynn McBride, Asheboro; Mark Norman McGinnis, Monroe; Jonathan Glenn Moore, Clayton; Sonya Michelle Rollins, Mount Holly; Jennifer Ann Rudisill, Stanley; Ricky L. Simpson, Garland; Kimberly Taylor, Seaboard; Victor Shane Wood, Raleigh; and Vincent Zane Wood, Raleigh.

On motion of Senator Harrington, seconded by Senator Parnell, the Senate adjourns to meet tomorrow, Tuesday, May 21, at 1:30 P.M.

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### SEVENTY-SIXTH DAY

SENATE CHAMBER,  
Tuesday, May 21, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Helen Marvin, Senator from Gaston County, as follows:

"Gracious Heavenly Father, help us to recognize that as elected officials of the people of North Carolina, we are responsible not only to our constituents but also to Thee.

"Grant that the decisions that we make here today will glorify Thee and may be in the best interests of all the people of North Carolina.

"Thank You. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Ezzell for today.

A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 209**, an act to amend the General Statutes to provide express authorization for joint agencies to pledge, assign, mortgage or otherwise grant a security interest in any real or personal property or any interest therein. (Ch. 212)

**S. B. 385**, an act to insure the competitive selection of payroll deduction insurance products paid for by State employees. (Ch. 213)

**H. B. 234** (Committee Substitute), an act to clarify interest relating to judgments and provide for interest on noncontract judgments regardless of insurance coverage. (Ch. 214)

**H. B. 674**, an act to clarify and simplify the escheats and abandoned property statutes. (Ch. 215)

**S. J. R. 458**, a joint resolution honoring Matthew Wilkes Brown and recognizing the importance of organ donations. (Res. 13)

**H. J. R. 61**, a joint resolution honoring the life and memory of William Frank Redding III, former member of the General Assembly. (Res. 14)

**H. J. R. 781**, a joint resolution honoring the life and memory of Cyrus Roby Garner, Sr. (Res. 15)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. B. 636**, a bill to authorize the Legislative Research Commission to study local land use control policies affecting manufactured housing, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 637**, a bill authorizing the establishment of a State Controller Study Commission to study the feasibility of establishing a State Controller, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**H. B. 343**, a bill to increase the State Board of Community Colleges, with a favorable report.

**S. J. R. 22**, a joint resolution continuing the Legislative Research Commission Day-Care Study, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The joint resolution, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 472**, a bill to extend for two years the time for compliance by insurers with capital and/or surplus requirements for formation of insurance companies, with a favorable report.

By Senator Walker (Vice-Chairman) for the **Local Government and Regional Affairs Committee**:

**H. B. 362**, a bill amending the Asheville Charter concerning the voting rights of the mayor, with a favorable report.

**H. B. 383**, a bill to enlarge the amount of land which may be condemned for school sites by the Charlotte-Mecklenburg County Schools, with a favorable report.

**H. B. 386**, a bill to amend the Charter of the Town of Garner to permit the collection of money instead of requiring land dedication for recreational purposes and for sidewalks, with a favorable report.

**H. B. 395**, a bill to revise the Charter of the Town of Hookerton, with a favorable report.

**H. B. 424**, a bill to allow the Burke County Board of Education to build a school on land leased from the State, with a favorable report.

**H. B. 430**, a bill to permit vehicles operated by Macon County emergency medical service personnel to have red lights, with a favorable report.

**H. B. 431**, a bill to correct the qualification and term of Alamance County Board of Education members, with a favorable report.

**H. B. 439**, a bill to permit certain nonstudents to ride on school buses in Yadkin County, with a favorable report.

**H. B. 472**, a bill to authorize the Town of Ahoskie to join in conveyance of industrial development corporation property, with a favorable report.

**H. B. 478**, a bill to provide that vacancies in the Yadkin County Board of Education shall be filled until the next election, with a favorable report.



**H. B. 538**, a bill to authorize an election in the Ellenboro Fire Protection District in Rutherford County, with a favorable report.

**H. B. 560**, a bill to abolish the Office of Coroner in New Hanover County, with a favorable report.

**H. B. 561**, a bill to amend the Charter of the City of Wilmington concerning the City tax collector, with a favorable report.

**H. B. 563**, a bill to provide for judicial review of decisions of the City of Wilmington in granting or denying approval of subdivision plats, with a favorable report.

**H. B. 602**, a bill to authorize Macon County to impose fees for fire protection based on the value of improvements to real property, with a favorable report.

**H. B. 627**, a bill to permit Onslow County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes, with a favorable report.

**H. B. 633**, a bill to allow the Balden and Wake Counties Board of Commissioners to reduce the petition requirement for annexation to a fire district, with a favorable report.

**H. B. 360**, a bill to require that when condemned land is no longer needed it shall first be offered to the owner from whom it was purchased, with a favorable report, as amended.

**H. B. 637**, a bill to authorize the City Council of the City of Kinston and the Board of County Commissioners of Lenoir County to create and fix the powers of the Lenoir County Development Commission and to appropriate funds for the expenses thereof, with a favorable report, as amended.

**S. B. 230**, a bill to amend provisions concerning compensation of local Board of Health members, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Walker, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 230** (Committee Substitute), a bill to amend provisions concerning compensation of members of local Boards of Health and Boards of Social Services, is placed before the Senate for immediate consideration.

On motion of Senator Walker, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 24.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 783**, a bill to cross-refer in the adoption statutes to G. S. 14-320 regarding the separation of a child under six months old from a custodial parent as recommended by the General Statutes Commission and to make a clarifying amendment, with a favorable report.

**S. B. 598**, a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, with a favorable report, as amended.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 123**, a bill to continue the North Carolina Marital and Family Therapy Certification Act and the North Carolina Marital and Family Therapy Certification Board, with a favorable report as to concurrence.

**S. B. 507**, a bill to prohibit obtaining housing assistance by misrepresentation, with a favorable report.

**S. B. 547**, a bill to discontinue the insurance requirement for licensees of the Private Protective Services Board due to the creation of the Private Protective Services Recovery Fund, with a favorable report.

**S. B. 548**, a bill to incorporate technical amendments into the Private Protective Services Act, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Finance Committee**.

**S. B. 584**, a bill to provide for interest to run on workers' compensation awards in cases of appeals, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 416**, a bill to strengthen the rape shield evidence rule by making it clear that it applies to all offenses being tried at the same time as the rape or sex offense charge, with a favorable report.

**S. B. 642**, a bill to repeal reciprocity requirements on inheritance rights of aliens, with a favorable report.

**H. B. 771**, a bill to permit cities and counties to provide services through contracts with private agencies with a favorable report, as amended.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

**S. B. 758**, a bill to appropriate funds for irrigation for agricultural research stations. Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 759**, a bill to appropriate funds for the Trent River Railroad Bridge replacement. Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 760**, a bill directing the Joint Legislative Commission on Governmental Operations to oversee the State's employment and training programs.

On motion of Senator Thomas of Craven, the bill is held as filed.

By Senator Plyler:

**S. B. 761**, a bill to appropriate funds to the Department of Administration for the Capital Planning Commission and three positions in the State Building Division.

Referred to **Appropriations Committee**.

By Senator Thomas of Craven:

**S. B. 762**, a bill to establish the North Carolina Employment and Training Act.  
On motion of Senator Thomas of Craven, the bill is held as filed.

By Senator Thomas of Craven:

**S. B. 763**, a bill to create a special commission to study the non-highway expenditures from the Highway Fund.

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

By Senators Rauch and Smith:

**S. B. 764**, a bill to equalize the property tax burden on an annual basis.

Referred to **Finance Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 39** (Committee Substitute No. 2), a bill to make the use of seat belts in motor vehicles mandatory, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, May 22.

**S. B. 211**, a bill to amend the General Statutes to provide express authorization for joint agencies and joint municipal assistance agencies to provide for the defense of and indemnify commissioners, officers or employees, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 22.

**H. B. 306**, a bill to amend Article V of the Constitution of North Carolina to permit the General Assembly to grant to appropriate public bodies in the State additional powers to develop new and existing seaports and airports, including powers to finance and refinance for public and private parties seaport and airport and related facilities and improvements.

Referred to **Judiciary IV Committee**.

**H. B. 372** (Committee Substitute), a bill to amend G. S. 130A-5 to authorize the Secretary to review and examine privileged patient medical records and to declare all privileged patient medical records in the possession of the Department of Human Resources and local health departments to be confidential.

Referred to **Human Resources Committee**.

**H. B. 379**, a bill to allow actions involving up to one thousand five hundred dollars to be filed as small claims.

Referred to **Judiciary II Committee**.

**H. B. 434**, a bill to revise and consolidate the Charter of the Town of Hillsborough.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 503**, a bill to allow the City of Concord to enter into leases of up to twenty years without bid, and to clarify financing available to the City and its Board of Light and Water Commissioners.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 791**, a bill to eliminate conflict in the statutes concerning vacancies in municipal and special district elective offices.

Referred to **Election Laws Committee**.



**H. B. 836**, a bill to regulate public health pharmacy practice.  
Referred to **Human Resources Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 473**, a bill to remove the limitation on legal service benefits payable to motor club members.

On motion of Senator Ballenger, consideration of the bill is postponed until Tuesday, May 28.

**H. B. 12**, a bill regarding a certificate of resale.

On motion of Senator Rauch, the bill is re-referred to the **Appropriations Committee**.

**H. B. 71** (Committee Substitute), a bill to allow counties to issue voter registration cards, and set minimum standards for such cards.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 293**, a bill to require health assessments for kindergarten children in the public schools, as amended, upon third reading.

On motion of Senator Tally, consideration of the bill, as amended, is postponed until Thursday, May 30.

**H. B. 346**, a bill to require that when names are affixed to discharges and releases of deeds of trust or other instruments the names be printed or typed so as to be legible, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

**S. B. 154** (Committee Substitute), a bill to amend the Constitution to allow a county to exempt, in full or in part, inventories of manufacturers, wholesalers, and retailers from property taxes imposed by that county and the local governmental units located in the county, as amended, upon third reading.

Senator Winner offers Amendment No. 3, changing the title to read, **S. B. 154**, a bill to amend the Constitution to allow a county to exempt inventories from property taxes imposed by that county and the local governmental units located in the county, which fails of adoption (electronically recorded).

Senator Sawyer offers Amendment No. 4, changing the title to read, **S. B. 154**, a bill to call an advisory referendum on the question of allowing businesses an income tax credit for inventory taxes.

Senator Harris offers a motion, seconded by Senator Royall, that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded), and Amendment No. 4 lies upon the table.

The Chair recognizes Senator Sawyer who inquires if Senator Thomas of Henderson, sponsor of the measure, will yield to a question, whereupon the Senator from Henderson yields and calls the previous question, duly seconded.

Senator Sawyer rises to a point of order as the member awarded the floor. The Chair rules that Senator Sawyer relinquishes the floor to Senator Thomas of Henderson when

directing the question to him and fails to sustain the point of order, reversing an earlier ruling. The call for the previous question is sustained (electronically recorded.)

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 32, noes 14, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Winner, and Woodard—32.

Voting in the negative: Senators Ballenger, Cobb, Kincaid, Martin of Pitt, Price, Redman, Sawyer, Shaw, Simpson, Smith, Somers, Taft, Watt, and Wright—14.

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

On motion of Senator Harrington, seconded by Senator Basnight, the Senate adjourns to meet tomorrow, Wednesday, May 22, at 1:30 P.M.

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### SEVENTY-SEVENTH DAY

SENATE CHAMBER,  
Wednesday, May 22, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. F. Belton Joyner, Jr., Trinity United Methodist Church, Durham, as follows:

“Almighty God, unto Whom all hearts are open, all desires are known, and from Whom no secrets are hid, we praise You for the marks and signs of Your Presence in our midst. We are grateful when we have a glimpse of love. We are thankful when we see the opening rays of a day of justice. We rejoice when the wind of truth can blow away the deceits with which we fool ourselves.

“Forgive us, Lord, when we grow accustomed to those things that separate us. Forgive us, Lord, when we enjoy the things that divide us. Forgive us, Lord, when the world becomes so easily ‘us’ and ‘them.’

“Move us toward differences that matter. Grant us openness toward the future You would give us. Keep us in such watchful care that we take these responsibilities with joy and peace.

“And now accept the offerings we make of thought, and word, and deed, so that in all things we may be pleasing in Your sight, and so that in all things we can be healing for Your children. Receive us as Your instruments in a world that hurts, even as you have hurt for us. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 147** (Committee Substitute), an act to provide for the voluntary registration and dedication of natural areas. (Ch. 216)

**S. B. 281**, an act to allow the Town of Nashville to exercise extraterritorial planning powers up to two miles from the corporate limits with the approval of the County Board of Commissioners. (Ch. 217)

**H. B. 81** (Committee Substitute), an act to reenact the North Carolina child passenger restraint law. (Ch. 218)

**H. B. 346**, an act to require that when names are affixed to discharges and releases of deeds of trust or other instruments the names be printed or typed so as to be legible. (Ch. 219)

**H. B. 526**, an act to regulate hunting with rifles in Hoke County. (Ch. 220)

**H. B. 723**, an act to amend the North Carolina Uniform Commercial Code. (Ch. 221)

### RE-REFERRAL

**S. J. R. 329**, a joint resolution directing the State Personnel Commission to study the State Personnel Act and to design changes to give professional State employees the protection and security from political pressures they deserve and establish a senior executive service.

On motion of Senator Guy, the rules are suspended and the bill is taken from the **State Government Committee** and re-referred to the **Rules and Operation of the Senate Committee**.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Guy for the **State Government Committee**:

**H. B. 752** (Committee Substitute), a bill authorizing tour boats to hold ABC permits, with a favorable report.

By Senator Kaplan for the **Election Laws Committee**:

**S. B. 429**, a bill to allow candidates to use familiar names on the ballot in certain circumstances, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 429**, a bill to allow candidates to use nicknames on the ballot in certain circumstances, is placed before the Senate for immediate consideration.



On motion of Senator Kaplan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 24.

**S. B. 624**, a bill to increase the percentage of signatures required to call an alcoholic beverage election, with a favorable report.

By Senator Speed for the **Agriculture Committee**:

**H. B. 821**, a bill to ban the addition of sulfiting agents to certain foods, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 593**, a bill to amend the General Statutes to provide that any action, suit or proceeding which relates to any bonds issued under Chapter 159B or to any security for said bonds must be tried in the Superior Court of Wake County, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 24.

By Senator Harris for the **Human Resources Committee**:

**S. B. 559**, a bill to require that the Department of Human Resources study the issue of revision of minimum standards for the construction and operation of local jails, with a favorable report.

**H. B. 272**, a bill to increase certain fees collected by the Board of Mortuary Science, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Finance Committee**.

**S. B. 266**, a bill to make technical changes and to amend the CON Statute, with a favorable report, as amended.

**S. B. 337**, a bill to amend the application fee and cost recovery provisions of G. S. 110-130.1 regarding non-AFDC services, with a favorable report, as amended.

On motion of Senator Harris, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Finance Committee**.

**S. B. 207**, a bill to clarify rule-making authority under the North Carolina Drinking Water Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 207**, a bill to amend G. S. 130A-315 of the Drinking Water Act to authorize regulations on adequacy of the water supply, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 24.

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

**S. B. 265**, a bill to authorize the State Registrar to retain overpayments of two dollars or less unless the payor requests a refund, with a favorable report.

**H. B. 371**, a bill to increase the fee for a record search or for a copy of a vital record, with a favorable report.

**H. B. 635**, a bill to permit Burke County to use revenue received from one-half percent local sales and use taxes for any public purpose, with a favorable report.

**H. B. 742**, a bill to permit the Secretary of Revenue to delegate the authority to hold hearings required or allowed under Chapter 105, Taxation, with a favorable report.

**H. B. 57** (Committee Substitute), a bill to modify the definition of utility for purposes of imposing sales tax on certain utility services and to allow all municipalities or State agencies that sell electricity or piped natural gas a three percent (3%) deduction on their markup, with a favorable report, as amended.

**S. B. 413**, a bill to amend the law relating to penalties for violation of the revenue laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 24.

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 625**, a bill to amend the fire protection laws, with a favorable report, as amended.

On motion of Senator Johnson of Wake, the bill, as amended, is placed on the Calendar for Friday, May 24.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Ballenger:

**S. B. 765**, a bill to appropriate funds to the Western Piedmont Symphony of Hickory. Referred to **Appropriations Committee**.

By Senators Plyler, Conder, Goldston, Hardison, Kaplan, Rand, and Winner:

**S. B. 766**, a bill to appropriate funds for the construction of a building to house the Museum of History, the Capitol Area Visitor Center, and a cafeteria.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 263**, a bill creating a bird sanctuary at Lake Tabor in Columbus County, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 23.

**H. B. 111** (Committee Substitute), a bill to establish the title to certain lands raised from navigable waters.

Referred to **Judiciary IV Committee**.

**H. B. 113**, a bill to validate conveyances of certain marshlands by the State.

Referred to **Judiciary IV Committee**.

**H. B. 114** (Committee Substitute), a bill to provide that claims to land under navigable waters may be litigated in Superior Court.

Referred to **Judiciary IV Committee**.

**H. B. 115**, a bill to permit resolution of claims to shellfish beds by issuing a shellfish lease.

Referred to **Judiciary IV Committee**.

**H. B. 628**, a bill to make amendments in the statute regarding ocean piers and trash fishing.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 800**, a bill to provide that a letter returned because the person no longer lives at an address shall not be admissible evidence in a challenge made on the day of a primary or election.

Referred to **Election Laws Committee**.

**H. J. R. 865**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina.

Referred to **Select Committee on University Board of Governors**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 386**, a bill to amend the Charter of the Town of Garner to permit the collection of money instead of requiring land dedication for recreational purposes and for sidewalks, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 395**, a bill to revise the Charter of the Town of Hookerton, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—44.



Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 538**, a bill to authorize an election in the Ellenboro Fire Protection District in Rutherford County, upon second reading.

The bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—39.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 602**, a bill to authorize Macon County to impose fees for fire protection based on the value of improvements to real property, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—41.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 633**, a bill to allow the Bladen and Wake Counties Board of Commissioners to reduce the petition requirement for annexation to a fire district, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—41.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 360**, a bill to require that when condemned land is no longer needed it shall first be offered to the owner from whom it was purchased.

On motion of Senator Price, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 362**, a bill amending the Asheville Charter concerning the voting rights of the mayor.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 383**, a bill to enlarge the amount of land which may be condemned for school sites by the Charlotte-Mecklenburg County Schools.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 424**, a bill to allow the Burke County Board of Education to build a school on land leased from the State.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 430**, a bill to permit vehicles operated by Macon County emergency medical service personnel to have red lights.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 431**, a bill to correct the qualification and term of Alamance County Board of Education members.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 439**, a bill to permit certain nonstudents to ride on school buses in Yadkin County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 472**, a bill to authorize the Town of Ahoskie to join in conveyance of industrial development corporation property.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 478**, a bill to provide that vacancies in the Yadkin County Board of Education shall be filled until the next election.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 560**, a bill to abolish the Office of Coroner in New Hanover County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 561**, a bill to amend the Charter of the City of Wilmington concerning the City tax collector.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 563**, a bill to provide for judicial review of decisions of the City of Wilmington in granting or denying approval of subdivision plats.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 627**, a bill to permit Onslow County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 637**, a bill to authorize the City Council of the City of Kinston and the Board of County Commissioners of Lenoir County to create and fix the powers of the Lenoir County Development Commission and to appropriate funds for the expenses thereof.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 642**, a bill to repeal reciprocity requirements on inheritance rights of aliens.

On motion of Senator Soles, the bill is recommitted to the **Judiciary IV Committee**.

**S. B. 416**, a bill to strengthen the rape shield evidence rule by making it clear that it applies to all offenses being tried at the same time as the rape or sex offense charge.

The bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 472**, a bill to extend for two years the time for compliance by insurers with capital and/or surplus requirements for formation of insurance companies.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 507**, a bill to prohibit obtaining housing assistance by misrepresentation.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 521**, a bill to provide for the simultaneous foreclosure of two or more deeds of trust secured by the same property.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 547**, a bill to discontinue the insurance requirement for licensees of the Private Protective Services Board due to the creation of the Private Protective Services Recovery Fund.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 584**, a bill to provide for interest to run on workers' compensation awards in cases of appeals.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 598**, a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 343**, a bill to increase the State Board of Community Colleges.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 771**, a bill to permit cities and counties to provide public services through contracts with private agencies.



On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 783**, a bill to cross-refer in the adoption statutes to G. S. 14-320 regarding the separation of a child under six months old from a custodial parent as recommended by the General Statutes Commission and to make a clarifying amendment.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 39** (Committee Substitute No. 2), a bill to make the use of seat belts in motor vehicles mandatory, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Warren, the Senate concurs in House Amendments No. 1 and No. 2, and the bill is ordered enrolled.

**S. B. 123**, a bill to continue the North Carolina Marital and Family Therapy Certification Act and the North Carolina Marital and Family Therapy Certification Board, changing the title upon concurrence to read, **S. B. 123**, a bill to continue the North Carolina Marital and Family Certification Act and the North Carolina Marital and Family Therapy Certification Board and change the penalty for violation of the Act, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

**S. B. 211**, a bill to amend the General Statutes to provide express authorization for joint agencies and joint municipal assistance agencies to provide for the defense of and indemnify commissioners, officers or employees, for concurrence in House Amendment No. 1.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 279**, a bill to permit the State Board of Examiners of Electrical Contractors to collect an examination review fee.

Referred to **Finance Committee**.

**H. B. 749**, a bill to clarify Chapter 36A regarding the investment by a trustee in United States government obligations.

Referred to **Judiciary I Committee**.

**H. B. 837**, a bill to make further technical changes in the election laws.

Referred to **Election Laws Committee**.

**H. B. 893**, a bill to provide for discretionary substitution of a trustee named in a mortgage or deed of trust.

Referred to **Judiciary II Committee**.

On motion of Senator Harrington, seconded by Senator Martin of Pitt, the Senate adjourns to meet tomorrow, Thursday, May 23, at 1:30 P.M.

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### SEVENTY-EIGHTH DAY

SENATE CHAMBER,  
Thursday, May 23, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Robert L. Baldrige, Associate Director for Christian Nurture and Leadership Development, Council on Ministries of the North Carolina Conference of the United Methodist Church, Raleigh, as follows:

“O God, the Giver of all good gifts, we pause to offer thanks—for this day—for this life—for health—for our family—for our larger family of friends and co-workers—and for all opportunities to serve others.

“But when we think of the responsibilities of life, we are overwhelmed. So many people look to us for help. The demands of stewardship weigh heavily upon us. The pressures of the office are tremendous. Indeed, it would be too much to bear if we had to bear it alone.

“O God, remind us of all who stand by us in our work. Remind us of that great cloud of witnesses who have given their lives in service to others. Their example is a source of constant support. And, above all, remind us that You never leave us alone. We can never get out of Your love and care, concern, and support. All this we would remember as we begin this session. Thanks be to You, O God, for You are our God. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Price for today. A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

The President extends courtesies of the floor to Miss Francesca Adler, Miss North Carolina, who approaches the Well of the Senate and addresses the membership.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 39**, (Committee Substitute No. 2), an act to make the use of seat belts in motor vehicles mandatory. (Ch. 222)

**S. B. 123**, an act to continue the North Carolina Marital and Family Therapy Certification Act and the North Carolina Marital and Family Therapy Certification Board and change the penalty for violation of the Act. (Ch. 223)

**S. B. 174**, an act to amend G. S. 54B-147 concerning the fee which may be charged for returned checks by savings and loan associations. (Ch. 224)

**S. B. 211**, an act to amend the General Statutes to provide express authorization for joint agencies and joint municipal assistance agencies to provide for the defense of and indemnify commissioners, officers or employees. (Ch. 225)

**H. B. 253**, (Senate Committee Substitute), an act to make technical changes in the law regarding the correctional system. (Ch. 226)

**H. B. 343**, an act to increase the State Board of Community Colleges. (Ch. 227)

**H. B. 362**, an act amending the Asheville Charter concerning the voting rights of the mayor. (Ch. 228)

**H. B. 383**, an act to enlarge the amount of land which may be condemned for school sites by the Charlotte-Mecklenburg County Schools. (Ch. 229)

**H. B. 424**, an act to allow the Burke County Board of Education to build a school on land leased from the State. (Ch. 230)

**H. B. 430**, an act to permit vehicles operated by Macon County emergency medical service personnel to have red lights. (Ch. 231)

**H. B. 431**, an act to correct the qualification and term of Alamance County Board of Education members. (Ch. 232)

**H. B. 439**, an act to permit certain nonstudents to ride on school buses in Yadkin County. (Ch. 233)

**H. B. 472**, an act to authorize the Town of Ahoskie to join in conveyance of industrial development corporation property. (Ch. 234)

**H. B. 478**, an act to provide that vacancies in the Yadkin County Board of Education shall be filled until the next election. (Ch. 235)

**H. B. 560**, an act to abolish the Office of Coroner in New Hanover County. (Ch. 236)

**H. B. 561**, an act to amend the Charter of the City of Wilmington concerning the City tax collector. (Ch. 237)

**H. B. 563**, an act to provide for judicial review of decisions of the City of Wilmington in granting or denying approval of subdivision plats. (Ch. 238)

**H. B. 627**, an act to permit Onslow County and the cities located there to regulate abandoned junked vehicles for aesthetic purposes. (Ch. 239)

**H. B. 783**, an act to cross-refer in the adoption statutes to G. S. 14-320 regarding the separation of a child under six months old from a custodial parent as recommended by the General Statutes Commission and to make a clarifying amendment. (Ch. 240)

**S. B. 160**, an act to clarify the governing bodies required to provide annual certification or firemen eligible for membership in the North Carolina Firemen's and Rescue Squad Workers' Pension Fund. (Ch. 241)

**S. B. 179**, an act to prohibit the Board of Mortuary Science from issuing special permits or courtesy cards to nonresident funeral directors, embalmers, and funeral service licensees from states that do not reciprocate. (Ch. 242)



**S. B. 210**, an act to authorize municipalities to name up to two alternate commissioners to a joint agency and a joint municipal assistance agency. (Ch. 243)

**S. B. 341**, an act to provide for alternative arrangements for local program administration. (Ch. 244)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Plyler for the **Appropriations Committee**:

**H. B. 303**, a bill to restore to the Governor power to prepare and administer the budgets of the State Treasurer, State Auditor, and Administrative Officer of the Courts, with a favorable report, as amended.

By Senator Warren for the **Transportation Committee**:

**H. B. 269**, a bill to amend G. S. 20-288 (e) relating to dealer bonds, with a favorable report.

**H. B. 769**, a bill to modify the procedure for the delivery of temporary registration certificates for motor vehicles, with a favorable report.

**H. B. 801**, a bill authorizing the Department of Transportation to use aviation grant funds for all direct and indirect costs of administering airport grant projects, with a favorable report.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 220**, a bill to increase the defined benefit formula accrual rate in the Teachers' and State Employees' Retirement System from one and fifty-seven hundredths percent to one and sixty hundredths percent for both active and retired members commencing on and after July 1, 1985; to increase death benefit from twenty thousand dollars to thirty thousand dollars and other changes affecting sick leave and survivor's alternate benefit, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee**.

**S. B. 410**, a bill to provide equitable retirement and other fringe benefits to law enforcement officers employed by local governments and to make appropriations, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee**.

By Senator Swain for the **Judiciary III Committee**:

**H. B. 356**, a bill to require a judicial official to state the reason (s) for requiring a secured bail bond as a condition of pretrial release, with an unfavorable report.

**S. B. 605**, a bill to provide maternity parole, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 605**, a bill to permit maternity leave for inmates, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, May 27.

By Senator Barnes for the **Judiciary I Committee:**

**S. B. 613**, a bill to increase the punishments for various offenses involving animals, with a favorable report.

**S. B. 485**, a bill to provide that a recorded instrument that corrects an error made in the instrument as originally recorded is valid if the correction in the new instrument is signed or initialed by the parties to the instrument, with a favorable report, as amended.

**S. B. 287**, a bill to make felonious the willful nonpayment of group health and life insurance premiums by employers or other trustees and to require insurers to publicly notify employees in such situations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 287** (Committee Substitute), a bill to prohibit the willful nonpayment of group health and life insurance premiums by fiduciaries unless written notice is provided to the persons insured, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 28.

**S. B. 456**, a bill to require certain persons arrested for impaired driving to receive medical care, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 456** (Committee Substitute), a bill to require certain persons arrested for an alcohol-related offense to receive medical care, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 28.

**S. B. 506**, a bill to prohibit the use of spousal testimony in the prosecution of certain crimes based on that testimony, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, May 28.

By Senator Staton for the **Judiciary II Committee:**

**S. B. 721**, a bill to clarify the statutes which prohibit unauthorized damage to railroads and their property, with a favorable report.

**H. B. 812**, a bill to exempt partnerships that render professional services from the requirement that they file a certificate of assumed name, with a favorable report.

#### RE-REFERRAL

**H. B. 540**, (Committee Substitute), a bill to require the Coastal Resources Commission

to consider the use of adjacent waters before granting a permit under the Coastal Area Management Act.

On motion of Senator Soles, and without objection, the rules are suspended and the Committee Substitute bill is taken from the **Natural and Economic Resources and Wildlife Committee**, and is re-referred to the **Judiciary IV Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hunt of Moore and Walker:

**S. B. 767**, a bill to appropriate funds to the Department of Natural Resources and Community Development for a natural heritage survey of Moore County.

Referred to **Appropriations Committee**.

By Senators Hunt of Moore and Walker:

**S. B. 768**, a bill to appropriate funds to develop the Jordan State Forest in Chatham County.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 173**, a bill to amend G. S. 54B-14 concerning examination of certificates of incorporation of savings and loan associations by the Secretary of State, for concurrence in House Amendment No. 1.

Referred to **Commerce Committee**.

**H. B. 336**, a bill to clarify the law regarding disciplinary suspensions of exceptional children.

Referred to **Education Committee**.

**H. B. 700**, a bill to allow investments in obligations issued, assumed or guaranteed by the African Development Bank.

Referred to **Commerce Committee**.

**H. B. 737**, (Committee Substitute), a bill to prohibit the sale of kerosene from pumps located on the same pump island as pumps dispensing gasoline.

Referred to **Judiciary III Committee**.

**H. B. 789**, a bill to outline worthless check collection procedures.

Referred to **Judiciary III Committee**.

**H. B. 795** (Committee Substitute), a bill providing for protecting the public from inactive hazardous substance disposal sites.

Referred to **Human Resources Committee**.

**H. B. 848**, a bill to change the manner of appointment and organization of the Commission on the Bicentennial of the United States Constitution.

Referred to **Judiciary I Committee**.



**H. B. 855**, a bill to amend the requirements for receiving a license to practice medicine.  
Referred to **Human Resources Committee**.

**H. B. 862** (Committee Substitute), a bill to validate certain foreclosure sales.  
Referred to **Judiciary II Committee**.

**H. B. 887** (Committee Substitute), a bill to provide a statute of limitations for special or conditional use permit proceedings.

Referred to **Judiciary III Committee**.

**H. B. 909**, a bill to protect certain officers and employees of county departments of social services by making simple assaults on them two-year misdemeanors.

Referred to **Judiciary I Committee**.

**H. B. 1027**, a bill to clarify and raise the punishment for the misdemeanor of vehicular hit and run.

Referred to **Judiciary II Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 386**, a bill to amend the Charter of the Town of Garner to permit the collection of money instead of requiring land dedication for recreational purposes and for sidewalks, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Walker, Ward, Warren, Watt, Woodard, and Wright—43.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 395**, a bill to revise the Charter of the Town of Hookerton, upon third reading. The bill passes its third reading by roll-call vote, ayes, 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 538**, a bill to authorize an election in the Ellenboro Fire Protection District in Rutherford County, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin,

McDuffie, Parnell, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Winner, Woodard, and Wright—42.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 602**, a bill to authorize Macon County to impose fees for fire protection based on the value of improvements to real property, upon third reading.

Senator Thomas of Henderson offers Amendment No. 1, changing the title, upon concurrence, to read, **H. B. 602**, a bill to authorize Macon and Graham Counties to impose fees for fire protection based on the value of improvements to real property, which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Wright—44.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 633**, a bill to allow the Bladen and Wake Counties Board of Commissioners to reduce the petition requirement for annexation to a fire district, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 635**, a bill to permit Burke County to use revenue received from one-half percent local sales and use taxes for any public purpose, upon second reading.

On motion of Senator Kincaid, consideration of the bill is postponed until Tuesday, May 28.

**S. B. 263**, a bill creating a bird sanctuary at Lake Tabor in Columbus County, for concurrence in House Amendment No. 1.

On motion of Senator Soles, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**H. B. 57** (Committee Substitute), a bill to modify the definition of utility for purposes of imposing sales tax on certain utility services and to allow all municipalities or State agencies that sell electricity or piped natural gas a three percent (3%) deduction on their markup, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

On motion of Senator Rauch, further consideration of the Committee Substitute bill, as amended, is postponed until Thursday, May 30.

**H. B. 119**, a bill to repeal the partial gasoline and special fuels tax exemption for alcohol fuels, upon second reading.

Senator Warren offers Amendment No. 1, changing the title to read, **H. B. 119**, a bill to restrict the partial gasoline and special fuels tax exemption for alcohol fuels to fuels produced in North Carolina from North Carolina products, and to provide that the special exemption is repealed if this restriction is declared unconstitutional, which fails of adoption (electronically recorded).

The bill, passes its second reading by roll-call vote, ayes 36, noes 7, as follows:

The following pairs are announced: Senators Price and Tally "aye"; Senators Soles and Harris "no".

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Harrington, Higgs, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Plyler, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Staton, Swain, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Winner, Woodard, and Wright—36.

Voting in the negative: Senators Barnes, Guy, Hardison, Jordan, Parnell, Royall, and Taft—7.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 371**, a bill to increase the fee for a record search or for a copy of a vital record.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Higgs, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Winner, Woodard, and Wright—43.

Voting in the negative: Senators Sawyer and Somers—2.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 265**, a bill to authorize the State Registrar to retain overpayments of two dollars or less unless the payor requests a refund.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 266**, a bill to make technical changes and to amend the CON Statute.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

On motion of Senator Harris, further consideration of the bill, as amended, is postponed until Tuesday, May 28.

**S. B. 559**, a bill to require that the Department of Human Resources study the issue of revision of minimum standards for the construction and operation of local jails.



The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 624**, a bill to increase the percentage of signatures required to call an alcoholic beverage election.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 742**, a bill to permit the Secretary of Revenue to delegate the authority to hold hearings required or allowed under Chapter 105, Taxation.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 752** (Committee Substitute), a bill authorizing tour boats to hold ABC permits.

On motion of Senator Hipps, consideration of the Committee Substitute bill is postponed until Friday, May 24.

**H. B. 821**, a bill to ban the addition of sulfiting agents to certain foods.

Senator Thomas of Henderson offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

Senator Simpson objects to the third reading of the bill, as amended, which objection he subsequently withdraws and the bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 416**, a bill to strengthen the rape shield evidence rule by making it clear that it applies to all offenses being tried at the same time as the rape or sex offense charge, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 598**, a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, as amended, upon third reading.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices, upon third reading.

Senator Soles offers Amendment No. 1 changing the title, upon concurrence, to read, **H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices and to further clarify when continuances may be granted in civil and criminal proceedings, which is adopted (electronically recorded).

Senator Taft offers Amendment No. 2.

On motion of Senator Staton, further consideration of the bill, as amended, with Amendment No. 2 pending, is postponed until Friday, May 24.

On motion of Senator Harrington, seconded by Senator Martin of Pitt, the Senate adjourns to meet tomorrow, Friday, May 24, at 10:00 A.M.

## SEVENTY-NINTH DAY

SENATE CHAMBER,  
Friday, May 24, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Love, we thank Thee for those whose labor of love makes our task easier. For our secretaries—for the pages—for our Principal Clerk and her staff—for the Sergeant-at-Arms and her staff—for our Reading Clerk—and for all other State employees in the General Assembly—we give Thee thanks. For the many hours which they have devoted to the work of this Body; for their support of our efforts; and for the countless ways in which they have facilitated our work in this Chamber, we give Thee thanks, O Lord.

"O God of Renewal, we are weary and heavy-laden with the work of this week, and we need Thy refreshing Spirit in our lives. Give us a safe trip home and grant us a time of fellowship and renewal with our family. This weekend, we pray Thee to make Thyself known unto us in a special way. Invade the very depths of our being—refreshing, renewing, and healing us with the power of Thy Spirit—that we may come to live with purpose and enthusiasm, with courage and grace, with honesty and integrity, with patience and understanding, with love and compassion—the life that You would have us to live as Your sons and daughters. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Soles for today. A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 163**, an act to increase the membership of the Asheboro Airport Authority. (Ch. 245)

**S. B. 175**, an act to amend G. S. Chapter 115C to permit local school administrative units to deposit funds in savings and loan associations and to designate savings and loan associations as official depositories. (Ch. 246)

**S. B. 231**, an act to provide that certain appointive officers and employees of the Town of Parkton need not be residents of that Town. (Ch. 247)

**S. B. 263**, an act creating a bird sanctuary at Lake Tabor in Columbus County. (Ch. 248)

**S. B. 276**, an act to amend Chapter 20 of the General Statutes to allow a sign to designate a single handicapped parking space. (Ch. 249)

**S. B. 419**, an act to allow a prosecutor to enter a dismissal with leave for nonappearance

when a defendant cannot be found to serve an order for arrest after the grand jury has indicted him. (Ch. 250)

**S. B. 435**, an act to allow physicians practicing psychiatry and licensed psychologists to form professional corporations. (Ch. 251)

**H. B. 386**, an act to amend the Charter of the Town of Garner to permit the collection of money instead of requiring land dedication for recreational purposes and for sidewalks. (Ch. 252)

**H. B. 395**, an act to revise the Charter of the Town of Hookerton. (Ch. 253)

**H. B. 538**, an act to authorize an election in the Ellenboro Fire Protection District in Rutherford County. (Ch. 254)

**H. B. 599**, an act to establish a Supplemental Pension Fund for firemen in the City of Mayodan. (Ch. 255)

**H. B. 633**, an act to allow the Bladen and Wake Counties Board of Commissioners to reduce the petition requirement for annexation to a fire district. (Ch. 256)

**H. B. 704** (Senate Committee Substitute), an act to permit the drivers of antique cars not to display the current registration plate under certain circumstances. (Ch. 257)

**H. B. 742**, an act to permit the Secretary of Revenue to delegate the authority to hold hearings required or allowed under Chapter 105, Taxation. (Ch. 258)

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Winner for the **Education Committee**:

**S. B. 225**, a bill to change the grade levels at which certain tests are administered, with a favorable report.

**H. B. 271**, a bill to give local school boards flexibility as to where they maintain student records, with a favorable report.

**S. B. 391**, a bill to improve the special education hearing process, with a favorable report, as amended.

**H. B. 558** (Committee Substitute), a bill to change reporting requirements of compulsory school attendance law, with a favorable report, as amended.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Ezzell and Martin of Pitt:

**S. B. 769**, a bill to establish a legislative study committee on State-owned and State-leased property.

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



**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 337**, a bill to clarify the law regarding the cost allocation in exceptional children's out-of-district placement.

Referred to **Education Committee**.

**H. B. 849**, a bill to provide that failure to take the oath of office as a member of a local board of education by the first Monday in December does not create a vacancy.

Referred to **Education Committee**.

**H. B. 858**, a bill to include the Attorney General in the authority to inspect public utility records.

Referred to **Commerce Committee**.

**H. B. 873**, a bill to require a merchant to swear out a warrant in a worthless check case within twelve months after the check was passed.

Referred to **Judiciary III Committee**.

**S. B. 379**, a bill to prohibit discrimination in the business of life and accident and health insurance and annuities against persons who are blind or partially blind or deaf or partially deaf, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, May 27.

**H. B. 546**, a bill to amend Chapter 6, Private Laws of North Carolina 1840-1841, As Amended, pertaining to the construction, operation and financing of hospital and medical care facilities by the trustees of the Rex Hospital, Raleigh, North Carolina.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 834**, a bill to make additional technical amendments to the election laws.

Referred to **Election Laws Committee**.

**H. B. 916**, a bill to correct technical errors in Chapter 14 of the 1985 Session Laws, Kenly Charter Revision.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 951**, a bill to clarify the extent to which the duties of a board of adjustment may be assigned to a planning agency.

Referred to **Judiciary II Committee**.

**H. B. 963**, a bill to clarify the definition of employment regarding temporary emergency service workers in the Employment Security Law.

Referred to **Manufacturing and Labor Committee**.

**H. B. 986**, a bill to require that the Department of Human Resources study the issue of revision of minimum standards for the construction and operation of local jails.

Referred to **Human Resources Committee**.

**CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 119**, a bill to repeal the partial gasoline and special fuels tax exemption for alcohol fuels, upon third reading.

The bill passes its third reading by roll-call vote, ayes 33, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Harrington, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Ward, Warren, and Winner—33.

Voting in the negative: Senators Hardison, Harris, and Royall—3.

The bill is ordered enrolled.

**H. B. 371**, a bill to increase the fee for a record search or for a copy of a vital record, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 33, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Price, Rauch, Redman, Royall, Shaw, Simpson, Speed, Swain, Taft, Tally, Thomas of Craven, Ward, Warren, and Winner—33.

Voting in the negative: Senator Sawyer—1.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 207** (Committee Substitute), a bill to amend G. S. 130A-315 of the Drinking Water Act to authorize regulations on adequacy of the water supply.

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

**S. B. 230** (Committee Substitute), a bill to amend provisions concerning compensation of members of local Boards of Health and Boards of Social Services.

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

**S. B. 413** (Committee Substitute), a bill to amend the law relating to penalties for violation of the revenue laws.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Taft objects to the third reading of the Committee Substitute bill, which objection he subsequently withdraws.

Senator Taft offers Amendment No. 1, which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded).

Senator Staton requests to be recorded voting "aye."

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

**S. B. 429** (Committee Substitute), a bill to allow candidates to use nicknames on the ballot in certain circumstances.

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

**S. B. 485**, a bill to provide that a recorded instrument that corrects an error made in the instrument as originally recorded is valid if the correction in the new instrument is signed or initialed by the parties to the instrument.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

On motion of Senator Barnes, the bill, as amended, is recommitted to the **Judiciary I Committee**.

**S. B. 593** (Committee Substitute), a bill to amend the General Statutes to provide that any action, suit or proceeding which relates to any bonds issued under Chapter 159B or to any security for said bonds must be tried in the Superior Court of Wake County.

The Chair, without objection, postpones consideration of the Committee Substitute bill until Monday, May 27.

### RECONSIDERATION

**H. B. 821**, a bill to ban the addition of sulfiting agents to certain foods, as amended. Senator Thomas of Henderson moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Thomas of Henderson moves that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Thomas of Henderson moves that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails.

Senator Thomas of Henderson, without objection, withdraws Amendment No. 1 and offers Amendment No. 2.

Senator Harris offers a motion that the bill, with Amendment No. 2 pending, be recommitted to the **Agriculture Committee**, which motion prevails.

### RECALL FROM ENROLLING

**S. B. 598**, a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, as amended.

On motion of Senator Winner, the bill, as amended, is recalled from the Enrolling Office.

Senator Winner offers a motion that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails.

Senator Winner offers Amendment No. 3.

Senator Swain offers a motion that the bill, as amended, with Amendment No. 3 pending, be re-referred to the **Judiciary I Committee**, which motion he subsequently withdraws.

Senator Staton offers a motion that the bill, as amended, with Amendment No. 3 pending, be recommitted to the **Judiciary II Committee**, which motion prevails.

### CALENDAR (Continued)

**S. B. 613**, a bill to increase the punishments for various offenses involving animals.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 625**, a bill to amend the fire protection laws.

Senator Johnson of Wake offers Amendment No. 1.

On motion of Senator Johnson, further consideration of the bill, with Amendment No. 1 pending, is postponed until Monday, May 27.

**S. B. 721**, a bill to clarify the statutes which prohibit unauthorized damage to railroads and their property.



The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 269**, a bill to amend G. S. 20-288(e) relating to dealer bonds.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 303**, a bill to restore to the Governor power to prepare and administer the budgets of the State Treasurer, State Auditor, and Administrative Officer of the Courts.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

Senator Cobb offers Amendment No. 2, which fails of adoption (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

Senator Cobb objects to the third reading of the bill, which objection he subsequently withdraws.

Senator Rand offers Amendment No. 3, amending Amendment No. 1, which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 3.

**H. B. 752** (Committee Substitute), a bill authorizing tour boats to hold ABC permits. Senator Conder offers Amendment No. 1, which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 769**, a bill to modify the procedure for the delivery of temporary registration certificates for motor vehicles.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 801**, a bill authorizing the Department of Transportation to use aviation grant funds for all direct and indirect costs of administering airport grant projects.

On motion of Senator Kaplan, the bill is re-referred to the **Appropriations Committee**.

**H. B. 812**, a bill to exempt partnerships that render professional services from the requirement that they file a certificate of assumed name.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices and to further clarify when continuances may be granted in civil and criminal proceedings, as amended, upon third reading, with Amendment No. 2 pending.

On motion of Senator Taft, consideration of the bill, as amended with Amendment No. 2 pending, is postponed until Monday, May 27.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 112** (Committee Substitute), a bill to declare the existing policy of the State that title to land subject to public trust rights may not be acquired by adverse possession. Referred to **Judiciary IV Committee**.

**H. B. 404**, a bill to make technical amendments to the election laws. Referred to **Election Laws Committee**.

**H. B. 680** (Committee Substitute No. 2), a bill to amend the State Personnel Act. Referred to **State Government Committee**.

**H. B. 778**, a bill to regulate the submission of laws affecting elections to the United States Attorney General as required by Section Five of the Voting Rights Act of 1965. Referred to **Election Laws Committee**.

On motion of Senator Harrington, seconded by Senator Hunt of Durham, the Senate adjourns to meet Monday, May 27, at 8:30 P.M.

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### EIGHTIETH DAY

SENATE CHAMBER,  
Monday, May 27, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable J. Ollie Harris, Senator from Cleveland County, as follows:

“Our Father, we thank Thee for this day, a day where we can memorialize those who died that we might live in a land of peace even though the world is in turmoil. We remember all of these people and their families. We are so thankful that we live in a country where we can belong to a church of our choice and serve in our civic affairs, and can serve in this General Assembly. We thank Thee for those who served before us and for their leadership. Bless each Senator and their families and our staff and all those who assist us. For Christ’s sake. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday, May 24, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 403**, an act to repeal the requirement that the Legislative Services Commission appoint an independent auditor for expenditures under the North Carolina Election Campaign Fund. (Ch. 259)

**H. B. 71** (Committee Substitute), an act to allow counties to issue voter registration cards, and set minimum standards for such cards. (Ch. 260)

**H. B. 119**, an act to repeal the partial gasoline and special fuels tax exemption for alcohol fuels. (Ch. 261)

**H. B. 269**, an act to amend G. S. 20-288(e) relating to dealer bonds. (Ch. 262)

**H. B. 769**, an act to modify the procedure for the delivery of temporary registration certificates for motor vehicles. (Ch. 263)

**H. B. 812**, an act to exempt partnerships that render professional services from the requirement that they file a certificate of assumed name. (Ch. 264)

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 274**, a bill to amend Article 11, G. S. 130A, entitled "Sanitary Sewage Systems," for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 28.

**S. B. 310**, a bill to authorize temporary custody of absconding juveniles by the Joint Security Force outside territory, for concurrence in the House Committee Substitute bill.  
Referred to **Judiciary III Committee**.

**S. B. 387**, a bill to exempt fire and emergency vehicles from light-traffic road weight limitations, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 28.

**H. B. 557** (Committee Substitute), a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Belville.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 579** (Committee Substitute), a bill to create strict liability for those constructing oceanfront erosion control projects.  
Referred to **Judiciary IV Committee**.

**H. B. 591** (Committee Substitute), a bill to make the contents of the clerk's Criminal Record Index admissible to prove prior misdemeanor convictions when the original judgments have been destroyed.  
Referred to **Judiciary I Committee**.

**H. B. 621** (Committee Substitute), a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Ocean Isle Beach.  
Referred to **Local Government and Regional Affairs Committee**.

**H. B. 743** (Committee Substitute), a bill to require reporting of missing children in day care to law enforcement.  
Referred to **Children and Youth Committee**.

**H. B. 773**, a bill to extend the crime of defrauding an innkeeper to include campground owners.  
Referred to **Judiciary III Committee**.



**H. B. 1009**, a bill to amend the Charitable Remainder Trusts Administration Act.  
Referred to **Judiciary III Committee**.

**H. J. R. 1034**, a joint resolution honoring the life and memory of William Attmore and requesting the convening of the 1987 General Assembly in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro.

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

**H. J. R. 1035**, a joint resolution honoring the life and memory of Mrs. Eugenia Patterson VanLandingham and thereby applauding the efforts to remove or improve abandoned structures which blight the scenic beauty of North Carolina's roadways.

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

**H. J. R. 1038**, a joint resolution endorsing the proposal of the Department of Transportation and the Department of Natural Resources and Community Development to use the rubble from dismantled bridges to build artificial reefs.

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

**H. B. 1045**, a bill to require marina operators to report all floating homes and floating structures docked or stored at marinas to the county assessor.

Referred to **Finance Committee**.

#### **SPECIAL MESSGAE FROM THE HOUSE OF REPRESENTATIVES**

A special message is received from the House of Representatives transmitting the following resolution, which is read the first time and disposed of as follows:

**H. J. R. 1077**, a joint resolution honoring the life and memory of former United States Senator Samuel James Ervin, Jr.

On motion of Senator Simpson, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third (by a unanimous standing vote) readings and is ordered enrolled.

The President extends courtesies of the gallery to the family of Senator Ervin, and members of the Senate and friends in the gallery honor the family with a standing ovation.

#### **CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 225**, a bill to change the grade levels at which certain tests are administered.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 391**, a bill to improve the special education hearing process.

On motion of Senator Ward, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 593** (Committee Substitute), a bill to amend the General Statutes to provide that any action, suit or proceeding which relates to any bonds issued under Chapter 159B or to any security for said bonds must be tried in the Superior Court of Wake County.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 605** (Committee Substitute), a bill to permit maternity leave for inmates.

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

**S. B. 625**, a bill to amend the fire protection laws, with pending Amendment No. 1.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 271**, a bill to give local school boards flexibility as to where they maintain student records.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 558** (Committee Substitute), a bill to change reporting requirements of compulsory school attendance law.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices and to further clarify when continuances may be granted in civil and criminal proceedings, as amended, upon third reading, with pending Amendment No. 2.

On motion of Senator Staton, the bill, as amended, with Amendment No. 2 pending, is recommitted to the **Judiciary II Committee**.

**S. B. 379**, a bill to prohibit discrimination in the business of life and accident and health insurance and annuities against persons who are blind or partially blind or deaf or partially deaf, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

### RECOMMITTANCE

**S. B. 506** (Committee Substitute), a bill to prohibit the use of spousal testimony in the prosecution of certain crimes based on that testimony.

On motion of Senator Sawyer, the Committee Substitute bill is taken from the Calendar for May 28, and recommitted to the **Judiciary I Committee**.

The President recognizes the following pages serving in the Senate this week: Alison Bailey, Rockingham; Marcia Yvette Burton, Charlotte; Graham Martin Connell II, Raleigh; Wallace Mack DeMent, Jr., Youngsville; Hoke Flynt, Eden; Andrea Mary Fraser, Eden; Anne Watlington Funai, Winston-Salem; Carol Lee Huffman, Monroe; Lowell Grayson Inman, Whiteville; Joseph Howell Jones, Jr., Jacksonville; Sonja Lanette Littlejohn, Roper; Jana Diedre McNeil, Cary; Catherine Wilson Marshall, Raleigh; Eddie

Owens, Jacksonville; Trey Rankin, Mt. Holly; Elizabeth R. Shaw, Hamlet; Patrick Eugene Shearon, Rolesville; Carl Goerch Wasko, Pittsboro; and John Fletcher Willey IV, Manteo.

On motion of Senator Harrington, seconded by Senator Goldston, the Senate adjourns in memory of Sam Ervin, Jr., former United States Senator, to meet tomorrow, Tuesday, May 28, at 1:30 P.M.

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### EIGHTY-FIRST DAY

SENATE CHAMBER,  
Tuesday, May 28, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Father Michael P. Shugrue, Rector, Sacred Heart Cathedral, Raleigh, as follows:

"Lord, our God, look with love on the people of North Carolina and keep them safe in Your service.

"Guide the members of this Senate, and help them to work together for the good of all.

"Bless their plans and deliberations, and bring them to success.

"Help them to serve all the people of North Carolina, and reward them for the good they do.

"Blessed are You, Lord our God, forever and ever. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Plyler for today. A leave of absence granted previously to Senator Johnson of Cabarrus is noted.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 134**, an act to amend G. S. 159-90 of the State and Local Government Revenue Bond Act and G. S. 159-163 relating to revenue bond anticipation notes. (Ch. 265)

**S. B. 361**, an act to clarify certain powers of a joint municipal electric power with respect to interest on bonds. (Ch. 266)

**S. B. 379**, an act to prohibit discrimination in the business of life and accident and health insurance and annuities against persons who are blind or partially blind or deaf or partially deaf. (Ch. 267)

**H. B. 271**, an act to give local school boards flexibility as to where they maintain student records. (Ch. 268)



**H. B. 360**, an act to require that when condemned land is no longer needed it shall first be offered to the owner from whom it was purchased. (Ch. 269)

**H. B. 637**, an act to authorize the City Council of the City of Kinston and the Board of County Commissioners of Lenoir County to create and fix the powers of the Lenoir County Development Commission and to appropriate funds for the expenses thereof. (Ch. 270)

**H. B. 771**, an act to permit cities and counties to provide public services through contracts with private agencies. (Ch. 271)

**H. J. R. 1077**, a joint resolution honoring the life and memory of former United States Senator Samuel James Ervin, Jr. (Res. 16)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**H. B. 464**, a bill to provide for the establishment of the Pilot Mountain Civic and Recreation Center Authority, with a favorable report.

**H. B. 466**, a bill to authorize flexible procedures for the disposition of redevelopment property by the City of Goldsboro, with a favorable report.

**H. B. 480**, a bill to amend the Charter of the City of Wilson to include within the boundaries of the City of Wilson an area known as Newton Park, with a favorable report.

**H. B. 484**, a bill to permit the City of Mount Airy to dispose of certain real property by private negotiation and sale, with a favorable report.

**H. B. 502**, a bill to revise and consolidate the Charter of the Town of Montreat, with a favorable report.

**H. B. 504**, a bill to authorize the County of Wilkes and the Cities of Wilkesboro and North Wilkesboro to appropriate money to the Wilkes YMCA, with a favorable report.

**H. B. 547**, a bill to allow Mecklenburg County to appropriate non-ad valorem tax funds to promote and further the Carolinas Carrousel, with a favorable report.

**H. B. 553**, a bill to amend mandatory referral legislation applicable to special use permits in Mecklenburg County, with a favorable report.

**H. B. 564**, a bill to permit the Town of Hope Mills to lease water rights for hydroelectric power generation for more than ten years, with a favorable report.

**H. B. 586**, a bill to allow the transfer of personal property of the Town of Black Creek, with a favorable report.

**H. B. 594**, a bill to change the manner of election of the Onslow County Board of Education, with a favorable report.

**H. B. 616**, a bill to authorize Currituck County to place or require developers to place stop signs as needed on streets not accepted into the State street system, with a favorable report.

**H. B. 617**, a bill to annex an area to the Town of Hertford, with a favorable report.

**H. B. 618**, a bill to include the corporate limits of the Town of Indian Beach within the Salter Path Rural Fire Protection District, and to allow that Town to remove itself from the District at a future time, with a favorable report.

**H. B. 626** (Committee Substitute), a bill concerning distribution of profits from the Walnut Cove ABC System, with a favorable report.

**H. B. 642**, a bill to authorize the Town of Pilot Mountain to undertake recreation programs by contract, with a favorable report.

**H. B. 668**, a bill to permit the Clinton Board of Alcoholic Control to contract with the City of Clinton for alcohol beverage control law enforcement services and to extend the enforcement area to six miles around the City of Clinton, with a favorable report.

**H. B. 673**, a bill to allow the City of Wilson to charge an acreage charge for water and sewer and have that charge relate to diminishing capacity of water and sewer facilities, with a favorable report.

**H. B. 794**, a bill to permit the Town of Beaufort to regulate the possession of beer and unfortified wine by ordinance, with a favorable report.

**S. B. 716**, a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, with a favorable report.

**S. B. 213**, a bill to amend the Charter of the City of Raleigh and to allow the City staff to grant final approval of subdivision plats, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 213** (Committee Substitute), a bill to amend the Charter of the City of Raleigh relating to driveways, site plan and subdivision approval, road or drainage project fees, and open space project fees, is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 30.

**H. B. 173** (Committee Substitute), a bill to redistrict the Board of Commissioners of Mitchell County, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 30.

By Senator Martin of Guilford for the **Higher Education Committee**:

**S. B. 565**, a bill to create a Fishermen's Marine Weather Service and to appropriate funds for its operation, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Natural and Economic Resources and Wildlife Committee**.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 440**, a bill authorizing law enforcement officers to arrest, without warrants, persons suspected of shoplifting or switching price tags, with a favorable report.

**S. B. 621**, a bill to provide that the time requirement limitations for a private protective license do not apply to the time spent teaching police science subjects at a post-secondary educational institution, with a favorable report.

**S. B. 715**, a bill to require that one member of the Courts Commission be a public defender, with a favorable report.

**H. B. 111** (Committee Substitute), a bill to establish the title to certain lands raised from navigable waters, with a favorable report.

**H. B. 112** (Committee Substitute), a bill to declare the existing policy of the State that title to land subject to public trust rights may not be acquired by adverse possession, with a favorable report.

**H. B. 113**, a bill to validate conveyances of certain marshlands by the State, with a favorable report.

**H. B. 114** (Committee Substitute), a bill to provide that claims to land under navigable waters may be litigated in Superior Court, with a favorable report.

**H. B. 115**, a bill to permit resolution of claims to shellfish beds by issuing a shellfish lease, with a favorable report.

**S. B. 590**, a bill to amend the definition of a slot machine as it relates to arcade amusement machines, video games, and other devices, with a favorable report, as amended.

**S. B. 469**, a bill to require that zoning procedures include a notice requirement, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 30.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 509**, a bill to allow cumulative voting to elect corporate directors if there is a stockholder who owns or controls more than one fifth rather than one fourth of the voting stock, with a favorable report.

**S. B. 574**, a bill to permit visitation rights of a biological grandparent following adoption of the grandchild by a relative or stepparent, with a favorable report.

**S. B. 596**, a bill to clarify conditions of probation, with a favorable report.

**S. B. 442**, a bill to provide for treble damages as a civil remedy for the writing of worthless checks, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.



On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, May 30.

By Senator Royall for the **Select Committee on Board of Governors**:

**H. J. R. 865**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, with a favorable report.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

Senator Cobb offers Amendment No. 1 which fails of adoption (electronically recorded).

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Staton and Royall:

**S. B. 770**, a bill to appropriate funds for the National Sports Festival VIII to be held in North Carolina in 1987.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 304**, a bill to rewrite the procedures under which shellfish lease applications are determined, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 29.

**H. B. 592** (Committee Substitute), a bill to require a fee from all persons participating in court ordered community service.

Referred to **Judiciary III Committee**.

**H. B. 690** (Committee Substitute), a bill concerning local matters in Orange and Chatham Counties.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 833** (Committee Substitute), a bill to clarify the effect of possible reversal by the United States Supreme Court of opinions of the district court concerning redistricting.

Referred to **Election Laws Committee**.

**H. B. 894**, a bill to permit the annual conference of chief judges to determine which alcohol offenses are submittable.

Referred to **Judiciary IV Committee**.

**H. B. 959**, a bill to permit towns to protect natural and scenic features.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 995**, a bill to allow counties in creating ambulance and rescue squad service districts to limit the tax rate in that district.

Referred to **Finance Committee**.

**H. B. 1041**, a bill regarding the establishment of fees for the erection and maintenance of logo signs.

Referred to **Transportation Committee**.

**H. B. 97**, a bill to permit local school boards to enter into certain lease purchase contracts.

Referred to **Education Committee**.

**H. B. 284** (Committee Substitute), a bill to establish the legal level of impairment for boat operators and to reduce litter on the State's waters.

Referred to **Judiciary III Committee**.

**H. B. 911**, a bill prohibiting the copying of boat hulls by the direct molding process.

Referred to **Judiciary I Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 635**, a bill to permit Burke County to use revenue received from one-half percent local sales and use taxes for any public purpose, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 266**, a bill to make technical changes and to amend the CON Statute, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 287** (Committee Substitute), a bill to prohibit the willful nonpayment of group health and life insurance premiums by fiduciaries unless written notice is provided to the persons insured.

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

**S. B. 456** (Committee Substitute), a bill to require certain persons arrested for an alcohol-related offense to receive medical care.

Senator Soles offers Amendment No. 1, changing the title to read, **S. B. 456** (Committee Substitute), a bill to require certain persons arrested to receive medical care, which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 473**, a bill to remove the limitation on legal service benefits payable to motor club members.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 625**, a bill to amend the fire protection laws, as amended, upon third reading.

Senator Watt offers Amendment No. 2 which is adopted (electronically recorded).

Senator Harrington offers a motion that the bill, as amended, be taken from the Calendar and re-referred to the **Judiciary IV Committee**, which motion prevails (electronically recorded).

Without objection, the Chair orders the bill engrossed and re-referred to the **Judiciary IV Committee**.

**S. B. 274**, a bill to amend Article 11, G. S. 130A, entitled "Sanitary Sewage Systems," for concurrence in House Amendment No. 1.

On motion of Senator Redman, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 387**, a bill to exempt fire and emergency vehicles from light-traffic road weight limitations, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. J. R. 865**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina. (Res. 17)

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 959**

HOUSE OF REPRESENTATIVES  
May 28, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body requesting the return of H. B. 959, "A BILL TO BE ENTITLED AN ACT TO PERMIT TOWNS TO PROTECT NATURAL AND SCENIC FEATURES," for further consideration by the House of Representatives.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Winner offers a motion that the Senate defer consideration of the request by the House of Representatives until tomorrow, May 29.

After debate, Senator Winner offers a motion, seconded by Senator Hipps, that the Senate do adjourn, which motion prevails.



The Chair declares the Senate stands adjourned to meet tomorrow, Wednesday, May 29, at 1:15 P.M.

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## EIGHTY-SECOND DAY

SENATE CHAMBER,  
Wednesday, May 29, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of Deborah and Joshua, we thank Thee for all those men and women who through the ages have committed their lives to the defense of their country; and in this memorial week, we thank Thee for all those who have served in the Armed Forces of our land, and especially for those who have given their very lives in the defense of freedom. Grant that we may always cherish the freedoms which are ours in this great land; and grant, we pray Thee, that we may always be ‘a nation under God, with liberty and justice for all.’

“O God of Abraham and Sarah, we thank Thee for all those men and women of faith in every generation, who have been willing to venture out in the fulfillment of noble dreams and goals; and we thank Thee for those persons who have helped our State fulfill its motto, ‘to be, rather than to seem.’ Deliver each of us—all our State officials, and all citizens of our State—from sham and pretense. Give to each of us integrity, and a sense of mission in life.

“O God of Grace and God of Power, as we wrestle with complicated and sometimes controversial issues in the closing weeks of this Session of the General Assembly, equip us we pray Thee—with the courage to stand up for our convictions and at the same time tolerance toward the opinions of others. Dear Lord, give to each of us compassionate hearts, and a sense of our sacred responsibility to work for the best interest of all the people of our State.

“All this we ask in the Name of Jesus Christ, Who said, ‘The greatest among you, shall be the servant of all.’ Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 602**, an act to authorize Macon and Graham Counties to impose fees for fire protection based on the value of improvements to real property. (Ch. 272)

**S. B. 274**, an act to amend Article 11, G. S. 130A, entitled "Sanitary Sewage Systems." (Ch. 273)

**S. B. 387**, an act to exempt fire and emergency vehicles from light-traffic road weight limitations. (Ch. 274)

### RE-REFERRAL

**S. B. 520**, a bill to authorize counties to establish research and production service districts.

On motion of Senator Guy, the rules are suspended and the bill is taken from the **State Government Committee** and re-referred to the **Finance Committee**.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Guy for the **State Government Committee**:

**H. B. 770**, a bill to make the Secretary of Cultural Resources an ex officio member of the governing body of the North Carolina Art Society, Inc., with a favorable report.

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. B. 514**, a bill authorizing the Legislative Research Commission to study the salaries and fringe benefits of State employees to determine whether they are comparable to salaries and fringe benefits in the private sector, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 611**, a bill to authorize the Legislative Research Commission to study the issue of outdoor advertising, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 641**, a bill to create a study committee on hunter safety and outdoor ethics, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 718**, a bill authorizing the Legislative Research Commission to study the marketing of perishable food items and agricultural commodities, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 763**, a bill to create a special commission to study the non-highway expenditures from the Highway Fund, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**H. J. R. 428**, a joint resolution honoring the life and memory of Philip O. Berry, a former member of the General Assembly, with a favorable report.

**S. B. 541**, a bill to authorize the Legislative Research Commission to study the infrastructure needs of the State, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**S. B. 655**, a bill to authorize the Legislative Research Commission to study plans for storage of high-level radioactive waste, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**S. B. 670**, a bill to authorize the Legislative Research Commission to study the financing of local government, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Hunt of Moore for the **Senior Citizens Committee**:

**S. B. 553**, a bill to provide an additional personal income tax exemption for individuals who are at least seventy years old and whose net income does not exceed twenty thousand dollars, with a favorable report.

On motion of Senator Hunt of Durham, the bill is re-referred to the **Finance Committee**.

**H. B. 194** (Committee Substitute), a bill to require the certification of adult day care programs, with a favorable report, as amended.

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 357**, a bill to raise the renewal fee for professional engineers and registered land surveyors, with a favorable report.

**S. B. 386**, a bill to delete the additional fee of ten dollars for special license plates issued to members of fire departments and rescue squads, with a favorable report.

**H. B. 609**, a bill to revise fees and charges received by the Utilities Commission, with a favorable report.

**S. B. 37**, a bill to increase the fees for the equipment inspection of motor vehicles, with a favorable report, as amended.

**S. B. 208**, a bill to provide that vested benefits under the Deferred Compensation Plan are nonforfeitable and exempt from garnishment and from tax, with a favorable report, as amended.

On motion of Senator Thomas of Henderson, the rules are suspended and the bill is



placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Ways and Means Committee**.

**S. B. 300**, a bill to authorize the use of State income tax refund offset procedures in non-AFDC and interstate cases as required by federal law, with a favorable report, as amended.

On motion of Senator Thomas of Henderson, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**S. B. 428**, a bill to allow a supplier of special fuel who consigns fuel to a reseller to pay the excise tax on the fuel when it is sold by the reseller instead of when it is delivered to the reseller, with a favorable report, as amended.

**H. B. 279**, a bill to permit the State Board of Examiners of Electrical Contractors to collect an examination review fee, with a favorable report, as amended.

**S. B. 201**, a bill to amend G. S. 105-446.1 to include area mental health, mental retardation, and substance abuse authorities and their contract agencies in the list of entities entitled to gasoline tax reimbursements, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 201** (Committee Substitute), a bill to permit area mental health, mental retardation, and substance abuse authorities and their contract agencies to receive gasoline tax refunds, is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Warren for the **Transportation Committee**:

**H. B. 765**, a bill to permit the widows of ex-prisoners of war to retain the distinctive registration plate under certain conditions, with a favorable report.

**S. B. 504**, a bill to restrict drivers under the age of seventeen to driving during daylight hours only unless driving to and from work or school, with an unfavorable report.

By Senator Kaplan for the **Election Laws Committee**:

**S. B. 659**, a bill to change the deadlines for making application for absentee ballots to provide for applications by mail two days earlier, but extending by one day the deadline for one-stop absentee voting, with a favorable report.

**S. B. 616**, a bill to require a person to resign from State or local office if he or she seeks another public office the term of which runs concurrently with that of the office he is holding, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Tuesday, June 4.

**S. B. 658**, a bill to provide a uniform filing period for candidacies in municipal elections

and making conforming changes in dates for setting filing fees and appointing municipal boards of elections, with a favorable report, as amended.

**S. B. 523**, a bill to provide that elections shall normally be held in May or November so as to reduce the cost and frequency of special elections, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 523** (Committee Substitute), a bill to provide that special elections shall be held on the Tuesday after the first Monday in February, May, August, or November so as to reduce the cost and frequency of special elections, is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, May 31.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Smith:

**S. B. 771**, a bill to appropriate funds to United Arts Council of Rowan, Inc.  
Referred to **Appropriations Committee**.

By Senators Plyler, Johnson of Wake, Rand, Staton, and Winner:

**S. B. 772**, a bill to provide start-up funds for a project to increase minority participation in science, mathematics, engineering, and technology at North Carolina State University.  
Referred to **Appropriations Committee**.

By Senator Rauch:

**S. B. 773**, a bill to appropriate funds for the construction of an alcohol studies center to be known as the Hargrove "Skipper" Bowles Center for Alcohol Studies.  
Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 471**, a bill to allow for appointment of additional registration commissioners, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, May 30.

**H. B. 567** (Committee Substitute), a bill to remove obsolete provisions and to make technical, clarifying, and other amendments to the Employment Security Law.  
Referred to **Manufacturing and Labor Committee**.

**H. B. 639** (Committee Substitute), a bill concerning registration to manufacture, distribute, or possess controlled substances and treatment for drug dependence.  
Referred to **Human Resources Committee**.

**H. B. 746**, a bill to provide a procedure for obtaining candidates for membership on nonpartisan county boards of education.

Referred to **Education Committee**.

**H. B. 759**, a bill to validate certain judgments of divorce entered upon any of the grounds abolished by Chapter 613 of the 1983 Session Laws As Amended by Section 217(O) of Chapter 923 of the 1983 Session Laws as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

**H. B. 825**, a bill to permit drug store logos on informational signs on highways.

Referred to **Transportation Committee**.

**H. B. 900**, a bill to revise the provisions of Chapter 11 of the General Statutes relating to oaths and affirmations in order to conform to constitutional requirements as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

**H. B. 1074**, a bill to clarify and improve the procedures to collect restitution from criminal defendants and make other technical changes.

Referred to **Judiciary III Committee**.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

HOUSE OF REPRESENTATIVES

May 29, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that pursuant to HJR 865, A JOINT RESOLUTION TO ESTABLISH THE PROCEDURE FOR NOMINATING AND ELECTING MEMBERS OF THE BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA, and SJR 558, A JOINT RESOLUTION PROVIDING FOR JOINT SESSIONS OF THE SENATE COMMITTEE ON COMMERCE AND THE HOUSE COMMITTEE ON PUBLIC UTILITIES TO REVIEW THE GOVERNOR'S APPOINTEES TO THE UTILITIES COMMISSION AND PROVIDING FOR A JOINT SESSION OR SESSIONS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES TO ACT ON CONFIRMATION ON THE APPOINTMENTS MADE BY THE GOVERNOR TO MEMBERSHIP ON THE NORTH CAROLINA UTILITIES COMMISSION, the House of Representatives stands ready to receive the Senate in Joint Session at the appointed hour.

Respectfully,

S/ GRACE A. COLLINS

*Principal Clerk*

Lieutenant Governor Jordan orders a special message sent to the House of Representatives informing that Honorable Body that the Senate stands ready to repair to the Hall of the House of Representatives pursuant to **H. J. R. 865**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, and **S. J. R. 558**, a joint resolution providing for joint sessions of the



Senate Committee on Commerce and the House Committee on Public Utilities to review the Governor's appointees to the Utilities Commission and providing for a joint session or sessions of the Senate and the House of Representatives to act on confirmation on the appointments made by the Governor to membership on the North Carolina Utilities Commission.

On motion of Senator Harrington, in accordance with **H. J. R. 865** and **S. J. R. 558**, the Senate recesses to repair to the Hall of the House of Representatives, there to sit in Joint Session, and on his further motion, upon dissolution of the Joint Session to return to the Senate Chamber for further consideration of business.

### JOINT SESSION

The Senate is received by the members of the House of Representatives standing, and the Joint Session is called to order by Lieutenant Governor Robert B. Jordan III.

The Clerk of the Senate calls the roll of the Senate, and the following members answer the call: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

The roll-call of the House of Representatives is recorded electronically, and the following members answer the call: Speaker Ramsey, Representatives Anderson, Ballance, Barbee, Barker, Barnes, Barnhill, Beall, Beard, Blue, Bowman, Boyd, Brannan, Brawley, Brinkley, Brown, Brubaker, Buchanan, Bumgardner, Chalk, Chapin, Clark, Cochrane, Cole, Colton, Crawford of Granville, Crawford of Buncombe, Creecy, Cromer, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Enloe, Esposito, Etheridge of Wilson, Evans, Fitch, Fletcher, Foster, Fussell, Gardner, Gist, Greenwood, Hackney, Hall of New Hanover, Hall of Stokes, Hasty, Hauser, Hege, Hightower, Holmes, Holt, Hudson, Huffman, Hunter, Jeralds, Jones, Justus, Kennedy, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McDowell, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Noles, Nye, Owens, Payne, Privette, Pulley, Quinn, Redwine, Rhodes, Richardson, Robinson, Sizemore, Spoon, Stamey, Tallent, Tyndall, Tyson, Walker, Warren of Pitt, Warren of Mecklenburg, Windley, Wisser, Wood, Woodard of Johnston, Woodard of Wayne, and Wright—102.

Lieutenant Governor Jordan declares a quorum of each Body present. The Joint Session proceeds with the business for which it is convened.

Lieutenant Governor Jordan recognizes Senator Royall, Chairman of the Select Committee on the University Board of Governors of the Senate, who submits the following report:

The Select Committee on Board of Governors of the Senate recommends the following persons for the nomination by the Joint Session of the Senate and House of Representatives for election to the Board of Governors to the University of North Carolina. Each of these persons is, in the opinion of the Committee, legally qualified for the position to which he or she is recommended and has stated that he or she would serve if elected.

**AT-LARGE CATEGORY EIGHT-YEAR TERM**

(Senate Will Elect One)

R. F. "Mutt" McCoy

Cecil J. Hill

**AT-LARGE CATEGORY EIGHT-YEAR TERM**

(Senate Will Elect One)

F. P. Bodenheimer

Samuel Neill

**WOMEN'S CATEGORY EIGHT-YEAR TERM**

(Senate Will Elect One)

Martha McNair

Dr. Helen Edmonds

**MINORITY RACE CATEGORY EIGHT-YEAR TERM**

(Senate Will Elect One)

Maceo Sloan

Franklin R. Anderson

Lieutenant Governor Jordan recognizes Representative Crawford of Buncombe, Chairman of the Committee on the University Board of Trustees of the House of Representatives, who submits the following report:

The University Board of Governors' Nominating Committee place the following nominees in ballot:

**RECOMMENDED NOMINEES****At-Large—Vote For Three (3)**

Roderick D. Adams

Juanita Bryant

John Ed Davenport

Charles Zorah Flack

James E. Holmes, Jr.

Ruth Dial Woods

**NOMINEES**

June McLaurin Jeffers

**Minority Party—Vote For One (1)**

Donald Beason

John Garwood

Charles A. Hayes

Lieutenant Governor Jordan declares the floor open for further nominations. Receiving no additional nominations from the floor and upon the motion of Senator Royall, seconded by Representative Crawford of Buncombe, the nominations are closed.

Lieutenant Governor Jordan lays before the Senate and House of Representatives sitting in Joint Session a second order of business, it being the confirmation of appointments by the Governor to the North Carolina Utilities Commission.

Lieutenant Governor Jordan directs the Reading Clerk of the Senate to read the following messages from the Governor:

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27611

May 1, 1985

The Honorable Robert B. Jordan III  
President of the Senate  
Lieutenant Governor of North Carolina  
Legislative Building  
Raleigh, North Carolina 27611

Re: North Carolina Utilities Commission

*Dear Lieutenant Governor:*

Pursuant to North Carolina General Statute Section 62-10, I hereby appoint Ms. Sarah Tate, Wake County; Robert O. Wells, Guilford County; and Julius A. Wright, New Hanover County; to the North Carolina Utilities Commission to serve terms beginning July 1, 1985, and expiring June 30, 1993, subject to confirmation by the General Assembly in joint session, and hereby submit their names to the General Assembly for said confirmation.

Sincerely,  
S/ JAMES G. MARTIN  
Governor

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27611

May 1, 1985

The Honorable Liston B. Ramsey  
Speaker of the House  
Legislative Building  
Raleigh, North Carolina 27611

*Dear Mr. Speaker:*

Pursuant to North Carolina General Statute Section 62-10, I hereby appoint Ms. Sarah Tate, Wake County; Robert O. Wells, Guilford County; and Julius A. Wright, New Hanover County; to the North Carolina Utilities Commission to serve terms beginning July 1, 1985, and expiring June 30, 1993, subject to confirmation by the General Assembly in joint session, and hereby submit their names to the General Assembly for said confirmation.

Sincerely,  
S/ JAMES G. MARTIN  
Governor

May 29, 1985



STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27611

May 14, 1985

The Honorable Robert B. Jordan III  
President of the Senate  
Lieutenant Governor of North Carolina  
Legislative Building  
Raleigh, North Carolina 27611

Re: North Carolina Utilities Commission

*Dear Lieutenant Governor Jordan:*

Pursuant to North Carolina General Statute Section 62-10, I hereby appoint Julius A. Wright, New Hanover County, to the North Carolina Utilities Commission to fill the vacancy caused by the resignation of Hugh A. Crigler, Jr., whose term expires July 1, 1985, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,  
S/ JAMES G. MARTIN  
Governor

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27611

May 14, 1985

The Honorable Liston Bryan Ramsey  
Speaker of the House  
Legislative Building  
Raleigh, North Carolina 27611

Re: North Carolina Utilities Commission

*Dear Mr. Ramsey:*

Pursuant to North Carolina General Statute Section 62-10, I hereby appoint Julius A. Wright, New Hanover County, to the North Carolina Utilities Commission to fill the vacancy caused by the resignation of Hugh A. Crigler, Jr., whose term expires July 1, 1985, subject to confirmation by the General Assembly in joint session. Furthermore, I hereby submit his name to the General Assembly for said confirmation.

Sincerely,  
S/ JAMES G. MARTIN  
Governor

Lieutenant Governor Jordan recognizes Senator Hardison, Chairman of the Senate Commerce Committee, who submits the following report:

## NORTH CAROLINA GENERAL ASSEMBLY

Senate Chamber

State Legislative Building

Raleigh 27611

May 29, 1985

The Honorable Robert B. Jordan III  
 President of the Senate  
 Lieutenant Governor of North Carolina  
 North Carolina General Assembly  
 Raleigh, North Carolina 27611

*Dear Lieutenant Governor:*

In compliance with the provisions of G. S. 62-10 that nominees to fill positions on the NC Utilities Commission shall be subject to confirmation by the General Assembly in Joint Session, Governor Martin has submitted for confirmation by the General Assembly the following names:

Ms. Sarah Lindsay Tate  
 Robert O. Wells  
 Julius A. Wright

The Senate Committee on Commerce has considered the nominees and makes the following recommendation to this Joint Session:

That the nomination of the above as Commissioners of the North Carolina Utilities Commission be confirmed.

Respectfully submitted,  
 S/ HAROLD W. HARDISON  
*Chairman of the Senate Committee  
 on Commerce*

Lieutenant Governor Jordan recognizes Representative Bumgardner, Chairman of the Committee on Public Utilities of the House, who submits the following report:

## NORTH CAROLINA GENERAL ASSEMBLY

House of Representatives

State Legislative Building

Raleigh 27611

May 29, 1985

The Honorable Liston B. Ramsey  
 Speaker of the House of Representatives  
 North Carolina General Assembly  
 Raleigh, North Carolina 27611

*Dear Speaker Ramsey:*

In compliance with the provisions of G. S. 62-10 that nominees to fill positions on the NC Utilities Commission shall be subject to confirmation by the General Assembly in Joint

Session, Governor Martin has submitted for confirmation by the General Assembly the following names:

Ms. Sarah Tate  
Robert O. Wells  
Julius A. Wright

The House Committee on Public Utilities has considered the nominees and makes the following recommendation to this Joint Session:

That the nomination of the above as Commissioners of the North Carolina Utilities Commission be confirmed.

Respectively submitted,  
S/ DAVID W. BUMGARDNER, JR.  
*Chairman of the House Public  
Utilities Committee*

Senator Hardison moves that the Senate do confirm the appointment of Ms. Sarah Tate as a member of the North Carolina Utilities Commission. Representative Bumgardner moves that the House of Representatives do confirm the appointment of Ms. Sarah Tate as a member of the North Carolina Utilities Commission.

Lieutenant Governor Jordan states that the roll of the Senate shall be called and thereafter the roll of the House of Representatives taken electronically, after which the results of the vote of each Body shall be announced on each appointee.

The motions to confirm the appointment of Ms. Sarah Tate as a member of the North Carolina Utilities Commission prevail by the following roll-call votes:

Senate—ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—46.

Voting in the negative: None.

House of Representatives—ayes 111, noes 0 (electronically recorded), as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Allran, Anderson, Balance, Barbee, Barker, Barnes, Barnhill, Beall, Beard, Blue, Bowman, Boyd, Brannan, Brawley, Brinkley, Brown, Brubaker, Buchanan, Bumgardner, Chalk, Chapin, Clark, Cochrane, Cole, Colton, Craven, Crawford of Granville, Crawford of Buncombe, Creecy, Cromer, Dawkins, Decker, DeVane, Diamond, Duncan, Easterling, Enloe, Esposito, Etheridge of Harnett, Etheridge of Wilson, Ethridge, Evans, Fitch, Fletcher, Fussell, Gardner, Gist, Greenwood, Hackney, Hall of New Hanover, Hall of Stokes, Hasty, Hauser, Hege, Hightower, Holmes, Holroyd, Holt, Hudson, Huffman, Hughes, Hunt, Hunter, Hurst, Jeralds, Jones, Justus, Keese-Forrester, Kennedy, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McDowell, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Noles, Nye, Owens, Payne, Pool, Privette, Pulley, Quinn, Redwine, Rhodes, Richardson, Robinson, Sizemore, Sparrow, Spoon, Stamey, Tallent, Tyndall, Walker, Warren of Mecklenburg, Watkins, Windley, Wiser, Wood, Woodard of Johnston, Woodard of Wayne, and Wright—111.

Voting in the negative: None.



Receiving a majority of votes of both Bodies, the appointment of Ms. Sarah Tate as a member of the North Carolina Utilities Commission is confirmed.

Senator Hardison moves that the Senate do confirm the appointment of Mr. Robert O. Wells as a member of the North Carolina Utilities Commission. Representative Bumgardner moves that the House of Representatives do confirm the appointment of Mr. Robert O. Wells as a member of the North Carolina Utilities Commission.

The motions to confirm the appointment of Mr. Robert O. Wells as a member of the North Carolina Utilities Commission prevail by the following roll-call votes:

Senate—ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

House of Representatives—ayes 114, noes 0 (electronically recorded), as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Allran, Anderson, Balance, Barbee, Barker, Barnes, Barnhill, Beall, Beard, Blue, Bowman, Boyd, Brannan, Brawley, Brinkley, Brown, Brubaker, Buchanan, Bumgardner, Chalk, Chapin, Clark, Cochrane, Cole, Colton, Craven, Crawford of Granville, Crawford of Buncombe, Creecy, Cromer, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Enloe, Esposito, Etheridge of Harnett, Etheridge of Wilson, Ethridge, Evans, Fitch, Fletcher, Foster, Fussell, Gardner, Gist, Greenwood, Hackney, Hall of New Hanover, Hall of Stokes, Hasty, Hauser, Hege, Hightower, Holmes, Holroyd, Holt, Hudson, Huffman, Hughes, Hunt, Hunter, Hurst, Jeralds, Jones, Justus, Keese-Forrester, Kennedy, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McDowell, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Noles, Nye, Owens, Payne, Pool, Privette, Pulley, Quinn, Redwine, Rhodes, Richardson, Robinson, Sizemore, Sparrow, Spoon, Stamey, Tallent, Tyndall, Tyson, Walker, Warren of Pitt, Warren of Mecklenburg, Watkins, Windley, Wiser, Wood, Woodard of Johnston, Woodard of Wayne, and Wright—114.

Voting in the negative: None.

Receiving a majority of votes of both Bodies, the appointment of Mr. Robert O. Wells as a member of the North Carolina Utilities Commission is confirmed.

Senator Hardison moves that the Senate do confirm the appointment of Mr. Julius A. Wright as a member of the North Carolina Utilities Commission. Representative Bumgardner moves that the House of Representatives do confirm the appointment of Mr. Julius A. Wright as a member of the North Carolina Utilities Commission.

The motions to confirm the appointment of Mr. Julius A. Wright as a member of the North Carolina Utilities Commission prevail by the following roll-call votes:

Senate—ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally,

Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—47.

Voting in the negative: None.

House of Representatives—ayes 115, noes 0 (electronically recorded), as follows:

Voting in the affirmative: Speaker Ramsey, Representatives Allran, Anderson, Balance, Barbee, Barker, Barnes, Barnhill, Beall, Beard, Blue, Bowman, Boyd, Brannan, Brawley, Brinkley, Brown, Brubaker, Buchanan, Bumgardner, Chalk, Chapin, Clark, Cochrane, Cole, Colton, Craven, Crawford of Granville, Crawford of Buncombe, Creecy, Cromer, Dawkins, Decker, DeVane, Diamont, Duncan, Easterling, Enloe, Esposito, Etheridge of Harnett, Etheridge of Wilson, Ethridge, Evans, Fitch, Fletcher, Foster, Fussell, Gardner, Gist, Greenwood, Hackney, Hall of New Hanover, Hall of Stokes, Hasty, Hauser, Hege, Hightower, Holmes, Holroyd, Holt, Hudson, Huffman, Hughes, Hunt, Hunter, Hurst, James, Jeralds, Jones, Justus, Keesee-Forrester, Kennedy, Ligon, Lilley, Lineberry, Locks, Lutz, McAlister, McDowell, McLaughlin, Mavretic, Michaux, Miller, Mothershead, Murphy, Nesbitt, Noles, Nye, Owens, Payne, Pool, Privette, Pulley, Quinn, Redwine, Rhodes, Richardson, Robinson, Sizemore, Sparrow, Spoon, Stamey, Tallent, Tyndall, Tyson, Walker, Warren of Pitt, Warren of Mecklenburg, Watkins, Windley, Wiser, Wood, Woodard of Johnston, Woodard of Wayne, and Wright—115.

Voting in the negative: None.

Receiving a majority of votes of both Bodies, the appointment of Mr. Julius A. Wright as a member of the North Carolina Utilities Commission is confirmed.

Lieutenant Governor Jordan orders the Governor be notified of the action of the General Assembly, sitting in Joint Session, upon the confirmations of the appointments of Ms. Sarah Tate, Mr. Robert O. Wells, and Mr. Julius A. Wright as members of the North Carolina Utilities Commission.

On motion of Senator Harrington, the Joint Session is dissolved and pursuant to the motion heretofore made, the Senate returns to its Chamber.

The Senate resumes consideration of its regular business.

### RECALL

**H. B. 959**, a bill to permit towns to protect natural and scenic features.

Pursuant to the special message received from the House of Representatives yesterday, requesting the return of **H. B. 959** for further consideration, Senator Staton offers a motion that the bill be taken from the **Natural and Economic Resources and Wildlife Committee** and returned to the House of Representatives, which motion prevails. The Chair orders the bill returned to the House of Representatives.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 635**, a bill to permit Burke County to use revenue received from one-half percent local sales and use taxes for any public purpose, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin,



McDuffie, Parnell, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Watt, Winner, and Wright—40.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 480**, a bill to amend the Charter of the City of Wilson to include within the boundaries of the City of Wilson an area known as Newton Park, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 502**, a bill to revise and consolidate the Charter of the Town of Montreat, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 547**, a bill to allow Mecklenburg County to appropriate non-ad valorem tax funds to promote and further the Carolinas Carrousel, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Winner, Woodard, and Wright—44.

Voting in the negative: Senator Cobb—1.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 617**, a bill to annex an area to the Town of Hertford, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.



**H. B. 618**, a bill to include the corporate limits of the Town of Indian Beach within the Salter Path Rural Fire Protection District, and to allow that Town to remove itself from the District at a future time, upon second reading.

The bills passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 673**, a bill to allow the City of Wilson to charge an acreage charge for water and sewer and have that charge relate to diminishing capacity of water and sewer facilities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Winner, Woodard, and Wright—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 464**, a bill to provide for the establishment of the Pilot Mountain Civic and Recreation Center Authority.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 466**, a bill to authorize flexible procedures for the disposition of redevelopment property by the City of Goldsboro.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 484**, a bill to permit the City of Mount Airy to dispose of certain real property by private negotiation and sale.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 504**, a bill to authorize the County of Wilkes and the Cities of Wilkesboro and North Wilkesboro to appropriate money to the Wilkes YMCA.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 553**, a bill to amend mandatory referral legislation applicable to special use permits in Mecklenburg County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 564**, a bill to permit the Town of Hope Mills to lease water rights for hydroelectric power generation for more than ten years.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 586**, a bill to allow the transfer of personal property of the Town of Black Creek.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 594**, a bill to change the manner of election of the Onslow County Board of Education.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 616**, a bill to authorize Currituck County to place or require developers to place stop signs as needed on streets not accepted into the State street system.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 626** (Committee Substitute), a bill concerning distribution of profits from the Walnut Cove ABC System.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 642**, a bill to authorize the Town of Pilot Mountain to undertake recreation programs by contract.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 668**, a bill to permit the Clinton Board of Alcoholic Control to contract with the City of Clinton for alcohol beverage control law enforcement services and to extend the enforcement area to six miles around the City of Clinton.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 794**, a bill to permit the Town of Beaufort to regulate the possession of beer and unfortified wine by ordinance.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 440**, a bill authorizing law enforcement officers to arrest, without warrants, persons suspected of shoplifting or switching price tags.

The bill passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 509**, a bill to allow cumulative voting to elect corporate directors if there is a stockholder who owns or controls more than one fifth rather than one fourth of the voting stock.

The bill passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 574**, a bill to permit visitation rights of a biological grandparent following adoption of the grandchild by a relative or stepparent.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 590**, a bill to amend the definition of a slot machine as it relates to arcade amusement machines, video games, and other devices.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 596**, a bill to clarify conditions of probation.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

Senator Barnes objects to the third reading of the bill, as amended, which objection he subsequently withdraws.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 621**, a bill to provide that the time requirement limitations for a private protective license do not apply to the time spent teaching police science subjects at a post-secondary educational institution.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 715**, a bill to require that one member of the Courts Commission be a public defender.

On motion of Senator Rand, consideration of the bill is postponed until Tuesday, June 11.

**S. B. 716**, a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits.

The bill passes its second reading (electronically recorded).

Senator Soles objects to the third reading of the bill and upon his motion, the bill is placed on the Calendar for Wednesday, June 5, for further consideration upon third reading.

**H. B. 111** (Committee Substitute), a bill to establish the title to certain lands raised from navigable waters.

On motion of Senator Soles, the rules are suspended to the end that Daniel F. McLawhorn, Department of Justice, is extended the courtesies of the floor for the purpose of assisting Senator Soles.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 112** (Committee Substitute), a bill to declare the existing policy of the State that title to land subject to public trust rights may not be acquired by adverse possession.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 113**, a bill to validate conveyances of certain marshlands by the State.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.



**H. B. 114** (Committee Substitute), a bill to provide that claims to land under navigable waters may be litigated in Superior Court.

On motion of Senator Soles, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

**H. B. 115**, a bill to permit resolution of claims to shellfish beds by issuing a shellfish lease.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 304**, a bill to rewrite the procedures under which shellfish lease applications are determined, for concurrence in House Amendment No. 1.

On motion of Senator Wright, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

#### RE-REFERRAL

**H. B. 279**, a bill to permit the State Board of Examiners of Electrical Contractors to collect an examination review fee.

On motion of Senator Thomas of Henderson, the rules are suspended and the bill is taken from the Calendar for May 30 and recommitted to the **Finance Committee**.

On motion of Senator Harrington, seconded by Senator Barnes, the Senate adjourns to meet tomorrow, May 30, at 1:30 P.M.

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#### EIGHTY-THIRD DAY

SENATE CHAMBER,  
Thursday, May 30, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Creation, we thank Thee for the beauty of this great State, and for her abundance of natural resources.

"For her purple mountains, majesty,

"For the rolling hills of her piedmont section,

"For the quiet beauty of her coastal plain,

"For her amber waves of grain,

"For her peach and apple orchards,

"For her fields of cotton, corn, tobacco, and soybeans,

"For her crystal streams,

"For her mighty rivers flowing to the sea,

"For her abundance of pines and hardwoods,

"For her beautiful parks,

"For her deer, doves, and other wild game.

"For her abundance of fresh and salt water fish,

“For her blue skies and clean air, and,  
 “For the white sands of her seashore,  
 “We give Thee thanks, O Lord,

“Dear Lord, we acknowledge that we, like Adam and Eve, have been created as stewards, responsible to Thee for the care of our garden—‘the land of the long-leaf pine.’ As citizens, pastors, and Senators, grant that we may do our part to protect the water, air, soil, minerals, energy resources, plants, trees, and animal life of this great State—so that our children, our grandchildren, and our great-grandchildren may continue to enjoy her beauty and her natural resources. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends courtesies of the gallery to Zennie L. Riggs, former member of the House of Representatives from Onslow County.

**ELECTION OF MEMBERS  
 TO THE UNIVERSITY BOARD OF GOVERNORS  
 OF THE UNIVERSITY OF NORTH CAROLINA**

Senator Royall for the Select Committee on University Board of Governors of the Senate submits to the Senate the slate of nominees placed in Joint Session with the House of Representatives as follows:

**AT-LARGE CATEGORY EIGHT-YEAR TERM**  
 (Senate Will Elect Two)  
 R. F. “Mutt” McCoy  
 Cecil J. Hill  
 F. P. Bodenheimer  
 Samuel Neill

**WOMEN'S CATEGORY EIGHT-YEAR TERM**  
 (Senate Will Elect One)  
 Martha McNair  
 Dr. Helen Edmonds

**MINORITY RACE CATEGORY EIGHT-YEAR TERM**  
 (Senate Will Elect One)  
 Maceo Sloan  
 Franklin Anderson

Pursuant to **H. J. R. 865**, a joint resolution to establish the procedure for nominating and electing members of the Board of Governors of the University of North Carolina, the Senate proceeds to vote by secret ballot. The ballots are duly tabulated and Senator Royall, pursuant to **H. J. R. 865**, announces the results as follows:

**AT-LARGE CATEGORY EIGHT-YEAR TERM**  
 R. F. “Mutt” McCoy  
 Samuel Neill

**WOMEN'S CATEGORY EIGHT-YEAR TERM**  
 Martha McNair

## MINORITY RACE CATEGORY EIGHT-YEAR TERM

Maceo Sloan

On motion of Senator Royall, the above-named individuals are elected to the Board of Governors of the University of North Carolina by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The President orders a special message sent to the House of Representatives informing that Honorable Body of such action.

## RECALL FROM ENROLLING

**H. B. 635**, a bill to permit Burke County to use revenue received from one-half percent local sales and use taxes for any public purpose.

Senator Simpson offers a motion that **H. B. 635** be recalled from the Enrolling Office, which motion prevails.

Senator Simpson moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Senator Simpson offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—48.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 304**, an act to rewrite the procedures under which shellfish lease applications are determined. (Ch. 275)

**H. B. 111** (Committee Substitute), an act to establish the title to certain lands raised from navigable waters. (Ch. 276)

**H. B. 112** (Committee Substitute), an act to declare the existing policy of the State that title to land subject to public trust rights may not be acquired by adverse possession. (Ch. 277)



**H. B. 113**, an act to validate conveyances of certain marshlands by the State. (Ch. 278)

**H. B. 115**, an act to permit resolution of claims to shellfish beds by issuing a shellfish lease. (Ch. 279)

**H. B. 464**, an act to provide for the establishment of the Pilot Mountain Civic and Recreation Center Authority. (Ch. 280)

**H. B. 466**, an act to authorize flexible precedures for the disposition of redevelopment property by the City of Goldsboro. (Ch. 281)

**H. B. 484**, an act to permit the City of Mount Airy to dispose of certain real property by private negotiation and sale. (Ch. 282)

**H. B. 504**, an act to authorize the County of Wilkes and the Cities of Wilkesboro and North Wilkesboro to appropriate money to the Wilkes YMCA. (Ch. 283)

**H. B. 553**, an act to amend mandatory referral legislation applicable to special use permits in Mecklenburg County. (Ch. 284)

**H. B. 564**, an act to permit the Town of Hope Mills to lease water rights for hydroelectric power generation for more than ten years. (Ch. 285)

**H. B. 586**, an act to allow the transfer of personal property of the Town of Black Creek. (Ch. 286)

**H. B. 594**, an act to change the manner of election of the Onslow County Board of Education. (Ch. 287)

**H. B. 616**, an act to authorize Currituck County to place or require developers to place stop signs as needed on streets not accepted into the State street system. (Ch. 288)

**H. B. 626** (Committee Substitute), an act concerning distribution of profits from the Walnut Cove ABC System. (Ch. 289)

**H. B. 642**, an act to authorize the Town of Pilot Mountain to undertake recreation programs by contract. (Ch. 291)

**H. B. 668**, an act to permit the Clinton Board of Alcoholic Control to contract with the City of Clinton for alcohol beverage control law enforcement services and to extend the enforcement area to six miles around the City of Clinton. (Ch. 292)

**H. B. 794**, an act to permit the Town of Beaufort to regulate the possession of beer and unfortified wine by ordinance. (Ch. 293)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Hardison for the **Commerce Committee**:

**S. B. 599**, a bill to amend Chapter 36A of the General Statutes regarding investments in securities by banks or trust companies, with a favorable report.

**S. B. 600**, a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian, with a favorable report.

**H. B. 134** (Committee Substitute), a bill to authorize individual and consumer finance lenders to charge up to sixteen percent interest on small loans, with a favorable report.

**H. B. 506** (Committee Substitute), a bill relating to quorum and voting requirements of the State Banking Commission, with a favorable report.

**H. B. 610** (Committee Substitute), a bill to permit the Utilities Commission to employ legal counsel and recover the cost for that counsel when appearing before federal courts and agencies in matters relating to the wholesale rates for natural gas, with a favorable report.

**H. B. 700**, a bill to allow investments in obligations issued, assumed or guaranteed by the African Development Bank, with a favorable report.

**S. B. 168**, a bill to promote the safe placement of subsurface installations in North Carolina, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 3.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills, with a favorable report.

**H. B. 893**, a bill to provide for discretionary substitution of a trustee named in a mortgage or deed of trust, with a favorable report.

**H. B. 1027**, a bill to clarify and raise the punishment for the misdemeanor of vehicular hit and run, with a favorable report.

By Senator Thomas of Henderson for the **Finance Committee**:

**H. B. 279**, a bill to permit the State Board of Examiners of Electrical Contractors to collect an examination review fee, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 506** (Committee Substitute), a bill to prohibit the use of spousal testimony in the prosecution of certain crimes based on that testimony, with an unfavorable report as to Committee Substitute bill, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Barnes, the rules are suspended and Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Barnes, Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Monday, June 3.

**H. B. 382**, a bill to provide gain time credit to prisoners sentenced for felonies committed on or after July 1, 1981, for participation in rehabilitative programs, with a favorable report.

**H. B. 909**, a bill to protect certain officers and employees of county departments of social services by making simple assaults on them two-year misdemeanors, with a favorable report.

**S. B. 272**, a bill to protect handicapped persons, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 3.

By Senator Jordan for the **Manufacturing and Labor Committee**:

**H. B. 963**, a bill to clarify the definition of employment regarding temporary emergency service workers in the Employment Security Law, with a favorable report.

**H. B. 780**, a bill to clarify Section 96-29 of the Employment Security Law, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee**:

**H. B. 986**, a bill to require that the Department of Human Resources study the issue of revision of minimum standards for the construction and operation of local jails, with a favorable report.

On motion of Senator Harris, the bill is placed on the Calendar for Monday, June 3.

**S. B. 202**, a bill to make technical changes in the public health law and related laws, with a favorable report, as amended.

On motion of Senator Harris, the bill is placed on the Calendar for Monday, June 3.

**H. B. 121** (Committee Substitute), a bill to prohibit chiropractors from collecting fees in connection with free services, with a favorable report, as amended.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Tuesday, June 4.

**S. B. 347**, a bill to amend the law regarding payment of costs in Department of Human Resources institutions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 3.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 733**, a bill making the recordation of jury selection proceedings in noncapital cases and of opening and closing arguments discretionary rather than mandatory, with a favorable report.

**S. B. 714**, a bill creating the offense of dumping litter on private property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.



On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 3.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 479**, a bill to amend and clarify certain requirements for the purchase of creditable service for temporary employment by members of the Teachers' and State Employees' Retirement System, with a favorable report.

**H. B. 365**, a bill to conform the General Statute authorizing and establishing the optional retirement program to later action of the General Assembly with respect to tax treatment of State retirement contributions and structure of the University of North Carolina, with a favorable report.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 710**, a bill making the larceny of a cat or dog under certain circumstances a Class J felony, with a favorable report.

**H. B. 737** (Committee Substitute), a bill to prohibit the sale of kerosene from pumps located on the same pump island as pumps dispensing gasoline, with a favorable report.

**H. B. 756**, a bill to make it clear that a second notice to creditors need not be published if a prior notice has been published by a collector or personal representative as recommended by the General Statutes Commission, with a favorable report.

**S. B. 701**, a bill to make unlawful the impersonation of city, county, or State employees, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Hunt of Moore, Basnight, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hunt of Durham, Johnson of Wake, Kincaid, Martin of Pitt, Marvin, Parnell, Price, Rauch, Sawyer, Simpson, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Warren, and Woodard:

**S. B. 774**, a bill providing that a regional community or technical college is one that serves residents of two or more counties, and appropriating funds to provide the required State match for plant operation and maintenance expenses for the additional institutions that are considered regional institutions under this act.

Referred to **Higher Education Committee**.

By Senator Guy:

**S. B. 775**, a bill to appropriate funds to the Onslow Coordinating Council on Aging, Inc. Referred to **Appropriations Committee**.

By Senator Guy:

**S. B. 776**, a bill to appropriate funds to inventory the significant architectural and historical structures and sites in Onslow County.

Referred to **Appropriations Committee**.

By Senator Guy:

**S. B. 777**, a bill to appropriate funds for the Carobell Children's Home, Inc.  
Referred to **Appropriations Committee**.

By Senator Guy:

**S. B. 778**, a bill to appropriate funds to the Onslow County Arts Council, Inc.  
Referred to **Appropriations Committee**.

By Senator Guy:

**S. B. 779**, a bill to appropriate funds to the Richlands-Onslow County Museum.  
Referred to **Appropriations Committee**.

By Senator Harris:

**S. B. 780**, a bill to create a special legislative study commission to study the feasibility of closing training schools, and related issues.

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

By Senators Woodard and Johnson of Wake:

**S. B. 781**, a bill to appropriate funds to Haven House Incorporated.  
Referred to **Appropriations Committee**.

By Senators Woodard and Hunt of Moore:

**S. B. 782**, a bill to appropriate funds for a pilot program to assist elderly, low-income homeowners in making home repairs.

Referred to **Appropriations Committee**.

By Senator Hipps:

**S. B. 783**, a bill to appropriate funds for the North Carolina CLOSEUP Program.  
Referred to **Appropriations Committee**.

By Senators Rand, Barnes, Basnight, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rauch, Royall, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Warren, Watt, Winner, and Woodard:

**S. B. 784**, a bill to exempt benefits paid by the North Carolina Highway Patrol Voluntary Pledge Fund from income tax and inheritance tax.

Referred to **Finance Committee**.

By Senators Goldston and Price:

**S. B. 785**, a bill to appropriate funds to Rockingham Community College.  
Referred to **Appropriations Committee**.

By Senators Goldston and Price:

**S. B. 786**, a bill to appropriate funds to Surry Community College.  
Referred to **Appropriations Committee**.

By Senators Hunt of Moore, Ballenger, Barnes, Basnight, Conder, Ezzell, Guy, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright:

**S. B. 787**, a bill to appropriate funds for the Radio Reading Service.

Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 94** (Committee Substitute No. 2), a bill to further define the appropriate political activity of State employees.

Referred to **State Government Committee**.

**H. B. 519**, a bill to provide that when a city annexes property in a county where less than fifty percent of the city is located, notice must also be given in that county.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 758**, a bill to authorize a testator to exempt a testamentary trustee from the requirement that the trustee must qualify before the Clerk of Superior Court as recommended by the General Statutes Commission.

Referred to **Judiciary III Committee**.

**H. B. 1135**, a bill to improve enforcement of the cooling-off period in off-premises sales.

Referred to **Judiciary II Committee**.

**H. B. 1148**, a bill authorizing lake authorities to obtain refunds of State and local sales and use taxes.

Referred to **Finance Committee**.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 1038**

HOUSE OF REPRESENTATIVES

May 30, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body requesting the return of House Joint Resolution 1038, A JOINT RESOLUTION ENDORSING THE PROPOSAL OF THE DEPARTMENT OF TRANSPORTATION AND THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT TO USE THE RUBBLE FROM DISMANTLED BRIDGES TO BUILD ARTIFICIAL REEFS, for further consideration by the House of Representatives.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*



On motion of Senator Guy, the bill is withdrawn from the **Rules and Operation of the Senate Committee** and ordered returned to the House of Representatives by special messenger.

#### WITHDRAWN FROM CALENDAR

**H. B. 121** (Committee Substitute), a bill to prohibit chiropractors from collecting fees in connection with free services.

On motion of Senator Soles, the Committee Substitute bill is removed from the Calendar for Monday, June 3, and placed on the Calendar for Tuesday, June 4.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 480**, a bill to amend the Charter of the City of Wilson to include within the boundaries of the City of Wilson an area known as Newton Park, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 502**, a bill to revise and consolidate the Charter of the Town of Montreat, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 547**, a bill to allow Mecklenburg County to appropriate non-ad valorem tax funds to promote and further the Carolinas Carrousel, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—46.

Voting in the negative: Senator Cobb—1.

The bill is ordered enrolled.

**H. B. 617**, a bill to annex an area to the Town of Hertford, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 618**, a bill to include the corporate limits of the Town of Indian Beach within the Salter Path Rural Fire Protection District, and to allow that Town to remove itself from the District at a future time, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 673**, a bill to allow the City of Wilson to charge an acreage charge for water and sewer and have that charge relate to diminishing capacity of water and sewer facilities, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—47.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 213** (Committee Substitute), a bill to amend the Charter of the City of Raleigh relating to driveways, site plan and subdivision approval, road or drainage project fees, and open space project fees.

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

**H. B. 173** (Senate Committee Substitute), a bill to redistrict the Board of Commissioners of Mitchell County.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 57** (Committee Substitute), a bill to modify the definition of utility for purposes of imposing sales tax on certain utility services and to allow all municipalities or State

agencies that sell electricity or piped natural gas a three percent (3%) deduction on their markup, as amended, upon second reading.

Senator Rauch offers Amendment No. 2 which is adopted (electronically recorded).

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Winner, Woodard, and Wright—43.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 609**, a bill to revise fees and charges received by the Utilities Commission, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Winner, Woodard, and Wright—42.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 37**, a bill to increase the fees for the equipment inspection of motor vehicles, as amended.

On motion of Senator Parnell, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 357**, a bill to raise the renewal fee for professional engineers and registered land surveyors.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 386**, a bill to delete the additional fee of ten dollars for special license plates issued to members of fire departments and rescue squads.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 428**, a bill to allow a supplier of special fuel who consigns fuel to a reseller to pay the excise tax on the fuel when it is sold by the reseller instead of when it is delivered to the reseller.

On motion of Senator Smith, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 442** (Committee Substitute), a bill to provide for treble damages as a civil remedy for the writing of worthless checks.



Senator Swain offers Amendment No. 1, which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Without objection, the Committee Substitute bill, as amended, remains before the Senate for further consideration upon its third reading.

Senator Martin of Guilford offers Amendment No. 2. Senator Woodard, seconded by Senator Hardison, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded) and Amendment No. 2 lies upon the table.

Senator Watt offers Amendment No. 3.

Senator Martin of Guilford offers a motion that the Committee Substitute bill, as amended, with Amendment No. 3 pending, be re-referred to the **Judiciary III Committee**. Senator Swain, seconded by Senator Hardison, offers a motion that the motion of Senator Martin of Guilford do lie upon the table, which motion prevails (electronically recorded) and the motion to recommit the bill, as amended, with Amendment No. 3 pending, to the **Judiciary III Committee** lies upon the table.

Senator Swain, seconded by Senator Royall, offers a motion that Amendment No. 3 do lie upon the table, which motion prevails (electronically recorded) and Amendment No. 3 lies upon the table.

Senator Woodard calls the previous question, seconded by Senator Swain. The call is sustained (electronically recorded).

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

**S. B. 469** (Committee Substitute), a bill to require that zoning procedures include a notice requirement.

Senator Shaw offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 658**, a bill to provide a uniform filing period for candidacies in municipal elections and making conforming changes in dates for setting filing fees and appointing municipal boards of elections.

On motion of Senator Watt, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 659**, a bill to change the deadlines for making application for absentee ballots to provide for applications by mail two days earlier, but extending by one day the deadline for one-stop absentee voting.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 194** (Committee Substitute), a bill to require the certification of adult day care programs.

On motion of Senator Hunt of Moore, Committee Amendment No. 1 is adopted.

On motion of Senator Swain, consideration of the Committee Substitute bill, as amended, is postponed until Monday, June 3, with copies of Amendment No. 1 available to the membership.

**H. J. R. 428**, a joint resolution honoring the life and memory of Philip O. Berry, a former member of the General Assembly.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 865**

HOUSE OF REPRESENTATIVES  
May 30, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body that pursuant to **HJR 865**, the following persons have been elected to the Board of Governors of the University of North Carolina:

#### AT-LARGE CATEGORY FOR EIGHT-YEAR TERM

Roderick D. Adams  
Charles Zorah Flack  
Ruth Dial Woods

#### MINORITY CATEGORY FOR EIGHT-YEAR TERM

John Garwood

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

### RESIGNATION

The President directs the Reading Clerk to read the following letter:

North Carolina General Assembly  
Senate Chamber  
State Legislative Building  
Raleigh 27611  
May 30, 1985

The Honorable James G. Martin  
Governor of North Carolina  
Administration Building  
Raleigh, N.C. 27611

*Dear Governor Martin,*

This letter is to notify you of my official resignation from the North Carolina State Senate. The effective date of my resignation will be June 1, 1985.

It has been an honor to serve as a Senator for the State of North Carolina these past few years and I look forward to serving our State in my newly appointed position of Public Utility Commissioner.

Sincerely,  
S/ J. A. "CHIP" WRIGHT  
*Senator*

May 30, 1985

On motion of Senator Harrington, seconded by Senator Warren, the Senate adjourns to meet tomorrow, Friday, May 31, at 11:00 A.M.

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### EIGHTY-FOURTH DAY

SENATE CHAMBER,  
Friday, May 31, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Clyde Dunn, Associate Director, North Carolina Conference Council on Ministries, United Methodist Church, Raleigh, as follows:

"Almighty God, we come before Thee aware we are Thy creation, and that in Thee we live and move and have our being.

"We confess our dependence upon Thee. We look to Thee for wisdom, guidance, and strength.

"We pray today for those who govern us, the President of the United States, the Governor of this State, and all lawmakers.

"Especially do we pray for those in this place who deliberate and make important decisions which affect so many people. Save them from blindness which would prevent them from seeing those places of corruption and the unjust character of so much of our society.

"Grant unto them clear vision to perceive those things in our social order which are amiss; give them true judgment, courage, and perservance to help further the cause of justice and good relationships among all citizens of our State.

"May unity of purpose prevail so that the decisions made here are those which contribute to a just and orderly society.

"We offer this prayer in the Name and Spirit of Jesus Christ. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Conder, Hipps, Taft, Kaplan, and Soles for today. Senator Royall is granted a leave of absence for a portion of today's Session for a medical appointment.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 303**, an act to restore to the Governor power to prepare and administer the budgets of the State Treasurer, State Auditor, and Administrative Officer of the Courts, and concerning appointments to boards and commissions. (Ch. 290)



**H. B. 480**, an act to amend the Charter of the City of Wilson to include within the boundaries of the City of Wilson an area known as Newton Park. (Ch. 294)

**H. B. 502**, an act to revise and consolidate the Charter of the Town of Montreat. (Ch. 295)

**H. B. 547**, an act to allow Mecklenburg County to appropriate non-ad valorem tax funds to promote and further the Carolinas Carrousel. (Ch. 296)

**H. B. 558** (Committee Substitute), an act to change reporting requirements of compulsory school attendance law. (Ch. 297)

**H. B. 617**, an act to annex an area to the Town of Hertford. (Ch. 298)

**H. B. 618**, an act to include the corporate limits of the Town of Indian Beach within the Salter Path Rural Fire Protection District, and to allow that Town to remove itself from the District at a future time. (Ch. 299)

**H. B. 673**, an act to allow the City of Wilson to charge an acreage charge for water and sewer and have that charge relate to diminishing capacity of water and sewer facilities. (Ch. 300)

**H. B. 752** (Committee Substitute), an act authorizing tour boats to hold ABC permits. (Ch. 301)

**H. J. R. 428**, a joint resolution honoring the life and memory of Philip O. Berry, a former member of the General Assembly. (Res. 18)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Winner for the **Education Committee**:

**S. B. 136**, a bill to clarify the confidentiality of education records, with a favorable report.

**S. B. 291**, a bill to repeal statutes allowing local boards of education to charge tuition for students over 18 years old, with a favorable report.

On motion of Senator Winner, the bill is re-referred to the **Appropriations Committee**.

**S. B. 534**, a bill to appropriate funds for an alcohol and drug defense program for the public schools, with a favorable report.

On motion of Senator Winner, the bill is re-referred to the **Appropriations Committee**.

**H. B. 509**, a bill to authorize the Charlotte-Mecklenburg County Board of Education to continue its pilot program extending the probationary period for nontenured teachers, with a favorable report.

**S. B. 491**, a bill to ensure that exceptional children receive the benefit of categorical education appropriations intended for the use of all children, with a favorable report, as amended.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 691**, a bill to incorporate certain changes into the Alarm Systems Licensing Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 4.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 705**, a bill to provide that judgments in personal injury actions shall bear interest from the date the cause of action accrues, with an unfavorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker, Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Winner, Woodard, and Wright:

**S. B. 788**, a bill to appropriate funds to establish a public information office to provide information on the Social Security Disability Program.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 412**, a bill to amend the Charter of the Town of Holly Springs to remove the provision that town ordinances and resolutions are not effective until twenty days after their adoption.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 593** (Committee Substitute), a bill to conform North Carolina limitations on tandem trailers and semitrailers with federal statutes and to make other changes.

Referred to **Transportation Committee**.

**H. B. 683** (Committee Substitute), a bill to incorporate the Town of Cooleemee in Davie County subject to an election.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 755** (Committee Substitute), a bill to make certain amendments to the Power of Attorney Statutes contained in Chapter 32A of the General Statutes as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

**H. B. 760** (Committee Substitute), a bill to conform the Adoption Statutes to the statutes relating to the termination of parental rights as recommended by the General Statutes Commission.

Referred to **Children and Youth Committee**.

**H. B. 884**, a bill to provide for representation of local governments on the North Carolina Housing Commission.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 982**, a bill to clarify the ability of contractors to sponsor dinners or other social events at meetings of professional organizations.

Referred to **State Government Committee**.

**H. B. 992**, a bill to clarify the Unfair Debt Collection Practices Act.

Referred to **Judiciary III Committee**.

**H. B. 1240**, a bill to reduce the time for posting notice of sale and to validate certain foreclosure sales that did not comply with posting requirements.

Referred to **Judiciary II Committee**.

**H. B. 1343**, a bill to allow the Board of Commissioners of Pamlico County to sell property at private sale.

Referred to **Local Government and Regional Affairs Committee**.

#### CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from May 30, are taken up and disposed of as follows:

**H. B. 765**, a bill to permit the widows of ex-prisoners of war to retain the distinctive registration plate under certain conditions.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 770**, a bill to make the Secretary of Cultural Resources an ex officio member of the governing body of the North Carolina Art Society, Inc.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 293**, a bill to require health assessments for kindergarten children in the public schools, as amended, upon third reading.

Senator Woodard offers Amendment No. 3 which is adopted (electronically recorded).

On motion of Senator Tally, the bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**S. B. 440**, a bill authorizing law enforcement officers to arrest, without warrants, persons suspected of shoplifting or switching price tags, upon third reading.

Senator Winner calls the previous question, seconded by Senator Harris. The call is sustained (electronically recorded).

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 509**, a bill to allow cumulative voting to elect corporate directors if there is a



stockholder who owns or controls more than one fifth rather than one fourth of the voting stock, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 471**, a bill to allow for appointment of additional registration commissioners, for concurrence in House Amendment No. 1.

Senator Martin of Guilford, moves that the Senate do not concur in House Amendment No. 1 and further moves that the President appoint conferees, which motion prevails.

The President appoints Senators Kaplan, Walker, and Martin of Guilford as conferees on the part of the Senate to resolve the differences arising between the two Bodies and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Ezzell, Goldston, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Winner, and Wright—37.

Voting in the negative: Senator Watt—1.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 57** (Committee Substitute), a bill to modify the definition of utility for purposes of imposing sales tax on certain utility services and to allow all municipalities or State agencies that sell electricity or piped natural gas a three percent (3%) deduction on their markup, as amended, upon third reading.

On motion of Senator Rauch, consideration of the Committee Substitute bill, as amended, is postponed until Tuesday, June 4.

**H. B. 609**, a bill to revise fees and charges received by the Utilities Commission, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Winner, Woodard, and Wright—41.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 279**, a bill to permit the State Board of Examiners of Electrical Contractors to collect an examination review fee, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of

Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, Woodard, and Wright—42.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 479**, a bill to amend and clarify certain requirements for the purchase of creditable service for temporary employment by members of the Teachers' and State Employees' Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 523** (Committee Substitute), a bill to provide that special elections shall normally be held on the Tuesday after the first Monday in February, May, August, or November so as to reduce the cost and frequency of special elections.

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

**S. B. 599**, a bill to amend Chapter 36A of the General Statutes regarding investments in securities by banks or trust companies.

The bill passes its second reading (electronically recorded).

On objection of Senator Kincaid to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 600**, a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian.

The bill passes its second reading (electronically recorded).

On objection of Senator Marvin to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 701**, a bill to make unlawful the impersonation of county or State employees.

On motion of Senator Thomas of Henderson, Committee Amendment No. 1 is adopted, changing the title to read, **S. B. 701**, a bill to make unlawful the impersonation of city, county or State employees.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 710**, a bill making the larceny of a cat or a dog under certain circumstances a Class J felony.

Senator Harris offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 733**, a bill making the recordation of jury selection proceedings in noncapital cases and of opening and closing arguments discretionary rather than mandatory.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 134** (Committee Substitute), a bill to authorize individual and consumer finance lenders to charge up to sixteen percent interest on small loans.

On motion of Senator Hardison, consideration of the Committee Substitute bill is postponed until Tuesday, June 4.

**H. B. 365**, a bill to conform the General Statute authorizing and establishing the optional retirement program to later action of the General Assembly with respect to tax treatment of State retirement contributions and structure of the University of North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 382**, a bill to provide gain time credit to prisoners sentenced for felonies committed on or after July 1, 1981, for participation in rehabilitative programs.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 506** (Committee Substitute), a bill relating to quorum and voting requirements of the State Banking Commission.

On motion of Senator Hardison, consideration of the Committee Substitute bill is postponed until Monday, June 3.

**H. B. 610** (Committee Substitute), a bill to permit the Utilities Commission to employ legal counsel and recover the cost for that counsel when appearing before federal courts and agencies in matters relating to the wholesale rates for natural gas.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 700**, a bill to allow investments in obligations issued, assumed or guaranteed by the African Development Bank.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 737** (Committee Substitute), a bill to prohibit the sale of kerosene from pumps located on the same pump island as pumps dispensing gasoline.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

On motion of Senator Harrington, seconded by Senator Wright, the Senate adjourns to meet Monday, June 3, at 7:00 P.M.

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#### EIGHTY-FIFTH DAY

SENATE CHAMBER,  
Monday, June 3, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Luther Brewer, Pastor, Greenwood Forest Baptist Church, Cary, as follows:

“Eternal God, our Heavenly Father, remind us that our names are Adam and Eve; that



we live somewhere East of Eden in the Land of Nod. We are the not-knowers of death and we are the mis-knowers of evil; yet we would be people of faith; faith in Thee like Abraham.

"Call us to open minds that we might see that whatever might be going on around us could possibly be near the edge of where Thou art.

"Calm our emotions that we may be still long enough to hear Thee pass. Bless this Senate as it serves the public trust. May they work for others as people aware of Thy providence.

"And now give us the light that we need for our collective darkness. Forgive us; encourage us; and affirm us. In Thy Name we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Guy:

**S. B. 789**, a bill to appropriate funds to the Human Services Council of Onslow County. Referred to **Appropriations Committee**.

By Senators Swain and Winner:

**S. B. 790**, a bill to appropriate funds for a new fire station for the Black Mountain Volunteer Fire Department. Referred to **Appropriations Committee**.

By Senator Royall:

**S. B. 791**, a bill to appropriate funds for presentation of North Carolina: A Multi-Image Celebration. Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 523**, a bill to prohibit the discharge of firearms from public roads in Greene County. Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 570**, a bill to eliminate county bonding requirements that have been superceded by law requiring State-furnished bonds for clerks. Referred to **Judiciary II Committee**.

**H. B. 634**, a bill to repeal the prohibition against using bait to hunt big game in Pender County.

Referred to **Natural and Economic Resources and Wildlife Committee.**

**H. B. 664**, a bill to amend Chapter 965 of the 1977 Session Laws by extending the effective date.

Referred to **Finance Committee.**

**H. B. 901**, a bill to amend G. S. 28A-15-1(c) to provide that general language in a will granting a personal representative a power of sale is sufficient to eliminate the necessity of a special proceeding under Article 17 of Chapter 28A as recommended by the General Statutes Commission.

Referred to **Judiciary III Committee.**

**H. B. 1075**, a bill to permit the Division of Motor Vehicles to register logging vehicles as a separate category of trucks.

Referred to **Transportation Committee.**

**H. B. 1139**, a bill to provide that all members of the Board of Transportation residing in a highway engineering division district shall be consulted before a decision is made that affects that region.

Referred to **Transportation Committee.**

**H. B. 1145**, a bill to exempt benefits paid by the North Carolina Highway Patrol Voluntary Pledge Fund from income tax and inheritance tax.

Referred to **Finance Committee.**

**H. B. 1161**, a bill to revise the appeal bond statute to allow for the automatic posting of an appeal bond.

Referred to **Judiciary II Committee.**

**H. B. 1221**, a bill providing for the orderly transition of the Farm Pond Fishery Program from federal to State administration.

Referred to **Natural and Economic Resources and Wildlife Committee.**

**H. B. 1222**, a bill to transfer title to certain land from the State of North Carolina to the Town of Andrews.

Referred to **State Government Committee.**

**H. B. 348** (Committee Substitute), a bill regarding the identification and labelling of toxic and hazardous substances.

Referred to **Human Resources Committee.**

**H. B. 762** (Committee Substitute), a bill to provide for franchise agreements between dealers engaged in the business of retailing farm, utility, and industrial implements, equipment, attachments, or repair parts, and wholesalers, manufacturers, or distributors of the products; to require repurchase of inventory from dealers upon termination of a contract; to provide procedures; to establish limitations, rights, and civil liability relative to repurchase; to extend the right to require repurchase option to the heirs of dealers; and to provide warranty obligations.

Referred to **Agriculture Committee.**

**H. B. 841**, a bill to prevent harassment of jurors or former jurors.

Referred to **Judiciary II Committee.**

**H. B. 928**, a bill to remove the limitation on legal service benefits payable to motor club members.

Referred to **Insurance Committee**.

**H. B. 938**, a bill to amend G. S. 143-295 to increase settlement authority of Attorney General in tort claims from five thousand dollars to ten thousand dollars.

Referred to **Judiciary III Committee**.

**H. B. 1087**, a bill to permit affiliated corporations to file a combined income tax return.

Referred to **Finance Committee**.

**H. B. 1151**, a bill to allow milk producers to obtain liens for unpaid milk.

Referred to **Judiciary II Committee**.

**H. B. 1213**, a bill to conform the North Carolina income tax treatment of alimony payments and property transfers made incident to divorce to the tax treatment afforded by federal law.

Referred to **Finance Committee**.

**H. B. 471**, a bill to improve the system of licensing and regulating insurance agents, brokers, adjusters, and motor vehicle damage appraisers.

Referred to **Insurance Committee**.

**H. B. 1320**, a bill to amend G. S. Chapter 131C governing the solicitation of funds for charitable purposes.

Referred to **Finance Committee**.

#### APPOINTMENTS BY THE GOVERNOR

The President directs the Reading Clerk to read the following:

State of North Carolina  
Office of the Governor  
Raleigh 27611  
May 29, 1985

The Honorable Robert B. Jordan, III  
President of the Senate  
Lieutenant Governor of North Carolina  
Legislative Building  
Raleigh, North Carolina 27611

Re: North Carolina Board of Agriculture

*Dear Lieutenant Governor Jordan:*

Pursuant to North Carolina General Statute Section 106-2, I hereby appoint the persons listed below to the North Carolina Board of Agriculture, subject to the consent of the Senate. Furthermore, I hereby submit their names to the Senate for said consent.

1. D. Bruce Cuddy of Union County for a term expiring May 4, 1991.
2. Jessie J. Daniely of Alamance County for a term expiring May 4, 1991.
3. E. Marvin Johnson of Duplin County for a term expiring May 4, 1991.



4. Sherry S. Thompson of Henderson County for a term expiring May 4, 1991.

Sincerely,  
S/ JAMES G. MARTIN  
Governor

Referred to Agriculture Committee.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

- S. B. 151**, an act to put Swain County under the statewide fox hunting law. (Ch. 302)
- S. B. 229**, an act to prohibit hunting from the rights-of-way of public roads in Randolph County. (Ch. 303)
- S. B. 234**, an act to provide a means to determine the jurisdiction of the Commissioner of Insurance over providers of health care benefits. (Ch. 304)
- S. B. 235**, an act to require participation by insurers in the National Association of Insurance Commissioners Insurance Regulatory Information System. (Ch. 305)
- S. B. 292**, an act to amend G. S. 113-294 with respect to the penalty for unlawful taking of deer. (Ch. 306)
- S. B. 333**, an act relating to the authority of the Governor's Advocacy Council for persons with disabilities in order to comply with changes in federal law. (Ch. 307)
- S. B. 343**, an act relating to the exercise of extraterritorial planning powers by the Town of Aberdeen, the Village of Pinehurst and the Town of Southern Pines in Moore County. (Ch. 308)
- H. B. 365**, an act to conform the General Statute authorizing and establishing the optional retirement program to later action of the General Assembly with respect to tax treatment of State retirement contributions and structure of the University of North Carolina. (Ch. 309)
- H. B. 382**, an act to provide gain time credit to prisoners sentenced for felonies committed on or after July 1, 1981, for participation in rehabilitative programs. (Ch. 310)
- H. B. 609**, an act to revise fees and charges received by the Utilities Commission. (Ch. 311)
- H. B. 610** (Committee Substitute), an act to permit the Utilities Commission to employ legal counsel and recover the cost for that counsel when appearing before federal courts and agencies in matters relating to the wholesale rates for natural gas. (Ch. 312)
- H. B. 700**, an act to allow investments in obligations issued, assumed or guaranteed by the African Development Bank. (Ch. 313)
- H. B. 737** (Committee Substitute), an act to prohibit the sale of kerosene from pumps located on the same pump island as pumps dispensing gasoline. (Ch. 314)

**H. B. 765**, an act to permit the widows of ex-prisoners of war to retain the distinctive registration plate under certain conditions. (Ch. 315)

**H. B. 770**, an act to make the Secretary of Cultural Resources an ex officio member of the governing body of the North Carolina Art Society, Inc. (Ch. 316)

**S. J. R. 143**, a joint resolution approving the State plan for vocational education. (Res. 19)

### CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Friday, May 31, are taken up and disposed of as follows:

**H. B. 756**, a bill to make it clear that a second notice to creditors need not be published if a prior notice has been published by a collector or personal representative as recommended by the General Statutes Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 780**, a bill to clarify Section 96-29 of the Employment Security Law.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 868**, a joint resolution honoring the life and memory of G. Willie Lee.

On motion of Senator Warren, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

### CALENDAR (Continued)

**H. B. 893**, a bill to provide for discretionary substitution of a trustee named in a mortgage or deed of trust.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 909**, a bill to protect certain officers and employees of county departments of social services by making simple assaults on them two-year misdemeanors.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 963**, a bill to clarify the definition of employment regarding temporary emergency service workers in the Employment Security Law.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1027**, a bill to clarify and raise the punishment for the misdemeanor of vehicular hit and run.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

**S. B. 283**, a bill to empower Montgomery Memorial Hospital, Inc. to use attachment and garnishment procedures for collecting unpaid bills, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Winner, and Woodard—38.

Voting in the negative: Senators Barnes and Watt—2.

The bill is ordered sent to the House of Representatives.

**H. B. 509**, a bill to authorize the Charlotte-Mecklenburg County Board of Education to continue its pilot program extending the probationary period for nontenured teachers.

On motion of Senator Winner, consideration of the bill is postponed until Wednesday, June 5.

**H. B. 279**, a bill to permit the State Board of Examiners of Electrical Contractors to collect an examination review fee, upon third reading.

The bill passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—46.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 136**, a bill to clarify the confidentiality of education records.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 168** (Committee Substitute), a bill to promote the safe placement of subsurface installations in North Carolina.

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

**S. B. 202**, a bill to make technical changes in the public health law and related laws, as amended.

On motion of Senator Harris, Committee Amendment No. 3 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.



**S. B. 272** (Committee Substitute), a bill to protect handicapped persons.

Senator Barnes offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Redman to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 347** (Committee Substitute), a bill to amend the law regarding payment of costs in Department of Human Resources institutions.

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

**S. B. 491**, a bill to ensure that exceptional children receive the benefit of categorical education appropriations intended for the use of all children.

On motion of Senator Marvin, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

Without objection, the Chair orders the bill, as amended, engrossed and re-referred to the **Appropriations Committee**.

**S. B. 506** (Committee Substitute No. 2), a bill to prohibit the use of spousal testimony in the prosecution of certain crimes based on that testimony.

Committee Substitute bill No. 2 passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, Committee Substitute bill No. 2 remains on the Calendar for further consideration upon third reading.

**S. B. 714** (Committee Substitute), a bill creating the offense of dumping litter on private property.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 194** (Committee Substitute), a bill to require the certification of adult day care programs, as amended.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 506** (Committee Substitute), a bill relating to quorum and voting requirements of the State Banking Commission.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 986**, a bill to require that the Department of Human Resources study the issue of revision of minimum standards for the construction and operation of local jails.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 599**, a bill to amend Chapter 36A of the General Statutes regarding investments in securities by banks or trust companies, upon third reading.

On motion of Senator Staton, consideration of the bill is postponed until Tuesday, June 4.

**S. B. 600**, a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian.

On motion of Senator Staton, consideration of the bill is postponed until Wednesday, June 5.

**S. B. 733**, a bill making the recordation of jury selection proceedings in noncapital cases and of opening and closing arguments discretionary rather than mandatory, as amended, upon third reading.

On motion of Senator Rand, consideration of the bill, as amended, is postponed until Thursday, June 6.

### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S. B. 471**

HOUSE OF REPRESENTATIVES

May 31, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to S. B. 471, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR APPOINTMENT OF ADDITIONAL REGISTRATION COMMISSIONERS, the Speaker has appointed as conferees on the part of the House, Representatives Blue, Chairman, Beall, and Barnes to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

The President recognizes the following pages serving in the Senate this week: Lee Ann Bailey, Garner; Traci Lynn Butler, Garner; Bob Cauthen, Raleigh; Heather Clark, Clinton; Susan Cobb, Raleigh; Dawn Davis, Raleigh; Betty Lou Gatano, Henderson; Catherine Deming Herbert, Raleigh; Michelle Jones, Willow Springs; Patricia Kearney, Raleigh; John P. Kincaid, Lenoir; George Smithson Lambert, Jr., Raleigh; Terri Lane, Fuquay-Varina; Jennifer JoAnn McCabe, Garner; Amy Stevens Neisler, Gastonia; Julie Christine Nemitz, Raleigh; Amy Elizabeth Parker, Raleigh, Adora Prevost Ragsdale, Raleigh; Charles Louis Reavis, Raleigh; Melissa Scott, Raleigh; Leigh Thompson, Goldsboro; and Anna McKeller Underwood, Raleigh.

On motion of Senator Barnes, seconded by Senator Warren, the Senate adjourns in memory of the six children who died in Greene County and in honor of all the other children who were injured in the school bus accident which occurred on May 31, 1985, to meet tomorrow, Tuesday, June 4, at 1:30 P.M.

## EIGHTY-SIXTH DAY

SENATE CHAMBER,  
Tuesday, June 4, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, we come together again to make decisions that affect the lives of all the people of North Carolina. We ask for Your help and guidance as we make them.

"We ask You to help us realize the value of listening to all our colleagues and others in our attempt to become well informed about both sides of each issue.

"Help us to realize and to understand that we have the individual responsibility for being sure that each vote is in the best interest of the greatest number of people.

"Our Father in Heaven, we ask for these blessings in Thy Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President directs the Reading Clerk to read the following document relative to the appointment of Franklin E. Williams to fill the vacancy created by the resignation of Senator Julius A. Wright effective June 1, 1985.

**STATE OF NORTH CAROLINA**

June 4, 1985

WHEREAS, The Honorable Julius A. Wright, elected Senator of the 7th Senatorial District, 1985 General Assembly, has now resigned and

WHEREAS, the provision of General Statute 163-11 requires that the vacancy created by the resignation of The Honorable Julius A. Wright be filled by appointment of the person selected by the District Executive Committee of the Republican Party of the 7th Senatorial District, and

WHEREAS, the Executive Committee of the Republican Party of the 7th Senatorial District has notified me of the selection of Franklin E. Williams, Wilmington, North Carolina, to fill said vacancy

I do by these presents appoint  
FRANKLIN E. WILLIAMS  
as a member of the  
NORTH CAROLINA SENATE  
1985 General Assembly

IN WITNESS WHEREOF, I have hereunto signed my name and affixed the great Seal of the State at the Capitol in the City of Raleigh, this the fourth day of June in the year of



our Lord, one thousand nine hundred eighty-five and in the two hundred and tenth year of our American Independence.

S/ JAMES G. MARTIN  
*Governor of North Carolina*

S/ THAD EURE  
*Secretary of State*  
(SEAL)

The President directs Senator Redman to escort the Senator-appointee to the dais to receive the oath of office. Senator-appointee Williams takes and subscribes to the following oath of office, which is administered by the Honorable Robert B. Jordan III, Lieutenant Governor:

"I, FRANKLIN ERVIN WILLIAMS, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and I do solemnly and sincerely swear that I will be faithful and bear true allegiance to the State of North Carolina and to the constitutional powers and authorities which are or may be established for the government thereof; and that I will endeavor to support, maintain, and defend the Constitution of the United States, to the best of my knowledge and ability; and I do solemnly and sincerely swear that I will faithfully discharge the duties of my office as a member of the Senate for the 1985 North Carolina General Assembly according to the best of my skill and ability, according to law; so help me, God."

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 279**, an act to permit the State Board of Examiners of Electrical Contractors to collect an examination review fee. (Ch. 317)

**H. B. 506** (Committee Substitute), an act relating to quorum and voting requirements of the State Banking Commission. (Ch. 318)

**H. B. 756**, an act to make it clear that a second notice to creditors need not be published if a prior notice has been published by a collector or personal representative as recommended by the General Statutes Commission. (Ch. 319)

**H. B. 893**, an act to provide for discretionary substitution of a trustee named in a mortgage or deed of trust. (Ch. 320)

**H. B. 909**, an act to protect certain officers and employees of county departments of social services by making simple assaults on them two-year misdemeanors. (Ch. 321)

**H. B. 963**, an act to clarify the definition of employment regarding temporary emergency service workers in the Employment Security Law. (Ch. 322)

**H. B. 986**, an act to require that the Department of Human Resources study the issue of revision of minimum standards for the construction and operation of local jails. (Ch. 323)

**H. B. 1027**, an act to clarify and raise the punishment for the misdemeanor of vehicular hit and run. (Ch. 324)

**H. J. R. 868**, a joint resolution honoring the life and memory of G. Willie Lee. (Res. 20)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 439**, a bill to clarify the shoplifting laws of North Carolina concerning the use of electronic devices to detect shoplifting, with a favorable report.

**S. B. 438**, a bill to impose minimum terms of imprisonment for convictions of concealing merchandise or switching price tags, with a favorable report, as amended.

**S. B. 586**, a bill to amend Section 75-16 of the North Carolina General Statutes to limit the award of treble damages for violations of Section 75-1.1, with a favorable report, as amended.

On motion of Senator Soles, the bill is placed on the Calendar for Tuesday, June 11.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 379**, a bill to allow actions involving up to one thousand five hundred dollars to be filed as small claims, with a favorable report.

**H. B. 862** (Committee Substitute), a bill to validate certain foreclosure sales, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 608**, a bill to define infractions and establish a procedure for disposition of infractions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 608** (Committee Substitute), a bill to define infractions and to provide a procedure for the dispositions of infractions, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 752**, a bill to enable county boards of commissioners to extend and abolish county water and sewer districts, with a favorable report.

**H. B. 421**, a bill to amend the Charter of the Town of Garner concerning zoning regulations, with a favorable report.

**H. B. 423**, a bill to amend the Charter of the Town of Holly Springs concerning zoning regulations, with a favorable report.

**H. B. 434**, a bill to revise and consolidate the Charter of the Town of Hillsborough, with a favorable report.

**H. B. 440**, a bill concerning notices of street closings by the City of Durham, with a favorable report.

**H. B. 449**, an act relating to zoning of Wake County, with a favorable report.

**H. B. 489**, a bill to increase the number of members of the Winston-Salem/Forsyth County Board of Education from eight to nine members, and remove the limitation on reelection or reappointment of school board members, with a favorable report.

**H. B. 503**, a bill to allow the City of Concord to enter into leases of up to twenty years without bid, and to clarify financing available to the City and its Board of Light and Water Commissioners, with a favorable report.

**H. B. 529**, a bill to add Robeson County to the list of counties in which it is a crime to obtain ambulance services without intending to pay for the services or to make an unneeded ambulance request, with a favorable report.

**H. B. 546**, a bill to amend Chapter 6, Private Laws of North Carolina 1840-1841, As Amended, pertaining to the construction, operation and financing of hospital and medical care facilities by the trustees of the Rex Hospital, Raleigh, North Carolina, with a favorable report.

**H. B. 571**, a bill to authorize Wake County to accept gifts of real property for roadway reservations, with a favorable report.

**H. B. 572** (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Apex and to repeal prior local acts, with a favorable report.

**H. B. 603**, a bill to permit the Town of Cornelius to use conditional use zoning districts, with a favorable report.

**H. B. 621** (Committee Substitute), a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Ocean Isle Beach, with a favorable report.

**H. B. 650**, a bill to bring Mecklenburg County under the general law regarding setting salaries of the Board of Education, with a favorable report.

**H. B. 690** (Committee Substitute), a bill concerning local matters in Orange and Chatham Counties, with a favorable report.

**H. B. 916**, a bill to correct technical errors in Chapter 14 of the 1985 Session Laws, Kenly Charter Revision, with a favorable report.

**S. B. 318**, a bill to provide that Stanly County is authorized to construct gas lines, with a favorable report, as amended.

**H. B. 557** (Committee Substitute), a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Belville, with a favorable report, as amended.

**S. B. 299**, a bill to incorporate Dornoch Village, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 299** (Committee Substitute), a bill to annex certain territory to the Village of Pinehurst, is placed before the Senate for immediate consideration.



On motion of Senator Ezzell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 6.

By Senator Martin of Guilford for the **Higher Education Committee**:

**S. B. 774**, a bill providing that a regional community or technical college is one that serves residents of two or more counties, and appropriating funds to provide the required State match for plant operation and maintenance expenses for the additional institutions that are considered regional institutions under this act, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Kaplan:

**S. B. 792**, a bill to reestablish the Medical Cost Containment Commission and to appropriate funds accordingly.

Referred to **Human Resources Committee**.

By Senator Hips:

**S. B. 793**, a bill to authorize an additional assistant district attorney for District 30.

Referred to **Appropriations Committee**.

By Senators Plyler, Conder, and Smith:

**S. B. 794**, a bill to create the Uniform Sheriffs Retirement System of North Carolina.

Referred to **Pensions and Retirement Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 6**, a bill to designate the Horsepasture River a natural river and to provide for a study to consider including the River in the State Parks System, for concurrence in the House Committee Substitute bill, changing the title, upon concurrence, to read, **S. B. 6** (House Committee Substitute), a bill to designate the Horsepasture River a natural river.

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

**S. B. 289** (Committee Substitute), a bill to provide for the integrity of domestic insurance company assets for the protection of policyholders, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 5.

**H. B. 542** (Committee Substitute), a bill to amend Chapter 15A, Article 100 of the General Statutes to add as an aggravating factor that the victim of the capital felony was pregnant.

Referred to **Judiciary I Committee**.

**H. B. 661** (Committee Substitute), a bill to incorporate the Village of Sugar Mountain, subject to a referendum.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 698**, a bill to improve the administration of justice.  
Referred to **Judiciary I Committee**.

**H. B. 866**, a bill to allow municipalities to create sewer service districts.  
Referred to **Human Resources Committee**.

**H. B. 1060**, a bill to provide that future obligations secured by a security instrument must be evidenced by a written instrument or notation only when the obligor and obligee have agreed in writing that such obligations shall be evidenced by a written instrument or notation.

Referred to **Commerce Committee**.

**H. B. 1110**, a bill to license the propagation of furbearers and foxes in captivity and the sale of the pelts thereof for use as fur.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. J. R. 1196**, a joint resolution honoring the founders and pioneers of country music.  
Referred to **Rules and Operation of the Senate Committee**.

**H. B. 1203**, a bill to provide protective services for disabled juveniles, including infants, with life-threatening conditions.

Referred to **Children and Youth Committee**.

**H. B. 1002**, a bill to clarify the duties of emergency vehicles at red lights.  
Referred to **Judiciary III Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 57** (Committee Substitute), a bill to modify the definition of utility for purposes of imposing sales tax on certain utility services and to allow all municipalities or State agencies that sell electricity or piped natural gas a three percent (3%) deduction on their markup, as amended, upon third reading.

On motion of Senator Rauch, the Committee Substitute bill, as amended, is recommitted to the **Finance Committee**.

**S. B. 616**, a bill to require a person to resign from State or local office if he or she seeks another public office the term of which runs concurrently with that of the office he is holding.

Senator Kaplan offers Amendment No. 1 which is adopted (electronically recorded).

Senator Johnson of Wake offers Amendment No. 2 which fails of adoption (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 691** (Committee Substitute), a bill to incorporate certain changes into the Alarm Systems Licensing Act.

On motion of Senator Swain, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H. B. 121** (Committee Substitute), a bill to prohibit chiropractors from collecting fees in connection with free services.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 134** (Committee Substitute), a bill to authorize individual and consumer finance lenders to charge up to sixteen percent interest on small loans.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 202**, a bill to make technical changes in the public health law and related laws, as amended, upon third reading.

On motion of Senator Harris, the bill, as amended, is recommitted to the **Human Resources Committee**.

**S. B. 272** (Committee Substitute), a bill to protect handicapped persons, as amended, upon third reading.

Senator Redman offers Amendment No. 2 which is adopted (electronically recorded).

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

**S. B. 506** (Committee Substitute No. 2), a bill to prohibit the use of spousal testimony in the prosecution of certain crimes based on that testimony.

Senator Watt offers a motion to remove the Committee Substitute bill from today's Calendar and recommit it to the **Judiciary I Committee**.

Senator Soles offers a motion, seconded by Senator Harris, that the motion of Senator Watt and the Committee Substitute bill do lie upon the table, which motion prevails (electronically recorded).

The Committee Substitute bill lies upon the table.

**S. B. 599**, a bill to amend Chapter 36A of the General Statutes regarding investments in securities by banks or trust companies, upon third reading.

Without objection, Senator Conder is excused from voting for the stated reason: "Possible conflict of interest."

The bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

**S. B. 714** (Committee Substitute), a bill creating the offense of dumping litter on private property, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.

### RE-REFERRAL

**S. B. 651**, a bill to extend the law regarding principal and teacher employment contracts to all principals and teachers in the public schools of North Carolina.

On motion of Senator Winner, the rules are suspended and the bill is taken from the **Education Committee** and re-referred to the **Appropriations Committee**.

**S. B. 652**, a bill to extend the law regarding principal and teacher employment contracts to all principals and teachers in the public schools of North Carolina.



On motion of Senator Winner, the rules are suspended and the bill is taken from the **Education Committee** and re-referred to the **Appropriations Committee**.

#### WITHDRAWN FROM COMMITTEE

**H. B. 135**, a bill to allow members of the Consolidated Judicial Retirement System to transfer member contributions in the Teachers' and State Employees' and Local Governmental Employees' Retirement Systems to the Supplemental Retirement Income Plan.

On motion of Senator Plyler, and without objection, the rules are suspended and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for Wednesday, June 5.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 772**, a bill to amend the municipal and county zoning enabling acts so as to make clear the authority of local governments to establish overlay districts and special use or conditional use districts.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure.

Referred to **Transportation Committee**.

**H. B. 985**, a bill to amend the Residential Rental Agreements Act.

Referred to **Judiciary II Committee**.

**H. B. 1163**, a bill to empower the North Carolina Building Code Council to adopt efficiency standards for replacement water heaters.

Referred to **Judiciary III Committee**.

On motion of Senator Harrington, seconded by Senator Hipps, the Senate adjourns to meet tomorrow, Wednesday, June 5, at 1:30 P.M.

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#### EIGHTY-SEVENTH DAY

SENATE CHAMBER,  
Wednesday, June 5, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Mack McMillan, Youth Minister, Louisburg United Methodist Church, Louisburg, as follows:

"Lord of all worlds and lover of all peoples, we pray for the nations and societies of this world. Convert all destructive powers, crush every tyranny, correct each injustice, and reconcile to Your Will all conflicting interests, so that in freedom everyone may enjoy the

good world You have made, and know our true humanity in its fullness. This is our prayer for our world.

“Mighty God, Whose governing hand is upon all the world, we ask Your mercy upon this Nation, that Your ruling power may be recognized and obeyed. Grant to all in public authority the humility to see themselves as Your servants, that they may act responsibly toward the world’s peoples—so that we may follow their leadership with confidence. This is our prayer for our Nation.

“Holy God, bearer of the world’s pain, compassionate to those who suffer, whether at their own hand or at the hands of others, we commit to You all persons in need and offer ourselves to serve them, that they may know an end to needless pain. Compel us to take risks in order to help our fellow North Carolinians, so that we may be reconciled to You and to one another. As representative leaders, may the Senators here assembled act in love towards one another and the citizens of this State. May the power of Thy Holy Spirit, O God, strengthen our faith, increase our love for one another, and send us forth into the world as ambassadors of peace. This is our prayer for ourselves and our State.

“Finally, most gracious God, we pray that our actions in this Chamber might be reflective of Your love for us. We thank You and praise You for creating us and all that is necessary for life. Help us to be good stewards of those gifts, and enable us to remember Your gifts to us, that we may praise You with lives of joy and service. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Thomas of Henderson for today.

On motion of Senator Staton, the rules are suspended to the end that Billy Ray Cameron, National Commander of the Veterans of Foreign Wars, is allowed to approach the Well of the Senate and address the members of the Senate. Senators Staton and Guy are appointed to escort Commander Billy Ray Cameron to the Well of the Senate.

#### APPOINTMENT TO COMMITTEES

The President appoints Senator Franklin Ervin Williams to serve on the following Standing Committees of the Senate: **Education, Finance, Judiciary II, Local Government and Regional Affairs, Natural and Economic Resources and Wildlife, and Pensions and Retirement.**

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 371**, an act to increase the fee for a record search or for a copy of a vital record. (Ch. 325)

**H. B. 635**, an act to permit Burke County to use revenue received from one-half percent local sales and use taxes for any public purpose, which is authorized by law. (Ch. 326)

**REPORTS OF COMMITTEES**

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

**S. B. 638**, a bill to authorize the Legislative Research Commission to study child support issues, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 739**, a bill establishing a commission to study and recommend possible changes in the tax structure of North Carolina, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 6** (House Committee Substitute), a bill to designate the Horsepasture River a natural river, for concurrence in the House Committee Substitute bill, with a favorable report, as to concurrence.

By Senator Kaplan for the **Election Laws Committee:**

**H. B. 415**, a bill to provide a method for activating voters when a city has not held its most recent two elections and the charter of that city is revised, with a favorable report.

**H. B. 490**, a bill to clarify the duty of candidates, political committees, and referendum committees to report receipts and expenditures received or made after the election, with a favorable report.

**H. B. 494**, a bill to clarify that expenditure reports shall include the name and address of all individuals receiving expenditures over a certain amount, with a favorable report.

**H. B. 496**, a bill to provide that savings and loan associations shall have the same power as banks shall make loans to candidates or political committees in the ordinary course of business, with a favorable report.

**H. B. 833** (Committee Substitute), a bill to clarify the effect of possible reversal by the United States Supreme Court of opinions of the district court concerning redistricting, with a favorable report.

**H. B. 800**, a bill to provide that a letter returned because the person no longer lives at an address shall not be admissible evidence in a challenge made on the day of a primary or election, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee:**

**S. B. 645**, a bill to authorize the use of commercial water treatment operation firms, with a favorable report.

**S. B. 673**, a bill to amend the Uniform Anatomical Gift Act relating to cornea donations, with a favorable report.

**H. B. 836**, a bill to regulate public health pharmacy practice, with a favorable report.



**H. B. 855**, a bill to amend the requirements for receiving a license to practice medicine, with a favorable report.

**S. B. 515**, a bill to provide assistance dogs for the handicapped, with a favorable report, as amended.

**S. B. 202**, a bill to make technical changes in the public health law and related laws, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 7, upon second reading.

By Senator Speed for the **Agriculture Committee**:

**H. B. 821**, a bill to ban the addition of sulfiting agents to certain foods, with a favorable report, as amended.

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

**S. B. 337**, a bill to amend the application fee and cost recovery provisions of G. S. 110-130.1 regarding non-AFDC services, with a favorable report.

**S. B. 366**, a bill to exempt from the sales and use tax shells sold to the State for use in shellfish beds, with a favorable report.

**S. B. 464**, a bill relating to cosmetic arts, with a favorable report.

**H. B. 614**, a bill to increase certain fees charged by the Board of Medical Examiners, with a favorable report.

**H. B. 669**, a bill to increase certain fees for architects, with a favorable report.

**H. B. 681**, a bill to impose comparable license fees on out-of-state fishermen, with a favorable report.

**H. B. 696**, a bill to exempt nonprofit teen centers from the privilege license tax on amusements, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 894**, a bill to permit the annual conference of chief judges to determine which alcohol offenses are submittable, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H. B. 894** (Senate Committee Substitute), a bill to permit the annual conference of chief judges to determine which alcohol offenses are submittable and granting authority to chief district judges, clerks of court and magistrates to handle such alcohol offenses, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 7.

By Senator Guy for the **State Government Committee**:

**S. B. 536**, a bill to allow on-premise sales of beer at mini-breweries, with a favorable report, as amended.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker and Hunt of Moore:

**S. B. 795**, a bill to appropriate funds for drug prescriptions for persons terminated by the Social Security Disability Program.

Referred to **Appropriations Committee**.

By Senator Rauch:

**S. B. 796**, a bill to repeal the special fuels tax exemption for methanol and to provide for the collection of the motor fuel inspection fee on liquid fuels that are not petroleum-based.

Referred to **Finance Committee**.

By Senator Harrington:

**S. B. 797**, a bill to appropriate funds to the Roanoke-Chowan Area Mental Health, Mental Retardation, and Substance Abuse Authority for a detoxification facility.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 320**, a bill to allow the Secretary of Human Resources to adopt rules on damage or theft of personal property belonging to employees, volunteers, and clients in institutions of the Department of Human Resources, for concurrence in the House Committee Substitute bill.

Referred to **Human Resources Committee**.

**H. B. 133** (Committee Substitute), a bill to modify the Certificate of Need Law for life care facilities.

Referred to **Human Resources Committee**.

**H. B. 485** (Committee Substitute), a bill to validate certain foreclosure sales prior to June 1, 1985.

Referred to **Judiciary II Committee**.

**H. B. 684**, a bill to add a new Article 17 to Chapter 20 of the General Statutes and make other necessary changes in Chapter 20 and Chapter 62.

Referred to **Judiciary III Committee**.

**H. B. 1201** (Committee Substitute), a bill concerning uniform bond procedures.

Referred to **Judiciary IV Committee**.

**H. B. 1333** (Committee Substitute), a bill to establish the North Carolina Employment and Training Act.

Referred to **Judiciary IV Committee**.

**H. B. 397**, a bill to provide an income tax deduction for marketing assessments on tobacco grown in North Carolina.

Referred to **Finance Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 489**, a bill to increase the number of members of the Winston-Salem/Forsyth County Board of Education from eight to nine members, and remove the limitation on reelection or reappointment of school board members.

On motion of Senator Kaplan, consideration of the bill is postponed until Tuesday, June 11.

**H. B. 434**, a bill to revise and consolidate the Charter of the Town of Hillsborough, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 503**, a bill to allow the City of Concord to enter into leases of up to twenty years without bid, and to clarify financing available to the City and its Board of Light and Water Commissioners, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 572** (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Apex and to repeal prior local acts, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.



The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 690** (Committee Substitute), a bill concerning local matters in Orange and Chatham Counties, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 318**, bill to provide that Stanly County is authorized to construct gas lines.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 421**, a bill to amend the Charter of the Town of Garner concerning zoning regulations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 423**, a bill to amend the Charter of the Town of Holly Springs concerning zoning regulations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 440**, a bill concerning notices of street closings by the City of Durham.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 449**, an act relating to zoning by Wake County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 509**, a bill to authorize the Charlotte-Mecklenburg County Board of Education to continue its pilot program extending the probationary period for nontenured teachers.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 529**, a bill to add Robeson County to the list of counties in which it is a crime to obtain ambulance services without intending to pay for the services or to make an unneeded ambulance request.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 546**, a bill to amend Chapter 6, Private Laws of North Carolina 1840-1841, As

Amended, pertaining to the construction, operation and financing of hospital and medical care facilities by the trustees of the Rex Hospital, Raleigh, North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 557** (Committee Substitute), a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Belville.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 571**, a bill to authorize Wake County to accept gifts of real property for roadway reservations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 603**, a bill to permit the Town of Cornelius to use conditional use zoning districts.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 621** (Committee Substitute), a bill to amend the distribution of proceeds from the operation of liquor stores in the Town of Ocean Isle Beach.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 650**, a bill to bring Mecklenburg County under the general law regarding setting salaries of the Board of Education.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 916**, a bill to correct technical errors in Chapter 14 of the 1985 Session Laws, Kenly Charter Revision.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 752**, a bill to enable county boards of commissioners to extend and abolish county water and sewer districts, upon second reading.

On motion of Senator Ballenger, consideration of the bill is postponed until Thursday, June 6.

**S. B. 438**, a bill to impose minimum terms of imprisonment for convictions of concealing merchandise or switching price tags.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 439**, a bill to clarify the shoplifting laws of North Carolina concerning the use of electronic devices to detect shoplifting.

Senator Taft, seconded by Senator Redman, offers a motion that the bill do lie upon the table, which motion fails to prevail (electronically recorded).

Senator Higgs offers a motion to re-refer the bill to the **Judiciary I Committee**, which motion he subsequently withdraws.

Senator Soles calls the previous question, seconded by Senator Harris. The call is sustained.

The bill fails to pass its second reading (electronically recorded).

**H. B. 135**, a bill to allow members of the Consolidated Judicial Retirement System to transfer member contributions in the Teachers' and State Employees' and Local Governmental Employees' Retirement Systems to the Supplemental Retirement Income Plan.

The bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 379**, a bill to allow actions involving up to one thousand five hundred dollars to be filed as small claims.

The bill passes its second reading (electronically recorded) and without objection remains before the Senate for further consideration upon third reading.

Senator Watt offers Amendment No. 1 which fails of adoption (electronically recorded).

Following further debate, the bill passes its third reading (electronically recorded) and is ordered enrolled.

**H. B. 862** (Committee Substitute), a bill to validate certain foreclosure sales.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 600**, a bill to require banks and savings and loan associations to produce an affidavit when acting as personal representative, collector or guardian, upon third reading.

Without objection, Senator Hunt of Durham is excused from voting for the stated reason: "Possibly conflict of interest. Serve on Board of Savings and Loan Association."

The bill fails to pass its third reading (electronically recorded).

Senator Winner, seconded by Senator Swain, moves that the vote by which the bill failed to pass its third reading be reconsidered and further moves that the motion do lie upon the table, which motion prevails (electronically recorded). The bill and the motion to reconsider the vote by which the bill failed to pass its third reading lie upon the table.

**S. B. 716**, a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, upon third reading.

On motion of Senator Basnight, consideration of the bill is postponed until Wednesday, June 12.

**H. B. 134** (Committee Substitute), a bill to authorize individual and consumer finance lenders to charge up to sixteen percent interest on small loans, upon third reading.

On motion of Senator Hardison, consideration of the Committee Substitute bill is postponed until Wednesday, June 12.

**S. B. 289** (Committee Substitute), a bill to provide for the integrity of domestic insurance company assets for the protection of policyholders, for concurrence in House Amendment No. 1.

On motion of Senator Kincaid, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.



## RE-REFERRAL

**H. B. 1151**, a bill to allow milk producers to obtain liens for unpaid milk.

On motion of Senator Staton and without objection, the bill is taken from the **Judiciary II Committee** and re-referred to the **Agriculture Committee**.

**H. B. 489**, a bill to increase the number of members of the Winston-Salem/Forsyth County Board of Education from eight to nine members, and remove the limitation on reflection or reappointment of school board members.

On motion of Senator Kaplan the bill is taken from the Calendar for Tuesday, June 11, and re-referred to the **Local Government and Regional Affairs Committee**.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 1035**

HOUSE OF REPRESENTATIVES

June 5, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body requesting the return of HJR 1035, "A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF MRS. EUGENIA PATTERSON VANLANDINGHAM AND THEREBY APPLAUDING THE EFFORTS TO REMOVE OR IMPROVE ABANDONED STRUCTURES WHICH BLIGHT THE SCENIC BEAUTY OF NORTH CAROLINA'S ROADWAYS, for further consideration by the House of Representatives.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Pursuant to the request of the House of Representatives and on motion of Senator Harrington, the Chair orders the joint resolution taken from the **Rules and Operation of the Senate Committee** and returned to the House of Representatives by special messenger.

On motion of Senator Harrington, seconded by Senator Hipps, the Senate adjourns to meet tomorrow, Thursday, June 6, at 1:30 P.M.

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 EIGHTY-EIGHTH DAY

SENATE CHAMBER,  
Thursday, June 6, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Thomas M. Freeman, First Baptist Church, Dunn, as follows:

"God of our fathers, Whose Almighty Hand has led us in the past and blessed us in this

free land, we come to ask again for Your Divine Presence and guiding Spirit for this Body whom we have elected to leadership in our State.

“We thank You for their personal integrity, their faith and their desire to represent the people in a way that will bring blessing to the people and honor to themselves and approval of our God.

“We ask that in the struggle of partisan politics, the confusion of many complex issues, and the pressure of a multitude of causes, they will find the calmness of Your Spirit and the sure guidance that will enable them to be not only good public servants, but good persons under God.

“Light the way that they should go in decisions that must be made, and help them to foresee the results of their decisions in this Body. Forgive the mistakes and failures if they have not followed Your Divine leading, and assure them of your love and wisdom that is always available to every one of them.

“This we pray in the Name of Jesus Christ, our Lord. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Royall for today, June 6, and tomorrow, June 7, to attend a meeting of the Executive Committee of the National Conference of State Legislatures.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 289** (Committee Substitute), an act to provide for the integrity of domestic insurance company assets for the protection of policyholders. (Ch. 327)

**H. B. 173** (Senate Committee Substitute), an act to redistrict the Board of Commissioners of Mitchell County. (Ch. 328)

**H. B. 379**, an act to allow actions involving up to one thousand five hundred dollars to be filed as small claims. (Ch. 329)

**H. B. 421**, an act to amend the Charter of the Town of Garner concerning zoning regulations. (Ch. 330)

**H. B. 423**, an act to amend the Charter of the Town of Holly Springs concerning zoning regulations. (Ch. 331)

**H. B. 440**, an act concerning notices of street closings by the City of Durham. (Ch. 332)

**H. B. 449**, an act relating to zoning by Wake County. (Ch. 333)

**H. B. 509**, an act to authorize the Charlotte-Mecklenburg County Board of Education to continue its pilot program extending the probationary period for nontenured teachers. (Ch. 334)

**H. B. 529**, an act to add Robeson County to the list of counties in which it is a crime to obtain ambulance services without intending to pay for the services or to make an unneeded ambulance request. (Ch. 335)

**H. B. 546**, an act to amend Chapter 6, Private Laws of North Carolina 1840-1841, As Amended, pertaining to the construction, operation and financing of hospital and medical care facilities by the trustees of the Rex Hospital, Raleigh, North Carolina. (Ch. 336)

**H. B. 571**, an act to authorize Wake County to accept gifts of real property for roadway reservations. (Ch.337)

**H. B. 603**, an act to permit the Town of Cornelius to use conditional use zoning districts. (Ch. 338)

**H. B. 621** (Committee Substitute), an act to amend the distribution of proceeds from the operation of liquor stores in the Town of Ocean Isle Beach. (Ch. 339)

**H. B. 650**, an act to bring Mecklenburg County under the general law regarding setting salaries of the Board of Education. (Ch. 340)

**H. B. 862** (Committee Substitute), an act to validate certain foreclosure sales. (Ch. 341)

**H. B. 916**, an act to correct technical errors in Chapter 14 of the 1985 Session Laws, Kenly Charter Revision. (Ch. 342)

#### RECOMMITANCE

**S. B. 638**, a bill to authorize the Legislative Research Commission to study child support issues.

On motion of Senator Harrington, the rules are suspended and the bill is taken from the **Appropriations Committee** and recommitted to the **Rules and Operations of the Senate Committee** for a corrected report.

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 546**, a bill to provide that sales territories designated by an agreement between a wholesaler and a winery are exclusive, with a favorable report, as amended.

On motion of Senator Soles, the bill is placed on the Calendar for Thursday, June 13.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**S. B. 565**, a bill to create a Fishermen's Marine Weather Service and to appropriate funds for its operation, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Appropriations Committee**.

**H. B. 446**, a bill to prevent taking wild turkeys with rifles, with a favorable report.

**H. B. 630**, a bill to permit electrofishing for catfish in a portion of the Cape Fear River in Bladen County, with a favorable report.



**S. B. 692**, a bill to exempt sixteen-foot long sailboats from the numbering requirements, with an unfavorable report.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 757**, a bill to create the statutory offense of aiding and abetting a person driving while impaired, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 10.

By Senator Swain for the **Judiciary III Committee**:

**H. B. 515**, a bill to amend Chapter 35 and Chapter 108A regarding the appointment of disinterested public agents and others as guardians, with a favorable report.

**H. B. 592** (Committee Substitute), a bill to require a fee from all persons participating in court ordered community service, with a favorable report.

On motion of Senator Swain, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H. B. 607**, a bill to provide that when the General Assembly provides for the incorporation of a municipality and the simultaneous dissolution of a sanitary district contained within its borders, no referendum need be held, with a favorable report.

**H. B. 636** (Committee Substitute), a bill to make changes to the Community Service Parole Program, with a favorable report.

On motion of Senator Swain, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H. B. 758**, a bill to authorize a testator to exempt a testamentary trustee from the requirement that the trustee must qualify before the Clerk of Superior Court as recommended by the General Statutes Commission, with a favorable report.

**H. B. 773**, a bill to extend the crime of defrauding an innkeeper to include campground owners, with a favorable report.

**H. B. 823**, a bill to provide that public hospitals need not post bond on appeal, with a favorable report.

**H. B. 789**, a bill to outline worthless check collection procedures, with a favorable report, as amended.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 667**, a bill to permit employees of the State Employees Association of North Carolina, the employees of the North Carolina Association of Educators, and the employees of North Carolina School Boards Association the option of terminating membership in the Teacher's and State Employee's Retirement System, with a favorable report.

**S. B. 500**, a bill to amend the law regarding the retirement credit for temporary State employment in the Teachers' and State Employees' Retirement System, with a favorable report, as amended.

On motion of Senator Marvin, the rules are suspended and the bill is placed before the Senate for immediate consideration and on her further motion, Committee Amendment No. 1 is adopted (electronically recorded).

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 696**, a bill to provide that an indigent defendant's competency evaluation report will not be forwarded to the district attorney, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Monday, June 10.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Hunt of Durham:

**S. B. 798**, a bill to appropriate funds to establish a minority purchasing assistance position in the Department of Administration.

Referred to **Appropriations Committee**.

By Senators Rauch and Smith:

**S. B. 799**, a bill to require the basis of property for individual income tax purposes to be reduced by the amount of a federal investment tax credit allowed for the property, and to allow an additional depreciation deduction for the reduction in basis.

Referred to **Finance Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 265**, a bill to authorize the State Registrar to retain overpayments of two dollars or less unless the payor requests a refund, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, Friday, June 7.

**S. B. 393** (Committee Substitute), a bill to clarify the jurisdiction of grand juries, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, Friday, June 7.

**H. B. 753**, a bill to prohibit lessors of commercial real property to require retailers to remain open on Sunday if they leased floor space while a Sunday closing law was in effect.

Referred to **Judiciary IV Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 434**, a bill to revise and consolidate the Charter of the Town of Hillsborough, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 503**, a bill to allow the City of Concord to enter into leases of up to twenty years without bid, and to clarify financing available to the City and its Board of Light and Water Commissioners, upon third reading.

The bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 572** (Committee Substitute), a bill to revise and consolidate the Charter of the Town of Apex and to repeal prior local acts, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H. B. 690** (Committee Substitute), a bill concerning local matters in Orange and Chatham Counties, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.



**S. B. 299** (Committee Substitute), a bill to annex certain territory to the Village of Pinehurst, upon second reading.

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

Voting in the affirmative: Senators Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 752**, a bill to enable county boards of commissioners to extend and abolish county water and sewer districts, upon second reading.

Senator Johnson of Cabarrus offers Amendment No. 1 which is adopted (electronically recorded).

Senator Barnes offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—48.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 614**, a bill to increase certain fees charged by the Board of Medical Examiners, upon second reading.

The bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Sawyer, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Williams, and Winner—44.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 669**, a bill to increase certain fees for architects, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford,

Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 681**, a bill to impose comparable license fees on out-of-state fishermen, upon second reading.

The bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 337**, a bill to amend the application fee and cost recovery provisions of G. S. 110-130.1 regarding non-AFDC services, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 366**, a bill to exempt from the sales and use tax shells sold to the State for use in shellfish beds.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 464**, a bill relating to cosmetic arts.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 536**, a bill to allow on-premise sales of beer at mini-breweries.

On motion of Senator Basnight, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 645**, a bill to authorize the use of commercial water treatment operation firms.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 673**, a bill to amend the Uniform Anatomical Gift Act relating to cornea donations.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 415**, a bill to provide a method for activating voters when a city has not held its most recent two elections and the charter of that city is revised.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 490**, a bill to clarify the duty of candidates, political committees, and referendum committees to report receipts and expenditures received or made after the election.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 494**, a bill to clarify that expenditure reports shall include the name and address of all individuals receiving expenditures over a certain amount.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 496**, a bill to provide that savings and loan associations shall have the same power as banks to make loans to candidates or political committees in the ordinary course of business.

Without objection, Senator Hunt of Durham is excused from voting for the stated reason: "Possible conflict of interest."

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 696**, a bill to exempt nonprofit teen centers from the privilege license tax on amusements.

The bill passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 800**, a bill to provide that a letter returned because the person no longer lives at an address shall not be admissible evidence in a challenge made on the day of a primary or election.

On motion of Senator Kaplan, Committee Amendment No. 1 which changes the title, upon concurrence, to read, **H. B. 800**, a bill to provide that a letter returned because the person no longer lives at an address shall not be admissible evidence in a challenge made on the day of a primary or election, and to clarify the nature of sworn testimony as to identity and residence of the voter, is adopted.

Senator Somers offers Amendment No. 2.

Senator Kaplan, seconded by Senator Hardison offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded), and Amendment No. 2 lies upon the table.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 821**, a bill to ban the addition of sulfiting agents to certain foods, with pending Amendment No. 2.

On motion of Senator Thomas of Henderson, Amendment No. 2 is adopted (electronically recorded).

On motion of Senator Thomas of Henderson, Committee Amendment No. 3 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 2 and No. 3.

**H. B. 833** (Committee Substitute), a bill to clarify the effect of possible reversal by the United States Supreme Court of opinions of the district court concerning redistricting.

On motion of Senator Kaplan, the Committee Substitute bill is withdrawn from the Calendar and is recommitted to the **Election Laws Committee**.

**H. B. 836**, a bill to regulate public health pharmacy practice.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.



**H. B. 855**, a bill to amend the requirements for receiving a license to practice medicine. The bill passes its second reading (electronically recorded).

On objection of Senator Kaplan to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 438**, a bill to impose minimum terms of imprisonment for convictions of concealing merchandise or switching price tags, as amended, upon third reading.

Senator Winner offers Amendment No. 2 which is adopted (electronically recorded).

Senator Winner offers Amendment No. 3 which is adopted (electronically recorded).

Senator Taft offers Amendment No. 4 which is adopted (electronically recorded).

Senator Winner offers a motion and, without objection the Chair orders the bill, as amended, removed from today's Calendar and recommitted to the **Judiciary IV Committee**.

**S. B. 733**, a bill making the recordation of jury selection proceedings in noncapital cases and of opening and closing arguments discretionary rather than mandatory, upon third reading.

On motion of Senator Rand, the bill is withdrawn from the Calendar and is recommitted to the **Judiciary IV Committee**.

**H. B. 135**, a bill to allow members of the Consolidated Judicial Retirement System to transfer member contributions in the Teachers' and State Employees' and Local Governmental Employees' Retirement Systems to the Supplemental Retirement Income Plan, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

**S. B. 6** (House Committee Substitute), a bill to designate the Horsepasture River a natural river, for concurrence in the House Committee Substitute bill.

On motion of Senator Hips, the Senate concurs in the House Committee Substitute bill and the bill is ordered enrolled.

**S. B. 515**, a bill to provide assistance dogs for the handicapped.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 541** (Committee Substitute), a bill to add as an aggravating factor in felony sentencing that a victim was pregnant.

Referred to **Judiciary I Committee**.

**H. B. 810**, a bill to amend the Constitution by making the same provisions for filling vacancies in the Council of State as is provided for vacancies in the General Assembly, and by amending the General Statutes to implement that amendment by providing that such vacancies shall be filled with the person recommended by the State Executive Committee of the party that nominated the Council of State member.

Referred to **Judiciary IV Committee**.

**H. B. 863**, a bill to permit one spouse to accept service of process for the other.  
Referred to **Judiciary III Committee**.

**H. B. 1001**, a bill to eliminate the necessity of a cited person signing the traffic citation.  
Referred to **Judiciary III Committee**.

**H. B. 1194**, a bill to make larceny of a prescription blank a felony.  
Referred to **Judiciary I Committee**.

**H. B. 1238**, a bill to protect certain claimants from discharge or demotion by employers for instituting a workers' compensation claim.  
Referred to **Manufacturing and Labor Committee**.

#### REMOVAL OF ENDORSEMENT

**S. B. 538**, a bill to clarify Chapter 97 of the General Statutes with respect to apportionment in workers' compensation cases.

Senator Rauch offers a motion to the end that he be allowed to withdraw as primary sponsor of the bill and that Senator Ollie Harris be designated primary sponsor and further that he be allowed to withdraw his endorsement of the bill entirely. Without objection, the motion prevails.

#### RECOMMITTANCE

**S. B. 393** (Committee Substitute), a bill to clarify the jurisdiction of grand juries.

Without objection, the Chair orders the Committee Substitute bill taken from the Calendar for Friday, June 7, and recommitted to the **Judiciary III Committee**.

On motion of Senator Harrington, seconded by Senator Price, the Senate adjourns to meet tomorrow, Friday, June 7, at 10:00 A.M.

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#### EIGHTY-NINTH DAY

SENATE CHAMBER,  
Friday, June 7, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Righteousness, deliver us from sin, pride, and self-righteousness; inspire us to accept Your Lordship in our lives; and lead us into paths of personal integrity, humility, and servanthood—to the end that Your Kingdom may come, and Your Will be done on earth as it is in Heaven.

"O God, our Creator and our Sustainer; we thank You for all the gifts which You have showered upon us from our infancy until this day. We pray that You will continue to provide daily for our physical, spiritual, and emotional needs; and we pray that we may be inspired to share of our abundance with those who are less fortunate.

“O God of Grace, forgive us for those sins which we have committed against You and our fellow man; pardon us for trying persons in the news media and finding them guilty before they have had an opportunity to defend themselves in a court of law; help us to take the log out of our own eye before we try to take the speck out of our brother’s eye; give to us a forgiving spirit; and grant that we may be as eager to forgive as we are to receive forgiveness.

“O God of Love, deliver us from prejudice, racism, and discrimination; and lead us into paths of love, brotherhood, compassion, and ministry—so that the land of the long-leaf pine, may indeed become—a land—where the weak grow strong and, the strong grow great. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Guy, Johnson of Cabarrus, and Hunt of Durham for today.

A leave of absence granted previously to Senator Royall is noted.

#### RE-REFERRAL

**S. B. 359**, a bill to conform North Carolina boating safety equipment and accident reporting laws to federal law and rules so that they can be enforced by wildlife officers.

On motion of Senator Soles, the rules are suspended and the bill is taken from the **Natural and Economic Resources and Wildlife Committee** and re-referred to the **Judiciary IV Committee**.

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 450**, a bill to amend the laws concerning the time of execution of persons sentenced to death, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 11.

By Senator Hardison for the **Commerce Committee**:

**S. B. 173**, a bill to amend G. S. 54B-14 concerning examination of certificates of incorporation of savings and loan associations by the Secretary of State, with a favorable report, as to concurrence.

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. B. 638**, a bill to authorize the Legislative Research Commission to study child support issues, with a favorable report, as amended.



On motion of Senator Harrington, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Hipps for the **Children and Youth Committee**:

**H. B. 743** (Committee Substitute), a bill to require reporting of missing children in day care to law enforcement, with a favorable report, as amended.

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 512**, a bill to allow a personal income tax exemption for multiple sclerosis, with a favorable report.

**S. B. 588**, a bill to increase the service fee in G. S. 14-344 applicable to selling admission tickets, with a favorable report.

**H. B. 1045**, a bill to require marina operators to report all floating homes and floating structures docked or stored at marinas to the county assessor, with a favorable report.

**S. B. 451**, a bill to classify certain works of fine art and exclude them from inventory tax, with a favorable report, as amended.

**H. B. 222** (Committee Substitute), a bill to provide broad-based tax relief to North Carolina citizens, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Thomas of Henderson, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Thomas of Henderson, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 11.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**S. B. 580**, a bill to amend the sanitary sewage system law, with a favorable report, as amended.

On motion of Senator Tally, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Swain, Hipps, Johnson of Wake, Parnell, and Taft:

**S. B. 800**, a bill to appropriate funds to provide additional agents and equipment to the State Bureau of Investigation to enforce the drug laws.

Referred to **Appropriations Committee**.

By Senators Swain, Hipps, Johnson of Wake, Parnell, and Taft:

**S. B. 801**, a bill to appropriate funds to the Department of Justice to design and construct a State Bureau of Investigation evidence handling building.

Referred to **Appropriations Committee**;

By Senators Higgs and Speed:

**S. B. 802**, a bill to authorize the Legislative Research Commission to study child protection and related children's issues.

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

By Senator Plyler:

**S. B. 803**, a bill to appropriate funds for the nutrition and dietary services in the Division of Health Services.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 193**, a bill amending the Charter of the City of Charlotte, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, June 10.

**S. B. 251**, a bill to clarify the Fair Housing Act, for concurrence in House Amendment No. 1, which is placed on the Calendar for Monday, June 10.

**H. B. 534**, a bill to modify court costs.

Referred to **Finance Committee**.

**H. B. 555** (Committee Substitute), a bill to remove certain land in William B. Umstead Park from the State Nature and Historic Preserve for the purpose of acquiring through exchange or purchase other lands for the Park.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 805**, a bill to amend the Uniform Boiler and Pressure Vessel Act to restore the authority of the Commissioner of Labor to regulate certain hydropneumatic pressure vessels and to make other amendments to the Act.

Referred to **Ways and Means Committee**.

**H. B. 933**, a bill to require land lights to be illuminated from sunset to sunrise.

Referred to **Transportation Committee**.

**H. B. 975**, a bill to allow counties to create law enforcement service districts.

Referred to **Judiciary IV Committee**.

**H. B. 989**, a bill to provide for single audit implementation for local governments.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 1061**, a bill to amend the State Nature and Historic Preserve Dedication Act by repealing the authority to grant utility easements in Jockeys Ridge State Park.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 1174**, a bill to provide a personal income tax exemption for taxpayers whose dependents have Down's Syndrome.

Referred to **Finance Committee**.

**H. B. 1192**, a bill to temporarily authorize local health departments to charge a fee for the administration of the immunizations required pursuant to G. S. 130A-152.

Referred to **Human Resources Committee**.

**H. J. R. 1352**, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges.

Referred to **Select Committee of the Board of Community Colleges**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 299** (Committee Substitute), a bill to annex certain territory to the Village of Pinehurst, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Hardison, Harris, Hipps, Hunt of Moore, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Watt, Williams, Winner, and Woodard—37.

Voting in the negative: None.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

**H. B. 630**, a bill to permit electrofishing for catfish in a portion of the Cape Fear River in Bladen County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 752**, a bill to enable county boards of commissioners to extend and abolish county water and sewer districts, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Hardison, Harris, Hipps, Hunt of Moore, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Williams, Winner, and Woodard—38.

Voting in the negative: None.

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

**H. B. 614**, a bill to increase fees charged by the Board of Medical Examiners, upon third reading.

On motion of Senator Harris, the bill is re-referred to the **Human Resources Committee**.

Senator Harris offers a motion that the vote by which the motion to re-refer the bill to the **Human Resources Committee** prevailed be reconsidered, which motion prevails.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake,



Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—40.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 669**, a bill to increase certain fees for architects, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Thomas of Henderson, Walker, Warren, Watt, Williams, Winner, and Woodard—37.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 681**, a bill to impose comparable license fees on out-of-state fishermen, upon third reading.

The bill passes its third reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, Williams, Winner, and Woodard—38.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 607**, a bill to provide that when the General Assembly provides for the incorporation of a municipality and the simultaneous dissolution of a sanitary district contained within its borders, no referendum need be held, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Williams, Winner, and Woodard—38.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 202** (Committee Substitute), a bill to make technical changes in the public health law and related laws.

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

**S. B. 667**, a bill to permit employees of the State Employees Association of North Carolina, the employees of the North Carolina Association of Educators, and the employees of North Carolina School Boards Association the option of terminating membership in the Teacher's and State Employee's Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 446**, a bill to prevent taking wild turkeys with rifles.

The bill passes its second reading (electronically recorded).

Senator Taft objects to the third reading, which objection he subsequently withdraws and the bill passes its third reading and is ordered enrolled.

**H. B. 515**, a bill to amend Chapter 35 and Chapter 108A regarding the appointment of disinterested public agents and others as guardians.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 758**, a bill to authorize a testator to exempt a testamentary trustee from the requirement that the trustee must qualify before the Clerk of Superior Court as recommended by the General Statutes Commission.

The bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 773**, a bill to extend the crime of defrauding an innkeeper to include campground owners.

Senator Marvin offers a motion to re-refer the bill to the **Judiciary III Committee**, which motion she subsequently withdraws.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 789**, a bill to outline worthless check collection procedures.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 823**, a bill to provide that public hospitals need not post bond on appeal.

On motion of Senator Taft, the bill is recommitted to the **Judiciary III Committee** (electronically recorded).

**H. B. 894** (Senate Committee Substitute), a bill to permit the annual conference of chief judges to determine which alcohol offenses are submittable and granting authority to chief district judges, clerks of court and magistrates to handle such alcohol offenses.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 696**, a bill to exempt nonprofit teen centers from the privilege license tax on amusements, upon third reading.

On motion of Senator Taft, consideration of the bill is postponed until Monday, June 10.

**H. B. 855**, a bill to amend the requirements for receiving a license to practice medicine, upon third reading.

On motion of Senator Harris, the bill is recommitted to the **Human Resources Committee**.

**S. B. 265**, a bill to authorize the State Registrar to retain overpayments of two dollars or less unless the payor requests a refund, for concurrence in House Amendment No. 1.

On motion of Senator Harris, the Senate concurs in House Amendment No. 1 (electronically recorded), changing the title to read, **S. B. 265**, a bill to authorize the State Registrar to retain overpayments of three dollars or less unless the payor requests a refund, and the bill is ordered enrolled.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 187**, an act amending the Charter of the City of Charlotte concerning the powers of the City Manager. (Ch. 343)

**S. B. 6** (House Committee Substitute), an act to designate the Horsepasture River a natural river. (Ch. 344)

**S. B. 188**, an act to amend the Charter of the City of Charlotte relating to the Civil Service Board. (Ch. 345)

**S. B. 191**, an act to amend the Charter of the City of Charlotte relating to uptown development projects. (Ch. 346)

**S. B. 192**, an act amending the Charter of the City of Charlotte relating to the approval of street name change requests. (Ch. 347)

**H. B. 135**, an act to allow members of the Consolidated Judicial Retirement System to transfer member contributions in the Teachers' and State Employees' and Local Governmental Employees' Retirement System to the Supplemental Retirement Income Plan. (Ch. 348)

**H. B. 194** (Committee Substitute), an act to require the certification of adult day care programs. (Ch. 349)

**H. B. 415**, an act to provide a method for activating voters when a city has not held its most recent two elections and the charter of that city is revised. (Ch. 350)

**H. B. 434**, an act to revise and consolidate the Charter of the Town of Hillsborough. (Ch. 351)

**H. B. 490**, an act to clarify the duty of candidates, political committees, and referendum committees to report receipts and expenditures received or made after the election. (Ch. 352)

**H. B. 494**, an act to clarify that expenditure reports shall include the name and address of all individuals receiving expenditures over a certain amount. (Ch. 353)

**H. B. 496**, an act to provide that savings and loan associations shall have the same power as banks to make loans to candidates or political committees in the ordinary course of business. (Ch. 354)

**H. B. 503**, an act to allow the City of Concord to enter into leases of up to twenty years without bid, and to clarify financing available to the City and its Board of Light and Water Commissioners. (Ch. 355)



**H. B. 572** (Committee Substitute), an act to revise and consolidate the Charter of the Town of Apex and to repeal prior local acts. (Ch. 356)

**H. B. 690** (Committee Substitute), an act concerning local matters in Orange and Chatham Counties. (Ch. 357)

**H. B. 780**, an act to clarify Section 96-29 of the Employment Security Law. (Ch. 358)

**H. B. 836**, an act to regulate public health pharmacy practice. (Ch. 359)

On motion of Senator Harrington, seconded by Senator Conder, the Senate adjourns to meet Monday, June 10, at 7:00 P.M.

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### NINETIETH DAY

SENATE CHAMBER,  
Monday, June 10, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by The Honorable Robert Warren, Senator from Johnston County, as follows:

"Eternal God, we thank Thee this evening for the privilege we have of serving Thee, for the weekend that we have had to reflect upon various things that are on our minds, to refresh ourselves; and as we come back here this evening, we pray that Thou would be with us.

"As we wrestle with the complicated issues in committee meetings and in this Chamber, as we seek to maintain strong family ties, and as we try to keep up with our business or professional interests back home, give us, we pray Thee, strength of body, mind, and spirit. Equip us with open minds, sensitive ears, sharp pencils, and compassionate hearts; and give to us a sense of vocation about our family life, our work at home, and our labors in this Chamber.

"All this we ask in the Name of Him Who promises to guide us throughout the days of our earthly pilgrimage and bring us at last to safe lodging and an eternal home. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senator Taft and to Senator McDuffie, who is meeting with the President of the United States in Washington, D.C., for tonight. Senator Kaplan is noted present for a portion of tonight's session.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Winner for the **Education Committee**:

**S. B. 672**, a bill to change the manner in which the salary of a teacher who receives a master's degree is calculated, with a favorable report.

On motion of Senator Winner, the bill is re-referred to the **Appropriations Committee**.

**S. B. 144**, a bill to retain vocational teachers eliminated by loss of federal funding, with a favorable report, as amended.

On motion of Senator Winner, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**S. B. 484**, a bill regarding the closing of schools due to hazardous weather conditions, natural disaster, or other emergency, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 12.

**S. B. 614**, a bill to require that school pictures of children are retained and made available to law enforcement in the event the children are missing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill, changing the title to read, **S. B. 614** (Committee Substitute), a bill to assist law enforcement agencies in the location of missing children, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 12.

**S. B. 681**, a bill to require the State Department of Public Instruction to adopt and implement rules promoting the safety of all cheerleaders enrolled in all public middle schools, junior high schools, and high schools, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill, changing the title to read, **S. B. 681** (Committee Substitute), a bill to require the State Board of Education to adopt and implement rules promoting the safety of all cheerleaders enrolled in all public middle schools, junior high schools, and high schools, is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 12.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Thomas of Craven:

**S. B. 804**, a bill to provide for a harbor of refuge and access ramp for small boats at Cedar Island, North Carolina.

Referred to **Appropriations Committee**.

By Senators Woodard and Speed:

**S. B. 805**, a bill to appropriate funds to Interact, the center for rape crisis intervention, battered women's assistance, and child abuse prevention.

Referred to **Appropriations Committee**.

By Senator Basnight:

**S. B. 806**, a bill to establish an interstate legislative commission to study the uses of the Chowan River.

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

By Senator Thomas of Craven:

**S. B. 807**, a bill to appropriate funds for the operating expenses of the North Carolina Maritime Museum and to renovate the North Carolina Maritime Museum Watercraft Center.

Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 532**, a bill to authorize Dare County to levy an occupancy tax.

Referred to **Finance Committee**.

**H. B. 615** (Committee Substitute), a bill to restrict the placement of fences in business districts in the Town of Warrenton.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 953**, a bill creating the North Carolina Educational Facilities Finance Agency and authorizing said Agency to finance, refinance, construct, provide and acquire and otherwise undertake higher education facilities.

Referred to **Higher Education Committee**.

**H. B. 988**, a bill to provide for short-term commitments of juveniles to local approved facilities.

Referred to **Judiciary I Committee**.

**H. B. 1153** (Committee Substitute), a bill to require livestock dealers to keep records of all transactions.

Referred to **Agriculture Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 193**, a bill amending the Charter of the City of Charlotte, for concurrence in House Amendment No. 1.



On motion of Senator Cobb, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**H. B. 607**, a bill to provide that when the General Assembly provides for the incorporation of a municipality and the simultaneous dissolution of a sanitary district contained within its borders, no referendum need be held, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, Williams, Winner, and Woodard—39.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 451**, a bill to classify certain works of fine art and exclude them from inventory tax. On motion of Senator Ward, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 512**, a bill to allow a personal income tax exemption for multiple sclerosis.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 588**, a bill to increase the service fee in G. S. 14-344 applicable to selling admission tickets.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 696** (Committee Substitute), a bill to provide that an indigent defendant's competency evaluation report will not be forwarded to the district attorney.

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

**S. B. 757** (Committee Substitute), a bill to create the statutory offense of aiding and abetting a person driving while impaired.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Ezzell to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 743** (Committee Substitute), a bill to require reporting of missing children in day care to law enforcement.

On motion of Senator Hipps, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1045**, a bill to require marina operators to report all floating homes and floating structures docked or stored at marinas to the county assessor.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 696**, a bill to exempt nonprofit teen centers from the privilege license tax on amusements, upon third reading.

The bill passes its third reading (electronically recorded).

The bill is ordered enrolled.

**H. B. 758**, a bill to authorize a testator to exempt a testamentary trustee from the requirement that the trustee must qualify before the Clerk of Superior Court as recommended by the General Statutes Commission, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

**H. B. 789**, a bill to outline worthless check collection procedures, as amended, upon third reading.

Senator Martin of Guilford offers Amendment No. 2 which is adopted (electronically recorded).

On motion of Senator Swain, the bill, as amended, is recommitted to the **Judiciary III Committee**.

**S. B. 173**, a bill to amend G. S. 54B-14 concerning examination of certificates of incorporation of savings and loan associations by the Secretary of State, for concurrence in House Amendment No. 1.

On motion of Senator Guy, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 251**, a bill to clarify the Fair Housing Act, for concurrence in House Amendment No. 1.

On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 446**, an act to prevent taking wild turkeys with rifles. (Ch. 360)

**H. B. 515**, an act to amend Chapter 35 and Chapter 108A regarding the appointment of disinterested public agents and others as guardians. (Ch. 361)

**H. B. 614**, an act to increase certain fees charged by the Board of Medical Examiners. (Ch. 362)

**H. B. 630**, an act to permit electrofishing for catfish in a portion of the Cape Fear River in Bladen County. (Ch. 363)

**H. B. 669**, an act to increase certain fees for architects. (Ch. 364)

**H. B. 681**, an act to impose comparable license fees on out-of-state fishermen. (Ch. 365)

**S. B. 265**, an act to authorize the State Registrar to retain overpayments of three dollars or less unless the payor requests a refund. (Ch. 366)

**H. B. 121** (Committee Substitute), an act to prohibit chiropractors from collecting fees in connection with free services. (Ch. 367)

**S. B. 268**, an act to provide for initial randomization of the biennial jury list in counties using electronic data processing equipment for jury selection. (Ch. 368)

#### RE-REFERRAL

**S. B. 716**, a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits.

Without objection, the Chair orders the bill taken from the Calendar for Tuesday, June 11, and re-referred to the **Finance Committee**.

The President recognizes the following pages serving in the Senate this week: Kimberly Kaye Askew, Morehead City; Ramona Lee Burke, Taylorsville; Elizabeth Sloan Carroll, Roanoke Rapids; Hallock Marie Cooper, Morehead City; Angela Dawn Copeland, Graham; Kenneth Stevens Cortis, Monroe; Dina Lynn Creech, Raleigh; Elizabeth Holliday Eskridge, Rutherfordton; Timothy Stuart Fountain, Greensboro; Lyle David Gardner, Raleigh; David Allan Head, Raleigh; Laurie Ann Hedrick, Raleigh; Mark C. Honeycutt, Raleigh; LaShana Raquel Johnson, Garland; Dorothy May Jordan, Saxapahaw; Jay Prichett Jordan, Mt. Gilead; Sara Elizabeth Levelle, Asheville; Pamela Nicole Murphy, Garland; Anne Karen Parker, Raleigh; Michael Alan Sappenfield, Fayetteville; Christal Leanne Shook, Hickory; Catherine Lynch Sullivan, Raleigh; Michael Andrew Sullivan, Raleigh; Geoff Evan Union, Fayetteville; Ricky Ashley Wilhelm, Hickory; Larry Gregory Williams, Benson; and James Wood III, Roxboro.

On motion of Senator Harrington, seconded by Senator Hunt of Moore, the Senate adjourns to meet tomorrow, Tuesday, June 11 at 1:30 P.M.

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#### NINETY-FIRST DAY

SENATE CHAMBER,  
Tuesday, June 11, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Power and Peace, we are weary from the long hours devoted to this Session of the General Assembly. Lead us beside the still waters; revive our spirits; and lead us in paths of righteousness for Your Name sake.

"We are grateful for our families, our secretaries, and the Senate staff members who have supported us in our labors in this Chamber. We thank Thee for their labor of love; and we pray that we may never fail to express to them our love and appreciation for all that they have done to make our task easier.

"In the closing weeks of this Session, we recall the words of Isaiah,

'Even youths shall faint and be weary, and young men shall fall exhausted;  
But they who wait for the Lord shall renew their strength,  
They shall mount up with wings like eagles,  
They shall run and not be weary,  
They shall walk and not faint.'



"Give us wisdom, not to try and rely on our own strength; inspire us to turn to Thee for strength and guidance; give us patience to wait upon Thee; and renew our strength—that we might serve Thee and our constituents with integrity, wisdom, compassion, and joy. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Senator Tally is noted absent from a portion of today's Session due to illness.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 173**, an act to amend G. S. 54B-14 concerning examination of certificates of incorporation of savings and loan associations by the Secretary of State. (Ch. 369)

**S. B. 193**, an act amending the Charter of the City of Charlotte. (Ch. 370)

**S. B. 251**, an act to clarify the Fair Housing Act. (Ch. 371)

**S. B. 284**, an act to provide for posting of notice of pending applications for CAMA permits. (Ch. 372)

**S. B. 357**, an act to raise the renewal fee for professional engineers and registered land surveyors. (Ch. 373)

**H. B. 557** (Committee Substitute), an act to amend the distribution of proceeds from the operation of liquor stores in the Town of Belville. (Ch. 374)

**H. B. 607**, an act to provide that when the General Assembly provides for the incorporation of a municipality and the simultaneous dissolution of a sanitary district contained within its borders, no referendum need be held. (Ch. 375)

**H. B. 696**, an act to exempt nonprofit teen centers from the privilege license tax on amusements. (Ch. 376)

**H. B. 758**, an act to authorize a testator to exempt a testamentary trustee from the requirement that the trustee must qualify before the Clerk of Superior Court as recommended by the General Statutes Commission. (Ch. 377)

**H. B. 1045**, an act to require marina operators to report all floating homes and floating structures docked or stored at marinas to the county assessor. (Ch. 378)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Conder and Plyler:

**S. B. 808**, a bill to appropriate funds for an additional employee at the Town Creek Indian Mound State Historic Site.

Referred to **Appropriations Committee**.

By Senator Basnight:

**S. B. 809**, a bill to appropriate funds to Elizabeth City State University for emergency power generators for a regional disaster shelter.

Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 77** (Committee Substitute No. 3), a bill to strengthen the felony child abuse law by prohibiting the infliction of any serious injury and by increasing the punishment.

Referred to **Children and Youth Committee**.

**H. B. 286** (Committee Substitute), a bill to protect the confidentiality of financial records.

Referred to **Judiciary IV Committee**.

**H. B. 455** (Committee Substitute), a bill to prevent double recovery of workers' compensation and unemployment benefits.

Referred to **Manufacturing and Labor Committee**.

**H. B. 1036**, a bill to clarify the purchase of liability insurance by boards of trustees in the Community College System.

Referred to **Insurance Committee**.

**H. B. 1047**, a bill to provide for checking accounts of the clerks of superior court and for fees for the handling of funds by the clerks of superior court.

Referred to **Judiciary III Committee**.

**H. B. 1062** (Committee Substitute), a bill permitting the Barber Board more latitude concerning reciprocal barber licenses.

Referred to **State Government Committee**.

**H. B. 1121**, a bill to place certain requirements on the Department of Transportation when it abandons a highway near the Atlantic Ocean.

Referred to **Transportation Committee**.

**H. B. 1152**, a bill to require any person having knowledge of the theft of any agricultural commodity to report that to local law enforcement officers.

Referred to **Agriculture Committee**.

**H. B. 1249**, a bill to place the venus fly trap on the North Carolina Protected Plants lists.

Referred to **Natural and Economic Resources and Wildlife Committee**.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 222** (Senate Committee Substitute), a bill to provide broad-based tax relief to North Carolina citizens, upon second reading.

Senator Hardison offers Amendment No. 1. The Chair offers no ruling as to the amendment being material. Amendment No. 1 fails of adoption (electronically recorded).

Senator Jordan offers Amendment No. 2. The Chair offers no ruling as to the amendment being material. Senator Kaplan, seconded by Senator Rand, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 2 lies upon the table.

Senator Jordan offers Amendment No. 3. The Chair offers no ruling as to the amendment being material. Amendment No. 3 fails of adoption (electronically recorded).

Senator Thomas of Henderson calls the previous question. The Chair rules the motion out of order as Senator Jordan is entitled to the floor.

Senator Jordan offers Amendment No. 4. The Chair offers no ruling as to the amendment being material. Amendment No. 4 fails of adoption (electronically recorded).

Senator Johnson of Cabarrus offers Amendment No. 5. The Chair offers no ruling as to the amendment being material. Amendment No. 5 is adopted (electronically recorded).

Senator Royall offers Amendment No. 6. The Chair offers no ruling as to the amendment being material. Amendment No. 6 is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 48, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Williams, Winner, and Woodard—48.

Voting in the negative: Senator Watt—1.

The Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 450** (Committee Substitute), a bill to amend the laws concerning the time of execution of persons sentenced to death.

Senator Johnson of Cabarrus offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 586**, a bill to amend Section 75-16 of the North Carolina General Statutes to limit the award of treble damages for violations of Section 75-1.1.

On motion of Senator Rand, consideration of the bill is postponed until Tuesday, June 18.

**S. B. 715**, a bill to require that one member of the Courts Commission be a public defender.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 757** (Committee Substitute), a bill to create the statutory offense of aiding and abetting a person driving while impaired, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives.



## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Swain for the **Judiciary III Committee**:

**S. B. 408**, a bill to change the standard working hours during which a judge can permit limited driving privileges after a conviction for driving while impaired, with a favorable report.

**H. B. 684**, a bill to add a new Article 17 to Chapter 20 of the General Statutes and make other necessary changes in Chapter 20 and Chapter 62, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Finance Committee**.

**H. B. 863**, a bill to permit one spouse to accept service of process for the other, with a favorable report.

**H. B. 1001**, a bill to eliminate the necessity of a cited person signing the traffic citation, with a favorable report.

**H. B. 1002**, a bill to clarify the duties of emergency vehicles at red lights, with a favorable report, as amended.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**S. B. 221**, a bill to authorize Wake County to exercise the power of eminent domain under G. S. 40A-42(a) to acquire property for public safety and other facilities, with a favorable report.

On motion of Senator Ezzell, the bill is placed on the Calendar for Wednesday, June 19.

**H. B. 412**, a bill to amend the Charter of the Town of Holly Springs to remove the provision that town ordinances and resolutions are not effective until twenty days after their adoption, with a favorable report.

**H. B. 425**, a bill to permit Wayne County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes, with a favorable report.

**H. B. 519**, a bill to provide that when a city annexes property in a county where less than fifty percent of the city is located, notice must also be given in that county, with a favorable report.

**H. B. 661** (Committee Substitute), a bill to incorporate the Village of Sugar Mountain, subject to a referendum, with a favorable report.

**H. B. 772**, a bill to amend the municipal and county zoning enabling acts so as to make clear the authority of local governments to establish overlay districts and special use or conditional use districts, with a favorable report.

**H. B. 884**, a bill to provide for representation of local governments on the North Carolina Housing Commission, with a favorable report.

**H. B. 1343**, a bill to allow the Board of Commissioners of Pamlico County to sell property at private sale, with a favorable report.

**H. B. 659**, a bill to provide for an alternative eminent domain procedure for the City of Conover and the Town of Maiden, with a favorable report, as amended.

**H. B. 683** (Committee Substitute), a bill to incorporate the Town of Cooleemee in Davie County subject to an election, with a favorable report, as amended.

**S. B. 238**, a bill to authorize the City of Raleigh to enact and enforce ordinances regulating the planting, maintenance, removal, replacement and preservation of trees and to exercise eminent domain powers for open space, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 238** (Committee Substitute), a bill to amend the Charter of the City of Raleigh and to exercise eminent domain powers for open space, is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 13.

**S. B. 259**, a bill to change the name of the Statesville-Iredell Civic Center Authority, and to expand its Board, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 259** (Committee Substitute), a bill concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, and a civic center authority, is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

**S. B. 344**, a bill to provide for the incorporation of the Village of Colfax, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 13.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 951**, a bill to clarify the extent to which the duties of a board of adjustment may be assigned to a planning agency, with a favorable report.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 821**  
(Committee Substitute No. 2)

HOUSE OF REPRESENTATIVES  
June 11, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment Number 2 to H. B. No. 821, A BILL TO BE ENTITLED AN ACT TO BAN THE ADDITION OF SULFITING AGENTS TO CERTAIN FOODS, and requests conferees. The Speaker has appointed Representatives

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Jones (Chairman), Lilley, and Warren on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Thomas of Henderson moves that the President appoint conferees, which motion prevails. The President appoints Senators Thomas of Henderson (Chairman), Hunt of Moore, and Marvin as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Cobb, the Senate adjourns to meet tomorrow, Wednesday, June 12, at 1:30 P.M.

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### NINETY-SECOND DAY

SENATE CHAMBER,  
Wednesday, June 12, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Chaplain Henry C. Duncan, United States Navy (Retired), The Village Chapel, Pinehurst, as follows:

“Almighty Father, Who art always more ready to hear than we to pray, Whose command is over all, and Whose love never fails, let us be aware of Thy presence and obedient to Thy will. Keep us true to our best and guard us against the temptation to succumb to fatigue or defeatism.

“Make us considerate of those intrusted to our leadership and faithful to the duties which have been given to us to do. As we are aware of the rich heritage which our fathers have given to us, may we be enabled by Thy grace and guidance to leave a heritage for our children upon which they may build an inheritance for their children. Forgive us our sins and shortcomings. Protect our loved ones from whom we are separated and all those, known and unknown for whom we are in any way responsible. Guide us through this day and when this day is done and evening comes, grant that we may rest in peace. Hear our prayer, O Lord, we pray. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Senator Staton is noted absent for a portion of today's Session.

The President extends courtesies of the gallery to Dr. D. R. Mooney, former member of the House of Representatives from Rutherford County.



**ENROLLED BILLS**

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 299** (Committee Substitute), an act to annex certain territory to the Village of Pinehurst. (Ch. 379)

**H. B. 800**, an act to provide that a letter returned because the person no longer lives at an address shall not be admissible evidence in a challenge made on the day of a primary or election, and to clarify the nature of sworn testimony as to identity and residence of the voter. (Ch. 380)

**REPORTS OF COMMITTEES**

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. J. R. 444**, a joint resolution honoring the life and memory of Dr. Ellen Black Winston, with an unfavorable report as to joint resolution, but favorable as to Committee Substitute joint resolution.

On motion of Senator Harrington, the rules are suspended and the Committee Substitute joint resolution is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Monday, June 17, and is set as Special Order of Business No. 1.

**S. J. R. 722**, a joint resolution honoring the life and memory of Herbert W. Sampsel, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

**S. B. 620**, a bill to amend the certificate of need law to permit the transfer of certain certificates of need, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 620** (Committee Substitute), a bill to amend the certificate of need law to permit the transfer or assignment of certain certificates of need, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 14.

**S. B. 320** (House Committee Substitute), a bill to allow the Secretary of Human Resources to adopt rules on damage or theft of personal property belonging to employees, volunteers, and clients in institutions of the Department of Human Resources, with a favorable report, as to concurrence.

By Senator Speed for the **Agriculture Committee**:

**S. B. 279**, a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning the eligibility for present-use value taxation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 279** (Committee Substitute), a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning eligibility for present-use value taxation, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

**S. B. 298**, a bill to establish a uniform statewide system of appraising land classified for taxation at its present-use value, to clarify the type land that qualifies for present-use value taxation, and to make technical changes concerning eligibility for present-use value taxation, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 298** (Committee Substitute), a bill to establish a uniform statewide system of appraising land classified for taxation at its present-use value, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

By Senator Guy for the **State Government Committee**:

**H. B. 1222**, a bill to transfer title to certain land from the State of North Carolina to the Town of Andrews, with a favorable report.

**S. B. 549**, a bill to provide that the Morehead City Navigation and Pilotage Commission may regulate the piloting of shipping from Morehead City to Aurora, with a favorable report, as amended.

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

**S. B. 259** (Committee Substitute), a bill concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, and a civic center authority, with a favorable report.

**S. B. 430**, a bill to provide an income tax credit for supervisory fees paid by savings and loan associations to the Administrator of the Savings and Loan Division, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

**S. B. 453**, a bill to clarify court costs for foreclosure under a power of sale, with a favorable report.

**S. B. 460**, a bill to classify property owned by a nonprofit residential retirement center and exclude this property from taxation, with a favorable report.

**S. B. 478**, a bill to improve the administration of the property tax, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Appropriations Committee**.

**S. B. 548**, a bill to incorporate technical amendments into the Private Protective Services Act, with a favorable report.

**S. B. 579**, a bill to provide that an application for use value continue in effect until the property is transferred or becomes otherwise ineligible for use-value classification, with a favorable report.

**S. B. 799**, a bill to require the basis of property for individual income tax purposes to be reduced by the amount of a federal investment tax credit allowed for the property, and to allow an additional depreciation deduction for the reduction in basis, with a favorable report.

**H. B. 300**, a bill to permit ordained or licensed clergymen to be considered self-employed for tax withholding purposes instead of an employee of a church, with a favorable report.

**S. B. 78**, a bill to reduce the fee rate for administration of estates, with a favorable report, as amended.

**S. B. 520**, a bill to authorize counties to establish research and production service districts, with a favorable report, as amended.

On motion of Senator Rauch, the bill is placed on the Calendar for Friday, June 14.

**H. B. 206** (Committee Substitute), a bill to reduce the fee rate for administration of estates and to set a maximum cumulative fee, with a favorable report, as amended.

**S. B. 716**, a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 716** (Committee Substitute), a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, and to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 14.

By Senator Kaplan for the **Election Laws Committee**:

**S. B. 544**, a bill regarding limitations and disclosure of political campaign contributions, with an unfavorable report.

**H. B. 837**, a bill to make further technical changes in the election laws, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Kaplan, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 14.

**S. B. 685**, a bill to amend the Constitution of North Carolina to provide that midterm vacancy elections shall be held when the vacancy occurs at least sixty days before the election rather than at least thirty days before the election, so as to ease the administration of elections, with a favorable report.

On motion of Senator Kaplan, the bill is re-referred to the **Judiciary IV Committee**.

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 848**, a bill to change the manner of appointment and organization of the Commission on the Bicentennial of the United States Constitution, with a favorable report.



By Senator Staton for the **Judiciary II Committee**:

**S. B. 720**, a bill to amend the pay out time and clarify the formula used to determine a distributive award made as an equitable distribution of marital property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 14.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Kincaid and Simpson:

**S. B. 810**, a bill to appropriate funds for an additional assistant district attorney position in District 24.

Referred to **Appropriations Committee**.

By Senator Harrington:

**S. B. 811**, a bill to appropriate funds for capital improvements at Roanoke-Chowan Technical College.

Referred to **Appropriations Committee**.

By Senator Winner:

**S. B. 812**, a bill to authorize the Legislative Research Commission to study the need for initiating or strengthening school advisory councils in North Carolina.

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

By Senators Walker and Hunt of Moore:

**S. B. 813**, a bill to appropriate funds to the Randolph Arts Guild.

Referred to **Appropriations Committee**.

By Senator Walker:

**S. B. 814**, a bill to appropriate funds for the Advocacy Center for Children's Education and Parent Training.

Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 139** (Committee Substitute), a bill to authorize the Environmental Management Commission to protect the waters of the State against pollution from package treatment plants.

Referred to **Natural and Economic Resources and Wildlife Committee**.

**H. B. 244**, a bill to make technical amendments in legislative retirement and health benefits.

Referred to **Pensions and Retirement Committee**.

**H. B. 436** (Committee Substitute), a bill to incorporate the Village of Clemmons in Forsyth County, subject to referendum.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 492**, a bill regulating contributions by political committees not registered in North Carolina to candidates and registered political committees.

Referred to **Election Laws Committee**.

**H. B. 535**, a bill to permit State law enforcement officers to restore withdrawn contributions and creditable service, and to restore forfeited creditable service of wildlife protectors.

Referred to **Pensions and Retirement Committee**.

**H. B. 679**, a bill to amend Chapter 54B of the General Statutes to make technical changes relating to savings and loan associations.

Referred to **Commerce Committee**.

**H. B. 711**, a bill to conform State and local government retirement and pension payments to the requirements for the enforcement of child support and equitable distribution of marital property obligations.

Referred to **Pensions and Retirement Committee**.

**H. B. 715**, a bill to allow participants in the Optional Retirement Program of the University of North Carolina to become eligible for membership in the Supplemental Retirement Income Plan of North Carolina.

Referred to **Pensions and Retirement Committee**.

**H. B. 724** (Committee Substitute), a bill relating to confidentiality of library user records.

Referred to **Judiciary II Committee**.

**H. B. 747**, a bill to prescribe compensation for supervisors of elections.

Referred to **Election Laws Committee**.

**H. B. 926**, a bill to authorize counties to establish research and production service districts.

On motion of Senator Royall, the rules are suspended and the bill is placed on the Calendar for Friday, June 14, preceding **S. B. 520**.

**H. B. 936**, a bill to allow estates to obtain the full benefit of the deduction for interest paid with respect to deferred installments of federal estate tax.

Referred to **Finance Committee**.

**H. B. 1005**, a bill to conform payments of North Carolina estimated tax penalties for individuals to federal estimated tax payment penalties.

Referred to **Finance Committee**.

**H. B. 1131**, a bill to rewrite the Physical Therapy Practice Act.

Referred to **Human Resources Committee**.

**H. B. 1266**, a bill to permit a member of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase membership service credits for omitted contributions.

Referred to **Pensions and Retirement Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 661** (Committee Substitute), a bill to incorporate the Village of Sugar Mountain, subject to a referendum, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 4, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: Senators Kaplan, Rand, Tally, and Warren—4.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 683** (Committee Substitute), a bill to incorporate the Town of Cooleemee in Davie County subject to an election, upon second reading.

On motion of Senator Smith, Committee Amendment No. 1 is adopted.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—49.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 412**, a bill to amend the Charter of the Town of Holly Springs to remove the provision that town ordinances and resolutions are not effective until twenty days after their adoption.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 425**, a bill to permit Wayne County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes.

On motion of Senator Barnes, consideration of the bill is postponed until Thursday, June 13.

**H. B. 659**, a bill to provide for an alternative eminent domain procedure for the City of Conover and the Town of Maiden.



On motion of Senator Ezzell, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read, **H. B. 659**, a bill to provide for an alternative eminent domain procedure for the City of Conover and the Town of Maiden and the City of Hickory.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1343**, a bill to allow the Board of Commissioners of Pamlico County to sell property at private sale.

Receiving a two-thirds affirmative majority vote, the bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 222** (Senate Committee Substitute), a bill to provide broad-based tax relief to North Carolina citizens, as amended, upon third reading.

Senator Rauch offers Amendment No. 7 which is adopted (electronically recorded).

Senator Shaw offers Amendment No. 8. Senator Royall, seconded by Senator Plyler, offers a motion that Amendment No. 8 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 8 lies upon the table.

The Senate Committee Substitute, as amended, passes its third reading by roll-call vote, ayes 49, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Williams, Winner, and Woodard—49.

Voting in the negative: Senator Watt—1.

The Senate Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 5, No. 6, and No. 7, without objection, by special messenger without engrossment.

**H. B. 951**, a bill to clarify the extent to which the duties of a board of adjustment may be assigned to a planning agency, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Hardison, Hipps, Hunt of Moore, Johnson of Cabarrus, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Ward, Williams, Winner, and Woodard—38.

Voting in the negative: Senator Harris—1.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1002**, a bill to clarify the duties of emergency vehicles at red lights, upon second reading.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of

Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Ward, Watt, Williams, and Woodard—41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 484** (Committee Substitute), a bill regarding the closing of schools due to hazardous weather conditions, natural disaster, or other emergency.

On motion of Senator Simpson, the Committee Substitute bill is re-referred to the **Appropriations Committee**.

**S. B. 614** (Committee Substitute), a bill to assist law enforcement agencies in the location of missing children.

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

**S. B. 681** (Committee Substitute), a bill to require the State Board of Education to adopt and implement rules promoting the safety of all cheerleaders enrolled in all public middle schools, junior high schools, and high schools.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

Senator Cobb offers Amendment No. 2 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 519**, a bill to provide that when a city annexes property in a county where less than fifty percent of the city is located, notice must also be given in that county.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 772**, a bill to amend the municipal and county zoning enabling acts so as to make clear the authority of local governments to establish overlay districts and special use or conditional use districts.

On motion of Senator Barnes, the bill is re-referred to the **Judiciary I Committee**.

**H. B. 863**, a bill to permit one spouse to accept service of process for the other.

The bill fails to pass its second reading (electronically recorded).

**H. B. 884**, a bill to provide for representation of local governments on the North Carolina Housing Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1001**, a bill to eliminate the necessity of a cited person signing the traffic citation.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 408**, a bill to change the standard working hours during which a judge can permit limited driving privileges after a conviction for driving while impaired, upon third reading, with Amendment No. 1 pending.

On motion of Senator Somers, Amendment No. 1, offered by Senator Martin of Guilford, is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 450** (Committee Substitute), a bill to amend the laws concerning the time of execution of persons sentenced to death, as amended, upon third reading.

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

**H. B. 222** (Senate Committee Substitute), a bill to provide broad-based tax relief to North Carolina citizens.

The Chair rescinds his order to send the Senate Committee Substitute bill to the House of Representatives for concurrence in Senate Amendments No. 5, No. 6, and No. 7, without engrossment, by special messenger and orders the Senate Committee Substitute bill engrossed and returned to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 134** (Committee Substitute), a bill to authorize individual and consumer finance lenders to charge up to sixteen percent interest on small loans, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

### CONFERENCE REPORT

#### S. B. 471

Senator Martin of Guilford for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 471**, a bill to allow for appointment of additional registration commissioners, submits the following Conference Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **S. B. 471**, a bill to allow for appointment of additional registration commissioners, wish to report as follows: The Senate concurs in House Amendment No. 1 and further amends the bill on Page 1, line 9, by deleting "last," and substituting "next" and further amends the bill on Page 2, line 11, by adding the following between lines 11 and 12:

"Sec. 1.1., the next to the last paragraph of G. S. 163-41(b), beginning with 'In all counties' is repealed."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 12th day of June 1985.

S/ TED KAPLAN  
S/ RUSSELL WALKER  
S/ WILLIAM MARTIN  
*Conferees on the part  
of the Senate*

S/ DANIEL BLUE  
S/ CHARLES BEALL  
S/ ANNE BARNES  
*Conferees on the part  
of the House of Representatives*



On motion of Senator Martin of Guilford, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

S. B. 471

HOUSE OF REPRESENTATIVES  
June 12, 1985

*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. 471, A BILL TO BE ENTITLED AN ACT TO ALLOW FOR APPOINTMENTS OF ADDITIONAL REGISTRATION COMMISSIONERS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

The Chair orders the bill enrolled.

On motion of Senator Harrington, seconded by Senator Ballenger, the Senate adjourns to meet tomorrow, Thursday, June 13, at 1:30 P.M.

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### NINETY-THIRD DAY

SENATE CHAMBER,  
Thursday, June 13, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Bill Lowdermilk, Vice President, Methodist College, Fayetteville, as follows:

“God of all power and mercy, from Whom no prayer goes unnoticed, come to us in this gathering as we acknowledge our gratitude and we request Your guidance. We thank You for our State, for the majesty of its mountains, the quietness of its woodlands, the depths of its ocean, the glory of its skies, the richness of its farmlands, and the genuine empathy of its people.

“Help us to strengthen North Carolina in her freedom that she may be free to love mercy. Help us to keep her strong that she may be strong for the right. Help us to increase her wisdom that she may be wise enough to understand her shortcomings.

“O God, Who cares for all people in all states and in all nations, empower us to govern and to care for the State entrusted to us with justice, mercy and vision; that the people may live fruitful and meaningful lives and that we may be faithful stewards of Your handiwork. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 134** (Committee Substitute), an act to authorize individual and consumer finance lenders to charge up to sixteen percent interest on small loans. (Ch. 381)

**H. B. 412**, an act to amend the Charter of the Town of Holly Springs to remove the provision that town ordinances and resolutions are not effective until twenty days after their adoption. (Ch. 382)

**H. B. 884**, an act to provide for representation of local governments on the North Carolina Housing Commission. (Ch. 383)

**H. B. 519**, an act to provide that when a city annexes property in a county where less than fifty percent of the city is located, notice must also be given in that county. (Ch. 384)

**H. B. 1001**, an act to eliminate the necessity of a cited person signing the traffic citation. (Ch. 385)

**H. B. 1343**, an act to allow the Board of Commissioners of Pamlico County to sell property at private sale. (Ch. 386)

**S. B. 471**, an act to allow for appointment of additional registration commissioners. (Ch. 387)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Warren for the **Transportation Committee**:

**H. B. 593** (Committee Substitute), a bill to conform North Carolina limitations on tandem trailers and semitrailers with federal statutes and to make other changes, with a favorable report.

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure, with a favorable report.

**H. B. 1041**, a bill regarding the establishment of fees for the erection and maintenance of logo signs, with a favorable report.

On motion of Senator Warren, the bill is re-referred to the **Finance Committee**.

**S. B. 606**, a bill to amend G. S. 20-116 relating to the length of certain vehicles, with a favorable report, as amended.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 393** (Committee Substitute), a bill to clarify the jurisdiction of grand juries, with an unfavorable report as to concurrence.

**S. B. 689**, a bill prohibiting the copying of products by the direct molding process, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 689** (Committee Substitute), a bill to establish a penalty for taking bald eagles or golden eagles, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 17.

**S. B. 310** (House Committee Substitute), a bill to authorize temporary custody of absconding juveniles by the Joint Security Force outside territory, with a favorable report as to concurrence.

**S. B. 346**, a bill amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects, with a favorable report.

**H. B. 901**, a bill to amend G. S. 28A-15-1(c) to provide that general language in a will granting a personal representative a power of sale is sufficient to eliminate the necessity of a special proceeding under Article 17 of Chapter 28A as recommended by the General Statutes Commission, with a favorable report.

**H. B. 1009**, a bill to amend the Charitable Remainder Trusts Administration Act, with a favorable report.

**H. B. 1074**, a bill to clarify and improve the procedures to collect restitution from criminal defendants and make other technical changes, with a favorable report, as amended.

By Senator Hipps for the **Children and Youth Committee**:

**S. B. 243**, a bill to improve the law regarding endangered children, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 17.

By Senator Marvin for the **Pensions and Retirement Committee**:

**H. B. 244**, a bill to make technical amendments in legislative retirement and health benefits, with a favorable report.

**H. B. 535**, a bill to permit State law enforcement officers to restore withdrawn contributions and creditable service, and to restore forfeited creditable service of wildlife protectors, with a favorable report.

**H. B. 711**, a bill to conform State and local government retirement and pension payments to the requirements for the enforcement of child support and equitable distribution of marital property obligations, with a favorable report.

**H. B. 715**, a bill to allow participants in the Optional Retirement Program of the



University of North Carolina to become eligible for membership in the Supplemental Retirement Income Plan of North Carolina, with a favorable report.

**H. B. 1266**, a bill to permit a member of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase membership service credits for omitted contributions, with a favorable report.

**S. B. 592**, a bill to permit Extension Service employees having dual employment to participate in the Teachers' and State Employees' Retirement System, prevent partial withdrawal, and permit Extension Service employees to restore partially withdrawn accounts, with a favorable report, as amended.

By Senator Guy for the **State Government Committee**:

**S. B. 635**, a bill to create a new chapter of the General Statutes concerning military affairs and to regulate military property sales facilities and discrimination against military members, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Guy, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Guy, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 17.

**S. B. 684**, a bill exempting certain State employees from the requirement of paying a fee when they commute to work in a State car, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Guy, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Guy, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 17.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 707**, a bill to authorize a procedure for units of government to borrow money up to one-half percent of the appraised value of property subject to taxation, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

**S. B. 709**, a bill to amend the Constitution of North Carolina to repeal the authority of the General Assembly to authorize units of local government to contract debt without a vote of the people to the extent of two-thirds of net debt reduction in the preceding fiscal year and to substitute therefor authority to authorize such units to contract debt without a vote of the people to the extent of one-half percent of the appraised value of property subject to taxation by the unit, with a favorable report.

On motion of Senator Soles, the bill is re-referred to the **Finance Committee**.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 578**, a bill to amend G. S. 143-138(h), with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 17.

**S. B. 598**, a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 598** (Committee Substitute), a bill to provide that the claims against decedents' estates may be presented by registered or certified mail, return receipt requested, or by delivery to the Clerk of Court for filing, is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 17.

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices and to further clarify when continuances may be granted in civil and criminal proceedings, with a favorable report, as amended.

On motion of Senator Staton, the bill is placed on the Calendar for Wednesday, June 19.

By Senator Winner for the **Education Committee**:

**S. B. 690**, a bill to continue the School Finance Pilot Project, with a favorable report.

**H. B. 97**, to permit local school boards to enter into certain lease purchase contracts, with a favorable report.

**H. B. 746**, a bill to provide a procedure for obtaining candidates for membership on nonpartisan county boards of education, with a favorable report.

**H. B. 849**, a bill to provide that failure to take the oath of office as a member of a local board of education by the first Monday in December does not create a vacancy, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 746**, a bill to make a violation of the child restraint laws an infraction, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, June 17.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Walker:

**S. B. 815**, a bill directing the Legislative Services Commission to study the feasibility and cost of creating a centralized Statewide voter registration file.

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

By Senators Ward and Kaplan:

**S. B. 816**, a bill to provide funds for the use of Old Salem.  
Referred to **Appropriations Committee**.

By Senators Ward and Kaplan:

**S. B. 817**, a bill concerning community action.  
Referred to **Appropriations Committee**.

By Senators Swain and Winner:

**S. B. 818**, a bill to appropriate funds to develop a State park on Lake James.  
Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 513**, a bill to give notice to agencies of motions to open adoption records.  
Referred to **Children and Youth Committee**.

**H. B. 895** (Committee Substitute), a bill to validate the appointments that have already been made by boards of county commissioners and local boards of education of their own members to boards of trustees of community colleges, but to forbid further such appointments by boards of county commissioners.  
Referred to **Higher Education Committee**.

**H. B. 1008** (Committee Substitute), a bill to amend the North Carolina Manufactured Housing Board Act and to make the terminology regarding manufactured housing consistent throughout the General Statutes.  
Referred to **Judiciary IV Committee**.

**H. B. 1215**, a bill to define kerosene in accordance with standards adopted by the Gasoline and Oil Inspection Board.  
Referred to **Judiciary III Committee**.

**H. B. 606** (Committee Substitute), a bill to authorize Wake County and the City of Raleigh to levy occupancy taxes.  
Referred to **Finance Committee**.

**H. B. 961**, a bill to amend, subject to the approval of the electorate, Article V of the Constitution of North Carolina to authorize the issuance of revenue bonds to finance and refinance higher education facilities owned by nonprofit corporations.  
Referred to **Finance Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 661** (Committee Substitute), a bill to incorporate the Village of Sugar Mountain, subject to a referendum, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell,



Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H. B. 683** (Committee Substitute), a bill to incorporate the Town of Cooleemee in Davie County subject to an election, as amended, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 238** (Committee Substitute), a bill to amend the Charter of the City of Raleigh and to exercise eminent domain powers for open space, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—48.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 344** (Committee Substitute), a bill to provide for the incorporation of the Village of Colfax, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 43, noes 6, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Thomas of Craven, Thomas of Henderson, Walker, Williams, Winner, and Woodard—43.

Voting in the negative: Senators Kaplan, Rand, Tally, Ward, Warren, and Watt—6.

On motion of Senator Martin of Guilford, the Committee Substitute bill is placed on the Calendar for Tuesday, June 18, for further consideration upon third reading.

**H. B. 425**, a bill to permit Wayne County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes.

Senator Thomas of Henderson offers Amendment No. 1.

On motion of Senator Thomas of Henderson, consideration of the bill, with Amendment No. 1 pending, is postponed until Tuesday, June 18.

**H. B. 951**, a bill to clarify the extent to which the duties of a board of adjustment may be assigned to a planning agency, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 1002**, a bill to clarify the duties of emergency vehicles at red lights, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—48.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 206** (Committee Substitute), a bill to reduce the fee rate for administration of estates and to set a maximum cumulative fee, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

On motion of Senator Rauch, consideration of the Committee Substitute bill, as amended, is postponed until Thursday, June 20.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 1257**, a joint resolution honoring the life and memory of Herbert W. Sampsel.

On motion of Senator Redman, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

## CALENDAR (Continued)

**S. B. 78**, a bill to reduce the fee rate for administration of estates.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

On motion of Senator Winner, the bill, as amended, is ordered engrossed and referred to the **Finance Committee**.

**S. B. 453**, a bill to clarify court costs for foreclosure under a power of sale.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 460**, a bill to classify property owned by a nonprofit residential retirement center and exclude this property from taxation.

On motion of Senator Plyler, the bill is re-referred to the **Ways and Means Committee**.

**S. B. 546**, a bill to provide that sales territories designated by an agreement between a wholesaler and a winery are exclusive.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rauch to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 548**, a bill to incorporate technical amendments into the Private Protective Services Act.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 549**, a bill to provide that the Morehead City Navigation and Pilotage Commission may regulate the piloting of shipping from Morehead City to Aurora.

On motion of Senator Thomas of Craven, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 579**, a bill to provide that an application for use value continue in effect until the property is transferred or becomes otherwise ineligible for use-value classification.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. J. R. 722**, a joint resolution honoring the life and memory of Herbert W. Sampsel.

On motion of Senator Redman, consideration of the joint resolution is postponed until Friday, June 14.

**S. B. 799**, a bill to require the basis of property for individual income tax purposes to be reduced by the amount of a federal investment tax credit allowed for the property, and to allow an additional depreciation deduction for the reduction in basis.

On motion of Senator Rauch, the bill is recommitted to the **Finance Committee**.

**H. B. 300**, a bill to permit ordained or licensed clergymen to be considered self-employed for tax withholding purposes instead of an employee of a church.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 848**, a bill to change the manner of appointment and organization of the Commission on the Bicentennial of the United States Constitution.



The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1222**, a bill to transfer title to certain land from the State of North Carolina to the Town of Andrews.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 320** (House Committee Substitute), a bill to allow the Secretary of Human Resources to adopt rules on damage or theft of personal property belonging to employees, volunteers, and clients in institutions of the Department of Human Resources, for concurrence in the House Committee Substitute bill.

On motion of Senator Hardison, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the bill is ordered enrolled.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 821**

HOUSE OF REPRESENTATIVES  
June 13, 1985

*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. 821, A BILL TO BE ENTITLED AN ACT TO BAN THE ADDITION OF SULFITING AGENTS TO CERTAIN FOODS**, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

### INTRODUCTION OF BILLS AND RESOLUTIONS

**S. B. 309**, a bill to permit the Alcoholic Beverage Commission to issue permits to establishments on federal property on the Blue Ridge Parkway.

On motion of Senator Higgs, the bill, heretofore ordered held in filed status, is read the first time and referred to the **Local Government and Regional Affairs Committee**.

### CALENDAR (Continued)

**S. B. 259** (Committee Substitute), a bill concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, and a civic center authority, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Higgs, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer,

Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

### CONFERENCE REPORT

#### H. B. 821

Senator Thomas of Henderson for the Conferees appointed to consider the differences arising between the Senate and the House of Representatives upon **H. B. 821**, a bill to be entitled an act to ban the addition of sulfiting agents to certain foods, submits the following Conference Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H. B. 821, A BILL TO BE ENTITLED AN ACT TO BAN THE ADDITION OF SULFITING AGENTS TO CERTAIN FOODS**, wish to report as follows:

The Senate recedes from Senate Amendment #2. The House concurs in Senate Amendment #3.

To this end the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of June 1985.

S/ R. P. THOMAS  
S/ HELEN MARVIN  
S/ WANDA H. HUNT  
*Conferees on the part  
of the Senate*

S/ WALTER B. JONES, JR.  
S/ DANIEL T. LILLEY  
S/ ED WARREN  
*Conferees on the part  
of the House of Representatives*

On motion of Senator Thomas of Henderson, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### RECOMMITTANCE

**S. B. 689** (Committee Substitute), a bill to establish a penalty for taking bald eagles or golden eagles.

Senator Johnson of Wake moves that the vote by which the Committee Substitute bill was adopted be reconsidered, which motion prevails.

The Chair rules the Committee Substitute bill is not germane to the original bill.

On motion of Senator Johnson of Wake, and without objection, the original bill is taken from the table and recommitted to the **Judiciary III Committee** with the proposed Committee Substitute bill.

On motion of Senator Harrington, seconded by Senator McDuffie, the Senate adjourns to meet tomorrow, Friday, June 14, at 10:00 A.M.

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### NINETY-FOURTH DAY

SENATE CHAMBER,  
Friday, June 14, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. W. D. Morris, Pastor, Early's Baptist Church, Ahoskie, as follows:

"Eternal God, we thank You for the privilege of being in Thy presence and in the midst of this distinguished Body of men and women. We pray, Dear Father, that Thou wouldst help us to realize that we now stand from the marshes of glen to the majestic mountains of the Blue Ridge; we stand in unity for one purpose, and that is to do the will of Him who sent us.

"We realize, Dear God, that each word that we speak and each word that we fitly write are as apples of gold and baskets of silver.

"We stand together this morning in the midst of a group of people that are here to give us guidelines as to how to live and what to do, and so we pray that Thou wouldst bless this Body of men and women today. Guide them in their thinking, use them in their rhetoric, help them, Dear God, to steer us along life's way that would cause things to be better and people to be happier.

"For we ask it in Jesus' name and for Jesus' sake. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Cobb for today.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Jordan for the **Manufacturing and Labor Committee**:

**S. B. 538**, a bill to clarify Chapter 97 of the General Statutes with respect to apportionment in workers' compensation cases, with a favorable report, as amended.

On motion of Senator Jordan, the bill is placed on the Calendar for Tuesday, June 18.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:



**S. B. 622**, a bill authorizing the issuance of State park and recreation area bonds, subject to approval by the voters in a referendum on the issue, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Finance Committee**.

**H. B. 432**, a bill to regulate hunting on the lands of another in Hyde County, with a favorable report.

**H. B. 634**, a bill to repeal the prohibition against using bait to hunt big game in Pender County, with a favorable report.

**H. B. 693**, a bill to prohibit taking bear with bait, with a favorable report.

**H. B. 1110**, a bill to license the propagation of furbearers and foxes in captivity and the sale of the pelts thereof for use as fur, with a favorable report.

On motion of Senator Tally, the bill is re-referred to the **Finance Committee**.

**H. B. 1221**, a bill providing for the orderly transition of the Farm Pond Fishery Program from federal to State administration, with a favorable report.

**H. B. 523**, a bill to prohibit the discharge of firearms from public roads in Greene County, with a favorable report, as amended.

**H. B. 628**, a bill to make amendments in the statute regarding ocean piers and trash fishing, with a favorable report, as amended.

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. J. R. 342**, a joint resolution honoring the life and memory of Clyde Nolan, "Mr. Democrat," with a favorable report.

By Senator Rand for the **Select Committee on Board of Community Colleges**:

**H. J. R. 1352**, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges, with a favorable report.

On motion of Senator Rand, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 190**, an act to amend the Charter of the City of Charlotte relating to the lease of property. (Ch. 388)

**S. B. 277**, an act to permit the Town of Kill Devil Hills to regulate building construction to prevent fire hazards. (Ch. 389)

**S. B. 280**, an act authorizing the qualified voters of the Town of Beech Mountain to determine whether mixed beverages may be sold in that Town. (Ch. 390)

**H. B. 773**, an act to extend the crime of defrauding an innkeeper to include campground owners. (Ch. 391)

**H. B. 743** (Committee Substitute), an act to require reporting of missing children in day care to law enforcement. (Ch. 392)

**S. B. 320**, an act to allow the Secretary of Human Resources to adopt rules on damage or theft of personal property belonging to employees, volunteers, and clients in institutions of the Department of Human Resources. (Ch. 393)

**H. B. 300**, an act to permit ordained or licensed clergymen to be considered self-employed for tax withholding purposes instead of an employee of a church. (Ch. 394)

**H. B. 661** (Committee Substitute), an act to incorporate the Village of Sugar Mountain, subject to a referendum. (Ch. 395)

**H. B. 848**, an act to change the manner of appointment and organization of the Commission on the Bicentennial of the United States Constitution. (Ch. 396)

**H. B. 951**, an act to clarify the extent to which the duties of a board of adjustment may be assigned to a planning agency. (Ch. 397)

**H. B. 1222**, an act to transfer title to certain land from the State of North Carolina to the Town of Andrews. (Ch. 398)

**H. B. 821**, an act to ban the additions of sulfiting agents to certain foods. (Ch. 399)

**H. J. R. 1257**, a joint resolution honoring the life and memory of Herbert W. Sampsel. (Res. 21)

#### RE-REFERRAL

**S. B. 344** (Committee Substitute), a bill to provide for the incorporation of the Village of Colfax.

On motion of Senator Ezzell, the Committee Substitute bill is taken from the Calendar for Tuesday, June 18, and recommitted to the **Local Government and Regional Affairs Committee**.

#### WITHDRAWAL FROM COMMITTEE

Senator Conder offers a motion to remove **S. B. 707**, a bill to authorize a procedure for units of government to borrow money up to one-half percent of the appraised value of property subject to taxation and **S. B. 709**, a bill to amend the Constitution of North Carolina to repeal the authority of the General Assembly to authorize units of local government to contract debt without a vote of the people to the extent of two-thirds of net debt reduction in the preceding fiscal year and to substitute therefor authority to authorize such units to contract debt without a vote of the people to the extent of one-half percent of the appraised value of property subject to taxation by the unit, from the **Finance Committee** and place the bills on the Calendar for Monday, June 17.

Senator Rauch, Co-Chairman of the **Finance Committee**, rises to a point of order stating that the bills belong in the **Finance Committee** citing Rule 42 of the Senate Rules.

The Chair sustains the point of order.

Senator Conder withdraws his motion.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Walker:

**S. B. 819**, a bill to appropriate funds for additional protective services worker positions at county departments of social services.

Referred to **Appropriations Committee**.

By Senators Woodard, Johnson of Wake, Speed, and Staton:

**S. B. 820**, a bill to appropriate funds to complete the restoration of Estey Hall.

Referred to **Appropriations Committee**.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 458**, a bill to authorize the City of Asheville to process local fair housing complaints.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 601** (Committee Substitute), a bill to create the Committee on Incentive Pay.

Referred to **Appropriations Committee**.

**H. B. 623** (Committee Substitute), a bill to authorize the Secretary of Human Resources to regulate traffic.

Referred to **Human Resources Committee**.

**H. B. 665** (Committee Substitute), a bill to amend Article VI and Chapter 108A regarding Protection of the Abused, Neglected or Exploited Disabled Adult Act.

Referred to **Human Resources Committee**.

**H. B. 1115**, a bill to authorize the Board of Agriculture to adopt requirements for apple grade standards.

Referred to **Agriculture Committee**.

**H. B. 1137**, a bill to allow qualified units of local governments to issue permits for the extension of sewer and water lines in lieu of State approval.

Referred to **Human Resources Committee**.

**H. B. 1183**, a bill to amend Chapter 7A, Articles 42 and 52, to provide for court review of the voluntary placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and the Director of Social Services.

Referred to **Children and Youth Committee**.

**H. B. 1212**, a bill to clarify parent responsibility for school fees and charges.

Referred to **Education Committee**.

**H. B. 1258**, a bill to permit qualified surety companies to guarantee arrest bond certificates offered by automobile clubs and associations; requiring the acceptance of



those guaranteed arrest bond certificates in the event of violation of certain motor vehicle laws; and to provide for the forfeiture of the guaranteed arrest bond certificates.

Referred to **Judiciary II Committee**.

**H. B. 1291**, a bill to amend the Chiropractic Law.

Referred to **Human Resources Committee**.

**H. B. 1305** (Committee Substitute), a bill to impose special probation for fourth and subsequent convictions of writing worthless checks.

Referred to **Judiciary III Committee**.

**H. B. 1359**, a bill to amend the law regarding the nomination of persons for the State Board of Community Colleges.

On motion of Senator Rand, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second reading (electronically recorded).

On objection of Senator Warren to its third reading, the bill remains on the Calendar for Monday, June 17, for further consideration upon third reading.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. J. R. 1352**, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges. (Res. 22)

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 238** (Committee Substitute), a bill to amend the Charter of the City of Raleigh and to exercise eminent domain powers for open space, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—41.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S. B. 346**, a bill amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects, upon second reading.

Senator Ward offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin,

Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: Senator Sawyer—1.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 926**, a bill to authorize counties to establish research and production service districts, upon second reading.

On motion of Senator Staton, consideration of the bill is postponed until Monday, June 17.

**S. B. 520**, a bill to authorize counties to establish research and production service districts, upon second reading.

On motion of Senator Staton, consideration of the bill is postponed until Monday, June 17.

**S. B. 716** (Committee Substitute), a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, and to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 4, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Guy, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Simpson, Smith, Soles, Speed, Staton, Swain, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—35.

Voting in the negative: Senators Goldston, Johnson of Cabarrus, Kincaid, and Sawyer—4.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 1074**, a bill to clarify and improve the procedures to collect restitution from criminal defendants and make other technical changes, upon second reading.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Warren, Watt, Williams, and Winner—40.

Voting in the negative: Senators Johnson of Cabarrus and Shaw—2.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 592**, a bill to permit Extension Service employees having dual employment to participate in the Teachers' and State Employees' Retirement System, prevent partial withdrawal, and permit Extension Service employees to restore partially withdrawn accounts.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 606**, a bill to amend G. S. 20-116 relating to the length of certain vehicles.

On motion of Senator Goldston, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 620** (Committee Substitute), a bill to amend the certificate of need law to permit the transfer or assignment of certain certificates of need.

Senator Speed offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 690**, a bill to continue the School Finance Pilot Project.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 720** (Committee Substitute), a bill to amend the pay out time and clarify the formula used to determine a distributive award made as an equitable distribution of marital property.

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

**S. J. R. 722**, a joint resolution honoring the life and memory of Herbert W. Sampsel.

On motion of Senator Redman, duly seconded, the joint resolution is postponed indefinitely.

**H. B. 97**, a bill to permit local school boards to enter into certain lease purchase contracts.

The bill passes its second reading (electronically recorded).

Senator Swain objects to the third reading of the bill.

On motion of Senator Swain, the bill remains on the Calendar for Wednesday, June 19, for further consideration upon third reading.

**H. B. 244**, a bill to make technical amendments in legislative retirement and health benefits.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 535**, a bill to permit State law enforcement officers to restore withdrawn contributions and creditable service, and to restore forfeited creditable service of wildlife protectors.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 593** (Committee Substitute), a bill to conform North Carolina limitations on tandem trailers and semitrailers with federal statutes and to make other changes.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Sawyer to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.



**H. B. 711**, a bill to conform State and local government retirement and pension payments to the requirements for the enforcement of child support and equitable distribution of marital property obligations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 715**, a bill to allow participants in the Optional Retirement Program of the University of North Carolina to become eligible for membership in the Supplemental Retirement Income Plan of North Carolina.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 746**, a bill to provide a procedure for obtaining candidates for membership on nonpartisan county boards of education.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure.

On motion of Senator Warren, consideration of the Committee Substitute bill is postponed until Tuesday, June 18.

**H. B. 837** (Senate Committee Substitute), a bill to make further technical changes in the election laws.

On motion of Senator Kaplan, consideration of the Senate Committee Substitute bill is postponed until Monday, June 17.

**H. B. 849**, a bill to provide that failure to take the oath of office as a member of a local board of education by the first Monday in December does not create a vacancy.

The bill passes its second and third readings (electronically recorded) and is ordered enrolled.

**H. B. 901** a bill to amend G. S. 28A-15-1(c) to provide that general language in a will granting a personal representative a power of sale is sufficient to eliminate the necessity of a special proceeding under Article 17 of Chapter 28A as recommended by the General Statutes Commission.

The bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 1009**, a bill to amend the Charitable Remainder Trusts Administration Act.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1266**, a bill to permit a member of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase membership service credits for omitted contributions.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 546**, a bill to provide that sales territories designated by an agreement between a wholesaler and a winery are exclusive, as amended, upon third reading.

Senator Martin of Guilford offers Amendment No. 2. Senator Swain, seconded by Senator Hardison, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 2 lies upon the table.

Senator Rauch offers Amendment No. 3, which he subsequently withdraws.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**S. B. 310** (House Committee Substitute), a bill to authorize temporary custody of absconding juveniles by the Joint Security Force outside territory, for concurrence in the House Committee Substitute bill.

On motion of Senator Swain, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the House Committee Substitute bill is ordered enrolled.

**S. B. 393** (Committee Substitute), a bill to clarify the jurisdiction of grand juries, for concurrence in House Amendment No. 1.

Senator Swain moves that the Senate do not concur in House Amendment No. 1 and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Taft, Staton, and Johnson of Wake as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**S. B. 259** (Committee Substitute), a bill concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, and a civic center authority, upon third reading.

Senator Redman offers Amendment No. 1, changing the title to read, **S. B. 259** (Committee Substitute), a bill concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, Statesville school elections, and a civic center authority, which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 1, as follows:

Voting in the affirmative: Senators Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—39.

Voting in the negative: Senator Jordan—1.

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

On motion of Senator Harrington, seconded by Senator Sawyer, the Senate adjourns to meet Monday, June 17, at 7:00 P.M.

## NINETY-FIFTH DAY

SENATE CHAMBER,  
Monday, June 17, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Father Joseph Waters, Pastor, St. Phillips Catholic Church, Statesville, as follows:

"Dear God, it is a tribute to the faith and good will of our legislators that they lift their minds and hearts to You in prayer before continuing their deliberations this evening. We who are visitors wish to join our voices with theirs in praise to You and give honor and glory to Your Name.

"As Creator of the universe, You have given order and law to all things. To human beings You have placed all at their disposition. To maintain order in all things, You have written a law in our hearts to guide us to preserve love and respect for one another.

"Nonetheless, we are an imperfect, disunited people with problems that must be reconciled, in order that peace might reign in ourselves, in our communities, and in our State.

"We ask that these representatives of Your people be guided by Your Holy Spirit. Give them wisdom that they might be able to aid all their constituents to live in justice and harmony one with another.

"We thank You, Lord, for the work that they have accomplished under Your guidance, and ask Your continued presence and direction in all that they do.

"You, O God, are the One Who helps us to persevere in good works and thereby fulfill Your Holy Will; to You be glory forever and ever. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Winner for tonight and tomorrow, Tuesday, June 18.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

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

**S. B. 608** (Committee Substitute), a bill to define infractions and to provide a procedure for the dispositions of infractions, with a favorable report.

**S. B. 644**, a bill to continue certain sales and use tax refunds to air carriers after airline deregulation, with a favorable report.



**S. B. 740**, a bill to provide an alternate procedure for holding good faith deposits with the State Treasurer, with a favorable report.

**S. B. 796**, a bill to repeal the special fuels tax exemption for methanol and to provide for the collection of the motor fuel inspection fee on liquid fuels that are not petroleum-based, with a favorable report.

**H. B. 995**, a bill to allow counties in creating ambulance and rescue squad service districts to limit the tax rate in that district, with a favorable report.

**H. B. 1148**, a bill authorizing lake authorities to obtain refunds of State and local sales and use taxes, with a favorable report.

**S. B. 691**, (Committee Substitute), a bill to incorporate certain changes into the Alarm Systems Licensing Act, with a favorable report, as amended.

**H. B. 1145**, a bill to exempt benefits paid by the North Carolina Highway Patrol Voluntary Pledge Fund from income tax and inheritance tax, with a favorable report, as amended.

**S. B. 587**, a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 19.

**S. B. 663**, a bill to impose sales tax on all property sold at flea markets and to require all persons who sell property at flea markets to display their sales tax licenses, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 663** (Committee Substitute), a bill to impose sales tax on all property sold at flea markets, to require all persons who sell property at flea markets to display their sales tax licenses, and to require persons who sell at flea markets to furnish evidence to the lessor of the market that they are registered for sales tax purposes, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 19.

**S. B. 764**, a bill to equalize the property tax burden on an annual basis, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 764** (Committee Substitute), a bill to equalize the property tax burden, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 19.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 405**, a bill to amend Chapter 83A regarding architects, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 19.

By Senator Rand for the **Select Committee on Board of Community Colleges:**

The Senate Select Committee on Board of Community Colleges met June 13, 1985, and a majority of the members being present nominated the following to be considered for election by the Senate on June 18, 1985:

Mr. Wayne Peterson  
Dr. Margaret Stewart  
Mrs. Barbara K. Allen  
Mr. William C. Beard, Jr.

The two nominees elected by the Senate will each serve a term of six years, beginning July 1, 1985, and expiring June 30, 1991.

The Chair orders the slate of nominees placed on the Calendar for Tuesday, June 18, pursuant to **H. J. R. 1352**, a joint resolution setting the date for the House of Representatives and Senate to elect members of the State Board of Community Colleges.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Walker and Hunt of Moore:

**S. B. 821**, a bill to appropriate funds for a Chaplain for Randolph Prison.  
Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 414** (Committee Substitute), a bill to provide that an order of seizure and delivery for property purchased under a conditional sale contract or for property used as collateral expires in sixty days.

Referred to **Judiciary I Committee**.

**H. B. 456** (Committee Substitute), a bill to increase educational requirements for licensing of fire and casualty and life insurance agents and to require insurance companies to give agents 180 days notice before cancelling an agency contract.

Referred to **Insurance Committee**.

**H. B. 536** (Committee Substitute), a bill to protect consumers in North Carolina by providing for placement of insurance with financially sound nonadmitted insurers and for a system of regulation of surplus lines insurance.

Referred to **Insurance Committee**.

**H. B. 682**, a bill to provide for the incorporation of the Town of Yanceyville and the simultaneous dissolution of the Yanceyville Sanitary District.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 957** (Committee Substitute), a bill to require that ordinances restricting the speed of trains be filed with the Utilities Commission before becoming effective.

Referred to **Commerce Committee**.

**H. B. 1031** (Committee Substitute), a bill to provide that a divorced woman may resume the surname of a prior living husband if she has children who have that husband's surname.

Referred to **Judiciary III Committee**.

**H. B. 1066**, a bill to repeal the authorization of local school boards to allow consumption of malt beverages or unfortified wine on any property owned or leased by local boards of education.

Referred to **Education Committee**.

**H. B. 1081** (Committee Substitute), a bill to make credit insurers who refuse to pay claims liable for interest.

Referred to **Insurance Committee**.

**H. B. 1132** (Committee Substitute), a bill to make changes in the Certificate of Need Law.

Referred to **Human Resources Committee**.

**H. B. 1144**, a bill to clarify filing requirements for a claim of statutory lien by a subcontractor dealing with one other than the owner of the property.

Referred to **Judiciary II Committee**.

**H. B. 1223**, a bill clarifying that all species of marijuana are included in the schedule of controlled substances.

Referred to **Judiciary IV Committee**.

**H. B. 1367**, a bill to provide for a special election in the City of Fayetteville to conduct municipal elections.

Referred to **Local Government and Regional Affairs Committee**.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 244**, an act to make technical amendments in legislative retirement and health benefits. (Ch. 400)

**H. B. 535**, an act to permit State Law enforcement officers to restore withdrawn contributions and creditable service, and to restore forfeited creditable service of wildlife protectors. (Ch. 401)

**H. B. 711**, an act to conform State and local government retirement and pension payments to the requirements for the enforcement of child support and equitable distribution of marital property obligations. (Ch. 402)

**H. B. 715**, an act to allow participants in the Optional Retirement Program of the University of North Carolina to become eligible for membership in the Supplemental Retirement Income Plan of North Carolina. (Ch. 403)



**H. B. 746**, an act to provide a procedure for obtaining candidates for membership on nonpartisan county boards of education. (Ch. 404)

**H. B. 849**, an act to provide that failure to take the oath of office as a member of a local board of education by the first Monday in December does not create a vacancy. (Ch. 405)

**H. B. 1009**, an act to amend the Charitable Remainder Trusts Administration Act. (Ch. 406)

**H. B. 1266**, an act to permit a member of the Teachers' and State Employees' Retirement System and the Local Governmental Employees' Retirement System to purchase membership service credits for omitted contributions. (Ch. 407)

**S. B. 310** (House Committee Substitute), an act to authorize temporary custody of absconding juveniles by the Joint Security Force outside territory. (Ch. 408)

**S. B. 225** an act to change the grade levels at which certain tests are administered. (Ch. 409)

**S. B. 339**, an act clarifying the standing of the designated representative of county commissioners to bring actions under this Article. (Ch. 410)

**S. B. 378**, an act to clarify that defendants convicted of drug trafficking or conspiring to commit drug trafficking may not avoid the fines imposed for these offenses by serving an additional thirty days in prison. (Ch. 411)

**S. B. 391**, an act to improve the special education hearing process. (Ch. 412)

**S. B. 428**, an act to allow a supplier of special fuel who consigns fuel to a reseller to pay the excise tax on the fuel when it is sold by the reseller instead of when it is delivered to the reseller. (Ch. 413)

**S. B. 593** (Committee Substitute), an act to amend the General Statutes to provide that any action, suit or proceeding which relates to any bonds issued under Chapter 159B or to any security for said bonds must be tried in the Superior Court of Wake County. (Ch. 414)

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

### SPECIAL ORDER NO. 1

**S. J. R. 444** (Committee Substitute)

The hour having arrived for the consideration of Special Order of Business No. 1, the President of the Senate lays before the Senate Special Order No. 1, it being, **S. J. R. 444** (Committee Substitute), a joint resolution honoring the life and memory of Dr. Ellen Black Winston.

The Committee Substitute joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

## SPECIAL ORDER NO. 2

**S. J. R. 342**

The hour having arrived for the consideration of Special Order of Business No. 2, the President of the Senate lays before the Senate Special order No. 2, it being **S. J. R. 342**, a joint resolution honoring the life and memory of Clyde Nolan, "Mr. Democrat."

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

**S. B. 346**, a bill amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 38, noes 5, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Price, Rauch, Redman, Royall, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, and Woodard—38.

Voting in the negative: Senators Ballenger, Kincaid, McDuffie, Sawyer, and Somers—5.

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

**H. B. 432**, a bill to regulate hunting on the lands of another in Hyde County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 523**, a bill to prohibit the discharge of firearms from public roads in Greene County.

On motion of Senator Tally, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read, **H. B. 523**, a bill to prohibit the discharge of firearms from public roads in Greene and Nash County.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 634**, a bill to repeal the prohibition against using bait to hunt big game in Pender County.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 716** (Committee Substitute), a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, and to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 38, noes 4, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Jordan, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Shaw, Smith, Soles,

Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Warren, Watt, Williams, and Woodard—38.

Voting in the negative: Senators Johnson of Cabarrus, Kincaid, Sawyer, and Simpson—4.

The Committee Substitute bill is ordered sent to the House of Representatives.

**S. B. 684** (Committee Substitute), a bill exempting certain State employees from the requirement of paying a fee when they commute to work in a State car.

Without objection, the Chair orders the Committee Substitute bill recommitted to the **Appropriations Committee**.

**H. B. 1359**, a bill to amend the law regarding the nomination of persons for the State Board of Community Colleges, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, without objection, by special messenger.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 393**

HOUSE OF REPRESENTATIVES

June 14, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **S. B. 393**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE JURISDICTION OF GRAND JURIES, the Speaker has appointed as conferees on the part of the House, Representatives Pulley, Chairman; Hunter, and Evans to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

The President recognizes the following pages serving in the Senate this week: Claudia Esther Aldrich, Henderson; Lisa Michelle Anderson, Charlotte; Robert B. Ayscue, Jr., Cary; Paul Keith Baker, Fairmont; Clara Beatrice Bowron, Raleigh; Joseph Chadwick Burns, Raleigh; William Perry Cummings, Maxton; Sherrill Dunn, Raleigh; Michael Dean Gooden, Raleigh; Leigh Michele Harrington, Greenville; Betsy Hipps, Waynesville; Angela Michele Holleman, Fuquay-Varina; Scottie Marie Holloway, Raleigh; Tammy Lewis, Warrenton; Ralph Bryan McDaniel, Jr., Lumberton; April Renee Moore, Durham; Jack O'Kelley III, Burlington; Julie Anne Parks, Greenville; Ray Chappell Phillips, New Bern; David E. Reid III, Greenville; Everett E. Rouse, Jr., Kinston; Gregory Layne Sampson, Pembroke; Andre D. Smith, Raleigh; Leigh Ellen Sykes, Pink Hill; Deana Frances Vassar, Wake Forest; Warren Albert Williams, Benson; Jennifer Wing, Greenville; and Angela Paulette Wooten, Statesville.

On motion of Senator Harrington, seconded by Senator Johnson of Cabarrus, the Senate adjourns to meet tomorrow, Tuesday, June 18, at 1:30 P.M.



## NINETY-SIXTH DAY

SENATE CHAMBER,  
Tuesday, June 18, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend H. Sidney Huggins III, Pastor, Hay Street United Methodist Church, Fayetteville, as follows:

“Almighty God,

“Whose mercy is without measure and Whose goodness never fails, we praise Your Holy Name. We invoke Your Presence among us.

“Bless and sustain these elected representatives of Your people. Renew their strength of body and soul. In those times when their best efforts are thwarted or misrepresented, steady them with the awareness that He Who looks upon the heart will honor the person of integrity.

“O Lord, Fount of all wisdom, grant clarity of thought, evenness of temper, the ability to make sound decisions. Indeed, lead us to do our work so well that it will not have to be undone.

“Resensitize our consciences daily, O Lord, and develop within us that godly empathy that will be a constant advocate for the poor and those with little political clout.

“So work within us, our Father, that a climate shall be created and maintained where labor is rewarded, fear is dispelled, and honesty and justice are given the seats of honor. In Your Name we pray. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Barnes for today, June 18, through Friday, June 21, to accept an award for National Family of the Year at the White House.

Senator Winner is noted present for a portion of today's session, having previously been granted a leave of absence.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 37**, an act to increase the fees for the equipment inspection of motor vehicles. (Ch. 415)

**S. B. 136**, an act to clarify the confidentiality of education records. (Ch. 416)

**S. B. 207** (Committee Substitute), an act to amend G. S. 130A-315 of the Drinking Water Act to authorize regulations on adequacy of the water supply. (Ch. 417)

**S. B. 230** (Committee Substitute), an act to amend provisions concerning compensation of members of local Boards of Health and Boards of Social Services. (Ch. 418)

**S. B. 509**, an act to allow cumulative voting to elect corporate directors if there is a stockholder who owns or controls more than one fifth rather than one fourth of the voting stock. (Ch. 419)

**H. B. 432**, an act to regulate hunting on the lands of another in Hyde County. (Ch. 420)

**H. B. 634**, an act to repeal the prohibition against using bait to hunt big game in Pender County. (Ch. 421)

**H. B. 659**, an act to provide for an alternative eminent domain procedure for the City of Conover and the Town of Maiden and the City of Hickory. (Ch. 422)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Rauch:

**S. B. 822**, a bill to hold both licensed and unlicensed suppliers of special fuel liable for non-tax-paid fuel sold or delivered to unlicensed persons for highway use.

Referred to **Finance Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 906**, a bill to extend the time a member has to make contributions to the Teachers' and State Employees' Retirement System and to the Local Governmental Employees' Retirement System for the purchase of service credits for educational leave.

Referred to **Pensions and Retirement Committee**.

**H. B. 987**, a bill to provide judicial discretion for definite terms of commitment for certain acts by juveniles.

Referred to **Judiciary I Committee**.

**H. B. 1168**, a bill to provide for licensing of foreign military sales agents of life insurance companies domiciled in this State for life insurance business at foreign military installations.

Referred to **Insurance Committee**.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 975**

HOUSE OF REPRESENTATIVES  
June 18, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body requesting the return of

House Bill 975, AN ACT TO ALLOW COUNTIES TO CREATE LAW ENFORCEMENT SERVICE DISTRICTS, for further consideration by the House of Representatives.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Pursuant to the request and on motion of Senator Soles, the bill is taken from the **Judiciary IV Committee**, and ordered returned to the House of Representatives by special messenger for further consideration.

### ELECTION OF MEMBERS TO THE STATE BOARD OF COMMUNITY COLLEGES

Senator Rand for the **Select Committee on Board of Community Colleges of the Senate** submits the slate of nominees to be considered for election for a term of six years beginning July 1, 1985, and expiring June 30, 1991:

Mr. Wayne Peterson  
Dr. Margaret Stewart  
Mrs. Barbara K. Allen  
Mr. William C. Beard, Jr.

Senator Rand offers a motion that the vote by which the members are elected be by secret ballot, which motion prevails, and the Senate proceeds to vote.

The ballots are duly tabulated, and Senator Rand announces the nominations as follows:

Mr. Wayne Peterson  
Mrs. Barbara K. Allen

On motion of Senator Rand, Mr. Wayne Peterson and Mrs. Barbara K. Allen are elected to the State Board of Community Colleges for a term beginning July 1, 1985 and expiring June 30, 1991, by the following electronic vote:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—48.

Voting in the negative: None.

The President orders a special message sent to the House of Representatives informing that Honorable Body of such action.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**H. B. 436** (Committee Substitute), a bill to incorporate the Village of Clemmons in Forsyth County, subject to referendum, with a favorable report.



**H. B. 507**, a bill to amend the Town of Knightdale Charter to permit conditional use zoning, with a favorable report.

**H. B. 989**, a bill to provide for single audit implementation for local governments, with a favorable report.

**H. B. 489**, a bill to increase the number of members of the Winston-Salem/Forsyth County Board of Education from eight to nine members, and remove the limitation on reelection or reappointment of school board members, with a favorable report, as amended.

**S. B. 309**, a bill to permit the Alcoholic Beverage Commission to issue permits to establishments on federal property on the Blue Ridge Parkway, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 309** (Committee Substitute), a bill regarding the issuance of permits to restaurants on federal property on the Blue Ridge Parkway, is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 20.

**S. B. 344** (Committee Substitute), a bill to provide for the incorporation of the Village of Colfax, with an unfavorable report as to Committee Substitute bill No. 1, but favorable as to Committee Substitute bill No. 2.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill No. 2 is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Committee Substitute bill No. 2 is adopted, and on his further motion is placed on the Calendar for Thursday, June 20.

By Senator Hardison for the **Commerce Committee**:

**S. B. 73**, a bill to create the Motor Fuel Marketing Act in order to protect North Carolina's consumers against major oil company monopolies, and to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel in wholesale and retail trades, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hardison, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 73** (Committee Substitute), a bill to create the Motor Fuel Marketing Act in order to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel, is placed before the Senate for immediate consideration.

On motion of Senator Hardison, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, June 19.

By Senator Swain for the **Judiciary III Committee**:

**H. B. 887** (Committee Substitute), a bill to provide a statute of limitations for special or conditional use permit proceedings, with a favorable report.

**H. B. 1047**, a bill to provide for checking accounts of the clerks of superior court and for fees for the handling of funds by the clerks of superior court, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Finance Committee**.

**H. B. 938**, a bill to amend G. S. 143-295 to increase settlement authority of Attorney General in tort claims from five thousand dollars to ten thousand dollars, with a favorable report, as amended.

By Senator Speed for the **Agriculture Committee**:

**H. B. 762** (Committee Substitute), a bill to provide for franchise agreements between dealers engaged in the business of retailing farm, utility, and industrial implements, equipment, attachments, or repair parts, and wholesalers, manufacturers, or distributors of the products; to require repurchase of inventory from dealers upon termination of a contract; to provide procedures; to establish limitations, rights and civil liability relative to repurchase; to extend the right to require repurchase option to the heirs of dealers, and to provide warranty obligations, with a favorable report.

**H. B. 1115**, a bill to authorize the Board of Agriculture to adopt requirements for apple grade standards, with a favorable report.

**H. B. 1151**, a bill to allow milk producers to obtain liens for unpaid milk, with a favorable report.

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 540**, a bill to make clarifying amendments to the essential property insurance for beach area property act, with a favorable report.

**S. B. 591**, a bill to make clarifying amendments to the Fair Access to Insurance Requirements Act, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**S. B. 693**, a bill to allow the prosecution of the reputed father as well as the mother of an illegitimate child anytime before the child attains the age of eighteen years, with a favorable report.

On motion of Senator Staton, the bill is placed on the Calendar for Tuesday, June 25.

**H. B. 570**, a bill to eliminate county bonding requirements that have been superseded by law requiring State-furnished bonds for clerks, with a favorable report.

**S. B. 459**, a bill to increase the size of the Greensboro-High Point Airport Authority membership by two from the F.A.A. service area, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute, which changes the title to read, **S. B. 459** (Committee Substitute), a bill to increase the size of the Greensboro-High Point Airport Authority membership by two, is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 20.

### CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from June 17, are taken up and disposed of as follows:

**H. B. 1074**, a bill to clarify and improve the procedures to collect restitution from criminal defendants and make other technical changes, as amended, upon third reading.

Senator Sawyer offers Amendment No. 2.

Senator Harris, seconded by Senator Hardison, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 2 lies upon the table.

On motion of Senator Soles, further consideration of the bill, as amended, is postponed until Thursday, June 20.

**H. B. 926**, a bill to authorize counties to establish research and production service districts, upon second reading.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hips, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: Senator Hunt of Durham—1.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 520**, a bill to authorize counties to establish research and production service districts, upon second reading.

On motion of Senator Staton, consideration of the bill is postponed until Wednesday, June 19.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

HOUSE OF REPRESENTATIVES  
June 18, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has elected Mr. J. P. Huskins and Mr. Carl D. Totherow for a six-year term to the Board of Community Colleges, and Mr. Donald C. Eudy for a four-year term to the Board of Community Colleges.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

### CONFERENCE REPORT

**H. B. 87 (Committee Substitute)**

Senator Winner for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 87 (Committee Substitute)**, a



bill to clarify the law against carrying concealed weapons, submits the following Conference Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on HCS for H. B. 87 wish to report as follows: The Senate recedes from Amendment No. 2, and conferees agree that HCS for H. B. 87 be further amended as follows: "Section 2 is renumbered as Section 4, and a new Section 2 is added as follows:

'Sec. 2. G. S. 14-269 is further amended by adding a new subsection (c) as follows, and by redesignating the present subsection (c) as subsection (d):

"(c) It is a defense to a prosecution under this section that:

- (1) The weapon was not a firearm;
- (2) The defendant was engaged in, or on the way to or from, an activity in which he legitimately used the weapon;
- (3) The defendant possessed the weapon for that legitimate use; and
- (4) The defendant did not use or attempt to use the weapon for an illegal purpose.

The burden of proving this defense is on the defendant." ' "

A new Section 3 is added as follows: 'Sec. 3. G. S. 14-269(a) is further amended by adding immediately after the word "razor," the words "shurikin, stun gun."'

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report. This the day of June, 1985.

S/ ROBERT S. SWAIN  
S/ DENNIS J. WINNER

S/ JOE HACKNEY  
S/ DANIEL H. DEVANE  
S/ DENNIS A. WICKER  
*Conferees on the part of the  
House of Representatives*

*Conferees on the  
part of the Senate*

On motion of Senator Winner, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### CALENDAR (Continued)

**S. B. 243** (Committee Substitute), a bill to improve the law regarding endangered children.

Senator Hipps offers Amendment No. 1.

Senator Rand, Co-Chairman of **Appropriations, Base Budget Committee**, requests a fiscal note, citing Rule 42.1.

The Chair orders Amendment No. 1 read, held, and placed with the Committee Substitute bill on the Calendar for Thursday, June 20, for receipt of a fiscal note.

**S. B. 578** (Committee Substitute), a bill to amend G. S. 143-138(h).

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

**S. B. 598** (Committee Substitute), a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, or by delivery to the Clerk of Court for filing.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 635** (Committee Substitute), a bill to create a new chapter of the General Statutes concerning military affairs and to regulate military property sales facilities and discrimination against military members.

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

**S. B. 746**, a bill to make a violation of the child restraint laws an infraction.

The Committee Substitute bill fails to pass its second reading (electronically recorded).

**H. B. 628**, a bill to make amendments in the statute regarding ocean piers and trash fishing.

On motion of Senator Basnight, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 693**, a bill to prohibit taking bear with bait.

The bill passes its second reading (electronically recorded).

On objection of Senator Thomas of Henderson to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 837** (Senate Committee Substitute), a bill to make further technical changes in the election laws.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 1221**, a bill providing for the orderly transition of the Farm Pond Fishery Program from federal to State administration.

Senator Redman offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 593** (Committee Substitute), a bill to conform North Carolina limitations on tandem trailers and semitrailers with federal statutes and to make other changes, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

**H. B. 901**, a bill to amend G. S. 28A-15-1(c) to provide that general language in a will granting a personal representative a power of sale is sufficient to eliminate the necessity of a special proceeding under Article 17 of Chapter 28A as recommended by the General Statutes Commission, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

**H. B. 425**, a bill to permit Wayne County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes, with Amendment No. 1 pending.

Without objection, Amendment No. 1, offered by Senator Thomas of Henderson, is withdrawn.

Senator Thomas of Henderson offers Amendment No. 2, changing the title, upon concurrence, to read, **H. B. 425**, a bill to permit Alamance, Ashe, Bladen, Brunswick, Buncombe, Burke, Caldwell, Caswell, Cleveland, Cumberland, Davidson, Davie, Gaston, Guilford, Henderson, Jackson, Lincoln, New Hanover, Pender, Rockingham, Rowan, Rutherford, Surry, and Wayne Counties and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes, which is adopted (electronically recorded).

Senator Ezzell offers a motion to remove the bill from today's Calendar and re-refer it to the **Judiciary II Committee**, which motion fails to prevail (electronically recorded).

The Chair rules Amendment No. 2 makes the bill public and is held to be material, which adoption constitutes the first reading of the bill.

The bill, as amended, remains on the Calendar for June 19, upon second reading.

**H. B. 995**, a bill to allow counties in creating ambulance and rescue squad service districts to limit the tax rate in that district, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Plyler, Price, Rand, Rauch, Royall, Sawyer, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 538**, a bill to clarify Chapter 97 of the General Statutes with respect to apportionment in workers' compensation cases.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

Without objection, Senator Rauch is excused from voting for the following reason: "G. S. 120-88."

Senator Johnson of Wake offers a motion that the bill be removed from today's Calendar and re-referred to the **Judiciary III Committee**.

Senator Harris offers a substitute motion that the bill be removed from today's Calendar and re-referred to the **Human Resources Committee**.

Senator Swain offers a second substitute motion that the bill be re-referred to the **Judiciary IV Committee**.

The Chair rules that no additional substitute motions will be accepted.

The motion of Senator Swain prevails (electronically recorded), and the bill, as amended, is re-referred to the **Judiciary IV Committee**.

**S. B. 586**, a bill to amend Section 75-16 of the North Carolina General Statutes to limit the award of treble damages for violations of Section 75-1.1.

On motion of Senator Rand, consideration of the bill is postponed until Thursday, June 20.

**S. B. 608** (Committee Substitute), a bill to define infractions and to provide a procedure for the dispositions of infractions.



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

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten day revocation procedure.

On motion of Senator Warren, consideration of the bill is postponed until Tuesday, June 25.

On motion of Senator Harrington, seconded by Senator Somers, the Senate adjourns to meet tomorrow, Wednesday, June 19, at 1:30 P.M.

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### NINETY-SEVENTH DAY

SENATE CHAMBER,  
Wednesday, June 19, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Ernest C. Upchurch, Retired, Baptist State Convention, Raleigh, as follows:

“Almighty God, our Heavenly Father, the God of Abraham, Isaac, Jacob, Moses, the prophets, the Lord Jesus Christ, and all the redeemed of Thine, we invoke Thy blessings upon this Assembly.

“As we await in Thy presence, fill our minds with the spirit of wisdom, charity, and justice in fulfilling our responsibility to Thee and our fellowman. May the legislative actions of this day honor Thee and maintain in our State freedom and rightness for all people. Bless Thy servants of the Senate as they render their service to Thee and promote the well-being of all the people of North Carolina.

“We invoke these blessings in the Name of Jesus Christ our Lord. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Martin of Pitt for today. A leave of absence granted previously to Senator Barnes is noted.

The President extends courtesies of the gallery to James Garrison, former Senator from Stanly County, and to James Turner, former Senator from Guilford County.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 593** (Committee Substitute), an act to conform North Carolina limitations on tandem trailers and semitrailers with federal statutes and to make other changes. (Ch. 423)

**H. B. 683** (Committee Substitute), an act to incorporate the Town of Cooleemee in Davie County subject to an election. (Ch. 424)

**H. B. 894** (Senate Committee Substitute), an act to permit the annual conference of chief judges to determine which alcohol offenses are submittable and granting authority to chief district judges, clerks of court and magistrates to handle such alcohol offenses. (Ch. 425)

**H. B. 901**, an act to amend G. S. 28A-15-1(c) to provide that general language in a will granting a personal representative a power of sale is sufficient to eliminate the necessity of a special proceeding under Article 17 of Chapter 28A as recommended by the General Statutes Commission. (Ch. 426)

**H. B. 1002**, an act to clarify the duties of emergency vehicles at red lights. (Ch. 427)

**H. B. 1359**, an act to amend the law regarding the nomination of persons for the State Board of Community Colleges. (Ch. 428)

**S. J. R. 444** (Committee Substitute), a joint resolution honoring the life and memory of Dr. Ellen Black Winston. (Res. 23)

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

**S. B. 573**, a bill to authorize the Legislative Research Commission to study the advisability of allowing commercial laboratories in North Carolina to perform certain laboratory analysis services without competition from the Department of Human Resources, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

**S. B. 780**, a bill to create a special legislative study commission to study the feasibility of closing training schools, and related issues, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

**S. B. 802**, a bill to authorize the Legislative Research Commission to study child protection and related children's issues, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

**S. B. 806**, a bill to establish an interstate legislative commission to study the uses of the Chowan River, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee.**

**S. B. 812**, a bill to authorize the Legislative Research Commission to study the need for initiating or strengthening school advisory councils in North Carolina, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**S. B. 815**, a bill directing the Legislative Services Commission to study the feasibility and cost of creating a centralized Statewide voter registration file, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**H. J. R. 1034**, a joint resolution honoring the life and memory of William Attmore and requesting the convening of the 1987 General Assembly in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro, with an unfavorable report as to joint resolution, but favorable as to Senate Committee Substitute joint resolution.

On motion of Senator Harrington, the rules are suspended and the Senate Committee Substitute joint resolution which changes the title to read, **H. J. R. 1034** (Senate Committee Substitute), a joint resolution requesting that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro, is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Senate Committee Substitute joint resolution is adopted, and on his further motion is placed on the Calendar for Thursday, June 20.

By Senator Guy for the **State Government Committee**:

**H. B. 94** (Committee Substitute No. 2), a bill to further define the appropriate political activity of State employees, with a favorable report.

**S. B. 106**, a bill to authorize appeal of Personnel Commission decisions awarding attorney fees in grievance proceedings, with a favorable report.

**S. B. 125**, a bill to provide that false information in State employees' files shall be destroyed, with a favorable report.

By Senator Harris for the **Human Resources Committee**:

**S. B. 698**, a bill to establish the Self-Reliance Pilot Project, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

**H. B. 133** (Committee Substitute), a bill to modify the Certificate of Need Law for life care facilities, with a favorable report.

**H. B. 639** (Committee Substitute), a bill concerning registration to manufacture, distribute, or possess controlled substances and treatment for drug dependence, with a favorable report.

**H. B. 372** (Committee Substitute), a bill to amend G. S. 130A-5 to authorize the Secretary to review and examine privileged patient medical records and to declare all



privileged patient medical records in the possession of the Department of Human Resources and local health departments to be confidential, with a favorable report, as amended.

By Senator Johnson for the **Insurance Committee**:

**S. B. 738**, a bill to improve the regulation of insurance by making technical improvements and increasing fees and penalties, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Johnson of Wake, the Committee Substitute bill is adopted and on his further motion is placed on the Calendar for Tuesday, June 25.

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 376**, a bill to amend the definition of sales price for purposes of determining sales tax due on items sold in vending machines, with a favorable report.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Ways and Means Committee**.

**S. B. 727**, a bill to increase the reimbursement to the Department of Revenue for expenses incurred in collecting assessments on primary forest products, with a favorable report.

**H. B. 272**, a bill to increase certain fees collected by the Board of Mortuary Science, with a favorable report.

**H. B. 532**, a bill to authorize Dare County to levy an occupancy tax, with a favorable report.

**H. B. 592** (Committee Substitute), a bill to require a fee from all persons participating in court ordered community service, with a favorable report.

**H. B. 636** (Committee Substitute), a bill to make changes to the Community Service Parole Program, with a favorable report.

**H. B. 664**, a bill to amend Chapter 965 of the 1977 Session Laws by extending the effective date, with a favorable report.

**H. B. 684**, a bill to add a new Article 17 to Chapter 20 of the General Statutes and make other necessary changes in Chapter 20 and Chapter 62, with a favorable report.

**H. B. 936**, a bill to allow estates to obtain the full benefit of the deduction for interest paid with respect to deferred installments of federal estate tax, with a favorable report.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Ways and Means Committee**.

**H. B. 1005**, a bill to conform payments of North Carolina estimated tax penalties for individuals to federal estimated tax payment penalties, with a favorable report.

**H. B. 1041**, a bill regarding the establishment of fees for the erection and maintenance of logo signs, with a favorable report.

**H. B. 1110**, a bill to license the propagation of furbearers and foxes in captivity and the sale of the pelts thereof for use as fur, with a favorable report.

**H. B. 1174**, a bill to provide a personal income tax exemption for taxpayers whose dependents have Down's Syndrome, with a favorable report.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Ways and Means Committee**.

**H. B. 1213**, a bill to conform the North Carolina income tax treatment of alimony payments and property transfers made incident to divorce to the tax treatment afforded by federal law, with a favorable report.

**H. B. 1320**, a bill to amend G. S. Chapter 131C governing the solicitation of funds for charitable purposes, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

**S. B. 823**, a bill to appropriate funds for the Cabarrus Arts Council, Inc.  
Referred to **Appropriations Committee**.

By Senators Thomas of Craven and Basnight:

**S. B. 824**, a bill to appropriate funds for a mini-rest area for the motoring public at the Cedar Island Ferry Terminal.  
Referred to **Appropriations Committee**.

By Senators Thomas of Craven and Basnight:

**S. B. 825**, a bill to appropriate funds for improvements for the Ocracoke Island Ferry facility.  
Referred to **Appropriations Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 377**, a bill to be known as The North Carolina Condominium Act as recommended by the General Statutes Commission.  
Referred to **Judiciary II Committee**.

**H. B. 1179** (Committee Substitute), a bill to provide for voter registration of misdemeanants while incarcerated.  
Referred to **Election Laws Committee**.

**H. B. 1208**, a bill to amend G. S. 159-83 of the State and Local Government Revenue Bond Act relating to seaports and airports.  
Referred to **Finance Committee**.

**H. B. 1282** (Committee Substitute), a bill to amend Article 17B of Chapter 58 of the

General Statutes so as to clarify and reform the laws pertaining to the North Carolina Insurance Guaranty Association.

Referred to **Insurance Committee**.

**S. B. 32** (House Committee Substitute No. 2), a bill to permit enforcement of alimony judgments while on appeal, for concurrence in House Committee Substitute bill No. 2 which is recommitted to the **Judiciary IV Committee**.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 222**

(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES

June 18, 1985

*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 House Committee Substitute 222, A BILL TO BE ENTITLED AN ACT TO PROVIDE BROAD-BASED TAX RELIEF TO NORTH CAROLINA CITIZENS.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

### CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from June 18, are taken up and disposed of as follows:

**S. B. 644**, a bill to continue certain sales and use tax refunds to air carriers after airline deregulation.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 691** (Committee Substitute), a bill to incorporate certain changes into the Alarm Systems Licensing Act.

On motion of Senator Thomas of Henderson, Committee Amendment No. 1 is adopted, held to be material, constituting the first reading of the Committee Substitute bill.

The Chair rules the Committee Substitute bill requires a call of the roll.

The Committee Substitute bill, as amended, is placed on the Calendar for tomorrow upon second reading roll call.

**S. B. 740**, a bill to provide an alternate procedure for holding good faith deposits with the State Treasurer.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 1145**, a bill to exempt benefits paid by the North Carolina Highway Patrol Voluntary Pledge Fund from income tax and inheritance tax.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted, changing the title upon concurrence to read, **H. B. 1145**, a bill to exempt benefits, paid from voluntary pledges by the North Carolina Highway Patrol, from income tax and inheritance tax.



The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1148**, a bill authorizing lake authorities to obtain refunds of State and local sales and use taxes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 221**, a bill to authorize Wake County to exercise the power of eminent domain under G. S. 40A-42(a) to acquire property for public safety and other facilities, upon second reading.

On motion of Senator Staton, consideration of the bill is postponed until Monday, June 24.

**H. B. 436** (Committee Substitute), a bill to incorporate the Village of Clemmons in Forsyth County, subject to referendum, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Redman, Royall, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—39.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 489**, a bill to increase the number of members of the Winston-Salem/Forsyth County Board of Education from eight to nine members, and remove the limitation on reelection or reappointment of school board members.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted, changing the title upon concurrence to read, **H. B. 489**, a bill to increase the number of members of the Winston-Salem/Forsyth County Board of Education from eight to nine members, and change the limitation on reelection or reappointment of school board members.

Senator Kaplan offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 507**, a bill to amend the Town of Knightdale Charter to permit conditional use zoning.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 926**, a bill to authorize counties to establish research and production service districts, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 45, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—45.

Voting in the negative: Senators Hunt of Durham and Johnson of Cabarrus—2.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

**H. B. 995**, a bill to allow counties in creating ambulance and rescue squad service districts to limit the tax rate in that district, upon third reading.

The bill passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—47.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 520**, a bill to authorize counties to establish research and production service districts, upon second reading.

On motion of Senator Royall, consideration of the bill is postponed until Wednesday, June 26.

**S. B. 587** (Committee Substitute), a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—45.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 663** (Committee Substitute), a bill to impose sales tax on all property sold at flea markets, to require all persons who sell property at flea markets to display their sales tax licenses, and to require persons who sell at flea markets to furnish evidence to the lessor of the market that they are registered for sales tax purposes, upon second reading.

Senator Swain offers a motion to remove the Committee Substitute bill from today's Calendar and re-refer the bill to the **Judiciary III Committee**, which motion fails to prevail (electronically recorded).

Senator Kaplan offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 37, noes 11, as follows:

Voting in the affirmative: Senators Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Simpson, Smith, Soles, Speed, Staton, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—37.

Voting in the negative: Senators Ballenger, Cobb, Ezzell, Johnson of Cabarrus, Kincaid, Sawyer, Shaw, Somers, Swain, Taft, and Tally—11.

On motion of Senator Swain, the Committee Substitute bill, as amended, is placed on the Calendar for Friday, June 21, upon third reading, for further consideration.

**S. B. 764** (Committee Substitute), a bill to equalize the property tax burden, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 73** (Committee Substitute), a bill to create the Motor Fuel Marketing Act in order to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel.

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute, as amended, passes its second reading (electronically recorded).

On objection of Senator Cobb to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 405** (Committee Substitute), a bill to amend Chapter 83A regarding architects.

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

**H. B. 762** (Committee Substitute), a bill to provide for franchise agreements between dealers engaged in the business of retailing farm, utility, and industrial implements, equipment, attachments, or repair parts, and wholesalers, manufacturers, or distributors of the products; to require repurchase of inventory from dealers upon termination of a contract; to provide procedures; to establish limitations, rights and civil liability relative to repurchase; to extend the right to require repurchase option to the heirs of dealers; and to provide warranty obligations.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Hipps to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.



**H. B. 1115**, a bill to authorize the Board of Agriculture to adopt requirements for apple grade standards.

On motion of Senator Speed, the bill is re-referred to the **Agriculture Committee**.

**H. B. 938**, a bill to amend G. S. 143-295 to increase settlement authority of Attorney General in tort claims from five thousand dollars to ten thousand dollars, upon second reading.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—46.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

#### RECALL FROM HOUSE OF REPRESENTATIVES

**H. B. 523**, a bill to prohibit the discharge of firearms from public roads in Greene and Nash County.

On motion of Senator Ezzell, the Chair orders a special message sent to the House of Representatives, recalling the bill for further consideration by the Senate.

#### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

<b>H. B. 87</b> (Committee Substitute)	HOUSE OF REPRESENTATIVES June 19, 1985
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*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. 87** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE LAW AGAINST CARRYING CONCEALED WEAPONS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

<b>H. B. 523</b>	HOUSE OF REPRESENTATIVES June 19, 1985
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*Mr. President:*

Pursuant the message from your Honorable Body, the House of Representatives is

hereby returning **H. B. 523**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE DISCHARGE OF FIREARMS FROM PUBLIC ROADS IN GREENE COUNTY.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Ezzell offers a motion that the vote by which the bill passed its third reading be reconsidered, which motion prevails. The bill is placed on the Calendar for Thursday, June 20, for further consideration, upon third reading.

On motion of Senator Harrington, seconded by Senator Somers, the Senate adjourns to meet tomorrow, Thursday, June 20, at 1:30 P.M.

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### NINETY-EIGHTH DAY

SENATE CHAMBER,  
Thursday, June 20, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Herman Winberry, Superintendent, Fayetteville District, United Methodist Church, Fayetteville, as follows:

"Almighty and Sovereign God, Who doest govern the world in righteousness, and Whose judgments are true and righteous altogether, grant that those who rule over us and legislate for us may be of one mind to establish justice and promote with enthusiasm the well-being of all our people. May there be no secret dishonesties in the hearts of our Senators.

"Endow these leaders with ability to make decisions that will bless and build up all. And O Lord, let there be no secret agendas, no hidden deals. Help them to rise above self-seeking to the nobler concerns of common good.

"And may we as citizens, too, feel a keen responsibility not just to find fault but also to support these with our prayers. Not only these in this upper Chamber, but may we go into the Upper Room with prayer and offer to them words of encouragement and a helping hand. And if these begin to feel at this time in the Session that they are to run the whole State, enable them, O Lord, to discipline their own lives first.

"O Father God, you have favored our State beyond anything we deserve, and we offer our heartfelt thanks. Great is your goodness to us. Enable these Senators to help create a climate in North Carolina where, indeed, the weak grow strong and the strong grow great to the honor and glory of Thy Marvelous Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

A leave of absence granted previously to Senator Barnes is noted.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Hardison for the **Commerce Committee**:

**H. B. 1060**, a bill to provide that future obligations secured by a security instrument must be evidenced by a written instrument or notation only when the obligor and obligee have agreed in writing that such obligations shall be evidenced by a written instrument or notation, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, with a favorable report.

**H. B. 1161**, a bill to revise the appeal bond statute to allow for the automatic posting of an appeal bond, with a favorable report.

**H. B. 1240**, a bill to reduce the time for posting notice of sale and to validate certain foreclosure sales that did not comply with posting requirements, with a favorable report.

**H. B. 841**, a bill to prevent harassment of jurors or former jurors, with a favorable report, as amended.

By Senator Guy for the **State Government Committee**:

**S. B. 249**, a bill requiring persons who represent themselves as certified therapeutic recreation specialists or certified therapeutic recreation assistants to meet certain standards, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Finance Committee**.

By Senator Warren for the **Transportation Committee**:

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled, with a favorable report.

**H. B. 933**, a bill to require load lights to be illuminated from sunset to sunrise, with a favorable report.

**H. B. 1075**, a bill to permit the Division of Motor Vehicles to register logging vehicles as a separate category of trucks, with a favorable report.

**S. B. 496**, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured, with a favorable report, as amended.

**S. B. 322**, a bill to provide numbered National Guard registration plates to senior enlisted members and retired members, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is placed on the calendar for Monday, June 24.



By Senator Tally for the **National and Economic Resources and Wildlife Committee**:

**H. B. 139** (Committee Substitute), a bill to authorize the Environmental Management Commission to protect the waters of the State against pollution from package treatment plants, with a favorable report.

**H. B. 555** (Committee Substitute), a bill to remove certain land in William B. Umstead Park from the State Nature and Historic Preserve for the purpose of acquiring through exchange or purchase other lands for the Park, with a favorable report.

**H. B. 1249**, a bill to place the venus fly trap on the North Carolina Protected Plants list, with a favorable report.

**S. B. 582**, a bill to facilitate enforcement of the Animal Welfare Act, with a favorable report, as amended.

On motion of Senator Tally, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

By Senator Hipps for the **Children and Youth Committee**:

**H. B. 513**, a bill to give notice to agencies of motions to open adoption records, with a favorable report.

**H. B. 1183**, a bill to amend Chapter 7A, Articles 42 and 52, to provide for court review of the voluntary placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and the Director of Social Services, with a favorable report.

**S. B. 96**, a bill to provide that the North Carolina Center for Missing and Exploited Children shall provide every child in North Carolina with a personal identification packet, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 96** (Committee Substitute), a bill to provide that the North Carolina Center for Missing Children shall provide every child in North Carolina with a personal identification packet, is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

**H. B. 1203**, a bill to provide protective services for disabled juveniles, including infants, with life-threatening conditions, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Senate Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 507**, an act to amend the Town of Knightdale Charter to permit conditional use zoning. (Ch. 429)

**H. B. 995**, an act to allow counties in creating ambulance and rescue squad service districts to limit the tax rate in that district. (Ch. 430)

**H. B. 1148**, an act authorizing lake authorities to obtain refunds of State and local sales and use taxes. (Ch. 431)

**H. B. 87** (Committee Substitute), an act to clarify the law against carrying concealed weapons. (Ch. 432)

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Harrington, Redman, and Smith:

**S. J. R. 826**, a joint resolution inviting the Honorable Ronald W. Reagan, President of the United States, to address a Joint Session of the Senate and House of Representatives in the Old House Chamber in the State Capitol at 12 o'clock Noon on Tuesday, June 25, 1985.

The Chair orders the joint resolution held as filed.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 712** (Committee Substitute), a bill to provide for various changes in State and local retirement.

Referred to **Pensions and Retirement Committee**.

**H. B. 945** (Committee Substitute), a bill to amend the Solid Waste Law.

Referred to **Human Resources Committee**.

**H. B. 975**, a bill to allow counties to create law enforcement service districts.

Referred to **Judiciary IV Committee**.

**H. B. 1311**, a bill to remove the restoration fee on driver's licenses that are voluntarily surrendered for health reasons.

Referred to **Transportation Committee**.

**H. B. 1024**, a bill to permit licensed psychologists with at least two years clinical experience to conduct initial involuntary commitment evaluations.

Referred to **Human Resources Committee**.

### CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Wednesday, June 19, are taken up and disposed of as follows:

**S. B. 540**, a bill to make clarifying amendments to the essential property insurance for beach area property act.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 591**, a bill to make clarifying amendments to the Fair Access to Insurance Requirements Act.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**H. B. 425**, a bill to permit Alamance, Ashe, Bladen, Brunswick, Buncombe, Burke, Caldwell, Caswell, Cleveland, Cumberland, Davidson, Davie, Gaston, Guilford, Henderson, Jackson, Lincoln, New Hanover, Pender, Rockingham, Rowan, Rutherford, Surry, and Wayne Counties and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

**H. B. 570**, a bill to eliminate county bonding requirements that have been superceded by law requiring State-furnished bonds for clerks.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 887** (Committee Substitute), a bill to provide a statute of limitations for special or conditional use permit proceedings.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 989**, a bill to provide for single audit implementation for local governments.

Senator Redman offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1151**, a bill to allow milk producers to obtain liens for unpaid milk.

The bill passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 598** (Committee Substitute), a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, or by delivery to the Clerk of Court for filing, upon third reading.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

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

**H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices and to further clarify when continuances may be granted in civil and criminal proceedings, as amended, upon third reading, with Amendment No. 2 pending.

Without objection, Amendment No. 2, offered by Senator Taft, is withdrawn.

Senator Taft offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered



sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 3.

**H. B. 97**, a bill to permit local school boards to enter into certain lease purchase contracts, upon third reading.

The bill passes its third reading (electronically recorded) and is ordered enrolled.

**H. B. 693**, a bill to prohibit taking bear with bait, upon third reading.

Senator Kincaid offers Amendment No. 1, changing the title, upon concurrence, to read, **H. B. 693**, a bill to prohibit taking bear and boar with bait, which is adopted (electronically recorded).

Senator Taft offers Amendment No. 2, changing the title, upon concurrence, to read **H. B. 693**, a bill to prohibit taking bear and boar with bait and to establish a penalty for taking bald and golden eagles, which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

Bills and resolutions on the Calendar for today are taken up and disposed of as follows:

**H. B. 436** (Committee Substitute), a bill to incorporate the Village of Clemmons in Forsyth County, subject to referendum, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—44.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S. B. 344** (Committee Substitute No. 2), a bill to provide for the incorporation of the Village of Colfax, upon second reading.

Senator Simpson offers Amendment No. 1, changing the title to read, **S. B. 344** (Committee Substitute No. 2), a bill to provide for the incorporation of the Village of Colfax, subject to a referendum, which is adopted (electronically recorded).

Senator Simpson offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill No. 2 fails to pass its second reading, for lack of a three-fifths affirmative majority, by roll-call vote, ayes 24, noes 21, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Conder, Guy, Harrington, Harris, Hunt of Moore, Johnson of Cabarrus, Jordan, Kincaid, Parnell, Plyler, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Swain, Thomas of Craven, and Williams—24.

Voting in the negative: Senators Basnight, Ezzell, Goldston, Hardison, Hipps, Hunt of Durham, Kaplan, Martin of Guilford, Marvin, Rand, Speed, Staton, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—21.

**H. B. 532**, a bill to authorize Dare County to levy an occupancy tax, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: Senator Jordan—1.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 523**, a bill to prohibit the discharge of firearms from public roads in Greene and Nash County, as amended, upon third reading.

Senator Ezzell moves that the vote by which the bill, as amended, passed its second reading be reconsidered, which motion prevails.

Senator Ezzell moves that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails, and without objection, Senator Ezzell withdraws Amendment No. 1.

Senator Ezzell offers Amendment No. 2, changing the title upon concurrence, to read, **H. B. 523**, a bill to prohibit the discharge of firearms from public roads in Greene and Nash Counties, which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

**S. B. 587** (Committee Substitute), a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year, upon third reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded), held to be material, constituting the first reading of the Committee Substitute bill.

Senator Shaw offers Amendment No. 2 which he subsequently withdraws.

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

Senator Rand offers Amendment No. 3 which is adopted (electronically recorded), held to be material, constituting the first reading of the Committee Substitute bill.

The Committee Substitute bill remains on the Calendar upon second reading.

**S. B. 764** (Committee Substitute), a bill to equalize the property tax burden, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—42.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**H. B. 938**, a bill to amend G. S. 143-295 to increase settlement authority of Attorney General in tort claims from five thousand dollars to ten thousand dollars, as amended, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—43.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1074**, a bill to clarify and improve the procedures to collect restitution from criminal defendants and make other technical changes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 34, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Shaw, Simpson, Smith, Soles, Somers, Swain, Tally, Walker, Ward, Warren, and Winner—34.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 691** (Committee Substitute), a bill to incorporate certain changes into the Alarm Systems Licensing Act, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 36, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Guilford, McDuffie, Parnell, Price, Rand, Rauch, Redman, Shaw, Simpson, Smith, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, and Woodard—36.

Voting in the negative: Senators Johnson of Cabarrus, Sawyer, and Somers—3.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 206** (Committee Substitute), a bill to reduce the fee rate for administration of estates and to set a maximum cumulative fee, as amended, upon second reading.

On motion of Senator Rauch, the Committee Substitute bill, as amended, is re-referred to the **Ways and Means Committee**.

**S. B. 586**, a bill to amend Section 75-16 of the North Carolina General Statutes to limit the award of treble damages for violations of Section 75-1.1.

On motion of Senator Rand, consideration of the bill is postponed until Tuesday, June 25.



**H. B. 272**, a bill to increase certain fees collected by the Board of Mortuary Science, upon second reading.

Senator Ezzell offers Amendment No. 1 which fails of adoption (electronically recorded).

The bill passes its second reading by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Thomas of Craven, Walker, Ward, Warren, Winner, and Woodard—41.

Voting in the negative: Senators Tally and Watt—2.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 592** (Committee Substitute), a bill to require a fee from all persons participating in court ordered community service, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rauch, Redman, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Winner, and Woodard—42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 636** (Committee Substitute), a bill to make changes to the Community Service Parole Program, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 41, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rauch, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Watt, Winner, and Woodard—41.

Voting in the negative: Senator Warren—1.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 684**, a bill to add a new Article 17 to Chapter 20 of the General Statutes and make other necessary changes in Chapter 20 and Chapter 62, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rauch, Redman, Simpson, Smith, Soles,

Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, and Winner—42.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1041**, a bill regarding the establishment of fees for the erection and maintenance of logo signs, upon second reading.

The bill passes its second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Price, Rauch, Redman, Simpson, Smith, Soles, Somers, Speed, Staton, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, and Winner—37.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1110**, a bill to license the propagation of furbearers and foxes in captivity and the sale of the pelts thereof for use as fur, upon second reading.

The bill passes its second reading by roll-call vote, ayes 38, noes 1, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rauch, Redman, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Walker, Ward, Watt, and Woodard—38.

Voting in the negative: Senator Winner—1.

On motion of Senator Kaplan, consideration of the bill, upon third reading, is postponed until Tuesday, June 25.

**H. B. 1320**, a bill to amend G. S. Chapter 131C governing the solicitation of funds for charitable purposes, upon second reading.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—42.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 106**, a bill to authorize appeal of Personnel Commission decisions awarding attorney fees in grievance proceedings.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 125**, a bill to provide that false information in State employees' files shall be destroyed.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 243** (Committee Substitute), a bill to improve the law regarding endangered children.

On motion of Senator Hipps, consideration of the Committee Substitute bill is postponed until Friday, June 21.

**S. B. 309** (Committee Substitute), a bill regarding the issuance of permits to restaurants on federal property on the Blue Ridge Parkway.

Senator Hipps offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 459** (Committee Substitute), a bill to increase the size of the Greensboro-High Point Airport Authority membership by two.

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

**S. B. 727**, a bill to increase the reimbursement to the Department of Revenue for expenses incurred in collecting assessments on primary forest products.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

**S. B. 796**, a bill to repeal the special fuels tax exemption for methanol and to provide for the collection of the motor fuel inspection fee on liquid fuels that are not petroleum-based, upon second reading.

The Chair rules the bill requires a call of the roll.

The bill passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—40.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 94** (Committee Substitute No. 2), a bill to further define the appropriate political activity of State employees.

On motion of Senator Johnson of Wake, Committee Amendments No. 1 and No. 2 are adopted.

Senator Johnson of Wake offers Amendment No. 3 which is adopted (electronically recorded).

The Committee Substitute bill No. 2, as amended, passes its second reading (electronically recorded).

Senator Kaplan objects to the third reading of the Committee Substitute bill No. 2, as amended, which objection he subsequently withdraws.

The Committee Substitute bill No. 2, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.



**H. B. 133** (Committee Substitute), a bill to modify the Certificate of Need Law for life care facilities.

Without objection, the Chair orders the Committee Substitute bill placed on the Calendar for Friday, June 21.

**H. B. 372** (Committee Substitute), a bill to amend G. S. 130A-5 to authorize the Secretary to review and examine privileged patient medical records and to declare all privileged patient medical records in the possession of the Department of Human Resources and local health departments to be confidential.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 639** (Committee Substitute), a bill concerning registration to manufacture, distribute, or possess controlled substances and treatment for drug dependence.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 664**, a bill to amend Chapter 965 of the 1977 Session Laws by extending the effective date.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 73** (Committee Substitute), a bill to create the Motor Fuel Marketing Act in order to encourage fair and honest competition and to safeguard the public against unfair practices involving the sale of motor fuel, as amended, upon third reading.

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

**H. B. 762** (Committee Substitute), a bill to provide for franchise agreements between dealers engaged in the business of retailing farm, utility, and industrial implements, equipment, attachments, or repair parts, and wholesalers, manufacturers, or distributors of the products; to require repurchase of inventory from dealers upon termination of a contract; to provide procedures; to establish limitations, rights, and civil liability relative to repurchase; to extend the right to require repurchase option to the heirs of dealers; and to provide warranty obligations, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

**H. B. 1005**, a bill to conform payments of North Carolina estimated tax penalties for individuals to federal estimated tax payment penalties.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. J. R. 1034** (Senate Committee Substitute), a joint resolution requesting that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro.

On motion of Senator Harrington, consideration of the Senate Committee Substitute joint resolution is postponed until Friday, June 21.

**H. B. 1213**, a bill to conform the North Carolina income tax treatment of alimony

payments and property transfers made incident to divorce to the tax treatment afforded by federal law.

The bill passes its second reading (electronically recorded).

Senator Swain objects to the third reading of the bill, which objection he subsequently withdraws.

The bill passes its third reading and is ordered enrolled.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 677** (Committee Substitute), a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees.

Referred to **Finance Committee**.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 317**

HOUSE OF REPRESENTATIVES

June 20, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body requesting the return of House Joint Resolution 317, A JOINT RESOLUTION DESIGNATING THE FIRST WEEK OF EVERY MONTH AS "BUY ONLY AMERICAN WEEK" AND TO HONOR THE MEMORY OF NORTH CAROLINIANS WHO HELPED TO BUILD NORTH CAROLINA'S TEXTILE INDUSTRY, for further consideration by the House of Representatives.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Harrington offers a motion that the joint resolution be withdrawn from the **Rules and Operation of the Senate Committee** and returned to the House of Representatives for further consideration, which motion prevails.

The joint resolution is ordered returned to the House of Representatives by special messenger.

On motion of Senator Harrington, seconded by Senator Thomas of Henderson, the Senate adjourns to meet tomorrow, Friday, June 21, at 9:30 A.M.

## NINETY-NINTH DAY

SENATE CHAMBER,  
Friday, June 21, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Lorenzo A. Lynch, Pastr, White Rock Baptist Church, Durham.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Ballenger, Redman, Shaw, and Williams for today. A leave of absence granted previously to Senator Barnes is noted.

## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Redman, Ezzell, Jordan, Martin of Pitt, Parnell, Shaw, Smith, Speed, and Taft:

**S. B. 827**, a bill to appropriate funds for a program to require the inspection for certain chemicals on tobacco used for the manufacture of cigarettes or other tobacco products.  
Referred to **Appropriations Committee**.

By Senator Watt:

**S. B. 828**, a bill to appropriate funds to Discovery Place.  
Referred to **Appropriations Committee**.

By Senators Rauch, Cobb, Johnson of Cabarrus, Redman, Walker, and Winner:

**S. B. 829**, a bill to establish a Study Committee on Legislative Ethics and Lobbying, to make an appropriation therefor, and to make technical amendments.  
Referred to **Rules and Operation of the Senate Committee**.

By Senators Winner and Swain:

**S. B. 830**, a bill to appropriate funds for various projects in western North Carolina.  
Referred to **Appropriations Committee**.

By Senators Thomas of Craven and Smith:

**S. B. 831**, a bill to provide for regulation of underground storage tanks.  
Referred to **Appropriations Committee**.

## MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:



**H. B. 651**, a bill to authorize the Board of County Commissioners of Guilford County to assign the authority for the rezoning of property to a designated planning agency.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 730**, a bill to exempt medicines sold on prescription of a veterinarian from sales tax.

Referred to **Finance Committee**.

**H. B. 883**, a bill to expand the sales tax exemption for farm products to include all farm products sold by the producer of the products, regardless whether the producer is also a retail dealer.

Referred to **Finance Committee**.

**H. B. 1059** (Committee Substitute), a bill to provide that the maximum rate of interest may vary during the term of variable rate loans.

Referred to **Commerce Committee**.

**H. B. 931** (Committee Substitute), a bill concerning subdivision water system dedication in extraterritorial areas.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 1374**, a bill to allow the City of Lenoir to privately negotiate a lease of the old Lenoir High School.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 1395**, a bill to change the election date for the Polk County Board of Education from May to November.

Referred to **Local Government and Regional Affairs Committee**.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Winner for the **Education Committee**:

**H. B. 336**, a bill to clarify the law regarding disciplinary suspensions of exceptional children, with a favorable report.

**H. B. 337**, a bill to clarify the law regarding the cost allocation in exceptional children's out-of-district placement, with a favorable report.

**H. B. 1066**, a bill to repeal the authorization of local school boards to allow consumption of malt beverages or unfortified wine on any property owned or leased by local boards of education, with a favorable report.

**S. B. 742**, a bill to clarify school board liability insurance coverage, with a favorable report, as amended.

**S. B. 49**, a bill to establish State and local funding responsibilities for the uniform system of free public schools, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 25.

By Senator Guy for the **State Government Committee**:

**S. B. 76**, a bill to prohibit soliciting campaign contributions from State employees at their workplace, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Rules and Operation of the Senate Committee**.

**S. B. 102**, a bill to provide for one level of review of a State employee's grievance within the employee's department, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Rules and Operation of the Senate Committee**.

**S. B. 513**, a bill to restrict the availability of compensatory leave for State employees, with a favorable report.

On motion of Senator Guy, the bill is re-referred to the **Rules and Operation of the Senate Committee**.

By Senator Martin of Guilford for the **Higher Education Committee**:

**H. B. 953**, a bill creating the North Carolina Educational Facilities Finance Agency and authorizing said Agency to finance, refinance, construct, provide and acquire and otherwise undertake higher education facilities, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Finance Committee**.

**S. B. 744**, a bill to grant community college status to Durham Technical Institute, with a favorable report.

On motion of Senator Martin of Guilford, the bill is re-referred to the **Appropriations Committee**.

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 279** (Committee Substitute), a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning eligibility for present-use value taxation, with a favorable report.

**S. B. 488**, a bill to provide equitable sales tax treatment for livestock and poultry structures, with a favorable report.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Ways and Means Committee**.

**S. B. 799**, a bill to require the basis of property for individual income tax purposes to be reduced by the amount of a federal investment tax credit allowed for the property, and to allow an additional depreciation deduction for the reduction in basis, with a favorable report.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Ways and Means Committee**.

**S. B. 822**, a bill to hold both licensed and unlicensed suppliers of special fuel liable for

non-tax-paid fuel sold or delivered to unlicensed persons for highway use, with a favorable report.

**H. B. 1047**, a bill to provide for checking accounts of the clerks of superior court and for fees for the handling of funds by the clerks of superior court, with a favorable report.

**S. B. 164**, a bill to provide an income tax credit for distributing wine made principally from North Carolina grapes, with a favorable report, as amended.

**S. B. 298** (Committee Substitute), a bill to establish a uniform statewide system of appraising land classified for taxation at its present-use value, with a favorable report, as amended.

**H. B. 534**, a bill to modify court costs, with a favorable report, as amended.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 532**, a bill to authorize Dare County to levy an occupancy tax, upon third reading.

The bill passes its third reading by roll-call vote, ayes 27, noes 1, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harris, Hunt of Durham, Hunt of Moore, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rauch, Royall, Simpson, Speed, Staton, Taft, Tally, Thomas of Craven, Ward, Warren, Watt, Winner, and Woodard—27.

Voting in the negative: Senator Sawyer—1.

The bill is ordered enrolled.

**S. B. 663** (Committee Substitute), a bill to impose sales tax on all property sold at flea markets, to require all persons who sell property at flea markets to display their sales tax licenses, and to require persons who sell at flea markets to furnish evidence to the lessor of the market that they are registered for sales tax purposes, as amended, upon third reading.

Senator Thomas of Henderson offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Royall, Sawyer, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—36.

Voting in the negative: None.

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

**S. B. 691** (Committee Substitute), a bill to incorporate certain changes into the Alarm Systems Licensing Act, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 31, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Guilford,



Marvin, Parnell, Plyler, Price, Rauch, Royall, Sawyer, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, and Woodard—31.

Voting in the negative: None.

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

**S. B. 796**, a bill to repeal the special fuels tax exemption for methanol and to provide for the collection of the motor fuel inspection fee on liquid fuels that are not petroleum-based, upon third reading.

The bill passes its third reading by roll-call vote, ayes 29, noes 0, as follows:

Voting in the affirmative: Senators Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Guilford, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Simpson, Smith, Speed, Swain, Taft, Tally, Thomas of Craven, Ward, Warren, and Watt—29.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**H. B. 272**, a bill to increase certain fees collected by the Board of Mortuary Science, upon third reading.

Senator Harris offers a motion to the end that the rules be suspended to allow his vote on Amendment No. 1, which failed of adoption yesterday, be voided as he has a direct conflict of interest. The motion prevails and the Chair orders the record to reflect the vote void.

The bill passes its third reading by roll-call vote, ayes 37, noes 1, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Price, Rand, Rauch, Royall, Sawyer, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Winner, and Woodard—37.

Voting in the negative: Senator Watt—1.

The bill is ordered enrolled.

**H. B. 592** (Committee Substitute), a bill to require a fee from all persons participating in court ordered community service, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—37.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H. B. 636** (Committee Substitute), a bill to make changes to the Community Service Parole Program, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus,

Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Plyler, Price, Rand, Rauch, Royall, Sawyer, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Winner, and Woodard—35.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H. B. 684**, a bill to add a new Article 17 to Chapter 20 of the General Statutes and make other necessary changes in Chapter 20 and Chapter 62, upon third reading.

The bill passes its third reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Cobb, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—35.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 1041**, a bill regarding the establishment of fees for the erection and maintenance of logo signs, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—37.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 1320**, a bill to amend G. S. Chapter 131C governing the solicitation of funds for charitable purposes, as amended, upon third reading.

On motion of Senator Thomas of Henderson, consideration of the bill, as amended, is postponed until Monday, June 24.

**S. B. 587** (Committee Substitute), a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year, as amended, upon second reading.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 35, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—35.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled, upon second reading.

The bill passes its second reading by roll-call vote, ayes 30, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Goldston, Guy, Hardison, Hipps,

Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Martin of Guilford, Marvin, Parnell, Price, Rauch, Royall, Sawyer, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—30.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 243** (Committee Substitute), a bill to improve the law regarding endangered children.

On motion of Senator Hipps, the bill is re-referred to the **Appropriations Committee**.

**S. B. 496**, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured.

On motion of Senator Johnson of Cabarrus, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 133** (Committee Substitute), a bill to modify the Certificate of Need Law for life care facilities.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 139** (Committee Substitute), a bill to authorize the Environmental Management Commission to protect the waters of the State against pollution from package treatment plants.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 513**, a bill to give notice to agencies of motions to open adoption records.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights.

Senator Martin of Guilford offers Amendment No. 1.

Senator Harris, seconded by Senator Hardison, offers a motion that the bill and Amendment No. 1 do lie upon the table, which motion prevails (electronically recorded). The bill and Amendment No. 1 lie upon the table.

**H. B. 555** (Committee Substitute), a bill to remove certain land in William B. Umstead Park from the State Nature and Historic Preserve for the purpose of acquiring through exchange or purchase other lands for the Park.

The Chair rules the Committee Substitute bill requires a call of the roll and requires a three-fifths affirmative majority vote.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Royall, Sawyer, Simpson, Smith, Soles, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—36.

Voting in the negative: None.



Without objection and receiving a three-fifths affirmative majority, the Committee Substitute bill remains before the Senate for further consideration upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Higgs, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Royall, Sawyer, Simpson, Smith, Soles, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, and Woodard—33.

Voting in the negative: None.

The Committee Substitute bill, receiving a three-fifths affirmative majority vote, is ordered enrolled.

**H. B. 841**, a bill to prevent harassment of jurors or former jurors.

On motion of Senator Staton, Committee Amendments No. 1 and No. 2 are adopted. The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Staton to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 933**, a bill to require load lights to be illuminated from sunset to sunrise.

The bill passes its second reading (electronically recorded).

Senator Swain objects to the third reading of the bill, which objection he subsequently withdraws.

The bill passes its third reading and is ordered enrolled.

**H. J. R. 1034** (Senate Committee Substitute), a joint resolution requesting that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro.

The Senate Committee Substitute joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the joint resolution.

**H. B. 1060**, a bill to provide that future obligations secured by a security instrument must be evidenced by a written instrument or notation only when the obligor and obligee have agreed in writing that such obligations shall be evidenced by a written instrument or notation.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1075**, a bill to permit the Division of Motor Vehicles to register logging vehicles as a separate category of trucks.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1161**, a bill to revise the appeal bond statute to allow for the automatic posting of an appeal bond.

On motion of Senator Staton, consideration of the bill is postponed until Monday, June 24.

**H. B. 1183**, a bill to amend Chapter 7A, Articles 42 and 52, to provide for court review of the voluntary placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and the Director of Social Services.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1240**, a bill to reduce the time for posting notice of sale and to validate certain foreclosure sales that did not comply with posting requirements.

On motion of Senator Staton, consideration of the bill is postponed until Monday, June 24.

**H. B. 1249**, a bill to place the venus fly trap on the North Carolina Protected Plants lists.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1151**, a bill to allow milk producers to obtain liens for unpaid milk, upon third reading.

On motion of Senator Winner, the bill is recommitted to the **Judiciary II Committee**.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 318**, an act to provide that Stanly County is authorized to construct gas lines. (Ch. 433)

**S. B. 588**, an act to increase the service fee in G. S. 14-344 applicable to selling admission tickets. (Ch. 434)

**H. B. 97**, an act to permit local school boards to enter into certain lease purchase contracts. (Ch. 436)

**H. B. 436** (Committee Substitute), an act to incorporate the Village of Clemmons in Forsyth County, subject to referendum. (Ch. 437)

**H. B. 570**, an act to eliminate county bonding requirements that have been superceded by law requiring State-furnished bonds for clerks. (Ch. 438)

**H. B. 639** (Committee Substitute), an act concerning registration to manufacture, distribute, or possess controlled substances and treatment for drug dependence. (Ch. 439)

**H. B. 664**, an act to amend Chapter 965 of the 1977 Sessions Laws by extending the effective date. (Ch. 440)

**H. B. 762** (Committee Substitute), an act to provide for franchise agreements between dealers engaged in the business of retailing farm, utility, and industrial implements, equipment, attachments, or repair parts, and wholesalers, manufacturers, or distributors of the products; to require repurchase of inventory from dealers upon termination of a contract; to provide procedures; to establish limitations, rights, and civil liability relative to repurchase; to extend the right to require repurchase option to the heirs of dealers; and to provide warranty obligations. (Ch. 441)

**H. B. 887** (Committee Substitute), an act to provide a statute of limitations for special or conditional use permit proceedings. (Ch. 442)

**H. B. 1005**, an act to conform payments of North Carolina estimated tax penalties for individuals to federal estimated tax payment penalties. (Ch. 443)

**H. B. 1213**, an act to conform the North Carolina income tax treatment of alimony payments and property transfers made incident to divorce to the tax treatment afforded by federal law. (Ch. 444)

On motion of Senator Harrington, seconded by Senator Smith, the Senate adjourns to meet Monday, June 24, at 7:00 P.M.

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### ONE HUNDREDTH DAY

SENATE CHAMBER,  
Monday, June 24, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Milton H. Gilbert, Pastor, Louisburg United Methodist Church, Louisburg, as follows:

"Eternal God, Redeemer, Creator and Judge of the world, with intentional minds we petition You to hear the prayers of Your servants.

"We are ever-mindful that the world in which human beings live is a large and frightening arena. Our sensitivity to the advance of Your creation commands us to seek true wisdom—Your eternal presence. Imbue us, O God, with a hunger and thirst for Your will that we might be obedient servants seeking eternal wisdom.

"Equally upon our minds, O God, is our desire for vision. Where vision has been absent there occurs a poverty of hope. Where vision becomes blurred by self-interests there occurs a privation of promise.

"We who call upon Your Heavenly Grace pray that these elected persons called to represent Your people might be alert to Your wisdom blessed with that unique gift of vision for the weak and lowly, the humble and meek, the righteous and the upright that comes only by the indwelling of Your Spirit.

"For those who would represent Your people we give You thanks and pray that each might receive the blessings of Your wisdom in their search for authentic humanness. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday, June 21, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Walker for tonight.

The President extends courtesies of the floor to McNeill Smith, former Senator from Guilford County.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:



**H. B. 926**, an act to authorize counties to establish research and production service districts. (Ch. 435)

**H. B. 133** (Committee Substitute), an act to modify the Certificate of Need Law for life care facilities. (Ch. 445)

**H. B. 139** (Committee Substitute), an act to authorize the Environmental Management Commission to protect the waters of the State against pollution from package treatment plants. (Ch. 446)

**H. B. 272**, an act to increase certain fees collected by the Board of Mortuary Science. (Ch. 447)

**H. B. 513**, an act to give notice to agencies of motions to open adoption records. (Ch. 448)

**H. B. 532**, an act to authorize Dare County to levy an occupancy tax. (Ch. 449)

**H. B. 555** (Committee Substitute), an act to remove certain land in William B. Umstead Park from the State Nature and Historic Preserve for the purpose of acquiring through exchange or purchase other lands for the Park. (Ch. 450)

**H. B. 592** (Committee Substitute), an act to require a fee from all persons participating in court-ordered community service. (Ch. 451)

**H. B. 628**, an act to make amendments in the statute regarding ocean piers and trash fishing. (Ch. 452)

**H. B. 636** (Committee Substitute), an act to make changes to the Community Service Parole Program. (Ch. 453)

**H. B. 684**, an act to add a new Article 17 to Chapter 20 of the General Statutes and make other necessary changes in Chapter 20 and Chapter 62. (Ch. 454)

**H. B. 933**, an act to require load lights to be illuminated from sunset to sunrise. (Ch. 455)

**H. B. 1041**, an act regarding the establishment of fees for the erection and maintenance of logo signs. (Ch. 456)

**H. B. 1060**, an act to provide that future obligations secured by a security instrument must be evidenced by a written instrument or notation only when the obligor and obligee have agreed in writing that such obligations shall be evidenced by a written instrument or notation. (Ch. 457)

**H. B. 1075**, an act to permit the Division of Motor Vehicles to register logging vehicles as a separate category of trucks. (Ch. 458)

**H. B. 1183**, an act to amend Chapter 7A, Articles 42 and 52, to provide for court review of the voluntary placement of a juvenile in foster care pursuant to an agreement between the juvenile's parents or guardian and the Director of Social Services. (Ch. 459)

**H. B. 1221**, an act providing for the orderly transition of the Farm Pond Fishery Program from federal to State administration. (Ch. 460)

**H. B. 1249**, an act to place the venus fly trap on the North Carolina Protected Plants lists. (Ch. 461)

**S. B. 202** (Committee Substitute), an act to make technical changes in the public health law and related laws. (Ch. 462)

**S. B. 370**, an act to provide that copies of protective orders issued in domestic violence cases may be retained by county police departments. (Ch. 463)

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 686**, a joint resolution honoring the life and memory of A. Paul Kitchin.

On motion of Senator Plyler, the rules are suspended, and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 683**, a bill to create the North Carolina Housing Trust Fund, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 683** (Committee Substitute), a bill to create the North Carolina Housing Trust Fund Study Commission, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

**H. B. 52** (Committee Substitute), a bill to amend Chapter 150A of the General Statutes, add a new Article 12 to Chapter 143B of the General Statutes, and make other changes in the administrative procedures of executive agencies, with an unfavorable report as to House Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H. B. 52** (Senate Committee Substitute), a bill to amend Chapter 150A of the General Statutes, add a new Article 60 to Chapter 7A of the General Statutes, and make other changes in the administrative procedures of executive agencies, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Tuesday, June 25.

By Senator Plyler for the **Appropriations Committee**:

**S. B. 1**, a bill to make appropriations for current operations of State department, institutions, and agencies, and for other purposes, with an unfavorable report as to bill, but favorable as to Committee Substitute bill with Amendments No. 1, No. 2, No. 3, and No. 4.

On motion of Senator Plyler, the rules are suspended (electronically recorded), and the Committee Substitute bill, with Amendments No. 1, No. 2, No. 3, and No. 4, is placed before the Senate for immediate consideration, and on his further motion is adopted.

On motion of Senator Plyler, the rules are suspended to the end that members of the Fiscal Research Staff are extended the courtesies of the floor for the purpose of assisting in the explanation of **S. B. 1** (Committee Substitute), and **S. B. 2** (Committee Substitute).

Senator Redman offers Amendment No. 5 and calls for the ayes and noes. The call is sustained. Senator Plyler rises to a point of order, inquiring if the adoption of Amendment No. 5 would necessitate the return of the Committee Substitute bill to the **Appropriations Committee**. The Chair rules the Committee Substitute bill would not require recommitment to the **Appropriations Committee**.

Senator Plyler, seconded by Senator Royall, offers a motion that Amendment No. 5 do lie upon the table. Senator Redman calls for the ayes and noes. The Chair orders the ayes and noes recorded. The motion to table Amendment No. 5 prevails, ayes 25, noes 24, with the President of the Senate casting the tie-breaking vote, as follows:

Voting in the affirmative: Senators Conder, Goldston, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Royall, Soles, Staton, Taft, Tally, Thomas of Craven, Ward, Warren, Watt, Winner, and Woodard—24.

Voting in the negative: Senators Ballenger, Barnes, Basnight, Cobb, Guy, Hardison, Harris, Johnson of Cabarrus, Jordan, Kincaid, Martin of Pitt, McDuffie, Parnell, Price, Redman, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Swain, Thomas of Henderson, and Williams—24.

Voting in the affirmative: Lieutenant Governor Jordan—1.

Amendment No. 5 lies upon the table.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Plyler to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

**S. B. 2**, a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, with an unfavorable report as to bill, but favorable as to Committee Substitute bill with Amendment No. 1.

On motion of Senator Plyler, the rules are suspended (electronically recorded) and the Committee Substitute bill with Amendment No. 1, is placed before the Senate for immediate consideration.

On motion of Senator Plyler the Committee Substitute bill with Amendment No. 1 is adopted.

Senator Ballenger offers Amendment No. 2 and calls for the ayes and noes on its adoption. The call is sustained. Amendment No. 2 fails of adoption by roll-call vote, ayes 12, noes 33, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Jordan, Kincaid, McDuffie, Price, Redman, Sawyer, Shaw, Simpson, Smith, and Williams—12.

Voting in the negative: Senators Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, and Winner—33.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).



On objection of Senator Plyler to it third reading, the Committee Substitute bill, as amended, remains on the Calendar for tomorrow for further consideration upon third reading.

### RECONSIDERATION

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights.

Senator Hipps, having voted with the majority, moves that the vote by which the bill and pending Amendment No. 1 was tabled be reconsidered.

Senator Swain rises to a point of order, citing Rule 54 of the Senate Rules. The Chair rules that the motion to reconsider a motion to table, by majority vote, is in order on the next legislative day.

Senator Swain, seconded by Senator Hardison, offers a motion that the motion offered by Senator Hipps do lie upon the table, which motion fails to prevail (electronically recorded).

Senator Hipps calls the previous question, seconded by Senator Rauch. The call is sustained. The motion to reconsider the vote by which the bill with Amendment No. 1 pending was placed upon the table prevails (electronically recorded), and on further motion of Senator Hipps, the bill and pending Amendment No. 1 is referred to the **Children and Youth Committee**.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 222**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
June 24, 1985

*Mr. President:*

It is ordered a message be sent your Honorable Body with the information that the House has appointed conferees for Senate Committee Substitute for HB 222, A BILL TO BE ENTITLED AN ACT TO PROVIDE BROAD-BASED TAX RELIEF TO NORTH CAROLINA CITIZENS. The Conferees are: Representatives Quinn (Chairman), Wicker, Miller, Mavretic, and Watkins.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Without objection, the President appoints Senators Rauch and Thomas of Henderson (Co-Chairmen), Royall, Rand, and Warren as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Watt:

**S. B. 832**, a bill to appropriate funds to continue a custody and visitation dispute mediation program for the Twenty-Sixth Judicial District (Mecklenburg County).

Referred to **Appropriations Committee**.

By Senator Parnell:

**S. B. 833**, a bill to develop an Indian Cultural Center in Robeson County.

Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 701**, a bill to make unlawful the impersonation of city, county or State employees, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 25.

**S. B. 714** (Committee Substitute), a bill creating the offense of dumping litter on private property, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 25.

**H. B. 86** (Committee Substitute), a bill to authorize the court to extend a period of probation to allow the defendant to complete payment of restitution or continue treatment.

Referred to **Judiciary III Committee**.

**H. B. 266**, a bill to adopt the Revised Uniform Limited Partnership Act.

Referred to **Judiciary II Committee**.

**H. B. 470**, a bill to create the Sparta/Alleghany Airport Authority.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 889** (Committee Substitute), a bill to make it clear that a probation order in a child support case may be modified to be sure that the level of support is adequate.

Referred to **Judiciary I Committee**.

**H. B. 939**, a bill to amend the Nonprofit Corporation Act contained in Chapter 55A of the General Statutes of North Carolina as recommended by the General Statutes Commission.

Referred to **Judiciary I Committee**.

**H. B. 996**, a bill to amend the School Budget and Fiscal Control Act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years.

Referred to **Appropriations Committee**.

**H. B. 1070**, a bill to amend G. S. 42-14 for certain tenancies.

Referred to **Judiciary II Committee**.

**H. B. 1106**, a bill to provide good Samaritan protection to members of volunteer fire departments or rescue squads who receive no compensation for their services as fire fighters or emergency medical care providers.

Referred to **Judiciary IV Committee**.

**H. B. 1185** (Committee Substitute), a bill to permit State employees other than employees of the University of North Carolina or its constituent institutions to serve as members of boards of trustees of the constituent institutions of the University of North Carolina.

Referred to **Higher Education Committee**.

**H. B. 1207** (Committee Substitute), a bill to allow a landlord to deliver property abandoned by a tenant to a nonprofit organization.

Referred to **Finance Committee**.

**H. B. 1270** (Committee Substitute), a bill establishing pretrial release service fees.

Referred to **Judiciary III Committee**.

**H. B. 1315** (Committee Substitute), a bill to increase the penalties for those who commit assaults on sanitarians and other environmental health officials.

Referred to **Judiciary III Committee**.

**H. B. 1371**, a bill to allow a personal income tax exemption for taxpayers whose dependents have certain severe head injuries.

Referred to **Finance Committee**.

**H. B. 1385**, a bill to conform the expiration date of appointments to the North Carolina Agricultural Facilities Finance Agency to those of other offices.

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

**H. B. 1392**, a bill to provide for the composition and manner of election of the Cumberland County Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 1397**, a bill to amend Chapter 2 of the Session Laws of 1985 to provide for the appointment of three additional members to the interim board and subsequent to July 1, 1986, to the Pitt County Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 980** (Committee Substitute), a bill to allow physicians to report physically impaired drivers to the Commissioner of Motor Vehicles.

Referred to **Judiciary II Committee**.

**H. B. 1032**, a bill to reinstate the former provisions of G. S. 113-120.5 through 113-120.7 concerning liability of landowners to authorized recreational users.

Referred to **Judiciary I Committee**.

**H. B. 1065**, a bill to treat judges like other members of the legal profession.

Referred to **Judiciary III Committee**.

**H. B. 1309**, a bill urging local boards of education to prohibit the use of tobacco products by students on school property.

Referred to **Education Committee**.

**H. B. 1383**, a bill to allow Lee County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts.

Referred to **Local Government and Regional Affairs Committee**.



## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 221**, a bill to authorize Wake County to exercise the power of eminent domain under G. S. 40A-42(a) to acquire property for public safety and other facilities, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Ward, Warren, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 587** (Committee Substitute), a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

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

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled, upon third reading.

On motion of Senator Kaplan, the bill is re-referred to the **Finance Committee**.

**H. B. 1320**, a bill to amend G. S. Chapter 131C governing the solicitation of funds for charitable purposes, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 279** (Committee Substitute), a bill to clarify the type land that qualifies for

taxation at its present-use value and to make technical changes concerning eligibility for present-use value taxation, upon second reading.

Senator Martin of Pitt offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: Senator Simpson—1.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 298** (Committee Substitute), a bill to establish a uniform statewide system of appraising land classified for taxation at its present-use value, upon second reading.

On motion of Senator Speed, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, and Woodard—43.

Voting in the negative: Senators Redman and Simpson—2.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 322** (Committee Substitute), a bill to provide numbered National Guard registration plates to senior enlisted members and retired members, upon second reading.

On motion of Senator Redman, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H. B. 534**, a bill to modify court costs, upon second reading.

On motion of Senator Thomas of Henderson, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call votes, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, and Woodard—41.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 1047**, a bill to provide for checking accounts of the clerks of superior court and for fees for the handling of funds by the clerks of superior court, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Ward, Warren, Watt, Williams, and Woodard—42.

Voting in the negative: Senators Sawyer and Simpson—2.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 164**, a bill to provide an income tax credit for distributing wine made principally from North Carolina grapes.

Without objection, Senator Barnes is excused from voting for the stated reason: "Possible conflict of interest."

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Martin of Guilford to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 742**, a bill to clarify school board liability insurance coverage.

On motion of Senator Hardison, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 822**, a bill to hold both licensed and unlicensed suppliers of special fuel liable for non-tax-paid fuel sold or delivered to unlicensed persons for highway use.

Senator Rauch offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 336**, a bill to clarify the law regarding disciplinary suspensions of exceptional children.

The bill passes its second reading (electronically recorded).

Senator Kincaid objects to the third reading of the bill, which objection he subsequently withdraws.

The bill passes its third reading and is ordered enrolled.

**H. B. 337**, a bill to clarify the law regarding the cost allocation in exceptional children's out-of-district placement.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1066**, a bill to repeal the authorization of local school boards to allow consumption of malt beverages or unfortified wine on any property owned or leased by local boards of education.

The bill passes its second reading (electronically recorded).

On objection of Senator Ward to its third reading, the bill remains on the Calendar for further consideration upon third reading.



**H. B. 1161**, a bill to revise the appeal bond statute to allow for the automatic posting of an appeal bond.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1240**, a bill to reduce the time for posting notice of sale and to validate certain foreclosure sales that did not comply with posting requirements.

The bill passes its second reading (electronically recorded).

Senator Staton objects to the third reading of the bill and on his motion, the bill is placed on the Calendar for Wednesday, June 26, for further consideration upon third reading.

**H. B. 841**, a bill to prevent harassment of jurors or former jurors, as amended, upon third reading.

Senator Soles offers Amendment No. 3.

On motion of Senator Staton, consideration of the bill, as amended, with Amendment No. 3 pending, is postponed until Wednesday, June 26.

The President recognizes the following pages serving in the Senate this week: Dale G. Bender, New Bern; Meredith Marie Broome, Monroe; Tammy Bunn, Zebulon; Reed Nicholas Fountain, Raleigh; Heather Hackney, New Bern; Christine Koger, Raleigh; Jeannette Koger, Raleigh; Barbara Joann Lash, Charlotte; Lisa Diann Lemmond, Misenheimer; Frank H. Lewis, Fayetteville; Drew Marcotte, Greensboro; James Derel Monteith, Jr., Charlotte; Ruth Elizabeth Mosely, Roanoke Rapids; Craven Rand, Fayetteville; Tawana Seets, Roxboro; Frank Thompson, Fayetteville; Martha Melinda White, Rocky Mount; Jessica Whitehurst, Cary; W. Smith Williams, Fayetteville; and Kisa Willis, New Bern.

On motion of Senator Harrington, seconded by Senator Williams, the Senate adjourns to meet tomorrow, Tuesday, June 25 at 1:30 P.M.

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### ONE HUNDRED FIRST DAY

SENATE CHAMBER,  
Tuesday, June 25, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Rodney G. Hamm, Millbrook United Methodist Church, Raleigh, as follows:

“Dear Lord and Father of mankind, forgive us our foolish ways; reclothe us in rightful minds; employ us in service that promotes the general good; give us greater trust in your ways; raise us up to do Your Will in this society; and may that same spirit continue in this Body today as it takes various actions that will govern our State, direct our people, and shape our morals.

“We could not pray, Father, without remembering the hostages in Lebanon, families of persons who lost their loved ones in El Salvador, bombings, plane crashes—and victims of

terrorism in all parts of our world. May the leadership of the nations find peaceful solutions that will save lives and instill civility.

“Grant to us a forgiving spirit even as we search for justice and peace in our time. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Staton for today.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 336**, an act to clarify the law regarding disciplinary suspensions of exceptional children. (Ch. 464)

**H. B. 337**, an act to clarify the law regarding the cost allocation in exceptional children's out-of-district placement. (Ch. 465)

**H. B. 489**, an act to increase the number of members of the Winston-Salem/Forsyth County Board of Education from eight to nine members, and change the limitation on reelection or reappointment of school board members. (Ch. 466)

**H. B. 1145**, an act to exempt benefits paid, from voluntary pledges by the North Carolina Highway Patrol, from income tax and inheritance tax. (Ch. 467)

**H. B. 1161**, an act to revise the appeal bond statute to allow for the automatic posting of an appeal bond. (Ch. 468)

**H. J. R. 686**, a joint resolution honoring the life and memory of A. Paul Kitchin. (Res. 24)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**H. B. 458**, a bill to authorize the City of Asheville to process local fair housing complaints, with a favorable report.

**H. B. 470**, a bill to create the Sparta/Alleghany Airport Authority, with a favorable report.

**H. B. 651**, a bill to authorize the Board of County Commissioners of Guilford County to assign the authority for the rezoning of property to a designated planning agency, with a favorable report.

**H. B. 682**, a bill to provide for the incorporation of the Town of Yanceyville and the simultaneous dissolution of the Yanceyville Sanitary District, with a favorable report.

**H. B. 1367**, a bill to provide for a special election in the City of Fayetteville to conduct municipal elections, with a favorable report.

**H. B. 1374**, a bill to allow the City of Lenoir to privately negotiate a lease of the old Lenoir High School, with a favorable report.

**H. B. 1383**, a bill to allow Lee County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts, with a favorable report.

**H. B. 1392**, a bill to provide for the composition and manner of election of the Cumberland County Board of Education, with a favorable report.

**H. B. 1395**, a bill to change the election date for the Polk County Board of Education from May to November, with a favorable report.

**H. B. 1397**, a bill to amend Chapter 2 of the Session Laws of 1985 to provide for the appointment of three additional members to the interim board and subsequent to July 1, 1986, to the Pitt County Board of Education, with a favorable report.

**H. B. 573**, a bill to expand the extraterritorial planning jurisdiction of the Town of Knightdale, and to expand the limit on satellite annexations by that Town, with a favorable report, as amended.

**H. B. 615** (Committee Substitute), a bill to restrict the placement of fences in business districts in the Town of Warrenton, with an unfavorable report.

**S. B. 461**, a bill to provide for private sale of redevelopment property, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 27, upon second reading.

By Senator Johnson of Wake for the **Insurance Committee**:

**H. B. 471**, a bill to improve the system of licensing and regulating insurance agents, brokers, adjusters, and motor vehicle damage appraisers, with a favorable report.

**H. B. 1036**, a bill to clarify the purchase of liability insurance by boards of trustees in the Community College System, with a favorable report.

By Senator Swain for the **Judiciary III Committee**:

**S. B. 495**, a bill to transfer the community service alternative punishment and restitution, deferred prosecution, and volunteer programs to the Administrative Office of the Courts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 495** (Committee Substitute), a bill to authorize the Legislative Research Commission to study the Community Service alternative punishment and restitution, community penalties, deferred prosecution, and volunteer programs, is placed before the Senate for immediate consideration.



On motion of Senator Swain, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

**H. B. 789**, a bill to outline worthless check collection procedures, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Swain, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 789** (Senate Committee Substitute), a bill to authorize letters in worthless check collection procedures, is placed before the Senate for immediate consideration.

On motion of Senator Swain, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 27.

**H. B. 1031** (Committee Substitute), a bill to provide that a divorced woman may resume the surname of a prior living husband if she has children who have that husband's surname, with a favorable report.

**H. B. 1065**, a bill to treat judges like other members of the legal profession, with a favorable report.

On motion of Senator Swain, the bill is re-referred to the **Finance Committee**.

**H. B. 1215**, a bill to define kerosene in accordance with standards adopted by the Gasoline and Oil Inspection Board, with a favorable report.

**H. B. 284** (Committee Substitute), a bill to establish the legal level of impairment for boat operators and to reduce litter on the State's waters, with a favorable report, as amended.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 32** (House Committee Substitute No. 2), a bill to permit enforcement of alimony judgments while on appeal, with a favorable report, as to concurrence.

**H. B. 1008** (Committee Substitute), a bill to amend the North Carolina Manufactured Housing Board Act and to make the terminology regarding manufactured housing consistent throughout the General Statutes, with a favorable report.

**H. B. 1223**, a bill clarifying that all species of marijuana are included in the schedule of controlled substances, with a favorable report.

**S. B. 595**, a bill to provide victim and witness coordination and assistance in all prosecutorial districts of the State, with a favorable report, as amended.

On motion of Senator Soles, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**S. B. 417**, a bill to create the Indigent Care Study Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

**S. B. 438**, a bill to impose minimum terms of imprisonment for convictions of concealing merchandise or switching price tags, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 27.

**S. B. 642**, a bill to repeal reciprocity requirements on inheritance rights of aliens, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 642** (Committee Substitute), a bill to amend the provisions of Chapter 64 of the General Statutes concerning the right of nonresident aliens to inherit property located in North Carolina, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 27.

By Senator Speed for the **Agriculture Committee**:

**H. B. 1115**, a bill to authorize the Board of Agriculture to adopt requirements for apple grade standards, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Speed, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 1115** (Senate Committee Substitute), a bill to require the Board of Agriculture to adopt requirements for apple grade standards, is placed before the Senate for immediate consideration.

On motion of Senator Speed, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 27.

### CONSENT TO APPOINTMENTS

Senator James D. Speed, Chairman of the **Agriculture Committee**, submits the following report.

#### REPORT OF SENATE AGRICULTURE COMMITTEE ON APPOINTMENT TO THE STATE BOARD OF AGRICULTURE

The Senate Committee on Agriculture, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to consent by the Senate of the General Assembly, reports as follows:

The Senate Agriculture Committee recommends that in compliance with G. S. 106-2, that the members of the Senate vote to give consent to the following appointments of the Governor to membership on the State Board of Agriculture:

D. Bruce Cuddy of Union County  
appointed for a term expiring May 4, 1991.

Jessie J. Daniely of Alamance County  
appointed for a term expiring May 4, 1991.

E. Marvin Johnson of Duplin County  
appointed for a term expiring May 4, 1991.

Sherry S. Thompson of Henderson County  
appointed for a term expiring May 4, 1991.

On motion of Senator Speed, the Senate consents to the appointments of the Governor to membership on the State Board of Agriculture by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

By Senator Martin of Guilford, Vice-Chairman, for the **Judiciary II Committee**:

**H. B. 724** (Committee Substitute), a bill relating to confidentiality of library user records, with a favorable report.

**H. B. 1144**, a bill to clarify filing requirements for a claim of statutory lien by a subcontractor dealing with one other than the owner of the property, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 590**, a bill to clarify certain exemptions from licensing, to authorize the Real Estate Commission to increase certain fees, and to introduce a staggered renewal system for licensees, with a favorable report.

On motion of Senator Barnes, the bill is re-referred to the **Finance Committee**.

**H. B. 142** (Committee Substitute), a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus, with a favorable report, as amended.

**H. B. 182** (Committee Substitute), a bill to provide a fair procedure in partition sales, with a favorable report, as amended.

**H. B. 755** (Committee Substitute), a bill to make certain amendments to the power of attorney statutes contained in Chapter 32A of the General Statutes as recommended by the General Statutes Commission, with a favorable report, as amended.

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 707**, a bill to authorize a procedure for units of government to borrow money up to one-half percent of the appraised value of property subject to taxation, with a favorable report.

**S. B. 709**, a bill to amend the Constitution of North Carolina to repeal the authority of the General Assembly to authorize units of local government to contract debt without a vote of the people to the extent of two-thirds of net debt reduction in the preceding fiscal year and to substitute therefor authority to authorize such units to contract debt without a vote of the people to the extent of one-half percent of the appraised value of property subject to taxation by the unit, with a favorable report.



**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Basnight and Harrington:

**S. B. 834**, a bill to appropriate funds for the planning, design, and construction of a science building at Elizabeth City State University.

Referred to **Appropriations Committee**.

By Senator Winner:

**S. J. R. 835**, a joint resolution expressing the concern of all North Carolinians for hostages taken by Shiite terrorists from TWA Flight 847 and their families.

The Chair orders the joint resolution held as filed.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 589** (Committee Substitute), a bill to require recordation of time share instruments and to provide other protections for time share purchasers.

Referred to **Judiciary I Committee**.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 213** (Committee Substitute), a bill to amend the Charter of the City of Raleigh relating to driveways, site plan and subdivision approval, road or drainage project fees, and open space project fees, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 26.

**S. B. 605** (Committee Substitute), a bill to permit maternity leave for inmates, for concurrence in House Amendment No. 1 which is placed on the Calendar for tomorrow, June 26.

**H. B. 245** (Committee Substitute), a bill to provide for strict liability for damages resulting from hazardous waste in North Carolina.

Referred to **Judiciary I Committee**.

**H. B. 396** (Committee Substitute), a bill to require independent audits of persons applying for or holding permits for low-level radioactive facilities.

Referred to **Judiciary IV Committee**.

**H. B. 524**, a bill to provide for the retirement of currently permanent part-time teachers and State employees who had ten or more years of membership service prior to employment on a permanent part-time basis, with the Teachers' and State Employees' Retirement System.

Referred to **Pensions and Retirement Committee**.

**H. B. 581**, a bill to give the City of Wilmington the authority to increase the pensions being received under the Firemen's Pension Fund.

Referred to **Pensions and Retirement Committee.**

**H. B. 582**, a bill to give the City of Wilmington the authority to increase the pensions being received under the Police Pension Fund.

Referred to **Pensions and Retirement Committee.**

**H. B. 631** (Committee Substitute), a bill to provide for the establishment of safety zones to prohibit hunting near buildings in the Bladen Lakes State Forest.

Referred to **Natural and Economic Resources and Wildlife Committee.**

**H. B. 713**, a bill to provide that vested benefits under the North Carolina Public Employee Deferred Compensation Plan are nonforfeitable.

Referred to **Pensions and Retirement Committee.**

**H. J. R. 847**, a joint resolution honoring the life and memory of Ashley Monroe Murphy, a former member of the General Assembly from Pender County.

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

**H. B. 891** (Committee Substitute), a bill to amend G. S. 90-95(d) (4) to increase the punishment for misdemeanor possession of marijuana.

Referred to **Judiciary IV Committee.**

**H. B. 1004**, a bill to amend the Constitution to add two high school students to the State Board of Education.

Referred to **Judiciary IV Committee.**

**H. B. 1113** (Committee Substitute), a bill to modernize the Mutual Association Act.

Referred to **Judiciary II Committee.**

**H. B. 1188**, a bill to limit financial institutions from certain insurance activities with customers.

Referred to **Commerce Committee.**

**H. J. R. 1324**, a joint resolution honoring the life and memory of Chatham Calhoun Clark.

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

**H. B. 1389** (Committee Substitute), a bill making it a general misdemeanor to sell or give a stun gun to a minor.

Referred to **Judiciary III Committee.**

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**S. B. 221**, a bill to authorize Wake County to exercise the power of eminent domain under G. S. 40A-42(a) to acquire property for public safety and other facilities, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hips, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson,

Smith, Soles, Somers, Speed, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: None.

The bill is ordered, without objection, sent to the House of Representatives by special messenger.

**S. B. 279** (Committee Substitute), a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning eligibility for present-use value taxation, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

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

**S. B. 298** (Committee Substitute), a bill to establish a uniform statewide system of appraising land classified for taxation at its present-use value, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call votes, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: Senator Simpson—1.

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

**H. B. 534**, a bill to modify court costs, as amended, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.



**H. B. 1047**, a bill to provide for checking accounts of the clerks of superior court and for fees for the handling of funds by the clerks of superior court, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—45.

Voting in the negative: Senator Simpson—1.

The bill is ordered enrolled.

**H. B. 1110**, a bill to license the propagation of furbearers and foxes in captivity and the sale of the pelts thereof for use as fur, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, and Woodard—44.

Voting in the negative: Senator Winner—1.

The bill is ordered enrolled.

**S. B. 49** (Committee Substitute), a bill to establish State and local funding responsibilities for the uniform system of free public schools, upon second reading.

On motion of Senator Winner, the Committee Substitute bill is recommitted to the **Education Committee**.

**H. B. 52** (Senate Committee Substitute), a bill to amend Chapter 150A of the General Statutes, add a new Article 60 to Chapter 7A of the General Statutes, and make other changes in the administrative procedures of executive agencies, upon second reading.

On motion of Senator Barnes, the Senate Committee Substitute bill is re-referred to the **Appropriations Committee**.

**S. B. 586**, a bill to amend Section 75-16 of the North Carolina General Statutes to limit the award of treble damages for violations of Section 75-1.1.

On motion of Senator Rand, consideration of the bill is postponed until Thursday, June 27.

**S. B. 738** (Committee Substitute), a bill to improve the regulation of insurance by making technical improvements and increasing fees and penalties.

On motion of Senator Johnson, the rules are suspended to the end that William Hale, of the Department of Insurance, is extended the courtesies of the floor for the purpose of assisting with the explanation of the Committee Substitute bill.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

Senator Hardison offers Amendment No. 2. Senator Soles, seconded by Senator Winner, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 2 lies upon the table.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Thursday, June 27.

**S. B. 1** (Committee Substitute), a bill to make appropriations for current operations of State department, institutions, and agencies, and for other purposes, as amended, upon third reading.

On motion of Senator Plyler, the rules are suspended to the end that courtesies of the floor are extended to the Fiscal Research Staff for the purpose of assisting with the explanation of the Committee Substitute bill.

Senator Plyler offers Amendments No. 6, No. 7, and No. 8, which are adopted (electronically recorded).

Senator Royall offers Amendment No. 9, which is adopted (electronically recorded).

Senator Rand offers Amendments No. 10 and No. 11, which are adopted (electronically recorded).

Senator Plyler moves that the vote by which Amendment No. 6 was adopted be reconsidered, which motion prevails. Without objection, Senator Plyler withdraws Amendment No. 6.

Senator Jordan offers Amendment No. 12, which fails of adoption (electronically recorded).

Senator Winner offers Amendment No. 13, which is adopted (electronically recorded).

Senator Harrington offers Amendment No. 14, which is adopted (electronically recorded).

Senator Simpson offers Amendment No. 15, which fails of adoption (electronically recorded).

Senator Plyler offers Amendment No. 16, which is adopted (electronically recorded).

Senator Cobb offers Amendment No. 17 and calls for the ayes and noes on the adoption of the Amendment. The call is sustained. Amendment No. 17 fails of adoption, ayes 13, noes 30, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Kincaid, McDuffie, Price, Redman, Sawyer, Shaw, Simpson, Somers, Taft, Williams, and Winner—13.

Voting in the negative: Senators Barnes, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, and Woodard—30.

Senator Cobb offers Amendment No. 18 and calls for the ayes and noes on the adoption of the Amendment. The call is sustained. Amendment No. 18 fails of adoption, ayes 15, noes 30, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Hardison, Kincaid, Martin of Guilford, Marvin, McDuffie, Redman, Sawyer, Shaw, Simpson, Smith, Somers, Taft, and Williams—15.

Voting in the negative: Senators Barnes, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Parnell, Plyler, Price, Rand, Rauch, Royall, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—30.

Senator Harrington moves that the vote by which Amendment No. 14 was adopted be reconsidered, which motion prevails.

Without objection, Senator Harrington withdraws Amendment No. 14. Senator Harrington offers Amendment No. 19 which is adopted (electronically recorded).

Senator Plyler calls the previous question, seconded by Senator Rand. The call is sustained (electronically recorded).

Senator Sawyer, seconded by Senator Redman, offers a motion to adjourn, which motion fails to prevail (electronically recorded).

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

Senator Plyler offers a motion that the Committee Substitute bill be sent to the House of Representatives without engrossment by special messenger, which motion prevails (electronically recorded). The Committee Substitute bill, as amended, is ordered sent to the House of Representatives by special messenger, without engrossment.

**S. B. 2** (Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, as amended, upon third reading.

Senator Plyler offers Amendment No. 3 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

**S. B. 164**, a bill to provide an income tax credit for distributing wine made principally from North Carolina grapes, as amended.

Senator Martin of Guilford offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**H. B. 1066**, a bill to repeal the authorization of local school boards to allow consumption of malt beverages or unfortified wine on any property owned or leased by local boards of education.

On motion of Senator Ward, consideration of the bill is postponed until Wednesday, June 26.

**S. B. 701**, a bill to make unlawful the impersonation of city, county or State employees, for concurrence in House Amendment No. 1.

On motion of Senator Thomas of Henderson, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 714** (Committee Substitute), a bill creating the offense of dumping litter on private property, for concurrence in House Amendment No. 1.

On motion of Senator Plyler, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 693**, a bill to allow the prosecution of the reputed father as well as the mother of an illegitimate child anytime before the child attains the age of eighteen years.

On motion of Senator Marvin, consideration of the bill is postponed until Thursday, June 27.



**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 583**, a bill to give the City of Wilmington authority to abolish the pension fund for police officers for the City of Wilmington.

Referred to **Pensions and Retirement Committee**.

**H. B. 978** (Committee Substitute), a bill to prohibit dark-shaded windows on motor vehicles which obstruct the view from outside the vehicle.

Referred to **Transportation Committee**.

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 693**

HOUSE OF REPRESENTATIVES  
June 25, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in Senate Amendments No. 1 and No. 2 to **H. B. No. 693, A BILL TO BE ENTITLED AN ACT TO PROHIBIT TAKING BEAR WITH BAIT**, and requests conferees. The Speaker has appointed Representatives Colton, Chairman; Nye, and Murphy on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

Senator Thomas of Craven moves that the President appoint conferees, which motion prevails. The President appoints Senators Thomas of Craven, Thomas of Henderson, and Taft as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 425**

HOUSE OF REPRESENTATIVES  
June 25, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **H. B. No. 425, A BILL TO BE ENTITLED AN ACT TO PERMIT WAYNE COUNTY AND THE CITIES LOCATED THERE TO REGULATE ABANDONED, JUNKED VEHICLES FOR AESTHETIC PURPOSES**, and requests conferees. The Speaker has appointed Representatives Lancaster, Chairman; Greenwood, and Crawford on the part of the House to confer with a

like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

On motion of Senator Harrington, seconded by Senator Simpson, the Senate adjourns to meet tomorrow, Wednesday, June 26, at 1:30 P.M.

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### ONE HUNDRED SECOND DAY

SENATE CHAMBER,  
Wednesday, June 26, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Camille O. Yorkey, Pastor, Saint Paul United Methodist Church, Goldsboro, as follows:

"Most Gracious God, Who Creator of a world filled with wonder and mystery, we give thanks that You are revealed to us in the events of human history, even on this day in the North Carolina Senate. You know that we live in a constant state of brokenness and alienation—not only from one another but also from You, God. Bring us back into Your Presence.

"You are the God of Mercy, and thus our failures don't surprise You—and because You are the God of Love, You accept us as we are. Bring us back into Your Presence so that we may accept ourselves and others here as well.

"You are the God of Truth, but how difficult it is for us to be truthful. We often try to hide who we really are. Bring us back into Your Presence, and lead us to the truth.

"You are the God of Wisdom, and You have given us Your Light to guide us through confusion, yet we all too often have relied instead on our human wisdom and thus have lost our way. Bring us back into Your Presence as we seek to make wise decisions on complicated issues.

"Fill us with Your Compassionate Spirit so that we most faithfully can serve those people to whom we are responsible. Grant us Your Guidance so that we may creatively pass laws which affirm justice, life, love, and the dignity of all persons. Bring us back into Your Presence, O God. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President of the Senate grants courtesies of the floor to Dallas Alford, former Senator from Nash County.

**ENROLLED BILLS**

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 94** (Committee Substitute No. 2), an act to further define the appropriate political activity of State employees. (Ch. 469)

**H. B. 372** (Committee Substitute), an act to amend G. S. 130A-5 to authorize the Secretary to review and examine privileged patient medical records and to declare all privileged patient medical records in the possession of the Department of Human Resources and local health departments to be confidential. (Ch. 470)

**H. B. 523**, an act to prohibit the discharge of firearms from public roads in Greene and Nash Counties. (Ch. 471)

**H. B. 837** (Senate Committee Substitute), an act to make further technical changes in the election laws. (Ch. 472)

**H. B. 989**, an act to provide for single audit implementation for local governments. (Ch. 473)

**H. B. 1074**, an act to clarify and improve the procedures to collect restitution from criminal defendants and make other technical changes. (Ch. 474)

**H. B. 1047**, an act to provide for checking accounts of the clerks of superior court and for fees for the handling of funds by the clerks of superior court. (Ch. 475)

**H. B. 1110**, an act to license the propagation of furbearers and foxes in captivity and the sale of the pelts thereof for use as fur. (Ch. 476)

**S. B. 701**, an act to make unlawful the impersonation of city, county or State employees. (Ch. 477)

**S. B. 714** (Committee Substitute), an act creating the offense of dumping litter on private property. (Ch. 478)

**REPORTS OF COMMITTEES**

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Jordan for the **Manufacturing and Labor Committee**:

**H. B. 567** (Committee Substitute), a bill to remove obsolete provisions and to make technical, clarifying, and other amendments to the Employment Security Law, with a favorable report.

**H. B. 455** (Committee Substitute), a bill to prevent double recovery of workers' compensation and unemployment benefits, with a favorable report, as amended.

**S. B. 750**, a bill to exempt certain boilers and pressure vessels from the provisions of the Uniform Boiler and Pressure Vessel Act, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.



On motion of Senator Jordan, the rules are suspended and the Committee Substitute bill, which changes the title to read **S. B. 750** (Committee Substitute), a bill to exempt certain pressure vessels from the provisions of the Uniform Boiler and Pressure Vessel Act, is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, June 27.

By Senator Harris for the **Human Resources Committee**:

**H. B. 866**, a bill to allow municipalities to create sewer service districts, with a favorable report.

**H. B. 855**, a bill to amend the requirements for receiving a license to practice medicine, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 28.

By Senator Parnell for the **Insurance Committee**:

**H. B. 536** (Committee Substitute), a bill to protect consumers in North Carolina by providing for placement of insurance with financially sound nonadmitted insurers and for a system of regulation of surplus lines insurance, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Parnell, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Parnell, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 28.

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

**H. B. 606** (Committee Substitute), a bill to authorize Wake County and the City of Raleigh to levy occupancy taxes, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 28.

**H. B. 397**, a bill to provide an income tax deduction for marketing assessments on tobacco grown in North Carolina, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

**H. B. 590**, a bill to clarify certain exemptions from licensing, to authorize the Real Estate Commission to increase certain fees, and to introduce a staggered renewal system for licensees, with a favorable report.

**H. B. 677** (Committee Substitute), a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees, with a favorable report.

**S. B. 249**, a bill requiring persons who represent themselves as certified therapeutic

recreation specialists or certified therapeutic recreation assistants to meet certain standards, with a favorable report, as amended.

**S. B. 367**, a bill to improve the collection of property taxes on motor vehicles by requiring that these taxes be paid when a vehicle registration is renewed, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 367** (Committee Substitute), a bill to appropriate funds to conduct a needs assessment study on automating the titling and registration of motor vehicles by the Division of Motor Vehicles and implementing a plan for collecting property taxes on motor vehicles when vehicle registrations are renewed, is placed before the Senate for immediate consideration.

On motion of Senator Rauch, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Plyler for the **Appropriations Committee**:

**H. B. 52** (Senate Committee Substitute), a bill to amend Chapter 150A of the General Statutes, add a new Article 60 to Chapter 7A of the General Statutes, and make other changes in the administrative procedures of executive agencies, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill is placed on today's Calender for consideration.

**H. B. 258**, a bill to provide for the continuation of the Utility Review Committee as the Joint Legislative Utility Review Committee, with a favorable report.

**S. B. 300**, a bill to authorize the use of State income tax refund offset procedures in non-AFDC and interstate cases as required by federal law, with a favorable report, as amended.

**S. B. 831**, a bill to provide for regulation of underground storage tanks, with a favorable report, as amended.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 286** (Committee Substitute), a bill to protect the confidentiality of financial records, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 28.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 1135**, a bill to improve enforcement of the cooling-off period in off-premises sales, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 28.

**H. B. 1258**, a bill to permit qualified surety companies to guarantee arrest bond

certificates offered by automobile clubs and associations; requiring the acceptance of those guaranteed arrest bond certificates in the event of violation of certain motor vehicle laws; and to provide for the forfeiture of the guaranteed arrest bond certificates, with a favorable report, as amended.

**S. B. 303**, a bill to amend Chapter 50 of the General Statutes to establish procedures for withholding from wages and other income in child support cases as required by federal law, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 28.

By Senator Kaplan for the **Election Laws Committee**:

**H. B. 274** (Committee Substitute), a bill to remove the requirement that absentee ballots from outside the United States need to be notarized, with a favorable report.

On motion of Senator Kaplan, the Committee Substitute bill is placed on the Calendar for Monday, July 1.

**H. B. 778**, a bill to regulate the submission of laws affecting elections to the United States Attorney General as required by Section Five of the Voting Rights Act of 1965, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Monday, July 1.

**H. B. 833** (Committee Substitute), a bill to clarify the effect of possible reversal by the United States Supreme Court of opinions of the district court concerning redistricting, with a favorable report.

On motion of Senator Kaplan, the Committee Substitute bill is placed on the Calendar for Monday, July 1.

**H. B. 404**, a bill to make technical amendments to the election laws, with a favorable report.

On motion of Senator Kaplan, the bill is placed on the Calendar for Monday, July 1.

**H. B. 747**, a bill to prescribe compensation for supervisors of elections, with a favorable report, as amended.

On motion of Senator Kaplan, the bill is placed on the Calendar for Monday, July 1.

**H. B. 791**, a bill to eliminate conflict in the statutes concerning vacancies in municipal and special district elective offices, with a favorable report, as amended.

On motion of Senator Kaplan, the bill is placed on the Calendar for Monday, July 1.

**H. B. 834**, a bill to make additional technical amendments to the election laws, with a favorable report, as amended.

On motion of Senator Kaplan, the bill is placed on the Calendar for Monday, July 1.

By Senator Warren for the **Transportation Committee**:

**S. B. 216**, a bill to provide that funds from special personalized registration plates be used to promote travel accessibility for the disabled, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.



On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

#### RE-REFERRAL

**S. B. 351**, a bill to authorize the City of Charlotte to levy an income tax not to exceed one percent of net income and to designate how revenues from this tax shall be used.

Without objection and on motion of Senator Rauch, the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to the **Appropriations Committee**.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Williams:

**S. B. 836**, a bill to appropriate funds to New Hanover County to build a boat ramp. Referred to **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 1** (Committee Substitute), a bill to make appropriations for current operations of State department, institutions, and agencies, and for other purposes, for concurrence in House Amendments No. 4 and No. 9.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Senate concurs in House Amendments No. 4 and No. 9 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

**S. B. 2** (Committee Substitute), a bill to make appropriations to provide capital improvements for State departments, institutions, and agencies, for concurrence in House Amendment No. 2.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Senate concurs in House Amendment No. 2 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

**S. B. 238** (Committee Substitute), a bill to amend the Charter of the City of Raleigh and to exercise eminent domain powers for open space, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read, **S. B. 238** (House Committee Substitute), a bill as to the cities of Asheville and Raleigh concerning tree regulation and to allow them to exercise eminent domain powers for open space.

Referred to **Local Government and Regional Affairs Committee**.

**S. B. 346**, a bill amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects, for concurrence in House Amendment No. 1.

Referred to **Local Government and Regional Affairs Committee**.

**S. B. 716** (Committee Substitute), a bill to permit municipalities bordering on the  
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Atlantic Ocean to regulate sewer tie-ons within their corporate limits, and to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County, for concurrence in House Amendment No. 1.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 562** (Committee Substitute), a bill to amend the Charter of the Town of Wrightsville Beach to eliminate the unanimous vote requirement for ordinances affecting business and to authorize the Town of Wrightsville Beach to regulate development in estuarine waters and public trust limits under navigable waters.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 580**, a bill to give the City of Wilmington authority to abolish the Firemen's Pension Fund for the City of Wilmington.

Referred to **Pensions and Retirement Committee.**

**H. B. 941** (Committee Substitute), a bill concerning solid waste firms in areas proposed for annexation.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 1029** (Committee Substitute), a bill to vest property rights upon the issuance of a building permit.

Referred to **State Government Committee.**

**H. B. 1037** (Committee Substitute), a bill to enable hospital, medical and dental service corporations, insurers and persons to engage in health care cost containment activities.

Referred to **Human Resources Committee.**

**H. B. 1368**, a bill to annex certain territory to the corporate limits of the Town of Hot Springs.

Referred to **Local Government and Regional Affairs Committee.**

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 1395**, a bill to change the election date for the Polk County Board of Education from May to November.

On motion of Senator Ezzell, consideration of the bill is postponed until Friday, June 28.

**H. B. 470**, a bill to create the Sparta/Alleghany Airport Authority, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 573**, a bill to expand the extraterritorial planning jurisdiction of the Town of

Knightdale, and to expand the limit on satellite annexations by that Town, upon second reading.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted, changing the title upon concurrence, to read, **H. B. 573**, a bill to expand the extraterritorial planning jurisdiction of the Town of Knightdale.

The bill, as amended, passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 682**, a bill to provide for the incorporation of the Town of Yanceyville and the simultaneous dissolution of the Yanceyville Sanitary District, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1383**, a bill to allow Lee County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 458**, a bill to authorize the City of Asheville to process local fair housing complaints.

Senator Winner offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 651**, a bill to authorize the Board of County Commissioners of Guilford County to assign the authority for the rezoning of property to a designated planning agency.



The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1367**, a bill to provide for a special election in the City of Fayetteville to conduct municipal elections.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1374**, a bill to allow the City of Lenoir to privately negotiate a lease of the old Lenoir High School.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1392**, a bill to provide for the composition and manner of election of the Cumberland County Board of Education.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1397**, a bill to amend Chapter 2 of the Session Laws of 1985 to provide for the appointment of three additional members to the interim board and subsequent to July 1, 1986, to the Pitt County Board of Education.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 213** (Committee Substitute), a bill to amend the Charter of the City of Raleigh relating to driveways, site plan and subdivision approval, road or drainage project fees, and open space project fees, for concurrence in House Amendment No. 1 upon second reading.

On motion of Senator Woodard, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 520**, a bill to authorize counties to establish research and production service districts, upon second reading.

On motion of Senator Royall, duly seconded, the bill is postponed indefinitely.

**S. B. 707**, a bill to authorize a procedure for units of government to borrow money up to one-half percent of the appraised value of property subject to taxation, upon second reading.

The bill passes its second reading by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford,

Marvin, Parnell, Price, Rauch, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: Senators Harris and Kaplan—2.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 709**, a bill to amend the Constitution of North Carolina to repeal the authority of the General Assembly to authorize units of local government to contract debt without a vote of the people to the extent of two-thirds of net debt reduction in the preceding fiscal year and to substitute therefor authority to authorize such units to contract debt without a vote of the people to the extent of one-half percent of the appraised value of property subject to taxation by the unit, upon second reading.

Receiving a three-fifths affirmative majority, the bill passes its second reading by roll-call vote, ayes 41, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Hips, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Royall, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: Senators Harris, Kaplan, and Rauch—3.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 142**, a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus.

On motion of Senator Johnson of Cabarrus, Committee Amendment No. 1 is adopted. Senator Soles offers Amendment No. 2.

Senator Soles offers a motion that the bill, as amended, with Amendment No. 2 pending, be removed from the Calendar and re-referred to the **Judiciary IV Committee**.

Senator Barnes offers a substitute motion that the bill, as amended, with Amendment No. 2 pending, be re-referred to the **Judiciary I Committee**, which motion prevails.

The bill, as amended, with Amendment No. 2 pending, is recommitted to the **Judiciary I Committee**.

**H. B. 182** (Committee Substitute), a bill to provide a fair procedure in partition sales.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Thursday, June 27.

**H. B. 284** (Committee Substitute), a bill to establish the legal level of impairment for boat operators and to reduce litter on the State's waters.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Rand offers a motion to the end that the Committee Substitute bill, as amended, be re-referred to the **Judiciary III Committee**, which motion fails to prevail (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rand to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 471**, a bill to improve the system of licensing and regulating insurance agents, brokers, adjusters, and motor vehicle damage appraisers.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 724** (Committee Substitute), a bill relating to confidentiality of library user records.

Senator Simpson offers Amendment No. 1 which fails of adoption (electronically recorded).

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 755** (Committee Substitute), a bill to make certain amendments to the power of attorney statutes contained in Chapter 32A of the General Statutes as recommended by the General Statutes Commission.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 1008** (Committee Substitute), a bill to amend the North Carolina Manufactured Housing Board Act and to make the terminology regarding manufactured housing consistent throughout the General Statutes.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1031** (Committee Substitute), a bill to provide that a divorced woman may resume the surname of a prior living husband if she has children who have that husband's surname.

Senator Redman offers Amendment No. 1 which fails of adoption (electronically recorded).

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1036**, a bill to clarify the purchase of liability insurance by boards of trustees in the Community College System.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1144**, a bill to clarify filing requirements for a claim of statutory lien by a subcontractor dealing with one other than the owner of the property.

The bill passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**H. B. 1215**, a bill to define kerosene in accordance with standards adopted by the Gasoline and Oil Inspection Board.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1223**, a bill clarifying that all species of marijuana are included in the schedule of controlled substances.



The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 841**, a bill to prevent harassment of jurors or former jurors, as amended, upon third reading, with Amendment No. 3 pending.

Without objection, Senator Soles withdraws Amendment No. 3.

Senator Staton offers Amendment No. 4

On motion of Senator Staton, consideration of the bill, as amended, with Amendment No. 4 pending, is postponed until Thursday, June 27.

**H. B. 1066**, a bill to repeal the authorization of local school boards to allow consumption of malt beverages or unfortified wine on any property owned or leased by local boards of education, upon third reading.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

Senator Kaplan offers Amendment No. 2 which fails of adoption (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1240**, a bill to reduce the time for posting notice of sale and to validate certain foreclosure sales that did not comply with posting requirements, upon third reading.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 32** (House Committee Substitute No. 2), a bill to permit enforcement of alimony judgments while on appeal, for concurrence in the House Committee Substitute bill No. 2.

On motion of Senator Winner, the Senate concurs in the House Committee Substitute bill No. 2, and the bill is ordered enrolled.

**S. B. 605** (Committee Substitute), a bill to permit maternity leave for inmates, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1, and the Committee Substitute bill is ordered enrolled.

**H. B. 52** (Senate Committee Substitute), a bill to amend Chapter 150A of the General Statutes, add a new Article 60 to Chapter 7A of the General Statutes, and make other changes in the administrative procedures of executive agencies.

Senator Harris offers Amendment No. 1 which fails of adoption (electronically recorded).

Senator Hips offers Amendment No. 2 which is adopted (electronically recorded).

Senator Hips offers Amendment No. 3.

The Chair rules the Senate Committee Substitute bill does not require a call of the roll. Senator Soles, seconded by Senator Swain, offers a motion that Amendment No. 3 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 3 lies upon the table.

Senator Watt offers Amendment No. 4 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Without objection, the Senate Committee Substitute bill remains before the Senate for further consideration upon third reading.

Senator Rand offers Amendment No. 5 which is adopted (electronically recorded).

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

#### RE-REFERRAL

**H. B. 589** (Committee Substitute), a bill to require recordation of time share instruments and to provide other protections for time share purchasers.

Without objection and on motion of Senator Barnes, the rules are suspended and the Committee Substitute bill is taken from the **Judiciary I Committee** and re-referred to the **Judiciary IV Committee**.

**H. B. 895** (Committee Substitute), a bill to validate the appointments that have already been made by boards of county commissioners and local boards of education of their own members to boards of trustees of community colleges, but to forbid further such appointments by boards of county commissioners.

Without objection and on motion of Senator Martin of Guilford, the rules are suspended and the Committee Substitute bill is taken from the **Higher Education Committee** and re-referred to the **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 1384**, a bill to authorize the Department of Human Resources to impose a reasonable fee on all handlers of hazardous waste.

Referred to **Finance Committee**.

**H. B. 977** (Committee Substitute), a bill to reform the laws regarding common carriers of passengers by motor vehicles.

Referred to **Commerce Committee**.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 1409**, a bill to provide for the temporary extension of the Office of Appellate Defender.

On motion of Senator Watt, the rules are suspended and the bill is placed on the Calendar for Thursday, June 27.

On motion of Senator Harrington, seconded by Senator Redman, the Senate adjourns to meet tomorrow, Thursday, June 27, at 1:30 P.M.

## ONE HUNDRED THIRD DAY

SENATE CHAMBER,  
Thursday, June 27, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Michael D. Miller, Pastor, Mount Zion Baptist Church, Louisburg, as follows:

"Our Father, Who is in Heaven and within the heart of every believer, we thank You this day that we do not live in a land ruled by an Ayatollah, a politburo, or a group of self-appointed terrorists, but that we reside in the land of the free where the voice of every individual can be heard, and every man, woman, and child may exercise his or her God-given, unalienable rights of life, liberty, and the pursuit of happiness.

"Help us to be proud Americans, and grant us the wisdom, O God, to enact legislation that will make this a better place to live, so that we may have even greater cause to be proud.

"We confess to You, O God, that even though we have been elected to this high office and given this massive responsibility, that we are only human—often short-sighted, narrow-minded, and selfish. Because we are fragile and finite beings, we need Your Guidance and Grace.

"Help us to be worthy of the confidence and trust of those whom we represent, and help us to commit ourselves to the good of this world, this nation, this State, our communities, and each other as individuals. And help us, O God, to ultimately place our faith, trust, and commitment in Thee.

"In Thy Holy Name we pray. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants a leave of absence to Senator Shaw for today for a "Presidential Briefing."

The President grants courtesies of the floor to Rachel Gray, former Senator from Guilford County.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 1** (Committee Substitute), an act to make appropriations for current operations of State department, institutions, and agencies, and for other purposes. (Ch. 479)

**S. B. 2** (Committee Substitute), an act to make appropriations to provide capital improvements for State departments, institutions, and agencies. (Ch. 480)



**H. B. 534**, an act to modify court costs. (Ch. 481)

**S. B. 32** (House Committee Substitute No. 2), an act to permit enforcement of alimony judgments while on appeal. (Ch. 482)

**S. B. 605** (Committee Substitute), an act to permit maternity leave for inmates. (Ch. 483)

**H. B. 471**, an act to improve the system of licensing and regulating insurance agents, brokers, adjusters, and motor vehicle damage appraisers. (Ch. 484)

**H. B. 651**, an act to authorize the Board of County Commissioners of Guilford County to assign the authority for the rezoning of property to a designated planning agency. (Ch. 485)

**H. B. 724** (Committee Substitute), an act relating to confidentiality of library user records. (Ch. 486)

**H. B. 1008** (Committee Substitute), an act to amend the North Carolina Manufactured Housing Board Act and to make the terminology regarding manufactured housing consistent throughout the General Statutes. (Ch. 487)

**H. B. 1031** (Committee Substitute), an act to provide that a divorced woman may resume the surname of a prior living husband if she has children who have that husband's surname. (Ch. 488)

**H. B. 1036**, an act to clarify the purchase of liability insurance by boards of trustees in the Community College System. (Ch. 489)

**H. B. 1215**, an act to define kerosene in accordance with standards adopted by the Gasoline and Oil Inspection Board. (Ch. 490)

**H. B. 1223**, an act clarifying that all species of marijuana are included in the schedule of controlled substances. (Ch. 491)

**H. B. 1367**, an act to provide for a special election in the City of Fayetteville to conduct municipal elections. (Ch. 492)

**H. B. 1374**, an act to allow the City of Lenoir to privately negotiate a lease of the old Lenoir High School. (Ch. 493)

**H. B. 1392**, an act to provide for the composition and manner of election of the Cumberland County Board of Education. (Ch. 494)

**H. B. 1397**, an act to amend Chapter 2 of the Session Laws of 1985 to provide for the appointment of three additional members to the interim board and subsequent to July 1, 1986, to the Pitt County Board of Education. (Ch. 495)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Jordan for the **Manufacturing and Labor Committee**:

**H. B. 1238**, a bill to protect certain claimants from discharge or demotion by employers for instituting a workers' compensation claim, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Jordan, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Jordan, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 1.

By Senator Winner for the **Education Committee**:

**H. B. 1212**, a bill to clarify parent responsibility for school fees and charges, with a favorable report.

**S. B. 49** (Committee Substitute), a bill to establish State and local funding responsibilities for the uniform system of free public schools, with a favorable report, as amended.

**S. B. 735**, a bill to make attendance counselors school social workers, with a favorable report, as amended.

**H. B. 1309**, a bill urging local boards of education to prohibit the use of tobacco products by students on school property, with an unfavorable report.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 589** (Committee Substitute), a bill to require recordation of time share instruments and to provide other protections for time share purchasers, with a favorable report.

On motion of Senator Soles, the Committee Substitute bill is re-referred to the **Finance Committee**.

**H. B. 396** (Committee Substitute), a bill to require independent audits of persons applying for or holding permits for low-level radioactive facilities, with a favorable report.

**H. B. 1333** (Committee Substitute), a bill to establish the North Carolina Employment and Training Act, with a favorable report.

By Senator Royall for the **Ways and Means Committee**:

**H. B. 805**, a bill to amend the Uniform Boiler and Pressure Vessel Act to restore the authority of the Commissioner of Labor to regulate certain hydropneumatic pressure vessels and to make other amendments to the Act, with a favorable report, as amended.

**S. B. 532**, a bill to establish a State lottery after a binding referendum, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Royall, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 1070**, a bill to amend G. S. 42-14 for certain tenancies, with a favorable report.

**H. B. 1113** (Committee Substitute), a bill to modernize the Mutual Association Act, with a favorable report.

By Senator Guy for the **State Government Committee**:

**H. B. 1029** (Committee Substitute), a bill to vest property rights upon the issuance of a building permit, with a favorable report.

**H. B. 680** (Committee Substitute No. 2), a bill to amend the State Personnel Act, with an unfavorable report as to Committee Substitute bill No. 2, but favorable as to Senate Committee Substitute bill.

On motion of Senator Guy, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Guy, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, June 28.

By Senator Warren for the **Transportation Committee**:

**S. B. 612**, a bill to permit the Commissioner of Motor Vehicles to issue fictitious licenses and registration plates to local law enforcement officers under certain circumstances, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Warren, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Warren, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 1.

By Senator Swain for the **Judiciary III Committee**:

**H. B. 1163**, a bill to empower the North Carolina Building Code Council to adopt efficiency standards for replacement water heaters, with a favorable report, as amended.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 449**, a bill to create a Crime Victims Compensation Fund, and to place a five thousand dollar limit on aggregate payouts, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 449** (Committee Substitute), a bill to amend Chapter 15B of the General Statutes to streamline the North Carolina Victims Compensation Program and to create a Victim Compensation Fund, is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 794**, a bill to create the Uniform Sheriffs Retirement System of North Carolina, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee**.

**H. B. 524**, a bill to provide for the retirement of currently permanent part-time teachers and State employees who had ten or more years of membership service prior to employment on a permanent part-time basis, with the Teachers' and State Employees' Retirement System, with a favorable report.

**H. B. 580**, a bill to give the City of Wilmington authority to abolish the Firemen's Pension Fund for the City of Wilmington, with a favorable report.



**H. B. 581**, a bill to give the City of Wilmington the authority to increase the pensions being received under the Firemen's Pension Fund, with a favorable report.

**H. B. 582**, a bill to give the City of Wilmington the authority to increase the pensions being received under the Police Pension Fund, with a favorable report.

**H. B. 583**, a bill to give the City of Wilmington authority to abolish the pension fund for police officers for the City of Wilmington, with a favorable report.

**H. B. 713**, a bill to provide that vested benefits under the North Carolina Public Employee Deferred Compensation Plan are nonforfeitable, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Finance Committee**.

**H. B. 906**, a bill to extend the time a member has to make contributions to the Teachers' and State Employees' Retirement System and to the Local Governmental Employees' Retirement System for the purchase of service credits for educational leave, with a favorable report.

**S. B. 557**, a bill to increase the retirement formula for active and retired members of the Local Governmental Employees' Retirement System and Law Enforcement Officers' Retirement System, with a favorable report, as amended.

On motion of Senator Marvin, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**H. B. 712** (Committee Substitute), a bill to provide for various changes in State and local retirement, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Marvin, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Marvin, the Senate Committee Substitute bill is adopted, and on her further motion is placed on the Calendar for Monday, July 1.

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 414** (Committee Substitute), a bill to provide that an order of seizure and delivery for property purchased under a conditional sale contract or for property used as collateral expires in sixty days, with a favorable report.

**H. B. 698**, a bill to improve the administration of justice, with a favorable report.

**H. B. 749**, a bill to clarify Chapter 36A regarding the investment by a trustee in United States government obligations, with a favorable report.

#### WITHDRAWAL FROM COMMITTEE

**S. B. 238** (House Committee Substitute), a bill as to the cities of Asheville and Raleigh concerning tree regulation and to allow them to exercise eminent domain powers for open space.

On motion of Senator Woodard and without objection, the rules are suspended and the

House Committee Substitute bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for Friday, June 28.

**S. B. 716** (Committee Substitute), a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, and to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County.

On motion of Senator Ezzell and without objection, the rules are suspended and the Committee Substitute bill is taken from the **Local Government and Regional Affairs Committee** and is placed before the Senate for immediate consideration for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Ezzell, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Watt, and Winner—42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for tomorrow for concurrence in House Amendment No. 1 upon third reading.

#### RE-REFERRAL

**H. B. 1037** (Committee Substitute), a bill to enable hospital, medical and dental service corporations, insurers and persons to engage in health care cost containment activities.

On motion of Senator Swain and without objection, the rules are suspended and the Committee Substitute bill is taken from the **Human Resources Committee** and re-referred to the **Insurance Committee**.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Johnson of Cabarrus:

**S. B. 837**, a bill to appropriate funds for the Cabarrus Civic Foundation, Inc.  
Referred to **Appropriations Committee**.

By Senator Smith:

**S. B. 838**, a bill to appropriate funds to assist in the rehabilitation of historic buildings at Livingstone College.

Referred to **Appropriations Committee**.

Senator Plyler moves that the rules be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senator Plyler:

**S. J. R. 839**, a joint resolution honoring Guy B. Phillips and the one hundredth anniversary of local boards of education.

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

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 238** (Committee Substitute), a bill to provide that separation agreements and certain court orders shall be revived after attempted reconciliation.

Referred to **Judiciary I Committee**.

**H. B. 516** (Committee Substitute), a bill to amend G. S. 7A-517 to prohibit sexual exploitation of children.

Referred to **Children and Youth Committee**.

**H. B. 761**, a bill to apportion the federal estate tax burden as recommended by the General Statutes Commission.

Referred to **Finance Committee**.

**H. B. 806** (Committee Substitute), a bill to provide that the local health director may allow the confinement of a legally vaccinated and restrained dog or cat that bites a person on the owner's property for ten days.

Referred to **Judiciary II Committee**.

**H. B. 1063**, a bill to grant parity with federally chartered savings and loan associations by permitting State chartered savings and loan associations to call themselves savings banks.

Referred to **Commerce Committee**.

**H. B. 1082** (Committee Substitute), a bill to allow a bond to release a possessory lien and to allow a special proceeding for disposal of abandoned motor vehicles subject to such liens.

Referred to **Judiciary II Committee**.

**H. B. 1160** (Committee Substitute), a bill to provide that judicial contempt shall not apply when a judicial order is stayed.

Referred to **Judiciary I Committee**.

**H. B. 1125** (Committee Substitute), a bill to amend the Residential Zoning Law regarding certain homes.

Referred to **Human Resources Committee**.

**H. B. 1404**, a bill to provide for the employment of probationary teachers by the Western Rockingham City Board of Education.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 470**, a bill to create the Sparta/Alleghany Airport Authority, upon third reading. The bill passes its third reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Ezzell, Goldston, Guy,



Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Simpson, Smith, Somers, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—39.

Voting in the negative: Senators Ballenger, McDuffie, and Sawyer—3.

The bill is ordered enrolled.

**H. B. 573**, a bill to expand the extraterritorial planning jurisdiction of the Town of Knightdale, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Simpson, Smith, Somers, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—39.

Voting in the negative: Senators Ballenger, McDuffie, and Sawyer—3.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 682**, a bill to provide for the incorporation of the Town of Yanceyville and the simultaneous dissolution of the Yanceyville Sanitary District, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Simpson, Smith, Somers, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—39.

Voting in the negative: Senators Ballenger, McDuffie, and Sawyer—3.

The bill is ordered enrolled.

**H. B. 1383**, a bill to allow Lee County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 39, noes 3, as follows:

Voting in the affirmative: Senators Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kincaid, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Simpson, Smith, Somers, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—39.

Voting in the negative: Senators Ballenger, McDuffie, and Sawyer—3.

The bill is ordered enrolled.

**H. B. 677** (Committee Substitute), a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Somers, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 213** (Committee Substitute), a bill to amend the Charter of the City of Raleigh relating to driveways, site plan and subdivision approval, road or drainage project fees, and open space projects fees, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Ezzell, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Somers, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—45.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S. B. 707**, a bill to authorize a procedure for units of government to borrow money up to one-half percent of the appraised value of property subject to taxation, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—45.

Voting in the negative: None.

The bill is ordered sent to the House of Representatives.

**S. B. 709**, a bill to amend the Constitution of North Carolina to repeal the authority of the General Assembly to authorize units of local government to contract debt without a vote of the people to the extent of two-thirds of net debt reduction in the preceding fiscal year and to substitute therefor authority to authorize such units to contract debt without a vote of the people to the extent of one-half percent of the appraised value of property subject to taxation by the unit, upon third reading.

Receiving a three-fifths affirmative majority, the bill passes its third reading by roll-call vote, ayes 45, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore,

Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—45.

Voting in the negative: Senator Rauch—1.

The bill is ordered sent to the House of Representatives.

**S. B. 461** (Committee Substitute), a bill to provide for private sale of redevelopment property, upon second reading.

Senator Hipps offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 590**, a bill to clarify certain exemptions from licensing, to authorize the Real Estate Commission to increase certain fees, and to introduce a staggered renewal system for licensees, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 866**, a bill to allow municipalities to create sewer service districts, upon second reading.

On motion of Senator Thomas of Henderson, the bill is re-referred to the **Finance Committee**.

**S. B. 249**, a bill requiring persons who represent themselves as certified therapeutic recreation specialists or certified therapeutic recreation assistants to meet certain standards.

On motion of Senator Woodard, Committee Amendment No. 1 is adopted.

Senator Redman offers Amendment No. 2 which is adopted (electronically recorded).

Senator Somers offers Amendment No. 3.

Senator Woodard, seconded by Senator Hipps, offers a motion that Amendment No. 3 do lie upon the table, which motion prevails (electronically recorded) upon the tie-breaking vote cast by the President of the Senate. Amendment No. 3 lies upon the table.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.



**S. B. 300**, a bill to authorize the use of State income tax refund offset procedures in non-AFDC and interstate cases as required by federal law, as amended.

On motion of Senator Marvin, Committee Amendment No. 2 is adopted. Senator Rand having voted with the majority, moves that the vote by which Committee Amendment No. 2 was adopted be reconsidered, which motion prevails (electronically recorded). Committee Amendment No. 2 fails of adoption.

After further debate, Senator Marvin moves to suspend the rules to the end that the vote on Committee Amendment No. 2 may be reconsidered a second time, which motion prevails. Senator Marvin offers a motion that the vote by which Committee Amendment No. 2 failed of adoption be reconsidered, which motion prevails.

Senator Marvin offers a motion that the bill, with Committee Amendment No. 2 pending, be recommitted to the **Appropriations Committee**, which motion prevails.

**S. B. 438** (Committee Substitute), a bill to impose minimum terms of imprisonment for convictions of concealing merchandise or switching price tags.

Senator Ezzell offers Amendment No. 1 which fails of adoption (electronically recorded).

Senator Taft offers Amendment No. 2 which, upon a tied vote, fails of adoption (electronically recorded), for lack of a majority.

Senator Cobb offers Amendment No. 3 which is adopted (electronically recorded).

Senator Sawyer offers Amendment No. 4. Senator Winner, seconded by Senator Hips, offers a motion that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 4 lies upon the table.

Senator Winner calls the previous question, seconded by Senator Rand. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 586**, a bill to amend Section 75-16 of the North Carolina General Statutes to limit the award of treble damages for violations of Section 75-1.1.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, fails to pass its second reading (electronically recorded).

**S. B. 642** (Committee Substitute), a bill to amend the provisions of Chapter 64 of the General Statutes concerning the right of nonresident aliens to inherit property located in North Carolina.

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

**S. B. 693**, a bill to allow the prosecution of the reputed father as well as the mother of an illegitimate child anytime before the child attains the age of eighteen years.

Senator Marvin offers Amendment No. 1 which is adopted (electronically recorded).

Senator Martin of Guilford offers Amendment No. 2.

On motion of Senator Staton, further consideration of the bill, as amended, with Amendment No. 2 pending, is postponed until Friday, June 28.

**S. B. 750** (Committee Substitute), a bill to exempt certain pressure vessels from the provisions of the Uniform Boiler and Pressure Vessel Act.

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

**S. B. 831**, a bill to provide for regulation of underground storage tanks.

On motion of Senator Thomas of Craven, Committee Amendment No. 1 is adopted. Senator Parnell offers Amendment No. 2, which he subsequently withdraws.

On motion of Senator Parnell, further consideration of the bill, as amended, is postponed until Friday, June 28.

**H. B. 182** (Committee Substitute), a bill to provide a fair procedure in partition sales.

On motion of Senator Barnes, Committee Amendments No. 1, No. 2, and No. 3 are adopted.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Swain to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 258**, a bill to provide for the continuation of the Utility Review Committee as the Joint Legislative Utility Review Committee.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 455** (Committee Substitute), a bill to prevent double recovery of workers' compensation and unemployment benefits.

On motion of Senator Jordan, Committee Amendment No. 1 is adopted.

Senator Taft offers a motion to re-refer the Committee Substitute bill, as amended, to the **Judiciary III Committee**, which motion fails to prevail (electronically recorded).

Senator Johnson of Wake calls the previous question, seconded by Senator Staton. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 567** (Committee Substitute), a bill to remove obsolete provisions and to make technical, clarifying, and other amendments to the Employment Security Law.

On motion of Senator Jordan, consideration of the Committee Substitute bill is postponed until Friday, June 28.

**H. B. 1409**, a bill to provide for the temporary extension of the Office of Appellate Defender.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

#### WITHDRAWAL FROM COMMITTEE

**S. B. 346**, a bill amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects.

On motion of Senator Ezzell and, without objection, the rules are suspended and the bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for tomorrow, June 28.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 1380**, a bill to enhance the pension and retirement benefits for local law officers. Referred to **Pensions and Retirement Committee**.

On motion of Senator Harrington, seconded by Senator Redman, the Senate adjourns to meet tomorrow, Friday, June 28, at 10:00 A.M.

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**ONE HUNDRED FOURTH DAY**

SENATE CHAMBER,  
Friday, June 28, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend E. Powell Osteen, Jr., Associate Minister, Highland United Methodist Church, Raleigh, as follows:

“Almighty and Most Merciful God,

“Thou art truly the Creator and Sustainer of all life; keep that truth ever before our hearts and minds. We give thanks to Thee for Thy love and forgiving grace that redeems us to Your will.

“Holy Lord, we commit to You this day these servants who are about the work of this State. Give them Your wisdom to see clearly their responsibility to You and Your people throughout this State.

“Grant to these men and women gathered here the strength and courage necessary for the task. Some may be called upon to take stands that seem unpopular or politically unwise; but, Lord, guide each person here that they may stand with integrity upon their convictions, always trusting in Your Grace.

“Send upon these, Your servants, open hearts and minds to see all sides of the issues and to never forget the people they are serving. And in these long days of work, grant each person patience with and respect for their colleagues.

“Send Your Spirit now to be in this place and bring that peace which passes all understanding. In the Name of Jesus Christ. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Senator Rauch is noted present for a portion of today's Session.

The President extends courtesies of the floor to the Honorable Edward Renfrow, State Auditor, and former Senator from Johnston County.



**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Rand and Tally:

**S. B. 840**, a bill to appropriate funds for various special Cumberland County projects. Referred to **Appropriations Committee**.

By Senator Staton:

**S. B. 841**, a bill to create a legislative commission to study regulation of stormwater collection, management, and disposal.

Referred to **Natural and Economic Resources and Wildlife Committee**.

By Senator Soles:

**S. J. R. 842**, a joint resolution honoring the life and memory of William Frederick Floyd, a former member of the General Assembly.

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

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 259** (Committee Substitute), a bill concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, Statesville school elections, and a civic center authority, for concurrence in House Amendment No. 1 which is placed on the Calendar for Monday, July 1.

**S. B. 464**, a bill relating to cosmetic arts, for concurrence in House Amendment No. 1 which is placed on the Calendar for Monday, July 1.

**H. B. 1312** (Committee Substitute), a bill to expand the property tax exclusion for residences owned by disabled veterans to include the residences of all veterans who are rated as one hundred percent permanently unemployable.

Referred to **Finance Committee**.

**H. B. 1340** (Committee Substitute No. 2), a bill to prohibit the impersonation of a law enforcement officer.

Referred to **Judiciary II Committee**.

**H. B. 1406**, a bill authorizing the Town of Sunset Beach, Brunswick County, to assess for navigation projects.

Referred to **Local Government and Regional Affairs Committee**.

**CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 789** (Senate Committee Substitute), a bill to authorize letters in worthless check collection procedures.

The Senate Committee Substitute bill passes its second (electronically recorded) and

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

**H. B. 1115** (Senate Committee Substitute), a bill to require the Board of Agriculture to adopt requirements for apple grade standards.

Senator Thomas of Henderson offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 1258**, a bill to permit qualified surety companies to guarantee arrest bond certificates offered by automobile clubs and associations; requiring the acceptance of those guaranteed arrest bond certificates in the event of violation of certain motor vehicle laws; and to provide for the forfeiture of the guaranteed arrest bond certificates.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

Senator Kaplan objects the the third reading of the bill, as amended, which objection he subsequently withdraws.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 284** (Committee Substitute), a bill to establish the legal level of impairment for boat operators and to reduce litter on the State's waters, as amended, upon third reading.

Senator Redman offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 755** (Committee Substitute), a bill to make certain amendments to the power of attorney statutes contained in Chapter 32A of the General Statutes as recommended by the General Statutes Commission, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 841**, a bill to prevent harassment of jurors or former jurors, as amended, upon third reading, with Amendment No. 4 pending.

Amendment No. 4 offered by Senator Staton is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2 and No. 4.

**H. B. 1144**, a bill to clarify filing requirements for a claim of statutory lien by a subcontractor dealing with one other than the owner of the property, upon third reading.

The bill fails to pass its third reading (electronically recorded).

**H. B. 677** (Committee Substitute), a bill to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston,

Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H. B. 606** (Senate Committee Substitute), a bill to authorize Wake County and the City of Raleigh to levy occupancy taxes, upon second reading.

The Senate Committee Substitute bill passes its second reading by roll-call vote, ayes 35, noes 2, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Redman, Royall, Shaw, Simpson, Smith, Soles, Staton, Tally, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—35.

Voting in the negative: Senators Jordan and Sawyer—2.

The Senate Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 1395**, a bill to change the election date for the Polk County Board of Education from May to November.

On motion of Senator Hipps, consideration of the bill is postponed until Tuesday, July 2.

**H. B. 580**, a bill to give the City of Wilmington authority to abolish the Firemen's Pension Fund for the City of Wilmington.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 581**, a bill to give the City of Wilmington the authority to increase the pensions being received under the Firemen's Pension Fund.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 582**, a bill to give the City of Wilmington the authority to increase the pensions being received under the Police Pension Fund.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 583**, a bill to give the City of Wilmington authority to abolish the pension fund for police officers for the City of Wilmington.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 238** (House Committee Substitute), a bill as to the cities of Asheville and Raleigh concerning tree regulation and to allow them to exercise eminent domain powers for open space, upon second reading for concurrence in House Committee Substitute bill.

On motion of Senator Staton, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Cobb, Conder, Ezzell, Goldston,



Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Redman, Sawyer, Shaw, Smith, Soles, Staton, Swain, Taft, Tally, Walker, Ward, Warren, Winner, and Woodard—37.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for concurrence in the House Committee Substitute bill for further consideration upon third reading.

**S. B. 346**, a bill amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects, upon second reading for concurrence in House Amendment No. 1.

On motion of Senator Ward, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Redman, Royall, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: Senator Sawyer—1.

The bill remains on the Calendar for concurrence in House Amendment No. 1 for further consideration upon third reading.

**S. B. 461** (Committee Substitute), a bill to provide for private sale of redevelopment property, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: None.

The Committee Substitute bill is ordered engrossed and sent to the House of Representatives.

**H. B. 590**, a bill to clarify certain exemptions from licensing, to authorize the Real Estate Commission to increase certain fees, and to introduce a staggered renewal system for licensees, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 49** (Committee Substitute), a bill to establish State and local funding responsibilities for the uniform system of free public schools, upon second reading.

On motion of Senator Winner, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 1212**, a bill to clarify parent responsibility for school fees and charges, upon second reading.

Senator Sawyer offers Amendment No. 1 which fails of adoption (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: Senators Cobb, Redman, and Sawyer—3.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 303** (Committee Substitute), a bill to amend Chapter 50 of the General Statutes to establish procedures for withholding from wages and other income in child support cases as required by federal law.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 735**, a bill to make attendance counselors school social workers.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

Senator Sawyer offers Amendment No. 2 which fails of adoption (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Kincaid to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 831**, a bill to provide for regulation of underground storage tanks, as amended.

Senator Smith offers Amendment No. 3 which fails of adoption (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and

is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

**H. B. 286** (Senate Committee Substitute), a bill to protect the confidentiality of financial records.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

Senator Staton offers Amendment No. 2.

On motion of Senator Swain, consideration of the Senate Committee Substitute bill, as amended, with Amendment No. 2 pending is postponed until Monday, July 1.

**H. B. 396** (Committee Substitute), a bill to require independent audits of persons applying for or holding permits for low-level radioactive facilities.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

The Chair declares the Senate in recess until 12:45 P.M.

#### AFTERNOON SESSION—12:45 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 740**, an act to provide an alternate procedure for holding good faith deposits with the State Treasurer. (Ch. 496)

**H. B. 1320**, an act to amend G. S. Chapter 131C governing the solicitation of funds for charitable purposes. (Ch. 497)

**S. B. 213** (Committee Substitute), an act to amend the Charter of the City of Raleigh relating to driveways, site plan and subdivision approval, road or drainage project fees, and open space project fees. (Ch. 498)

**H. B. 258**, an act to provide for the continuation of the Utility Review Committee as the Joint Legislative Utility Review Committee. (Ch. 499)

**H. B. 470**, an act to create the Sparta/Alleghany Airport Authority. (Ch. 500)

**H. B. 682**, an act to provide for the incorporation of the Town of Yanceyville and the simultaneous dissolution of the Yanceyville Sanitary District. (Ch. 501)

**H. B. 1383**, an act to allow Lee County to create rural fire protection districts contiguous with the boundaries of existing county fire service districts, and to annex territory to rural fire protection districts. (Ch. 502)

**H. B. 1409**, an act to provide for the temporary extension of the Office of Appellate Defender. (Ch. 503)

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

June 28, 1985



Senator Barnes moves that the rules be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senator Barnes:

**S. B. 844**, a bill to extend the expiration date of the Administrative Procedure Act and rules adopted under that Act.

On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Thomas of Henderson for the **Finance Committee**:

**S. B. 216** (Committee Substitute), a bill to provide that funds from special personalized registration plates be used to promote travel accessibility for the disabled, with a favorable report.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is referred to the **Appropriations Committee**.

**S. B. 322** (Committee Substitute), a bill to provide numbered National Guard registration plates to senior enlisted members and retired members, with a favorable report.

**H. B. 589** (Committee Substitute), a bill to require recordation of time share instruments and to provide other protections for time share purchasers, with a favorable report.

**H. B. 730**, a bill to exempt medicines sold on prescription of a veterinarian from sales tax, with a favorable report.

**H. B. 866**, a bill to allow municipalities to create sewer service districts, with a favorable report.

**H. B. 883**, a bill to expand the sales tax exemption for farm products to include all farm products sold by the producer of the products, regardless whether the producer is also a retail dealer, with a favorable report.

On motion of Senator Thomas of Henderson, the Committee Substitute bill is referred to the **Ways and Means Committee**.

**H. B. 1207** (Committee Substitute), a bill to allow a landlord to deliver property abandoned by a tenant to a nonprofit organization, with a favorable report.

**H. B. 1371**, a bill to allow a personal income tax exemption for taxpayers whose dependents have certain severe head injuries, with a favorable report.

**H. B. 1384**, a bill to authorize the Department of Human Resources to impose a reasonable fee on all handlers of hazardous waste, with a favorable report.

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled, with a favorable report, as amended.

**H. B. 1065**, a bill to treat judges like other members of the legal profession, with a favorable report, as amended.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES.

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

**H. B. 52**

HOUSE OF REPRESENTATIVES  
June 28, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body that the House of Representatives has failed to concur in Senate Committee Substitute for House Committee Substitute **H. B. 52**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 150A OF THE GENERAL STATUTES, ADD A NEW ARTICLE 60 TO CHAPTER 7A OF THE GENERAL STATUTES, AND MAKE OTHER CHANGES IN THE ADMINISTRATIVE PROCEDURES OF EXECUTIVE AGENCIES.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

### CONFERENCE REPORT

**H. B. 693**

Senator Taft, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 693**, a bill to prohibit taking bear with bait, submits the following report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 693, A BILL TO BE ENTITLED AN ACT TO PROHIBIT TAKING BEAR WITH BAIT as amended by Senate amendments 1 and 2 adopted on June 20, 1985, wish to report as follows:

that the Senate recede from its amendments and that the bill be amended:

on page 1, line 2, by rewriting that line to read "AN ACT TO PROHIBIT TAKING BEAR AND WILD BOAR AND TO ESTABLISH A PENALTY FOR TAKING BALD AND GOLDEN EAGLES.";

on page 1, line 10, and on page 1, line 16, by inserting the words "or wild boar" after the word "bear" where it appears; and

on page 2, lines 19 and 20, by rewriting those lines to read:

"Sec. 3. G. S. 113-294 is amended by adding a new subsection '(1)' to read:

'(1) Any person who unlawfully takes, possesses, transports, sells or buys any bald eagle or golden eagle, alive or dead, or any part, nest or egg of a bald eagle or golden eagle is guilty of a misdemeanor. Unless a greater penalty is prescribed for the offense in question, any person convicted under this subsection is punishable by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment of not more than one year, or both.'

Sec. 4. This act shall become effective October 1, 1985."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 26th day of June, 1985.

S/ JOSEPH E. THOMAS

S/ R. P. THOMAS

S/ THOMAS F. TAFT

*Conferees on the part  
of the Senate*

S/ MARIE W. COLTON

S/ EDD NYE

S/ WENDELL H. MURPHY

*Conferees on the part  
of the House of Representatives*

On motion of Senator Taft, the Conference Report is adopted, changing the title to read, **S. B. 693**, a bill to prohibit taking bear and wild boar and to establish a penalty for taking bald and golden eagles, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 693**

HOUSE OF REPRESENTATIVES

June 27, 1985

*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. No. 693**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT TAKING BEAR AND WILD BOAR AND TO ESTABLISH A PENALTY FOR TAKING BALD AND GOLDEN EAGLES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,

S/ GRACE A. COLLINS

*Principal Clerk*

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 170** (Committee Substitute), a bill to provide additional remedies for violations of the Open Meetings Law.

Referred to **Judiciary I Committee**.



## CALENDAR (Continued)

**H. B. 414** (Committee Substitute), a bill to provide that an order of seizure and delivery for property purchased under a conditional sale contract or for property used as collateral expires in sixty days.

Senator Sawyer offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 524**, a bill to provide for the retirement of currently permanent part-time teachers and State employees who had ten or more years of membership service prior to employment on a permanent part-time basis, with the Teachers' and State Employees' Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 536** (Senate Committee Substitute), a bill to protect consumers in North Carolina by providing for placement of insurance with financially sound nonadmitted insurers and for a system of regulation of surplus lines insurance.

On motion of Senator Staton, consideration of the Senate Committee Substitute bill is postponed until Monday, July 1.

**H. B. 567** (Committee Substitute), a bill to remove obsolete provisions and to make technical, clarifying, and other amendments to the Employment Security Law.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

Senator Watt withdraws his objection to the third reading of the Committee Substitute bill, as amended.

Senator Rand, having voted with the majority, moves that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails (electronically recorded).

Without objection, Senator Rand withdraws Amendment No. 1. Senator Rand offers Amendment No. 2, which is adopted (electronically recorded).

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2 by special messenger.

## INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Barnes moves that the rules be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Barnes, Ballenger, Conder, Guy, Harrington, Harris, Johnson of Wake, Kaplan, Kincaid, Martin of Pitt, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Swain, Taft, Thomas of Craven, Thomas of Henderson, Warren, Winner, Williams, and Woodard:

**S. B. 845**, a bill to permit local school boards to authorize the observance of a moment of silence each day in school.

Referred to **Education Committee**.

### CALENDAR (Continued)

**H. B. 680** (Senate Committee Substitute), a bill to amend the State Personnel Act. The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Johnson of Wake to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 698**, a bill to improve the administration of justice.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 749**, a bill to clarify Chapter 36A regarding the investment by a trustee in United States government obligations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 805**, a bill to amend the Uniform Boiler and Pressure Vessel Act to restore the authority of the Commissioner of Labor to regulate certain hydropneumatic pressure vessels and to make other amendments to the Act.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

Senator Ballenger offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 455** (Committee Substitute), a bill to prevent double recovery of workers' compensation and unemployment benefits, as amended, upon third reading.

On motion of Senator Johnson of Wake, consideration of the Committee Substitute bill, as amended, is postponed until Monday, July 1.

**H. B. 855** (Senate Committee Substitute), a bill to amend the requirements for receiving a license to practice medicine.

Senator Harris offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 906**, a bill to extend the time a member has to make contributions to the Teachers' and State Employees' Retirement System and to the Local Governmental Employees' Retirement System for the purchase of service credits for educational leave.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1029** (Committee Substitute), a bill to vest property rights upon the issuance of a building permit.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1070**, a bill to amend G. S. 42-14 for certain tenancies.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1113** (Committee Substitute), a bill to modernize the Mutual Association Act.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1135** (Senate Committee Substitute), a bill to improve enforcement of the cooling-off period in off-premises sales.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**S. B. 693**, a bill to allow the prosecution of the reputed father as well as the mother of an illegitimate child anytime before the child attains the age of eighteen years, as amended, with pending Amendment No. 2.

Without objection, Senator Martin of Guilford withdraws Amendment No. 2.

Senator Staton moves that the vote by which Amendment No. 1 was adopted be reconsidered, which motion prevails (electronically recorded).

Without objection, Senator Marvin withdraws Amendment No. 1.

Senator Staton offers Amendment No. 3, which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 1163**, a bill to empower the North Carolina Building Code Council to adopt efficiency standards for replacement water heaters.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1333** (Committee Substitute), a bill to establish the North Carolina Employment and Training Act.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 438** (Committee Substitute), a bill to impose minimum terms of imprisonment for convictions of concealing merchandise or switching price tags, as amended, upon third reading.

Senator Taft offers Amendment No. 5. Senator Winner, seconded by Senator Hardison, offers a motion that Amendment No. 5 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 5 lies upon the table.

Senator Winner calls the previous question, seconded by Senator Rand. The call is sustained.

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

**S. B. 716** (Committee Substitute), a bill to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, and to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County, upon third reading.



On motion of Senator Basnight, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Redman, Sawyer, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Williams, and Winner—37.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure.

On motion of Senator Warren, consideration of the Committee Substitute bill is postponed until Tuesday, July 2.

**H. B. 841**, a bill to prevent harassment of jurors or former jurors, as amended.

Senator Staton moves that the vote by which the bill, as amended, passed its third reading be reconsidered, which motion prevails, and on his further motion, the bill, as amended, is recommitted to the **Judiciary II Committee**.

**H. B. 182** (Committee Substitute), a bill to provide a fair procedure in partition sales, as amended, upon third reading.

Senator Watt offers Amendment No. 4 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, and No. 4.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 844**, a bill to extend the expiration date of the Administrative Procedure Act and rules adopted under the Act, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 844**, an act to extend the expiration date of the Administrative Procedure Act and rules adopted under that Act. (Ch. 504)

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 1171** (Committee Substitute), a bill to strengthen the obscenity laws of this State

and the enforcement of these laws, to protect minors from harmful material that does not rise to the level of obscenity, and to stop the sexual exploitation and prostitution of minors.

Referred to **Judiciary II Committee**.

On motion of Senator Harrington, seconded by Senator Shaw, the Senate adjourns to meet Monday at 7:00 P.M.

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## ONE HUNDRED FIFTH DAY

SENATE CHAMBER,  
Monday, July 1, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Robert Bushyhead, Eastern Band of Cherokees, Cherokee, as follows:

The Reverend Bushyhead offers the prayer in his native Cherokee language, translating as follows:

"We come in the name of the Eastern Band of Cherokees and the drama 'Unto These Hills'. For the invocation we'd like to take you back to our ancestral past, when the presence of God was found in the lofty, towering mountains.

"Now, our invocation.

"I will lift mine eyes unto the hills, from whence cometh my strength. My help cometh from the Lord. It is He Who made the heavens and the earth, and He shall preserve thy soul. Now and forever. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday, June 28, has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Johnson of Cabarrus and Martin of Pitt for tonight.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 126**, an act to empower nonprofit corporations to enter into arrangements with others for sharing of benefits or union of interests. (Ch. 505)

**S. B. 206** (Committee Substitute), an act authorizing the collection of spousal support in certain instances in cases brought or enforced under Article 9 of Chapter 110 of the General Statutes, as required by Part D of Title IV of the Social Security Act. (Ch. 506)

**S. B. 287** (Committee Substitute), an act to prohibit the willful nonpayment of group health and life insurance premiums by fiduciaries unless written notice is provided to the persons insured. (Ch. 507)

**S. B. 347** (Committee Substitute), an act to amend the law regarding payment of costs in Department of Human Resources institutions. (Ch. 508)

**S. B. 396**, an act making technical and clarifying amendments concerning criminal law and procedure, and to restore the increased punishment for felony child abuse that was inadvertently repealed by the 1983 General Assembly. (Ch. 509)

**S. B. 451**, an act to classify certain works of fine art and exclude them from inventory tax. (Ch. 510)

**S. B. 453**, an act to clarify court costs for foreclosure under a power of sale. (Ch. 511)

**S. B. 479**, an act to amend and clarify certain requirements for the purchase of creditable service for temporary employment by members of the Teachers' and State Employees' Retirement System. (Ch. 512)

**S. B. 512**, an act to allow a personal income tax exemption for multiple sclerosis. (Ch. 513)

**S. B. 515**, an act to provide assistance dogs for the handicapped. (Ch. 514)

**S. B. 521**, an act to provide for the simultaneous foreclosure of two more more deeds of trust secured by the same property. (Ch. 515)

**S. B. 540**, an act to make clarifying amendments to the essential property insurance for beach area property act. (Ch. 516)

**S. B. 549**, an act to provide that the Morehead City Navigation and Pilotage Commission may regulate the piloting of shipping from Morehead City to Aurora. (Ch. 517)

**S. B. 579**, an act to provide that an application for use value continue in effect until the property is transferred or becomes otherwise ineligible for use-value classification. (Ch. 518)

**S. B. 591**, an act to make clarifying amendments to the Fair Access to Insurance Requirements Act. (Ch. 519)

**S. B. 592**, an act to permit Extension Service employees having dual employment to participate in the Teachers' and State Employees' Retirement System, prevent partial withdrawal, and permit Extension Service employees to restore partially withdrawn accounts. (Ch. 520)

**S. B. 620** (Committee Substitute), an act to amend the certificate of need law to permit the transfer or assignment of certain certificates of need. (Ch. 521)

**S. B. 635** (Committee Substitute), an act to create a new chapter of the General Statutes concerning military affairs and to regulate military property sales facilities and discrimination against military members. (Ch. 522)

**S. B. 644**, an act to continue certain sales and use tax refunds to air carriers after airline deregulation. (Ch. 523)



**S. B. 673**, an act to amend the Uniform Anatomical Gift Act relating to cornea donations. (Ch. 524)

**S. B. 716** (Committee Substitute), an act to permit municipalities bordering on the Atlantic Ocean to regulate sewer tie-ons within their corporate limits, and to authorize Dare County to levy an excise tax on instruments conveying real property in Dare County. (Ch. 525)

**S. B. 727**, an act to increase the reimbursement to the Department of Revenue for expenses incurred in collecting assessments on primary forest products. (Ch. 526)

**S. B. 742**, an act to clarify school board liability insurance coverage. (Ch. 527)

**S. B. 822**, an act to hold both licensed and unlicensed suppliers of special fuel liable for non-tax-paid fuel sold or delivered to unlicensed persons for highway use. (Ch. 528)

**H. B. 396** (Committee Substitute), an act to require independent audits of persons applying for or holding permits for low-level radioactive facilities. (Ch. 529)

**H. B. 524**, an act to provide for the retirement of currently permanent part-time teachers and State employees who had ten or more years of membership service prior to employment on a permanent part-time basis, with the Teacher's and State Employees' Retirement System. (Ch. 530)

**H. B. 580**, an act to give the City of Wilmington authority to abolish the Firemen's Pension Fund for the City of Wilmington. (Ch. 531)

**H. B. 581**, an act to give the City of Wilmington the authority to increase the pensions being received under the Firemen's Pension Fund. (Ch. 532)

**H. B. 582**, an act to give the City of Wilmington the authority to increase the pensions being received under the Police Pension Fund. (Ch. 533)

**H. B. 583**, an act to give the City of Wilmington authority to abolish the pension fund for police officers for the City of Wilmington. (Ch. 534)

**H. B. 590**, an act to clarify certain exemptions from licensing, to authorize the Real Estate Commission to increase certain fees, and to introduce a staggered renewal system for licensees. (Ch. 535)

**H. B. 677** (Committee Substitute), an act to allow the Towns of Kill Devil Hills, Kitty Hawk, Manteo, Nags Head, and Southern Shores to impose facility fees. (Ch. 536)

**H. B. 698**, an act to improve the administration of justice. (Ch. 537)

**H. B. 749**, an act to clarify Chapter 36A regarding the investment by a trustee in United States government obligations. (Ch. 538)

**H. B. 906**, an act to extend the time a member has to make contributions to the Teachers' and State Employees' Retirement System and to the Local Governmental Employees' Retirement System for the purchase of service credits for educational leave. (Ch. 539)

**H. B. 1029** (Committee Substitute), an act to vest property rights upon the issuance of a building permit. (Ch. 540)

**H. B. 1070**, an act to amend G. S. 42-14 for certain tenancies. (Ch. 541)

**H. B. 1113** (Committee Substitute), an act to modernize the Mutual Association Act. (Ch. 542)

**H. B. 1333** (Committee Substitute), an act to establish the North Carolina Employment and Training Act. (Ch. 543)

**S. B. 349**, an act to permit certain municipalities to exclude only volunteer firemen from OSHA coverage. (Ch. 544)

**S. B. 420**, an act creating the criminal offense of felonious restraint. (Ch. 545)

**S. B. 270** (Committee Substitute), an act to make clear that requests for admissions must be filed with the Clerk of Court. (Ch. 546)

**S. B. 416**, an act to strengthen the rape shield evidence rule by making it clear that it applies to all offenses being tried at the same time as the rape or sex offense charge. (Ch. 547)

**S. B. 440**, an act authorizing law enforcement officers to arrest, without warrants, persons suspected of shoplifting or switching price tags. (Ch. 548)

**S. B. 599**, an act to amend Chapter 36A of the General Statutes regarding investments in securities by banks or trust companies. (Ch. 549)

**S. B. 645**, an act to authorize the use of commercial water treatment operation firms. (Ch. 550)

**S. B. 831**, an act to provide for regulation of underground storage tanks. (Ch. 551)

**H. B. 567** (Committee Substitute), an act to remove obsolete provisions and to make technical, clarifying, and other amendments to the Employment Security Law. (Ch. 552)

**S. B. 393** (Committee Substitute), an act to clarify the jurisdiction of grand juries. (Ch. 553)

**H. B. 693**, an act to prohibit taking bear and wild boar and to establish a penalty for taking bald and golden eagles. (Ch. 554)

**S. J. R. 342**, a joint resolution honoring the life and memory of Clyde Nolan, "Mr. Democrat." (Res. 25)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Hipps for the **Children and Youth Committee**:

**H. B. 516** (Committee Substitute), a bill to amend G. S. 7A-517 to prohibit sexual exploitation of children, with a favorable report.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, with a favorable report, as amended.

**H. B. 760** (Committee Substitute), a bill to conform the adoption statutes to the statutes relating to the termination of parental rights as recommended by the General Statutes Commission, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Hipps, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Hipps, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 3.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 841**, a bill to prevent harassment of jurors or former jurors, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 3.

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**S. B. 829**, a bill to establish a Study Committee on Legislative Ethics and Lobbying, to make an appropriation therefor, and to make technical amendments, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**H. J. R. 847**, a joint resolution honoring the life and memory of Ashley Monroe Murphy, a former member of the General Assembly from Pender County, with a favorable report.

**H. J. R. 1324**, a joint resolution honoring the life and memory of Chatham Calhoun Clark, with a favorable report.

**H. B. 1385**, a bill to conform the expiration date of appointments to the North Carolina Agricultural Facilities Finance Agency to those of other offices, with a favorable report.

### INTRODUCTION OF BILLS AND RESOLUTIONS

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

Senator Marvin moves that the rules be suspended to allow the introduction of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Marvin, Harris, Johnson of Wake, Rauch, Staton, and Woodard:

**S. J. R. 843**, a joint resolution honoring the life and memory of Miles Hoffman Rhyne.

On motion of Senator Marvin, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

July 1, 1985



**S. B. 244**, a bill to make the unlawful possession of hydromorphone, commonly known as Dilaudid, a Class I felony, for concurrence in House Amendment No. 1, which is placed on the Calendar for Tuesday, July 2.

**S. B. 272** (House Committee Substitute), a bill to protect handicapped persons, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Tuesday, July 2.

**S. B. 288** (Committee Substitute), a bill to establish clearer and stronger standards for agreements between domestic insurers and reinsurers, for concurrence in House Amendment No. 1, which is placed on the Calendar for Tuesday, July 2.

**S. B. 296** (Committee Substitute), a bill to extinguish ancient mineral claims and to require the recordation and listing of these claims for taxation, for concurrence in House Amendment No. 1, which is placed on the Calendar for Tuesday, July 2.

**S. B. 388**, a bill to establish the Western Correction Center for Women at Black Mountain, for concurrence in the House Committee Substitute bill, changing the title, upon concurrence, to read, **S. B. 388** (House Committee Substitute), a bill to establish the Black Mountain Advancement Center for Women at Black Mountain, which is placed on the Calendar for Tuesday, July 2.

**S. B. 433** (Committee Substitute), a bill to add adultery as a ground for divorce from bed and board, for concurrence in House Amendment No. 1, which is placed on the Calendar for Tuesday, July 2.

**S. B. 574**, a bill to permit visitation rights of a biological grandparent following adoption of the grandchild by a relative or stepparent, for concurrence in House Amendment No. 1, which is placed on the Calendar for Tuesday, July 2.

**S. B. 721** (House Committee Substitute), a bill to clarify the statutes which prohibit unauthorized damage to railroads and their property, for concurrence in the House Committee Substitute bill which changes the title, upon concurrence, to read **S. B. 721** (House Committee Substitute), a bill to clarify the statutes which prohibit damage to railroads and their property, is placed on the Calendar for Tuesday, July 2.

**H. B. 188**, a bill to increase the annual income tax exclusion for federal civil service and military retirement pay and to establish a graduated exclusion for this pay.

Referred to **Finance Committee**.

**H. B. 344**, a bill to create the Railroad Negotiating Commission.

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

**H. B. 565** (Committee Substitute No. 2), a bill allowing the City of Winston-Salem to establish, agree to and comply with minimum minority and women's business enterprise participation requirements.

Senator Kaplan offers a motion to suspend the rules to the end that Committee Substitute bill No. 2 for **H. B. 565**, may be placed before the Senate for immediate consideration, which motion fails to prevail (electronically recorded).

The Chair refers the Committee Substitute bill No. 2 to **Judiciary I Committee**.

**H. B. 584**, a bill to authorize the Town of Seven Devils to hold an election on the sale of malt beverages and unfortified wine.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 620** (Committee Substitute), a bill to allow a procedure for extension of and assessment for water lines into developed subdivisions in Brunswick County.

Referred to **Local Government and Regional Affairs Committee.**

**H. B. 688** (Committee Substitute), a bill to increase the membership of the North Carolina Rate Bureau, to require open meetings, and to require annual reports to the General Assembly.

Referred to **Insurance Committee.**

**H. B. 807**, a bill to provide for small estates procedure if there is a will.

Referred to **Judiciary IV Committee.**

**H. B. 882** (Committee Substitute), a bill to require college students to receive certain immunizations.

Referred to **Higher Education Committee.**

**H. B. 905**, a bill to raise the minimum required amount of financial responsibility for automobile property damage liability insurance.

Referred to **Insurance Committee.**

**H. B. 997** (Committee Substitute), a bill to provide for the expungement of records of first offenders only when charges are dismissed or there are findings of not guilty.

Referred to **Judiciary I Committee.**

**H. B. 1007** (Committee Substitute), a bill to modify the qualifications for a land surveyor applicant.

Referred to **State Government Committee.**

**H. B. 1195**, a bill to provide for the depiction of the Great Seal of North Carolina on the official license plates of General Assembly members.

Referred to **Transportation Committee.**

**H. B. 1206**, a bill to prohibit double payment of fees on foreclosure of real property.

Referred to **Judiciary II Committee.**

**H. B. 1337**, a bill to validate certain guardian sales.

Referred to **Judiciary II Committee.**

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S. B. 58** (House Committee Substitute), a bill to recodify the Mental Health, Mental Retardation, and Substance Abuse Laws of North Carolina, for concurrence in the House Committee Substitute bill, which is placed on the Calendar for Tuesday, July 2, upon second reading.

#### **CALENDAR**

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 730**, a bill to exempt medicines sold on prescription of a veterinarian from sales tax.

Senator Warren offers a motion to suspend the rules to the end that **H. B. 730** on the Calendar may be taken up immediately, which motion prevails.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 606** (Senate Committee Substitute), a bill to authorize Wake County and the City of Raleigh to levy occupancy taxes, upon third reading.

The Senate Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: Senators Jordan and Sawyer—2.

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

**S. B. 238** (House Committee Substitute), a bill as to the cities of Asheville and Raleigh concerning tree regulation and to allow them to exercise eminent domain powers for open space, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Staton, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—46.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

**S. B. 346**, a bill amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Ward, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—45.

Voting in the negative: None.

The bill is ordered enrolled.

**S. B. 259** (Committee Substitute), a bill concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, Statesville school elections, and a civic center authority, for concurrence in House Amendment No. 1, upon second reading.



On motion of Senator Redman, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: Senators Jordan and Kaplan—2.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 49** (Committee Substitute), a bill to establish State and local funding responsibilities for the uniform system of free public schools, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The Committee Substitute bill is ordered engrossed and sent to the House of Representatives.

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled, upon third reading.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

On motion of Senator Kaplan, further consideration of the bill, as amended, upon third reading, is postponed until Wednesday, July 3.

**H. B. 1212**, a bill to clarify parent responsibility for school fees and charges, as amended, upon third reading.

Senator Sawyer offers Amendment No. 2.

On motion of Senator Winner, further consideration of the bill, as amended, with Amendment No. 2 pending, is postponed until Tuesday, July 2.

**S. B. 322** (Committee Substitute), a bill to provide numbered National Guard registration plates to senior enlisted members and retired members, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Woodard—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 589** (Committee Substitute), a bill to require recordation of time share instruments and to provide other protections for time share purchasers, upon second reading.

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

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 866**, a bill to allow municipalities to create sewer service districts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Woodard—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1384**, a bill to authorize the Department of Human Resources to impose a reasonable fee on all handlers of hazardous waste, upon second reading.

Senator Thomas of Henderson offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 612** (Committee Substitute), a bill to permit the Commissioner of Motor Vehicles to issue fictitious licenses and registration plates to local law enforcement officers under certain circumstances.

Senator Watt offers Amendment No. 1 which fails of adoption (electronically recorded).

Senator Soles offers Amendment No. 2 which is adopted (electronically recorded).

Senator Goldston offers Amendment No. 3 which is adopted (electronically recorded).

Senator Simpson offers Amendment No. 4 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Winner to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 274** (Committee Substitute), a bill to remove the requirement that absentee ballots from outside the United States need to be notarized.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 286** (Senate Committee Substitute), a bill to protect the confidentiality of financial records, as amended, with pending Amendment No. 2.

Without objection, Senator Staton withdraws Amendment No. 2.

Senator Staton offers Amendment No. 3 which is adopted (electronically recorded).

Senator Rand offers Amendment No. 4 which is adopted (electronically recorded).

Senator Sawyer offers Amendment No. 5 which he subsequently withdraws.

Senator Sawyer offers Amendment No. 6 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 404**, a bill to make technical amendments to the election laws.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 536** (Senate Committee Substitute), a bill to protect consumers in North Carolina by providing for placement of insurance with financially sound nonadmitted insurers and for a system of regulation of surplus lines insurance.

Without objection, Senator Johnson of Wake is excused from voting for the following reason: "conflict."

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 712** (Senate Committee Substitute), a bill to provide for various changes in State and local retirement.

Senator Marvin offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 747**, a bill to prescribe compensation for supervisors of elections.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

On motion of Senator Kaplan, further consideration of the bill, as amended, is postponed until Tuesday, July 2.

**H. B. 778**, a bill to regulate the submission of laws affecting elections to the United States Attorney General as required by Section Five of the Voting Rights Act of 1965.

On motion of Senator Kaplan, consideration of the bill is postponed until Tuesday, July 2.

**H. B. 791**, a bill to eliminate conflict in the statutes concerning vacancies in municipal and special district elective offices.



On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 833** (Committee Substitute), a bill to clarify the effect of possible reversal by the United States Supreme Court of opinions of the district court concerning redistricting.

Without objection, Senator Watt is excused from voting for the following reason: "conflict of interest."

The Committee Substitute bill passes its second reading (electronically recorded). Senator Redman objects to third reading, which objection he subsequently withdraws, and the Committee Substitute bill remains before the Senate for further consideration upon third reading.

The Committee Substitute bill passes its third reading and is ordered enrolled.

**H. B. 834**, a bill to make additional technical amendments to the election laws.

On motion of Senator Kaplan, Committee Amendments No. 1, No. 2, and No. 3 are adopted.

Senator Kaplan offers Amendment No. 4 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Kaplan to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 1065**, a bill to treat judges like other members of the legal profession.

Senator Thomas of Henderson moves to suspend the rules to the end that the Chairman of the **Finance Committee** be allowed to withdraw Committee Amendment No. 1, which motion prevails. Senator Thomas of Henderson withdraws Committee Amendment No. 1.

Senator Thomas of Henderson offers Amendment No. 2, which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

**H. B. 1207** (Committee Substitute), a bill to allow a landlord to deliver property abandoned by a tenant to a nonprofit organization.

The Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 1238** (Senate Committee Substitute), a bill to protect certain claimants from discharge or demotion by employers for instituting a workers' compensation claim.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 1371**, a bill to allow a personal income tax exemption for taxpayers whose dependents have certain severe head injuries.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 303** (Committee Substitute), a bill to amend Chapter 50 of the General Statutes to

establish procedures for withholding from wages and other income in child support cases as required by federal law, upon third reading.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

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

**S. B. 735**, a bill to make attendance counselors school social workers, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 52**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
June 28, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body requesting the appointment of Conferees for Senate Committee Substitute for House Committee Substitute for House Bill 52, AN ACT TO AMEND CHAPTER 150A OF THE GENERAL STATUTES, ADD A NEW ARTICLE 60 TO CHAPTER 7A OF THE GENERAL STATUTES, AND MAKE OTHER CHANGES IN THE ADMINISTRATIVE PROCEDURES OF EXECUTIVE AGENCIES. The House of Representatives has appointed the following members as Conferees: Representatives Pulley (Chairman), Watkins, Lancaster, Miller, and Hunter and request a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Barnes moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes, Winner, Staton, Hipps, and Swain as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 85**

HOUSE OF REPRESENTATIVES  
July 1, 1985

*Mr. President;*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H. B. No. 85**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA RULES OF CIVIL PROCEDURE TO THE FEDERAL RULES WITH REGARD TO ABUSIVE DISCOVERY PRACTICES, and requests conferees. The Speaker has appointed Representatives Miller (Chairman), Hackney, and Nesbitt on the part of the House to confer

with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Staton moves that the President appoint conferees, which motion prevails. The President appoints Senators Staton, Ezzell, and Martin of Guilford as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 425**

HOUSE OF REPRESENTATIVES  
June 25, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H. B. No. 425, A BILL TO BE ENTITLED AN ACT TO PERMIT WAYNE COUNTY AND THE CITIES LOCATED THERE TO REGULATE ABANDONED, JUNKED VEHICLES FOR AESTHETIC PURPOSES**, and requests conferees. The Speaker has appointed Representatives Lancaster (Chairman), Greenwood, and J. W. Crawford on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Barnes moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes, Harris, and Warren as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 458**

HOUSE OF REPRESENTATIVES  
July 1, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Amendment to **H. B. No. 458, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO PROCESS LOCAL FAIR HOUSING COMPLAINTS**, and requests conferees. The Speaker has appointed Representatives Colton (Chairman), Nesbitt, and N. J. Crawford on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

July 1, 1985



Senator Winner moves that the President appoint conferees, which motion prevails. The President appoints Senators Winner, Swain, and Hipps as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### APPOINTMENTS BY THE GOVERNOR

The President of the Senate directs the Reading Clerk to read the following letters from the Governor:

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27611

June 27, 1985

The Honorable Robert B. Jordan III  
President of the Senate  
Lieutenant Governor of North Carolina  
Legislative Building  
Raleigh, NC 27611

Re: State Personnel Commission

*Dear Lieutenant Governor Jordan:*

Pursuant to North Carolina General Statute Section 126-2, I hereby appoint the persons listed below to the State Personnel Commission subject to confirmation by the General Assembly of North Carolina. Furthermore, I hereby submit their names to the General Assembly for said confirmation.

1. Marlene Safrit of Wake County for a term expiring July 1, 1991.
2. Ray Corbett of Edgecombe County for a term expiring July 1, 1991.

Sincerely,  
S/ JAMES G. MARTIN  
Governor

Referred to the **State Government Committee.**

STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR  
RALEIGH 27611

June 27, 1985

The Honorable Robert B. Jordan III  
President of the Senate  
Lieutenant Governor of North Carolina  
Legislative Building  
Raleigh, NC 27611

Re: Board of Trustees Teachers' and State Employees' Retirement System

July 1, 1985

*Dear Lieutenant Governor Jordan:*

Pursuant to North Carolina General Statute Section 135-6, I hereby appoint the persons listed below to the Board of Trustees Teachers' and State Employees' Retirement System subject to confirmation by the General Assembly of North Carolina. Furthermore, I hereby submit their names to the General Assembly for said confirmation.

1. Dr. Ronald Copley—New Hanover County
2. Harry L. Hallyburton—Burke County
3. O. K. Beatty—Wake County
4. Capt. William D. Team—Wake County

Sincerely,  
S/ JAMES G. MARTIN  
Governor

Referred to the **Pensions and Retirement Committee.**

#### CALENDAR (Continued)

**H. B. 455** (Committee Substitute), a bill to prevent double recovery of workers' compensation and unemployment benefits, as amended, upon third reading.

Senator Winner offers Amendment No. 2 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 680** (Senate Committee Substitute), a bill to amend the State Personnel Act, upon third reading.

Senator Johnson of Wake offers Amendment No. 1 which is adopted (electronically recorded).

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

**S. B. 464**, a bill relating to cosmetic arts, for concurrence in House Amendment No. 1, upon second reading.

House Amendment No. 1 is held not to be material by the Chair.

On motion of Senator Woodard, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

#### RECONSIDERATION

**H. B. 1144**, a bill to clarify filing requirements for a claim of statutory lien by a subcontractor dealing with one other than the owner of the property.

Senator Staton offers a motion that the vote by which the bill failed to pass its third reading, yesterday, be reconsidered, which motion the Chair rules out of order as Senator Staton did not vote with the prevailing side.

Subsequently, Senator Soles moves that the vote by which the bill failed to pass its third reading be reconsidered, which motion prevails (electronically recorded).

Without objection and on motion of Senator Staton, the bill is removed from the Calendar and recommitted to the **Judiciary II Committee**.

The President recognizes the following pages serving in the Senate this week: Maris Nicole Alford, Louisburg; Laurie Sue Anderson, Raleigh; Scarlett Denise Andrews, Raleigh; Idona Joyce Bailey, Raleigh; Christopher Nelson Beaty, Cleveland; David Lee Brown, Wilmington; David Middleton Carpenter, Raleigh; Manning Austin Connors, Raleigh; Marshall Dwain Edwards, Kinston; Henry Gerard Hartzog IV, Raleigh; John David Hooper, Waynesville; Jimmy Wayne Leonard II, Apex; Nicole Barber McLamb, Benson; Marian Elizabeth Mann, Raleigh; Louisa Elisabeth Michael, Mocksville; Tanya Ann Miles, Oxford; Brent Dupree Miller, Raleigh; Mary Elizabeth Odom, Lumberton; Angela Marie Pate, Raleigh; William F. Pittman, Raleigh; Stephen David Porter, Raleigh; Wanda Fay Reed, Oxford; Barissa Rodgers, Raleigh; Minionette Rodgers, Raleigh; George Quincy Saunders, Sunbury; Jeffrey Lawrence Shuller, Raleigh; Elizabeth Allen Thompson, Raleigh; and Walter Lyndo Tippett, Jr., Fayetteville.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 730**, an act to exempt medicines sold on prescription of a veterinarian from sales tax. (Ch. 555)

On motion of Senator Harrington, seconded by Senator Smith, the Senate adjourns to meet tomorrow at 1:30 P.M.

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### ONE HUNDRED SIXTH DAY

SENATE CHAMBER,  
Tuesday, July 2, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of Freedom, we thank Thee for the freedoms which we enjoy in this great land, and we pray that we may always work that all our citizens may enjoy the same freedoms and opportunities which we enjoy as pastors and politicians.

“We thank Thee for the release of the TWA Airline hostages, and we rejoice with them in the new sense of freedom which they feel in this week when we celebrate our Nation’s independence and her freedoms.

“We pray for those Americans who are still held captive in Lebanon, and for those 600 Lebanese still held captive in Israel—that they may all soon know the blessings of freedom, and the joy of reunion with family and friends.



"O God of the Nations, bless, we pray Thee, the President of these United States, the Governor and Lieutenant Governor of this State, and the members of this General Assembly—with integrity, love, an understanding and forgiving spirit, compassion, and a sense of accountability unto Thee. Help us to see that our citizens, our elected officials, our State, our Nation, and all nations—are accountable unto Thee for their actions. And help us to work for the fulfillment of the American dream—that ours may, indeed, become a Nation under God, with liberty and justice for all. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces the Journal of yesterday has been examined and is found to be correct. On his motion the Senate dispenses with the reading of the Journal and it stands approved as written.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 238** (House Committee Substitute), an act as to the cities of Asheville and Raleigh concerning tree regulation and to allow them to exercise eminent domain powers for open space. (Ch. 556)

**S. B. 346**, an act amending Article XV, Section 83(e) of the Charter of the City of Winston-Salem relating to uptown development projects. (Ch. 557)

**S. B. 429** (Committee Substitute), an act to allow candidates to use nicknames on the ballot in certain circumstances. (Ch. 558)

**S. B. 464**, an act relating to cosmetic arts. (Ch. 559)

**S. B. 621**, an act to provide that the time requirement limitations for a private protective license do not apply to the time spent teaching police science subjects at a post-secondary educational institution. (Ch. 560)

**S. B. 691** (Committee Substitute), an act to incorporate certain changes into the Alarm Systems Licensing Act. (Ch. 561)

**H. B. 274** (Committee Substitute), an act to remove the requirement that absentee ballots from outside the United States need to be notarized. (Ch. 562)

**H. B. 404**, an act to make technical amendments to the election laws. (Ch. 563)

**H. B. 573**, an act to expand the extraterritorial planning jurisdiction of the Town of Knightdale. (Ch. 564)

**H. B. 833** (Committee Substitute), an act to clarify the effect of possible reversal by the United States Supreme Court of opinions of the district court concerning redistricting. (Ch. 565)

**H. B. 1066**, an act to repeal the authorization of local school boards to allow consumption of malt beverages or unfortified wine on any property owned or leased by local boards of education. (Ch. 566)

**H. B. 1240**, an act to reduce the time for posting notice of sale and to validate certain foreclosure sales that did not comply with posting requirements. (Ch. 567)

**H. B. 1371**, an act to allow a personal income tax exemption for taxpayers whose dependents have certain severe head injuries. (Ch. 568)

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Martin of Guilford for the **Higher Education Committee**:

**H. B. 1185** (Committee Substitute), a bill to permit State employees other than employees of the University of North Carolina or its constituent institutions to serve as members of boards of trustees of the constituent institutions of the University of North Carolina, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 155** (Committee Substitute), a bill to amend the Well Construction Act, G. S. 87-83 *ET SEQ.*, to provide for civil penalties, with a favorable report.

**H. B. 591** (Committee Substitute), a bill to make the contents of the clerk's Criminal Record Index admissible to prove prior misdemeanor convictions when the original judgments have been destroyed, with a favorable report.

**H. B. 772**, a bill to amend the municipal and county zoning enabling acts so as to make clear the authority of local governments to establish overlay districts and special use or conditional use districts, with a favorable report.

**H. B. 784**, a bill to clarify that an emancipated minor may marry without the written consent of a parent or guardian as recommended by the General Statutes Commission, with a favorable report.

**H. B. 788**, a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission, with a favorable report.

**H. B. 900**, a bill to revise the provisions of Chapter 11 of the General Statutes relating to oaths and affirmations in order to conform to constitutional requirements as recommended by the General Statutes Commission, with a favorable report.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 485** (Committee Substitute), a bill to validate certain foreclosure sales prior to June 1, 1985, with a favorable report.

**H. B. 1082** (Committee Substitute), a bill to allow a bond to release a possessory lien and to allow a special proceeding for disposal of abandoned motor vehicles subject to such liens, with a favorable report, as amended.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 975**, a bill to allow counties to create law enforcement service districts, with a favorable report.

**H. B. 1106**, a bill to provide good Samaritan protection to members of volunteer fire departments or rescue squads who receive no compensation for their services as fire fighters or emergency medical care providers, with a favorable report.

**S. B. 634**, a bill to permit grand juries to investigate drug trafficking, to increase the maximum term of imprisonment for criminal contempt for refusing to testify after being granted immunity, and to limit the scope of immunity granted witnesses to use immunity, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 3.

By Senator Ezzell for the **Local Government and Regional Affairs Committee**:

**H. B. 562** (Committee Substitute), a bill to amend the Charter of the Town of Wrightsville Beach to eliminate the unanimous vote requirement for ordinances affecting business and to authorize the Town of Wrightsville Beach to regulate development in estuarine waters and public trust limits under navigable waters, with a favorable report.

**H. B. 620** (Committee Substitute), a bill to allow a procedure for extension of and assessment for water lines into developed subdivisions in Brunswick County, with a favorable report.

**H. B. 931** (Committee Substitute), a bill concerning subdivision water system dedication in extraterritorial areas, with a favorable report.

**H. B. 941** (Committee Substitute), a bill concerning solid waste firms in areas proposed for annexation, with a favorable report.

**H. B. 1404**, a bill to provide for the employment of probationary teachers by the Western Rockingham City Board of Education, with a favorable report.

**H. B. 1406**, a bill authorizing the Town of Sunset Beach, Brunswick County, to assess for navigation projects, with a favorable report.

**H. B. 584**, a bill to authorize the Town of Seven Devils to hold an election on the sale of malt beverages and unfortified wine, with a favorable report, as amended.

**S. B. 353**, a bill to designate Wilmington the City of Azaleas, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 353** (Committee Substitute), a bill to grant the New Hanover County Board of Commissioners the power to compromise room occupancy tax penalties, is placed before the Senate for immediate consideration.

On motion of Senator Ezzell, the Committee Substitute bill is adopted.

The Chair defers an order for further consideration of the Committee Substitute bill.

By Senator Johnson of Wake for the **Insurance Committee**:

**H. B. 1282** (Committee Substitute), a bill to amend Article 17B of Chapter 58 of the General Statutes so as to clarify and reform the laws pertaining to the North Carolina Insurance Guaranty Association, with a favorable report.

**S. B. 633**, a bill to tax foreign insurers the same as domestic insurers, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Johnson of Wake, the rules are suspended and the Committee



Substitute bill which changes the title to read, **S. B. 633** (Committee Substitute), a bill to provide for a uniform premium tax structure for insurance companies, is placed before the Senate for immediate consideration.

On motion of Senator Johnson of Wake, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Finance Committee**.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 1151**, a bill to allow milk producers to obtain liens for unpaid milk, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 1151** (Senate Committee Substitute), a bill to allow producers to obtain liens against assets of the distributor for failure to pay for milk sold or consigned, is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Wednesday, July 3.

#### RE-REFERRAL

**S. B. 122**, a bill reestablishing the North Carolina School of Science and Mathematics as an affiliated school of the University of North Carolina.

On motion of Senator Martin of Guilford, the rules are suspended and the bill is taken from the **Higher Education Committee** and re-referred to the **Appropriations Committee**.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 469** (Committee Substitute), a bill to require that zoning procedures include a notice requirement, for concurrence in House Amendment No. 1 which is placed on the Calendar for Wednesday, July 3.

**S. B. 548**, a bill to incorporate technical amendments into the Private Protective Services Act, for concurrence in House Amendment No. 1 which is placed on the Calendar for Wednesday, July 3.

**S. B. 578** (Committee Substitute), a bill to amend G. S. 143-138(h), for concurrence in House Amendment No. 1 which is placed on the Calendar for Wednesday, July 3.

**S. B. 584** (House Committee Substitute), a bill to provide for interest to run on workers' compensation awards in cases of appeals, for concurrence in the House Committee Substitute bill which is placed on the Calendar for Wednesday, July 3.

**S. B. 658**, a bill to provide a uniform filing period for candidacies in municipal elections and making conforming changes in dates for setting filing fees and appointing municipal boards of elections, for concurrence in House Amendment No. 1 which is placed on the Calendar for Wednesday, July 3.

**S. B. 659**, a bill to change the deadlines for making application for absentee ballots to provide for applications by mail two days earlier, but extending by one day the deadline

for one-stop absentee voting, for concurrence in House Amendment No. 1 which is placed on the Calendar for Wednesday, July 3.

**S. B. 764** (Committee Substitute), a bill to equalize the property tax burden, for concurrence in House Amendment No. 1 which is placed on the Calendar for Wednesday, July 3.

**S. B. 796**, a bill to repeal the special fuels tax exemption for methanol and to provide for the collection of the motor fuel inspection fee on liquid fuels that are not petroleum-based, for concurrence in House Amendment No. 1 which is placed on the Calendar for Wednesday, July 3.

**H. B. 829** (Committee Substitute), a bill to deter organized criminal activity and convert the various properties and property rights employed therein to public purposes by imposing civil sanctions on racketeer-influenced and corrupt organizations.

Referred to **Judiciary IV Committee**.

**H. B. 1003** (Committee Substitute), a bill to authorize inspections of ABC licensed premises by local law enforcement officers.

Referred to **Judiciary III Committee**.

**H. B. 1010** (Committee Substitute No. 2), a bill to clarify the definition of preference or advantage in utilities regulation and to provide a corporate income tax credit.

Referred to **Finance Committee**.

**H. B. 1209** (Committee Substitute), a bill to permit the provision of telephone service by entities other than the certificated telephone company by coin, coinless, or key-operated pay telephones.

Referred to **Commerce Committee**.

**H. B. 1255**, a bill to prohibit mandatory retirement of employees under seventy years of age.

Referred to **Pensions and Retirement Committee**.

**H. B. 1295**, a bill relating to procedures for filling vacancies in elective offices in the State.

Referred to **Election Laws Committee**.

**H. J. R. 1402**, a joint resolution honoring the memory of William M. "Buster" Lentz.

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

**H. B. 1408**, a bill to clarify the authority of Duplin and Jones Counties and the municipalities therein to undertake economic development activities.

Referred to **Local Government and Regional Affairs Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 1395**, a bill to change the election date for the Polk County Board of Education from May to November.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 259** (Committee Substitute), a bill concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, Statesville school elections, and a civic center authority, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Ezzell, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—41.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S. B. 322** (Committee Substitute), a bill to provide numbered National Guard registration plates to senior enlisted members and retired members, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—41.

Voting in the negative: None.

The Committee Substitute bill is ordered, without objection, sent to the House of Representatives by special messenger.

**H. B. 589** (Committee Substitute), a bill to require recordation of time share instruments and to provide other protections for time share purchasers, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—44.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H. B. 866**, a bill to allow municipalities to create sewer service districts, upon third reading.

The bill passes its third reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson,



Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, and Winner—44.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 1212**, a bill to clarify parent responsibility for school fees and charges upon third reading, with pending Amendment No. 2.

Without objection, Senator Sawyer withdraws Amendment No. 2.

Senator Sawyer offers Amendment No. 3 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 3.

**H. B. 1384**, a bill to authorize the Department of Human Resources to impose a reasonable fee on all handlers of hazardous waste, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 516** (Committee Substitute), a bill to amend G. S. 7A-517 to prohibit sexual exploitation of children.

Senator Walker offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights.

On motion of Senator Hipps, consideration of the bill is postponed until Wednesday, July 3.

**H. B. 747**, a bill to prescribe compensation for supervisors of elections, as amended.

On motion of Senator Kaplan, consideration of the bill, as amended, is postponed until Wednesday, July 3.

**H. B. 778**, a bill to regulate the submission of laws affecting elections to the United States Attorney General as required by Section Five of the Voting Rights Act of 1965.

On motion of Senator Kaplan, consideration of the bill is postponed until Wednesday, July 3.

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Wednesday, July 3.

**H. J. R. 847**, a joint resolution honoring the life and memory of Ashley Monroe Murphy, a former member of the General Assembly from Pender County.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. J. R. 1324**, a joint resolution honoring the life and memory of Chatham Calhoun Clark.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1385**, a bill to conform the expiration date of appointments to the North Carolina Agricultural Facilities Finance Agency to those of other offices.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 612** (Committee Substitute), a bill to permit the Commissioner of Motor Vehicles to issue fictitious licenses and registration plates to local law enforcement officers under certain circumstances, as amended, upon third reading.

Senator Winner, having voted with the prevailing side, moves to reconsider the vote by which Amendment No. 4 was adopted, which motion prevails (electronically recorded). Senator Swain, seconded by Senator Hardison, moves that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded).

Senator Winner offers Amendment No. 5 which is adopted (electronically recorded).

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

**H. B. 834**, a bill to make additional technical amendments to the election laws, as amended, upon third reading.

Senator Kaplan offers Amendment No. 5 which is adopted (electronically recorded).

Senator Kaplan offers Amendment No. 6. Senator Martin of Guilford offers a motion that the bill with Amendment No. 6 pending be re-referred to the **Election Laws Committee**, which motion fails to prevail (electronically recorded). Amendment No. 6 is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, No. 4, No. 5, and No. 6.

#### RECONSIDERATION

**S. B. 353** (Committee Substitute), a bill to grant the New Hanover County Board of Commissioners the power to compromise room occupancy tax penalties, reported earlier from the **Local Government and Regional Affairs Committee**.

Senator Ezzell offers a motion that the vote by which the Committee Substitute bill was adopted be reconsidered, which motion prevails.

The Chair rules the Committee Substitute bill is not germane to the original bill.

Senator Ezzell moves to suspend the rules to the end that **S. B. 353**, which was placed upon the table, be removed from the table and be recommitted to the **Local Government and Regional Affairs Committee** along with the proposed Committee Substitute bill, which motion prevails and the Chair orders the bill, along with the proposed Committee Substitute bill recommitted to the **Local Government and Regional Affairs Committee**.

The Chair declares the Senate in short recess.

#### AFTERNOON SESSION

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

#### RECOMMITTANCE

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled.

On motion of Senator Kaplan, the rules are suspended and the bill is taken from the Calendar for July 3 and recommitted to the **Transportation Committee**.

#### CALENDAR (Continued)

**S. B. 244**, a bill to make the unlawful possession of hydromorphone, commonly known as Dilaudid, a Class I felony, for concurrence in House Amendment No. 1.

On motion of Senator Marvin, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 272** (House Committee Substitute), a bill to protect handicapped persons, for concurrence in the House Committee Substitute bill.

On motion of Senator Barnes, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

**S. B. 288** (Committee Substitute), a bill to establish clearer and stronger standards for agreements between domestic insurers and reinsurers, for concurrence in House Amendment No. 1.

On motion of Senator Johnson of Wake, the Senate concurs in House Amendment No. 1 (electronically recorded) and the Committee Substitute bill is ordered enrolled.

**S. B. 296** (Committee Substitute), a bill to extinguish ancient mineral claims and to require the recordation and listing of these claims for taxation, for concurrence in House Amendment No. 1.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1 (electronically recorded) and the Committee Substitute bill is ordered enrolled.

**S. B. 388** (House Committee Substitute), a bill to establish the Black Mountain Advancement Center for Women at Black Mountain, for concurrence in the House Committee Substitute bill.

Senator Swain moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail.



The President appoints Senator Swain as a conferee on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**S. B. 433** (Committee Substitute), a bill to add adultery as a ground for divorce from bed and board, for concurrence in House Amendment No. 1.

On motion of Senator Winner, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

**S. B. 574**, a bill to permit visitation rights of a biological grandparent following adoption of the grandchild by a relative or stepparent, for concurrence in House Amendment No. 1.

On motion of Senator Taft, the Senate concurs in House Amendment No. 1 (electronically recorded) and the bill is ordered enrolled.

**S. B. 721** (House Committee Substitute), a bill to clarify the statutes which prohibit damage to railroads and their property, for concurrence in the House Committee Substitute bill.

On motion of Senator Hunt of Moore, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

**H. B. 1207** (Committee Substitute), a bill to allow a landlord to deliver property abandoned by a tenant to a nonprofit organization, upon third reading.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Wednesday, July 3.

**S. B. 58** (House Committee Substitute), a bill to recodify the Mental Health, Mental Retardation, and Substance Abuse Laws of North Carolina for concurrence in the House Committee Substitute bill, upon second reading.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 778**, a bill to regulate the submission of laws affecting elections to the United States Attorney General as required by Section Five of the Voting Rights Act of 1965.

On motion of Senator Kaplan, the bill is removed from the Calendar for July 3 and placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

#### NOTICE OF RECALL

**S. B. 484** (Committee Substitute), a bill regarding the closing of schools due to hazardous weather conditions, natural disaster, or other emergency.

Senator Simpson rises to give notice under Rule 47 that upon the expiration of three days from this notice he will offer a motion to recall **S. B. 484** from the **Appropriations Committee**, referred there on or about June 12.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 855**

HOUSE OF REPRESENTATIVES

(Senate Committee Substitute)

July 2, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to **H. B. No. 855, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS FOR RECEIVING A LICENSE TO PRACTICE MEDICINE**, and requests conferees. The Speaker has appointed Representatives B. P. Woodard, Chairman; Murphy, and Enloe on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Harris moves that the President appoint conferees, which motion prevails. The President appoints Senators Harris, Marvin, and Walker as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 1406**

HOUSE OF REPRESENTATIVES

July 2, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body requesting the return of **House Bill 1406, "A BILL TO BE ENTITLED AN ACT AUTHORIZING THE TOWN OF SUNSET BEACH, BRUNSWICK COUNTY, TO ASSESS FOR NAVIGATION PROJECTS,"** for further consideration by the House of Representatives.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

On motion of Senator Staton and without objection, the Chair orders the bill taken from the Calendar for Wednesday, July 3, and returned to the House of Representatives by special messenger.

**H. B. 1321** (Committee Substitute), a bill to further regulate regional bank holding companies seeking to acquire North Carolina banks or bank holding companies.

Referred to **Commerce Committee**.

**MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**H. B. 1130** (Committee Substitute), a bill to establish guidelines for locating liquid and gas pipelines and to limit the width of land condemned for location of such pipelines.

Referred to **Judiciary III Committee**.

**H. B. 1219** (Committee Substitute), a bill to amend the statutes pertaining to the North Carolina Hazardous Waste Treatment Commission.

Referred to **Natural and Economic Resources and Wildlife Committee**.

On motion of Senator Harrington, seconded by Senator Ezzell, the Senate adjourns to meet tomorrow, Wednesday, July 3, at 1:30 P.M.

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**ONE HUNDRED SEVENTH DAY**

SENATE CHAMBER,  
Wednesday, July 3, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“O God of the Nations, we thank Thee for this great land in which we live. Give to us—a new birth of freedom, a new zeal for justice, and a new determination that all citizens of our State and nation may have equal opportunities to enjoy the good life.

“O God of Power, deliver us from pride in our own positions of power in the church, in our local communities, and in this Chamber. Help us to see that all our power and possessions come from Thee; grant that we may always acknowledge that we are accountable unto Thee for the use of the power and possessions which You have entrusted to us as individuals, as ministers, as elected officials, as a State, and as a Nation; and inspire us to be good stewards of our time, influence, and treasure.

“O God of Reason, deliver the members of the North Carolina General Assembly from stubbornness as they seek to work out compromises in the major bills left to be dealt with in this session. Deliver us from party spirit, power plays, and bickerings between the members of the Senate and the House. Grant that reason, tolerance, and understanding may prevail in our committee meetings; inspire us to move with dispatch in settling the differences which exist between House and Senate bills; and give us the wisdom and courage to enact legislation which will be to the benefit of all our citizens—not just special interest groups.

“All this we ask in the Name of our Heavenly Father who desires that we work together in concord, and that we promote love, justice, freedom, and opportunity for all our citizens. Amen.”



Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 244**, an act to make the unlawful possession of hydromorphone, commonly known as Dilaudid, a Class I felony. (Ch. 569)

**S. B. 259** (Committee Substitute), an act concerning local matters in Iredell County and the City of Statesville, including the districting of the city council, collection of taxes, an occupancy tax, Statesville school elections, and a civic center authority. (Ch. 570)

**S. B. 272** (House Committee Substitute), an act to protect handicapped persons. (Ch. 571)

**S. B. 288** (Committee Substitute), an act to establish clearer and stronger standards for agreements between domestic insurers and reinsurers. (Ch. 572)

**S. B. 296** (Committee Substitute), an act to extinguish ancient mineral claims and to require the recordation and listing of these claims for taxation. (Ch. 573)

**S. B. 433** (Committee Substitute), an act to add adultery as a ground for divorce from bed and board. (Ch. 574)

**S. B. 574**, an act to permit visitation rights of a biological grandparent following adoption of the grandchild by a relative or stepparent. (Ch. 575)

**S. B. 578** (Committee Substitute), an act to amend G. S. 143-138(h). (Ch. 576)

**S. B. 721** (House Committee Substitute), an act to clarify the statutes which prohibit damage to railroads and their property. (Ch. 577)

**H. B. 589** (Committee Substitute), an act to require recordation of time share instruments and to provide other protections for time share purchasers. (Ch. 578)

**H. B. 778**, an act to regulate the submission of laws affecting elections to the United States Attorney General as required by Section Five of the Voting Rights Act of 1965. (Ch. 579)

**H. B. 866**, an act to allow municipalities to create sewer service districts. (Ch. 580)

**H. B. 1212**, an act to clarify parent responsibility for school fees and charges. (Ch. 581)

**H. B. 1384**, an act to authorize the Department of Human Resources to impose a reasonable fee on all handlers of hazardous waste. (Ch. 582)

**H. B. 1385**, an act to conform the expiration date of appointments to the North Carolina Agricultural Facilities Finance Agency to those of other offices. (Ch. 583)

**H. B. 1395**, an act to change the election date for the Polk County Board of Education from May to November. (Ch. 584)

**H. J. R. 847**, a joint resolution honoring the life and memory of Ashley Monroe Murphy, a former member of the General Assembly from Pender County. (Res. 26)

**H. J. R. 1324**, a joint resolution honoring the life and memory of Chatham Calhoun Clark. (Res. 27)

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 388**  
(House Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 2, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **HCS for S. B. No. 388**, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN AT BLACK MOUNTAIN, the Speaker has appointed as conferees on the part of the House, Representative Miller to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

### CONFIRMATION OF APPOINTMENTS

Senator Guy, Chairman of the **State Government Committee**, submits the following report:

#### REPORT OF SENATE STATE GOVERNMENT COMMITTEE ON APPOINTMENT TO THE STATE PERSONNEL COMMISSION

The Senate Committee on State Government, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to confirmation by the Senate of the General Assembly, reports as follows:

The Senate State Government Committee recommends that in compliance with G. S. 126-2(c), that the members of the Senate vote to give confirmation to the following appointments of the Governor to membership on the State Personnel Commission:

Marlene Safrit of Wake County  
appointed for a term expiring July 1, 1991.

Ray Corbett of Edgecombe County  
appointed for a term expiring July 1, 1991.

The Senate confirms the appointments of the Governor by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore,

Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Ward, Warren, Watt, Winner, and Woodard—42.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

Senator Marvin, Chairman for the **Pensions and Retirement Committee**, submits the following report:

**REPORT OF SENATE PENSIONS AND RETIREMENT COMMITTEE  
ON  
APPOINTMENT OF MEMBERS TO THE BOARD OF TRUSTEES  
OF THE  
TEACHERS' AND STATE EMPLOYEES' RETIREMENT SYSTEM**

The Senate Committee on Pensions and Retirement, which has been charged by the Lieutenant Governor with the duty of inquiring into the qualifications and fitness of persons appointed by the Governor in cases where appointments are subject to confirmation by the Senate of the General Assembly, reports as follows:

The Senate Committee on Pensions and Retirement recommend that in compliance with G. S. 135-6 the members of the Senate vote to confirm the appointment by the Governor of Dr. Ronald Copley, Mr. Harry L. Hallyburton, Mr. O. K. Beatty, and Capt. William D. Teem to a four-year term to the Board of Trustees of the Teachers' and State Employees' Retirement System, expiring June 30, 1989.

The Senate confirms the appointments of the Governor by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

A message is ordered sent to the House of Representatives informing that Honorable Body of such actions.

**REPORTS OF COMMITTEES**

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee**:

**H. B. 676**, a bill to transfer the powers, duties and functions of the Roanoke Voyages Corridor Commission to the Roanoke Voyages and Elizabeth II Commission, and to abolish the Corridor Commission, with a favorable report.



**S. J. R. 839**, a joint resolution honoring Guy B. Phillips and the one hundredth anniversary of local boards of education, with a favorable report, as amended.

On motion of Senator Harrington, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted, which changes the title to read, **S. J. R. 839**, a joint resolution honoring Guy B. Phillips.

The joint resolution passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives without engrossment by special messenger.

By Senator Staton for the **Judiciary II Committee**.

**H. B. 806** (Committee Substitute), a bill to provide that the local health director may allow the confinement of a legally vaccinated and restrained dog or cat that bites a person on the owner's property for ten days, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Staton, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Staton, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 4.

By Senator Harris for the **Human Resources Committee**:

**H. B. 348** (Committee Substitute), a bill regarding the identification and labelling of toxic and hazardous substances, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 4.

By Senator Winner for the **Education Committee**:

**S. B. 845**, a bill to permit local school boards to authorize the observance of a moment of silence each day in school, with a favorable report.

By Senator Warren for the **Transportation Committee**:

**H. B. 1311**, a bill to remove the restoration fee on driver's licenses that are voluntarily surrendered for health reasons, with a favorable report.

On motion of Senator Warren, the bill is re-referred to the **Finance Committee**.

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

**S. B. 731**, a bill to permit individuals aged 70 or over whose residence qualifies for the "Homestead Exemption" to defer payment of ad valorem tax on this property until the property is transferred, with a favorable report.

**S. B. 633** (Committee Substitute), a bill to provide for a uniform premium tax structure for insurance companies, with a favorable report, as amended.

**H. B. 1312** (Committee Substitute), a bill to expand the property tax exclusion for residences owned by disabled veterans to include the residences of all veterans who are rated as one hundred percent permanently unemployable, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

On motion of Senator Rauch, the Committee Substitute bill, as amended, is re-referred to the **Ways and Means Committee**.

By Senator Marvin for the **Pensions and Retirement Committee**:

**H. B. 1380**, a bill to enhance the pension and retirement benefits for local law officers, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee**.

**S. B. 671**, a bill to permit members of the Teachers' and State Employees' Retirement System and of the consolidated Judicial Retirement System to purchase creditable service for comparable federal employment, with a favorable report, as amended.

**H. B. 1255**, a bill to prohibit mandatory retirement of employees under seventy years of age, with a favorable report, as amended.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 891** (Committee Substitute), a bill to amend G. S. 90-95(d) (4) to increase the punishment for misdemeanor possession of marijuana, with a favorable report, as amended.

By Senator Hipps for the **Children and Youth Committee**:

**H. B. 77** (Committee Substitute No. 3), a bill to strengthen the felony child abuse law by prohibiting the infliction of any serious injury and by increasing the punishment, with a favorable report.

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 193**, a bill to make certain changes in the membership of the Juvenile Law Study Commission, with a favorable report.

**H. B. 565** (Committee Substitute No. 2), a bill allowing the City of Winston-Salem to establish, agree to and comply with minimum minority and women's business enterprise participation requirements, with a favorable report.

**H. B. 997** (Committee Substitute), a bill to provide for the expungement of records of first offenders only when charges are dismissed or there are findings of not guilty, with a favorable report.

**H. B. 130**, a bill to allow modification of a child custody or support order in a different county, with a favorable report, as amended.

**H. B. 787**, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission, with a favorable report, as amended.

**S. B. 165**, a bill to authorize electronic transmission or recording of the testimony of children in cases of physical or sexual abuse of children, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 165** (Committee Substitute), a bill authorizing

the Legislative Research Commission to study the electronic transmission and recording of the testimony of children in cases of physical or sexual abuse of children, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

**H. B. 142**, a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 4.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**H. B. 631** (Committee Substitute), a bill to provide for the establishment of safety zones to prohibit hunting near buildings in the Bladen Lakes State Forest, with a favorable report.

**S. B. 841**, a bill to create a legislative commission to study regulation of stormwater collection, management, and disposal, with a favorable report, as amended.

On motion of Senator Tally, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 842**, a bill to improve the administration of the property tax.  
Referred to **Finance Committee**.

**H. B. 1176**, a bill to adopt a comparative fault system.  
Referred to **Judiciary IV Committee**.

**H. B. 1413**, a bill to provide that when the Governor receives a recommendation from an officer of the General Assembly on filling a vacancy in an office filled by the General Assembly, the Governor must take action within a specified period of time.

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

**S. B. 388**  
(House Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 2, 1985

*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 the HCS for **S. B. No. 388, A BILL TO**



BE ENTITLED AN ACT TO ESTABLISH THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN AT BLACK MOUNTAIN, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

### CONFERENCE REPORT

#### S. B. 388

(House Committee Substitute)

Senator Swain for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 388** (House Committee Substitute), a bill to establish the Black Mountain Advancement Center for Women at Black Mountain, submits the following Conference Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 388, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE BLACK MOUNTAIN ADVANCEMENT CENTER FOR WOMEN AT BLACK MOUNTAIN, wish to report as follows:

The Senate concurs in the House Committee Substitute with an amendment as follows: on page 3, line 15, by rewriting that line to read: "Sec. 9. This act is effective upon ratification."

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of

S/ ROBERT S. SWAIN  
*Conferee on the part  
of the Senate*

S/ GEORGE M. MILLER, JR.  
*Conferee on the part of  
the House of Representatives*

On motion of Senator Swain, the Conference Report is adopted, and the Chair orders the House Committee Substitute bill enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 176**, a bill to clarify the authority of Stanly County and the municipalities therein to undertake economic development activities, for concurrence in the House Committee Substitute bill, changing the title, upon concurrence, to read, **S. B. 176** (House Committee Substitute), a bill to clarify the authorities of Stanly, Iredell, Northampton, Montgomery, Anson, Bertie, Duplin, Jones, Forsyth, Hertford and Gates Counties and the municipalities therein to undertake economic development activities, which is placed on the Calendar for Thursday, July 4.

July 3, 1985

**S. B. 241**, a bill to amend Chapter 87 of the General Statutes relating to the qualifications and rosters of general contractors, for concurrence in House Amendment No. 1, which is placed on the Calendar for Thursday, July 4.

**S. B. 441**, a bill to change the qualifications for a limited pilotage license issued by the Cape Fear Navigation and Pilotage Commission, for concurrence in House Amendment No. 1, which is placed on the Calendar for Thursday, July 4.

**S. B. 459** (Committee Substitute), a bill to increase the size of the Greensboro-High Point Airport Authority membership by two, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read, **S. B. 459** (House Committee Substitute), a bill to amend the enabling act of the Greensboro-High Point Airport Authority.

On motion of Senator Kaplan, the rules are suspended, and the House Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Kaplan, the Senate concurs in the House Committee Substitute bill (electronically recorded) and the House Committee Substitute bill is ordered enrolled.

**H. B. 215** (Committee Substitute), a bill to authorize Currituck County to levy an excise tax on instruments conveying real property in Currituck County.

Referred to **Finance Committee**.

**H. B. 500** (Committee Substitute), a bill amending Chapter 188 of the 1977 Session Laws relating to the Policemen's Pension Fund of the City of Asheville.

Referred to **Pensions and Retirement Committee**.

**H. B. 551** (Committee Substitute), a bill to allow boards of county commissioners to hold special meetings outside their jurisdictions.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 1100** (Committee Substitute), a bill to establish the Radiation Technology Practice Act.

Referred to **Human Resources Committee**.

**H. B. 1190** (Committee Substitute), a bill to establish policies to preserve farmland.

Referred to **Agriculture Committee**.

**H. B. 1239** (Committee Substitute), a bill to provide that a loan instrument that contains no prepayment terms or prepayment terms that are not in accordance with law may be prepaid.

Referred to **Commerce Committee**.

**H. B. 1310** (Committee Substitute), a bill to validate appointments to boards of trustees of community colleges and technical institutes.

Referred to **Higher Education Committee**.

**H. B. 818** (Committee Substitute), a bill to amend G. S. Chapter 24 concerning late fees.

Referred to **Commerce Committee**.

#### RE-REFERRAL

**H. B. 713**, a bill to provide that vested benefits under the North Carolina Public Employee Deferred Compensation Plan are nonforfeitable.

On motion of Senator Rauch, and without objection, the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to the **Appropriations Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 620** (Committee Substitute), a bill to allow a procedure for extension of and assessment for water lines into developed subdivisions in Brunswick County, upon second reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Swain, Tally, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 562** (Committee Substitute), a bill to amend the Charter of the Town of Wrightsville Beach to eliminate the unanimous vote requirement for ordinances affecting business and to authorize the Town of Wrightsville Beach to regulate development in estuarine waters and public trust limits under navigable waters.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 584**, a bill to authorize the Town of Seven Devils to hold an election on the sale of malt beverages and unfortified wine.

On motion of Senator Ezzell, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1404**, a bill to provide for the employment of probationary teachers by the Western Rockingham City Board of Education.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 975**, a bill to allow counties to create law enforcement service districts, upon second reading.

The bill passes its second reading by roll-call vote, ayes 35, noes 14, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Ezzell, Goldston, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Soles, Somers, Staton, Tally, Thomas of Craven, Walker, Ward, Williams, and Woodard—35.

Voting in the negative: Senators Barnes, Conder, Guy, Hardison, Kaplan, Marvin, Royall, Smith, Speed, Swain, Thomas of Henderson, Warren, Watt, and Winner—14.

The bill remains on the Calendar for further consideration upon third reading.



**H. B. 1082** (Committee Substitute), a bill to allow a bond to release a possessory lien and to allow a special proceeding for disposal of abandoned motor vehicles subject to such liens.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

Without objection, Senator Hardison is excused from voting.

The Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 634** (Committee Substitute), a bill to permit grand juries to investigate drug trafficking, to increase the maximum term of imprisonment for criminal contempt for refusing to testify after being granted immunity, and to limit the scope of immunity granted witnesses to use immunity.

Senator Soles offers Amendment No. 1, which he subsequently withdraws.

Senator Soles offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**H. B. 155** (Committee Substitute), a bill to amend the Well Construction Act, G. S. 87-83 *ET SEQ.*, to provide for civil penalties.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Swain objects to third reading, which objection he subsequently withdraws.

On motion of Senator Barnes, the Committee Substitute bill is recommitted to the **Judiciary I Committee**.

**H. B. 485** (Committee Substitute), a bill to validate certain foreclosure sales prior to June 1, 1985.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights.

Senator Martin of Guilford offers Amendment No. 1.

Without objection and on motion of Senator Martin of Guilford, consideration of the bill, with Amendment No. 1 pending, is postponed until Thursday, July 4.

**H. B. 747**, a bill to prescribe compensation for supervisors of elections, as amended.

On motion of Senator Kaplan, consideration of the bill, as amended, is postponed until Friday, July 5.

**H. B. 760** (Senate Committee Substitute), a bill to conform the adoption statutes to the statutes relating to the termination of parental rights as recommended by the General Statutes Commission.

On motion of Senator Swain, consideration of the Senate Committee Substitute bill is postponed until Thursday, July 4.

**H. B. 591** (Committee Substitute), a bill to make the contents of the clerk's Criminal Record Index admissible to prove prior misdemeanor convictions when the original judgments have been destroyed.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 772**, a bill to amend the municipal and county zoning enabling acts so as to make clear the authority of local governments to establish overlay districts and special use or conditional use districts.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 784**, a bill to clarify that an emancipated minor may marry without the written consent of a parent or guardian as recommended by the General Statutes Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 788**, a bill to make various amendments to the General Statutes as recommended by the General Statutes Commission.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Thursday, July 4.

**H. B. 841** (Senate Committee Substitute), a bill to prevent harassment of jurors or former jurors.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 900**, a bill to revise the provisions of Chapter 11 of the General Statutes relating to oaths and affirmations in order to conform to constitutional requirements as recommended by the General Statutes Commission.

On motion of Senator Sawyer, consideration of the bill is postponed until Thursday, July 4.

**H. B. 931** (Committee Substitute), a bill concerning subdivision water system dedication in extraterritorial areas.

The bill passes its second reading (electronically recorded).

On objection of Senator Hardison to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 941** (Committee Substitute), a bill concerning solid waste firms in areas proposed for annexation.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1106**, a bill to provide good Samaritan protection to members of volunteer fire departments or rescue squads who receive no compensation for their services as fire fighters or emergency medical care providers.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1151** (Senate Committee Substitute), a bill to allow producers to obtain liens against assets of the distributor for failure to pay for milk sold or consigned.

Senator Simpson offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Simpson to its third reading the Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 1185** (Committee Substitute), a bill to permit State employees other than employees of the University of North Carolina or its constituent institutions to serve as members of boards of trustees of the constituent institutions of the University of North Carolina.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Martin of Guilford objects to third reading, which objection he subsequently withdraws.

On motion of Senator Martin of Guilford, the Committee Substitute bill is recommitted to the **Higher Education Committee**.

#### CONFERENCE REPORT

##### H. B. 85

Senator Staton for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 85**, a bill to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices, submits the following Conference Report:

To the President of the Senate and the

Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **H. B. 85**, AN ACT TO CONFORM THE NORTH CAROLINA RULES OF CIVIL PROCEDURE TO THE FEDERAL RULES WITH REGARD TO ABUSIVE DISCOVERY PRACTICES, wish to report as follows: The Conferees adopt Senate amendment number three. The Senate recedes from Senate amendment number one, and the bill is further amended on page 1, line 3, by deleting the period and inserting in lieu thereof: “, AND CLARIFYING WHEN CONTINUANCES MAY BE GRANTED IN CIVIL AND CRIMINAL PROCEEDINGS.” AND on page 5 at lines 25 through 27 by deleting the language on those lines and inserting in lieu thereof:

“Sec. 8. Rule 40(b) of G. S. 1A-1 is amended by adding the following sentence:

‘Good cause for granting a continuance shall include those instances when a party to the proceeding, a witness, or counsel of record has an obligation of service to the State of North Carolina, including service as a member of the General Assembly.’



Sec. 9. G. S. 15A-701(b) (7) is amended by adding a new subsection d after subsection c therein as follows:

'd. Good cause for granting a continuance shall include those instances when the defendant, a witness, or counsel of record has an obligation of service to the State of North Carolina, including service as a member of the General Assembly.'

Sec. 10. Sections 8 and 9 of this act are effective upon ratification. The remaining sections of this act shall become effective October 1, 1985, and shall apply, insofar as just and practicable, to pending litigation."

To this end, the conferees recommend that the Senate and the House of Representatives adopt the foregoing report.

This the day of July, 1985.

S/ WILLIAM W. STATON  
S/ JAMES E. EZZELL, JR.  
S/ WILLIAM N. MARTIN  
*Conferees on the part  
of the Senate*

S/ GEORGE W. MILLER, JR.  
S/ JOE HACKNEY  
S/ MARTIN L. NESBITT  
*Conferees on the part of the  
House of Representatives*

On motion of Senator Staton, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### CALENDAR (Continued)

**H. B. 1282** (Committee Substitute), a bill to amend Article 17B of Chapter 58 of the General Statutes so as to clarify and reform the laws pertaining to the North Carolina Insurance Guaranty Association.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1207** (Committee Substitute), a bill to allow a landlord to deliver property abandoned by a tenant to a nonprofit organization, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

**S. B. 58** (House Committee Substitute), a bill to recodify the Mental Health, Mental Retardation, and Substance Abuse Laws of North Carolina, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Speed, Staton, Taft, Tally, Walker, Ward, Warren, Watt, Winner, and Woodard—38.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

**S. B. 548**, a bill to incorporate technical amendments into the Private Protective Services Act, for concurrence in House Amendment No. 1, upon second reading.

House Amendment No. 1 is held not to be material.

On motion of Senator Swain, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 764** (Committee Substitute), a bill to equalize the property tax burden, for concurrence in House Amendment No. 1, upon second reading.

House Amendment No. 1 is held not to be material.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 796**, a bill to repeal the special fuels tax exemption for methanol and to provide for the collection of the motor fuel inspection fee on liquid fuels that are not petroleum-based, for concurrence in House Amendment No. 1, upon second reading.

House Amendment No. 1 is held not to be material.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 469** (Committee Substitute), a bill to require that zoning procedures include a notice requirement, for concurrence in House Amendment No. 1.

On motion of Senator Shaw, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

**S. B. 584** (House Committee Substitute), a bill to provide for interest to run on workers' compensation awards in cases of appeals, for concurrence in the House Committee Substitute bill.

On motion of Senator Taft, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the House Committee Substitute bill is ordered enrolled.

**S. B. 658**, a bill to provide a uniform filing period for candidacies in municipal elections and make conforming changes in dates for setting filing fees and appointing municipal boards of elections, for concurrence in House Amendment No. 1.

On motion of Senator Watt, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 659**, a bill to change the deadlines for making application for absentee ballots to provide for applications by mail two days earlier, but extending by one day the deadline for one-stop absentee voting, for concurrence in House Amendment No. 1.

On motion of Senator Watt, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

#### RE-REFERRAL

**H. B. 565** (Committee Substitute No. 2), a bill allowing the City of Winston-Salem to establish, agree to and comply with minimum minority and women's business enterprise participation requirements.

Senator Sawyer offers a motion that the bill be removed from the Calendar for tomorrow and re-referred to the **Local Government and Regional Affairs Committee**, which motion fails to prevail (electronically recorded).

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

HOUSE OF REPRESENTATIVES

July 3, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has confirmed the appointment of Marlene Safrit of Wake County and Ray Corbett of Edgecombe County to the State Personnel Commission, with the term expiring July 1, 1991.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

**H. B. 855**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 3, 1985

*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 **Senate CS for H. B. No. 855, A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS FOR RECEIVING A LICENSE TO PRACTICE MEDICINE**, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

On motion of Senator Harrington, seconded by Senator Staton, the Senate adjourns to meet tomorrow, Thursday, July 4, at 1:30 P.M.

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### ONE HUNDRED EIGHTH DAY

SENATE CHAMBER,  
Thursday, July 4, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Marvin Ward, Senator from Forsyth County, as follows:

"Our Heavenly Father, as we celebrate another anniversary of the independence of our great Nation, we have many things to be thankful for; for our forefathers who fought for this independence, for the great land that makes up America, for the natural wealth of North Carolina, for our people who have such a rich heritage, and for the privilege of representing them and particularly for serving them on this important day.

July 4, 1985



"We ask for Your guidance in all of our actions today and these last few days of the Session, to ensure that our actions meet Thy will and are in the best interests of the greatest number of our citizens.

"These blessings we ask in Thy Name. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Conder, Price, and Johnson of Cabarrus for today.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 85**

HOUSE OF REPRESENTATIVES

July 3, 1985

*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. No. 85, A BILL TO BE ENTITLED AN ACT TO CONFORM THE NORTH CAROLINA RULES OF CIVIL PROCEDURE TO THE FEDERAL RULES WITH REGARD TO ABUSIVE DISCOVERY PRACTICES**, and the Speaker has ordered the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 1115** (Senate Committee Substitute), an act to require the Board of Agriculture to adopt requirements for apple grade standards. (Ch. 585)

**S. B. 99** (Committee Substitute), an act to permit disabled veterans to park in handicapped spaces. (Ch. 586)

**S. B. 606**, an act to amend G. S. 20-116 relating to the length of certain vehicles. (Ch. 587)

**S. B. 696** (Committee Substitute), an act to provide that an indigent defendant's competency evaluation report will not be forwarded to the district attorney. (Ch. 588)

**S. B. 58** (House Committee Substitute), an act to recodify the Mental Health, Mental Retardation, and Substance Abuse Laws of North Carolina. (Ch. 589)

**S. B. 164** an act to provide an income tax credit for distributing wine made principally from North Carolina grapes. (Ch. 590)

**S. B. 236**, an act to amend the statute permitting the appointment of traffic control officers and establishing their duties to apply uniformly throughout the State. (Ch. 591)

**S. B. 338**, an act extending the provision of services under this Article to children over age eighteen in certain instances. (Ch. 592)

**S. B. 388** (House Committee Substitute), an act to establish the Black Mountain Advancement Center for Women at Black Mountain. (Ch. 593)

**S. B. 459** (House Committee Substitute), a bill to amend the enabling act of the Greensboro-High Point Airport Authority. (Ch. 594)

**S. B. 469** (Committee Substitute), an act to require that zoning procedures include a notice requirement. (Ch. 595)

**S. B. 536**, an act to allow on-premise sales of beer at mini-breweries. (Ch. 596)

**S. B. 548**, an act to incorporate technical amendments into the Private Protective Services Act. (Ch. 597)

**S. B. 584** (House Committee Substitute), an act to provide for interest to run on workers' compensation awards in cases of appeals. (Ch. 598)

**S. B. 658**, an act to provide a uniform filing period for candidacies in municipal elections and making conforming changes in dates for setting filing fees and appointing municipal boards of elections. (Ch. 599)

**S. B. 659**, an act to change the deadlines for making application for absentee ballots to provide for applications by mail two days earlier, but extending by one day the deadline for one-stop absentee voting. (Ch. 600)

**S. B. 764** (Committee Substitute), an act to equalize the property tax burden. (Ch. 601)

**S. B. 796**, an act to repeal the special fuels tax exemption for methanol and to provide for the collection of the motor fuel inspection fee on liquid fuels that are not petroleum-based. (Ch. 602)

**H. B. 85**, an act to conform the North Carolina Rules of Civil Procedure to the federal rules with regard to abusive discovery practices and clarifying when continuances may be granted in civil and criminal proceedings. (Ch. 603)

**H. B. 485** (Committee Substitute), an act to validate certain foreclosure sales prior to June 1, 1985. (Ch. 604)

**H. B. 562** (Committee Substitute), an act to amend the Charter of the Town of Wrightsville Beach to eliminate the unanimous vote requirement for ordinances affecting business and to authorize the Town of Wrightsville Beach to regulate development in estuarine waters and public trust limits under navigable waters. (Ch. 605)

**H. B. 591** (Committee Substitute), an act to make the contents of the clerk's Criminal Record Index admissible to prove prior misdemeanor convictions when the original judgments have been destroyed. (Ch. 606)

**H. B. 772**, an act to amend the municipal and county zoning enabling acts so as to make clear the authority of local governments to establish overlay districts and special use or conditional use districts. (Ch. 607)

**H. B. 941** (Committee Substitute), an act concerning solid waste firms in areas proposed for annexation. (Ch. 610)

**H. B. 1106**, an act to provide good Samaritan protection to members of volunteer fire departments or rescue squads who receive no compensation for their services as fire fighters or emergency medical care providers. (Ch. 611)

**H. B. 1207** (Committee Substitute), an act to allow a landlord to deliver property abandoned by a tenant to a nonprofit organization. (Ch. 612)

**H. B. 1282** (Committee Substitute), an act to amend Article 17B of Chapter 58 of the General Statutes so as to clarify and reform the laws pertaining to the North Carolina Insurance Guaranty Association. (Ch. 613)

**H. B. 1404**, an act to provide for the employment of probationary teachers by the Western Rockingham City Board of Education. (Ch. 614)

**S. J. R. 839**, a joint resolution honoring Guy B. Phillips. (Res. 28)

**H. J. R. 1034** (Senate Committee Substitute), a joint resolution requesting that the 1987 General Assembly shall meet for a day in the Town of Tarboro in honor of the Two Hundredth Anniversary of the 1787 General Assembly Session meeting in Tarboro. (Res. 29)

**H. B. 784**, an act to clarify that an emancipated minor may marry without the written consent of a parent or guardian as recommended by the General Statutes Commission. (Ch. 608)

**H. B. 788**, an act to make various amendments to the General Statutes as recommended by the General Statutes Commission. (Ch. 609)

### INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Plyler moves that the rules be suspended to allow the introduction and referral to committee of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Plyler, Rand, and Smith:

**S. B. 846**, a bill to provide additional court cost receipts for the supplemental retirement of local law enforcement officers.

Referred to **Pensions and Retirement Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 125**, a bill to provide that false information in State employees' files shall be destroyed, for concurrence in House Amendment No. 1 which is placed on the Calendar for Friday, July 5.

**S. B. 237** (Committee Substitute), a bill to provide Good Samaritan protection to public



school employees and volunteers, for concurrence in House Amendment No. 1 which is placed on the Calendar for Friday, July 5.

**S. B. 598** (Committee Substitute), a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, or by delivery to the Clerk of Court for filing, for concurrence in House Amendment No. 1 which is placed on the Calendar for Friday, July 5.

**S. B. 690**, a bill to continue the School Finance Pilot Project, for concurrence in House Amendment No. 1 which is placed on the Calendar for Friday, July 5.

**H. B. 718** (Committee Substitute), a bill to amend the law regarding mobile home park septic tank systems.

Referred to **Human Resources Committee**.

**H. B. 792**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina.

On motion of Senator Plyler, the rules are suspended, and the bill is placed on the Calendar for Friday, July 5.

**H. B. 1294** (Committee Substitute No. 3), a bill to prevent felons from profiting from their stories and other accounts of their crimes by requiring that the proceeds of their stories be used to compensate the victims of the crimes.

Referred to **Judiciary I Committee**.

**H. B. 1406**, a bill authorizing the Town of Sunset Beach, Brunswick County, to assess for navigation projects.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 1410**, a bill to permit local school boards to authorize the observance of a moment of silence each day in school.

On motion of Senator Barnes, the rules are suspended and the bill is placed on the Calendar for today immediately preceding **S. B. 845**, a bill to permit local school boards to authorize the observance of a moment of silence each day in school.

#### RECOMMITANCE

**H. B. 747**, a bill to prescribe compensation for supervisors of elections.

On motion of Senator Kaplan, the rules are suspended and the bill is taken from the Calendar for Friday, July 5, and recommitted to the **Election Laws Committee**.

#### RE-REFERRAL

**H. B. 1100** (Committee Substitute), a bill to establish the Radiation Technology Practice Act.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is taken from the **Human Resources Committee** and re-referred to the **Judiciary II Committee**.

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles,

together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Warren for the **Transportation Committee**:

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled, with a favorable report.

**H. B. 270**, a bill to amend G. S. 20-294 relating to dealer licenses, with a favorable report, as amended.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 1337**, a bill to validate certain guardian sales, with a favorable report.

**H. B. 1144**, a bill to clarify filing requirements for a claim of statutory lien by a subcontractor dealing with one other than the owner of the property, with a favorable report, as amended.

By Senator Marvin for the **Pensions and Retirement Committee**:

**H. B. 500** (Committee Substitute), a bill amending Chapter 188 of the 1977 Session Laws relating to the Policemen's Pension Fund of the City of Asheville, with a favorable report.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 807**, a bill to provide for small estates procedure if there is a will, with a favorable report.

**S. B. 703**, a bill to create a North Carolina Medical Malpractice and Medical Liability Study Commission, with a favorable report, as amended.

On motion of Senator Soles, the rules are suspended and the bill is placed before the Senate for immediate consideration and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

**H. B. 1201** (Committee Substitute), a bill concerning uniform bond procedures, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Friday, July 5.

**S. B. 286**, a bill to create the North Carolina Medical Database Commission, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Soles, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Soles, the Committee Substitute bill is adopted, and on his further motion is re-referred to the **Appropriations Committee**.

By Senator Martin of Guilford for the **Higher Education Committee**:

**H. B. 882** (Committee Substitute), a bill to require college students to receive certain immunizations, with a favorable report, as amended.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 1171** (Committee Substitute), a bill to strengthen the obscenity laws of this State and the enforcement of these laws, to protect minors from harmful material that does not rise to the level of obscenity, and to stop the sexual exploitation and prostitution of minors, with a favorable report, as amended.

By Senator Martin of Guilford, Vice Chairman, for the **Judiciary II Committee**:

**H. B. 1340** (Committee Substitute No. 2), a bill to prohibit the impersonation of a law enforcement officer, with a favorable report, as amended.

**H. B. 266**, a bill to adopt the Revised Uniform Limited Partnership Act, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Martin of Guilford, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Martin of Guilford, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 8.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 1176**, a bill to adopt a comparative fault system, with an unfavorable report, but with a minority report attached.

The Chair orders the minority report placed on the Calendar for tomorrow for adoption.

By Senator Barnes for the **Judiciary I Committee**:

**S. B. 485**, a bill to provide that a recorded instrument that corrects an error made in the instrument as originally recorded is valid if the correction in the new instrument is signed or initialed by the parties to the instrument, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 485** (Committee Substitute), a bill to provide that a recorded instrument that corrects an obvious minor error made in the instrument as originally recorded is valid if the correction in the new instrument is initialed and an explanation statement is signed by the parties to the instrument or the attorney who drafted the instrument, is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 8.

## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 620** (Committee Substitute), a bill to allow a procedure for extension of and assessment for water lines into developed subdivisions in Brunswick County, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton,



Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**H. B. 565** (Committee Substitute No. 2), a bill allowing the City of Winston-Salem to establish, agree to and comply with minimum minority and women's business enterprise participation requirements.

Senator Kincaid offers Amendment No. 1. Senator Kaplan, seconded by Senator Ward, offers a motion that Amendment No. 1 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 1 lies upon the table.

The Committee Substitute bill No. 2 passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 631** (Committee Substitute), a bill to provide for the establishment of safety zones to prohibit hunting near buildings in the Bladen Lakes State Forest.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 975**, a bill to allow counties to create law enforcement service districts, upon third reading.

On motion of Senator Swain, consideration of the bill is postponed until Monday, July 8.

**H. B. 1082** (Committee Substitute), a bill to allow a bond to release a possessory lien and to allow a special proceeding for disposal of abandoned motor vehicles subject to such liens, as amended, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 633** (Committee Substitute), a bill to provide for a uniform premium tax structure for insurance companies, upon second reading.

On motion of Senator Soles, Committee Amendment No. 1 is withdrawn.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 671**, a bill to permit members of the Teachers' and State Employees' Retirement System and of the consolidated Judicial Retirement System to purchase creditable service for comparable federal employment.

On motion of Senator Rand, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 731**, a bill to permit individuals aged 70 or over whose residence qualifies for the "Homestead Exemption" to defer payment of ad valorem tax on this property until the property is transferred.

On motion of Senator Royall, the bill is re-referred to the **Ways and Means Committee**.

**H. B. 1410**, a bill to permit local school boards to authorize the observance of a moment of silence each day in school.

Senator Watt offers Amendment No. 1 which fails of adoption (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 845**, a bill to permit local school boards to authorize the observance of a moment of silence each day in school.

On motion of Senator Barnes, consideration of the bill is postponed until Monday, July 8.

**H. B. 77** (Committee Substitute No. 3), a bill to strengthen the felony child abuse law by prohibiting the infliction of any serious injury and by increasing the punishment.

Senator Hipps offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill No. 3, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

Senator Rauch requests to be recorded voting "aye" on third reading.

**H. B. 130**, a bill to allow modification of a child custody or support order in a different county, as amended.

On motion of Senator Barnes, the bill, as amended, is re-referred to the **Judiciary I Committee**.

**H. B. 142** (Senate Committee Substitute), a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus.

Senator Soles offers Amendment No. 2. Senator Warren, seconded by Senator Hipps, offers a motion that Amendment No. 2 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 2 lies upon the table.

Senator Barnes calls the previous question, seconded by Senator Harris. The call is sustained.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

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

**S. B. 226**, a bill allowing the City of Durham not to levy assessments on City-owned property, for concurrence in House Amendment No. 1 which is placed on the Calendar for Friday, July 5.

**S. B. 279** (Committee Substitute), a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning eligibility for present-use value taxation, for concurrence in House Amendment No. 1 which is placed on the Calendar for Friday, July 5.

**S. B. 663** (Committee Substitute), a bill to impose sales tax on all property sold at flea markets, to require all persons who sell property at flea markets to display their sales tax licenses, and to require persons who sell at flea markets to furnish evidence to the lessor of the market that they are registered for sales tax purposes, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4 which is placed on the Calendar for Friday, July 5.

**H. B. 459**, a bill to allow the City of Durham to establish overlay zones.  
Referred to **Local Government and Regional Affairs Committee.**

**H. B. 588** (Committee Substitute), a bill to permit the taking of foxes in Bladen County.  
Referred to **Natural and Economic Resources and Wildlife Committee.**

**H. B. 624**, a bill to extend Durham's Fair Housing Ordinance to discrimination based on age or handicap.  
Referred to **Local Government and Regional Affairs Committee.**

**H. B. 625**, a bill concerning Durham City contracts for additional facility capacity.  
Referred to **Local Government and Regional Affairs Committee.**

**H. B. 1079**, a bill to require that all civil fines and penalties collected by the State be paid into the county school fund of the county in which the acts for which the fines and penalties were levied occurred.  
Referred to **Judiciary III Committee.**

**H. B. 1272** (Committee Substitute), a bill to amend the North Carolina requirements for comprehensive hazardous waste treatment facilities by requiring the payment of certain fees.  
Referred to **Finance Committee.**

**H. B. 286**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 4, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Senate Committee Substitute for CS **H. B. No. 286, A BILL TO BE ENTITLED AN ACT TO PROTECT THE CONFIDENTIALITY OF FINANCIAL RECORDS**, and requests conferees. The Speaker has appointed Representatives Blue, Chairman; Lancaster, Barnes, Fitch, and Holt on



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

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

Senator Soles moves that the President appoint conferees, which motion prevails. The President appoints Senators Soles, Rand, Winner, Goldston, and Parnell as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 414**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 4, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to Committee Substitute for **H. B. No. 414, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER OF SEIZURE AND DELIVERY FOR PROPERTY PURCHASED UNDER A CONDITIONAL SALE CONTRACT OR FOR PROPERTY USED AS COLLATERAL EXPIRES IN SIXTY DAYS**, and requests conferees. The Speaker has appointed Representatives Lancaster, Chairman; Hasty, and Holt on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Tally moves that the President appoint conferees, which motion prevails. The President appoints Senators Barnes, Tally, and Woodard as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### CALENDAR (Continued)

**H. B. 193**, a bill to make certain changes in the membership of the Juvenile Law Study Commission.

Senator Tally offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

Senator Kaplan objects to the third reading, which objection he subsequently withdraws.

The bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 348** (Senate Committee Substitute), a bill regarding the identification and labelling of toxic and hazardous substances.

Senator Walker offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically

recorded) and third readings and is ordered engrossed and sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

### CONFERENCE REPORT

#### H. B. 222 (Senate Committee Substitute)

Senator Rauch for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon H. B. 222 (Senate Committee Substitute), a bill to provide broad-based tax relief to North Carolina citizens, submits the following Conference Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for **House Bill 222** (Fifth Edition Engrossed), A BILL TO BE ENTITLED AN ACT TO PROVIDE BROAD-BASED TAX RELIEF TO NORTH CAROLINA CITIZENS, wish to report as follows: the House concurs in the Senate Committee Substitute (Fifth Edition Engrossed), with the following amendments:

on page 1, line 7, by rewriting that line to read:

“Section 1. G. S. 105-2 is amended as follows:

- (1) by designating the current language of that section as subsection (a);
- (2) by deleting subdivisions (7) and (7a) of subsection (a), as designated by this act; and
- (3) by adding a new subsection to read:

‘(b) Nontaxable property passing from one spouse to the other is includible in the deceased spouse’s gross estate as follows:

(1) When real property held by a husband and wife as tenants by the entirety or as joint tenants with the right of survivorship passes to the surviving tenant upon the death of the other tenant, one-half of the fair market value of the property is includible in the deceased tenant’s gross estate.

(2) When funds in a joint deposit account or corporate stocks or investment securities held by a husband and wife as joint tenants with the right of survivorship passes to the surviving tenant upon the death of the other tenant, one-half of the amount in the deposit account and one-half of the fair market value of the stock or securities is includible in the deceased tenant’s gross estate.’ ”;

and on page 1, lines 17 and 18, by deleting the phrase “of twenty-six thousand one hundred fifty dollars” and substituting the phrase “in the amount specified in the following table”;

and on page 2, line 1, by rewriting that line to read:

“beneficiary.

For Decedents Dying on or After	Amount of Credit
August 1, 1985	\$ 2,350
July 1, 1986	8,150
January 1, 1987	14,150
January 1, 1988	20,150
January 1, 1989	26,150

This credit is allowed to Class A beneficiaries in”;

and on page 2, lines 17 and 18, by inserting a new section between those lines to read:

“Sec. 3.1. The second sentence of G. S. 105-22, the second paragraph of G. S. 105-23, and the second sentence of G. S. 28A-21-2(a) are each amended by deleting the phrase ‘one hundred thousand dollars (\$100,000)’ and substituting the phrase ‘seventy-five thousand dollars (\$75,000)’.”;

and on page 3, lines 8 through 11, by rewriting those lines to read: “the date ‘April 1, 1983’ and substituting the date ‘December 31, 1984’ ”;

and on page 4, line 6, by rewriting that line to read:

“ § 105-151.15. **General credit for individuals with low or moderate incomes. —**”;

and on page 4, lines 11 through 14, by deleting the sentence that begins with the word “This”;

and on page 4, lines 21 through 23, by rewriting those lines to read:

“\$ 0- 5,000	\$25
5,001-10,000	20
10,001-15,000	15”

and on page 5, line 8, by adding the word “and” at the end of that line;

and on page 5, line 10, by changing the semicolon at the end of that line to a period and deleting the word “and”;

and on page 5, line 28, by deleting the phrase “, **retailers, and wholesalers**”;

and on page 6, line 1, by deleting the word “Manufacturers” and substituting the word “Credit”;

and on page 6, line 3, by deleting the phrase “fifty percent (50%)” and substituting the phrase “twenty percent (20%)”;

and on page 6, lines 9 through 14, by deleting lines 9 through 13 and relettering subsection (c) on line 14 as subsection (b);

and on page 6, line 23, by inserting between the words “credit” and “against” the phrase “, not to exceed one thousand dollars (\$1,000),”;

and on page 7, line 11, by rewriting that line to read:

“taxpayer. If a credit allowed by a section of this Division, other than G. S. 105-163.07, exceeds the”;



and on page 11, lines 21 and 22, by inserting a new section between those lines to read: "Sec. 23.1. G. S. 105-163.06(a), as enacted by this act, is amended by deleting the phrase 'twenty percent (20%)' and substituting the phrase 'forty percent (40%)'."

and on page 14, line 12, by deleting the words "each place" and substituting the words "all places";

and on page 15, lines 4 and 5, by deleting the phrase "twenty-nine million one hundred thousand dollars (\$29,100,000)" and substituting the phrase "twenty-eight million six hundred thousand dollars (\$28,600,000)";

and on page 15, line 24, by adding a new sentence on that line to read:

"Any taxes collected pursuant to G. S. 105-199, 105-200, or 105-205 on or after July 1, 1985, shall remain in the General Fund, and any refunds made on or after July 1, 1985, of taxes collected pursuant to G. S. 105-199, 105-200, or 105-205 shall be charged against the General Fund.";

and on page 15, lines 25 through 28, by rewriting those lines to read:

"Sec. 33. G. S. 105-202 is amended as follows:

(1) by deleting the phrase 'demands, claims, deposits or share accounts in out-of-state building and loan and savings and loan associations' in the first sentence of that section; and

(2) by deleting the phrase 'demands, claims' in the first, second and fourth paragraphs of that section.";

and on page 18, lines 16 through 21, by deleting those lines;

and on page 18, line 22, and page 19, lines 3 and 14, by renumbering sections 43 through 45 as 42 through 44;

and on page 19, lines 6 through 13, by rewriting those lines to read:

"The Secretary shall then increase the amount allocable to each county by a sum equal to forty percent (40%) of the amount of tax on accounts receivable allocated to the county on the basis of collections."

and on page 19, lines 16 through 27, and page 20, line 1, by rewriting those lines to read:

"it appears and substituting the phrase 'ten thousand dollars (\$10,000)'.

Sec. 45. G. S. 105-277.1(a) (2) is amended by deleting the phrase 'nine thousand dollars (\$9,000)' and substituting the phrase 'ten thousand dollars (\$10,000)'.

Sec. 46. G. S. 105-277.1A(d) is amended by deleting the phrase 'fifteen percent (15%)' and substituting the phrase 'thirty-five percent (35%)'.

Sec. 47. G. S. 105-309(f) is amended by deleting the phrase 'eight thousand five hundred dollars (\$8,500)' and substituting the phrase 'ten thousand dollars (\$10,000)', and by deleting the phrase 'nine thousand dollars (\$9,000)' and substituting the phrase 'ten thousand dollars (\$10,000)'.

Sec. 48. G. S. 105-277.1 is amended by deleting the phrase 'ten thousand dollars

(\$10,000)' the first time it appears in subsection (a) and when it appears in subsection (b) and by substituting the phrase 'twelve thousand dollars (\$12,000)'.

Sec. 49. G. S. 105-277.1(a) (2) is amended by deleting the phrase 'ten thousand dollars (\$10,000)' and substituting the phrase 'eleven thousand dollars (\$11,000)'.

Sec. 50. G. S. 105-277.1A(d) is amended by deleting the phrase 'thirty-five percent (35%)' and substituting the phrase 'fifty percent (50%)'.

Sec. 51. G. S. 105-309(f) is amended by deleting the phrase 'ten thousand dollars (\$10,000)' the first time it appears and substituting the phrase 'twelve thousand dollars (\$12,000)', and by deleting the phrase 'ten thousand dollars (\$10,000)' the second and third times it appears and substituting the phrase 'eleven thousand dollars (\$11,000)'.

Sec. 52. G. S. 105-277 is amended by adding a new subsection to read:

'(i) Retailers' and Wholesalers' Inventories. Tangible personal property in the inventories of a retailer or wholesaler is designated a special class of property pursuant to Article V, § 2(2) of the North Carolina Constitution and is taxable at ninety percent (90%) of the rate levied on other tangible personal property by the taxing unit in which the property is situated.'

Sec. 52.1. G. S. 105-277(i), as enacted by this act, is amended by deleting the phrase 'ninety percent (90%)' and substituting the phrase 'eighty percent (80%)'.

Sec. 53. Article 12 of Chapter 105 of the General Statutes is amended by adding a new section between G. S. 105-277 and 105-277.01 to read:

'§ 105-277A. **Reimbursement for partial exclusion of retailers' and wholesalers' inventories.** — (a) The Secretary of Revenue shall reimburse taxing units for the partial property tax exclusion provided for retailers' and wholesalers' inventories as provided in this section. As soon as practicable after January 1 of 1987, the Secretary shall distribute to each taxing unit the unit's per capita share of the sum of nine million six hundred thousand dollars (\$9,600,000). As soon as practicable after January 1 of 1988, the Secretary shall distribute to each taxing unit the unit's per capita share of the sum of twenty million eight hundred thousand dollars (\$20,800,000). Thereafter, as soon as practicable after January 1 of each year the Secretary shall distribute to each taxing unit the unit's per capita share of the sum distributed to all taxing units the previous year, plus or minus an amount that equals the product of the sum distributed the previous year and the percentage by which State disposable personal income has increased or decreased during the most recent 12-month period for which state personal income data has been compiled by the Bureau of Economic Analysis of the United States Department of Commerce.

To make the per capita distributions required by this section, the Secretary shall first allocate the sum to be distributed among the counties on a per capita basis. The Secretary shall then compute a per capita distributable amount for each county by dividing the amount allocated to a county by the total population of the county, plus the population of any incorporated towns and cities located in the county. Each taxing unit in a county, including the county itself, shall receive the product of the population of the taxing unit and the per capita distributable amount for that county. The Secretary shall use the most recent annual population estimates certified by the State Budget Officer in determining the population of taxing units.

(b) Funds received by a county or city pursuant to this section because the county or city was collecting taxes for another unit of government or special district shall be credited to the funds of that other unit or district in accordance with regulations issued by the Local Government Commission.

(c) To pay for the reimbursement under this section and the cost to the Department of Revenue for administering the reimbursement, the Secretary of Revenue may withhold from net collections received by the Department under Article 4 of Chapter 105 an amount equal to the reimbursement and the cost of administering the reimbursement.”;

and on page 20, line 4, by renumbering section 49 as section 54;”

and on page 20, line 28, by rewriting that line to read:

“Name of Act and Effective Dates.

Sec. 55. This act shall be known as the ‘Tax Reduction Act of 1985.’”;

and on page 21, lines 1 and 8, by renumbering sections 50 and 51 as sections 56 and 57;

and on page 21, line 8, by deleting the number “3” and substituting the number “3.1”;

and on page 21, line 9, by deleting the date “July 1, 1986” and substituting the date “August 1, 1985”;

and on page 21, line 12, by deleting the number “12” and substituting the number “11”;

and on page 21, line 14, by deleting the number “13” and substituting the number “12”;

and on page 21, lines 16 through 20, by rewriting those lines to read:

“Sec. 23.1 shall become effective for taxable years beginning on or after January 1, 1987. Section 24 shall become effective July 1, 1986. Section 25 shall become effective October 1, 1985. Sections 26 through 30.1 shall become effective August 1,”;

and on page 21, lines 25-28, and page 22, lines 1-4, by rewriting those lines to read:

“shall become effective July 1, 1986. Section 42 is effective for taxable years beginning on or after January 1, 1985. Section 43 shall become effective July 1, 1986. Sections 44 through 47 are effective for taxable years beginning on or after January 1, 1986. Sections 48 through 51 are effective for taxable years beginning on or after January 1, 1987. Section 52 is effective for taxable years beginning on or after January 1, 1986. Section 52.1 shall become effective for taxable years beginning on or after January 1, 1987. Section 53 shall become effective January 1, 1987. Section 54 is effective upon ratification and applies to taxes on motor fuel purchased on or after January 1, 1985. Sections 55, 56, and 57 are effective upon ratification.”;

And the Senate concurs in these amendments.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 4th day of July, 1985.

S/ MARSHALL A. RAUCH  
S/ R. P. THOMAS

S/ DWIGHT W. QUINN  
S/ JOE MAVRETIC



S/ KENNETH C. ROYALL, JR.  
 S/ ROBERT D. WARREN  
 S/ ANTHONY E. RAND  
*Conferees on the part  
 of the Senate*

S/ GEORGE MILLER, JR.  
 S/ WILLIAM T. WATKINS  
 S/ DENNIS A. WICKER  
*Conferees on the part  
 of the House of Representatives*

The Chair rules the submission of the Conference Report constitutes first reading of the bill and orders the Conference Report placed on the Calendar for tomorrow, July 5, for adoption upon second reading.

#### CALENDAR (Continued)

The Chair declares the voting equipment inoperative for a portion of today's Session.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, with Amendment No. 1 pending.

On motion of Senator Hippy, consideration of the bill with Amendment No. 1 pending is postponed until Monday, July 8.

**H. B. 676**, a bill to transfer the powers, duties and functions of the Roanoke Voyages Corridor Commission to the Roanoke Voyages and Elizabeth II Commission, and to abolish the Corridor Commission.

Senator Basnight offers Amendment No. 1 which is adopted (electronically recorded).

Senator Basnight offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 760** (Senate Committee Substitute), a bill to conform the adoption statutes to the statutes relating to the termination of parental rights as recommended by the General Statutes Commission.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 787**, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

On motion of Senator Watt, consideration of the bill, as amended, is postponed until Monday, July 8.

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure.

Senator Barnes offers Amendment No. 1 which is adopted.

The Committee Substitute bill, as amended, passes its second reading.

On objection of Senator Barnes to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 806** (Senate Committee Substitute), a bill to provide that the local health director may allow the confinement of a legally vaccinated and restrained dog or cat that bites a person on the owner's property for ten days.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Senator Warren objects to third reading, which objection he subsequently withdraws.

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

**H. B. 891** (Committee Substitute), a bill to amend G. S. 90-95(d) (4) to increase the punishment for misdemeanor possession of marijuana.

On motion of Senator Soles, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 900**, a bill to revise the provisions of Chapter 11 of the General Statutes relating to oaths and affirmations in order to conform to constitutional requirements as recommended by the General Statutes Commission.

On motion of Senator Barnes, consideration of the bill is postponed until Tuesday, July 9.

**H. B. 997** (Committee Substitute), a bill to provide for the expungement of records of first offenders only when charges are dismissed or there are findings of not guilty.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1255**, a bill to prohibit mandatory retirement of employees under seventy years of age.

Senator Rauch offers a motion to re-refer the bill to the **Manufacturing and Labor Committee**.

Senator Swain offers a substitute motion to re-refer the bill to the **Senior Citizens Committee**, which motion fails to prevail (electronically recorded).

The motion of Senator Rauch prevails (electronically recorded), and the bill is re-referred to the **Manufacturing and Labor Committee**.

**H. B. 931** (Committee Substitute), a bill concerning subdivision water system dedication in extraterritorial areas, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

**H. B. 1151** (Senate Committee Substitute), a bill to allow producers to obtain liens against assets of the distributor for failure to pay for milk sold or consigned, as amended, upon third reading.

Senator Simpson offers Amendment No. 2 which is adopted (electronically recorded).

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

**S. B. 176** (House Committee Substitute), a bill to clarify the authorities of Stanly, Iredell, Northampton, Montgomery, Anson, Bertie, Duplin, Jones, Forsyth, Hertford and Gates Counties and the municipalities therein to undertake economic development activities, upon second reading, for concurrence in the House Committee Substitute bill.

On motion of Senator Walker, the Senate concurs in the House Committee Substitute bill upon second reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Rauch, Sawyer, Shaw, Simpson, Smith, Soles, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—37.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 241**, a bill to amend Chapter 87 of the General Statutes relating to the qualifications and rosters of general contractors, for concurrence in House Amendment No. 1.

On motion of Senator Soles, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

**S. B. 441**, a bill to change the qualifications for a limited pilotage license issued by the Cape Fear Navigation and Pilotage Commission, for concurrence in House Amendment No. 1.

On motion of Senator Williams, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

#### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 442** (House Committee Substitute), a bill to provide for treble damages as a civil remedy for the writing of worthless checks, for concurrence in the House Committee Substitute bill which is placed on the Calendar for Friday, July 5.

On motion of Senator Harrington, seconded by Senator Woodard, the Senate adjourns to meet tomorrow, Friday, July 5, at 9:00 A.M.

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#### ONE HUNDRED NINTH DAY

SENATE CHAMBER,  
Friday, July 5, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Strength, we confess that we are tired and weary from the long days of this General Assembly. Give us patience as we deal with one another this day; renew our strength through a time of fellowship with Thee and our families this week-end; and give us integrity and perseverance as we deal with the remaining bills before us in the closing days of our session, next week.

"O God of Healing, work Thy healing powers in Senator Jim Ezzell; give to him renewed strength of body, mind, and spirit; and grant he may soon be restored to perfect health.



"O God of Freedom, we thank Thee for the United States of America, and for the freedoms which we enjoy here. Grant that we may never take these freedoms for granted; and help us to work for the fulfillment of the American dream, so that ours may become, indeed, a nation under God with liberty and justice for all.

"O God of Justice, deliver us from that false patriotism, which cries, 'our nation, right or wrong'; help us to see that our nation and all nations are accountable unto Thee for their domestic and foreign policies; give us compassion for the needy and oppressed at home and around the world; and grant that in our land and in all lands that justice may flow down like waters, and righteousness like an everflowing stream.

"O God of Peace, help us to put our trust in Thee and not in weapons of war; give us courage to use restraint, reason, and diplomacy—not force—in the settlement of international disputes; and grant that we may become peacemakers in our local communities, our State, the Nation, and the world—until all your children come to live in peace and good will with one another. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Ezzell and Johnson of Cabarrus for today.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Swain for the **Judiciary III Committee**:

**H. B. 1130** (Committee Substitute), a bill to establish guidelines for locating liquid and gas pipelines and to limit the width of land condemned for location of such pipelines, with a favorable report, as amended.

By Senator Harris for the **Human Resources Committee**:

**H. B. 623** (Committee Substitute), a bill to authorize the Secretary of Human Resources to regulate traffic, with a favorable report.

**H. B. 665** (Committee Substitute), a bill to amend Article VI and Chapter 108A regarding Protection of the Abused, Neglected or Exploited Disabled Adult Act, with a favorable report.

**H. B. 1024**, a bill to permit licensed psychologists with at least two years clinical experience to conduct initial involuntary commitment evaluations, with a favorable report, as amended.

**H. B. 1131**, a bill to rewrite the Physical Therapy Practice Act, with a favorable report, as amended.

**H. B. 1132** (Committee Substitute), a bill to make changes in the Certificate of Need law, with a favorable report, as amended.

On motion of Senator Harris, the Committee Substitute bill is placed on the Calendar for Tuesday, July 9.

**H. B. 945** (Committee Substitute), a bill to amend the Solid Waste Law, with an unfavorable report as to Committee Substitute bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 8.

**H. B. 1137**, a bill to allow qualified units of local governments to issue permits for the extension of sewer and water lines in lieu of State approval, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Senate Committee Substitute bill, which changes the title to read, **H. B. 1137** (Senate Committee Substitute), a bill to allow qualified units of local governments to issue permits for approval for the extension of sewer and water lines in lieu of State approval, is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Monday, July 8.

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

**H. B. 215** (Committee Substitute), a bill to authorize Currituck County to levy an excise tax on instruments conveying real property in Currituck County, with a favorable report.

**H. B. 1311**, a bill to remove the restoration fee on driver's licenses that are voluntarily surrendered for health reasons, with a favorable report.

**H. B. 1010** (Committee Substitute No. 2), a bill to clarify the definition of preference or advantage in utilities regulation and to provide a corporate income tax credit, with a favorable report, as amended.

**H. B. 1272** (Committee Substitute), a bill to amend the North Carolina requirements for comprehensive hazardous waste treatment facilities by requiring the payment of certain fees, with a favorable report, as amended.

On motion of Senator Rauch, the Committee Substitute bill is placed on the Calendar for Tuesday, July 9.

By Senator Plyler for the **Appropriations Committee**:

**S. B. 38**, a bill to change the eligible adoption age for children under the scholarships for children of war veterans program, with a favorable report.

**S. B. 70**, a bill relating to State contributions to county veterans service programs, with a favorable report.

**S. B. 300**, a bill to authorize the use of State income tax refund offset procedures in non-AFDC and interstate cases as required by federal law, with a favorable report.

**S. B. 557**, a bill to increase the retirement formula for active and retired members of the Local Governmental Employees' Retirement System and Law Enforcement Officers' Retirement System, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives by special messenger.

**H. B. 713**, a bill to provide that vested benefits under the North Carolina Public Employee Deferred Compensation Plan are nonforfeitable, with a favorable report.

**S. B. 243** (Committee Substitute), a bill to improve the law regarding endangered children, with a favorable report, as amended.

On motion of Senator Marvin, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration, and on her further motion, Committee Amendments No. 1 and No. 2 are adopted.

On motion of Senator Marvin, the Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

By Senator Hardison for the **Commerce Committee**:

**H. B. 679**, a bill to amend Chapter 54B of the General Statutes to make technical changes relating to savings and loan associations, with a favorable report.

**H. B. 957** (Committee Substitute), a bill to require that ordinances restricting the speed of trains be filed with the Utilities Commission before becoming effective, with a favorable report.

**H. B. 977** (Committee Substitute), a bill to reform the laws regulating common carriers of passengers by motor vehicles, with a favorable report.

**H. B. 1059** (Committee Substitute), a bill to provide that the maximum rate of interest may vary during the term of variable rate loans, with a favorable report.

**H. B. 1063**, a bill to grant parity with federally chartered savings and loan associations by permitting State chartered savings and loan associations to call themselves savings banks, with a favorable report.

**H. B. 1188**, a bill to limit financial institutions from certain insurance activities with customers, with a favorable report.

**H. B. 1209** (Committee Substitute), a bill to permit the provision of telephone service by entities other than the certificated telephone company by coin, coinless, or key-operated pay telephones, with a favorable report.

**H. B. 1239** (Committee Substitute), a bill to provide that a loan instrument that contains no prepayment terms or prepayment terms that are not in accordance with law may be prepaid, with a favorable report.

**H. B. 1321** (Committee Substitute), a bill to further regulate regional bank holding companies seeking to acquire North Carolina banks or bank holding companies, with a favorable report.



## CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 1176**, a bill to adopt a comparative fault system, minority report, for adoption. On motion of Senator Soles, the Senate adopts the minority report (electronically recorded), and the bill is placed on the Calendar for today in its regular order of business.

**H. B. 500** (Committee Substitute), a bill amending Chapter 188 of the 1977 Session Laws relating to the Policemen's Pension Fund of the City of Asheville.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 226**, a bill allowing the City of Durham not to levy assessments on City-owned property, for concurrence in House Amendment No. 1.

On motion of Senator Hunt of Durham, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 633** (Committee Substitute), a bill to provide for a uniform premium tax structure for insurance companies, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 36, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Smith, Soles, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, and Winner—36.

Voting in the negative: None.

The Committee Substitute bill is ordered sent to the House of Representatives.

**H. B. 189**, a bill for special registration plates for disabled veterans who are not one hundred percent disabled, as amended, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 792**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price,

Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1201** (Senate Committee Substitute), a bill concerning uniform bond procedures, upon second reading.

On motion of Senator Soles, consideration of the Senate Committee Substitute bill is postponed until Monday, July 8.

**H. B. 270**, a bill to amend G. S. 20-294 relating to dealer licenses.

On motion of Senator Warren, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 807**, a bill to provide for small estates procedure if there is a will.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 284** (Committee Substitute), an act to establish the legal level of impairment for boat operators and to reduce litter on the State's waters. (Ch. 615)

**H. B. 455** (Committee Substitute), an act to prevent double recovery of workers' compensation and unemployment benefits. (Ch. 616)

**H. B. 680** (Senate Committee Substitute), an act to amend the State Personnel Act. (Ch. 617)

**H. B. 755** (Committee Substitute), an act to make certain amendments to the power of attorney statutes contained in Chapter 32A of the General Statutes as recommended by the General Statutes Commission. (Ch. 618)

**H. B. 791**, an act to eliminate conflict in the statutes concerning vacancies in municipal and special district elective offices. (Ch. 619)

**H. B. 805**, an act to amend the Uniform Boiler and Pressure Vessel Act to restore the authority of the Commissioner of Labor to regulate certain hydropneumatic pressure vessels and to make other amendments to the Act. (Ch. 620)

**H. B. 1065**, an act to treat judges like other members of the legal profession. (Ch. 621)

**H. B. 1163**, an act to empower the North Carolina Building Code Council to adopt efficiency standards for replacement water heaters. (Ch. 622)

**H. B. 1258**, an act to permit qualified surety companies to guarantee arrest bond certificates offered by automobile clubs and associations; requiring the acceptance of those guaranteed arrest bond certificates in the event of violation of certain motor vehicle

laws; and to provide for the forfeiture of the guaranteed arrest bond certificates. (Ch. 623)

**S. B. 227**, an act concerning notice of withdrawal of street dedication by the City of Durham. (Ch. 624)

**S. B. 468**, an act to provide that expenses for a wrongful death action may be advanced from the decedent's estate. (Ch. 625)

**H. B. 182** (Committee Substitute), an act to provide a fair procedure in partition sales. (Ch. 626)

**S. B. 752**, an act to enable county boards of commissioners to extend and abolish county water and sewer districts. (Ch. 627)

**S. B. 298** (Committee Substitute), an act to establish a uniform statewide system of appraising land classified for taxation at its present-use value. (Ch. 628)

**S. B. 750** (Committee Substitute), an act to exempt certain pressure vessels from the provisions of the Uniform Boiler and Pressure Vessel Act. (Ch. 629)

**S. J. R. 843**, a joint resolution honoring the life and memory of Miles Hoffman Rhyne. (Res. 30)

**S. B. 241**, an act to amend Chapter 87 of the General Statutes relating to the qualifications and rosters of general contractors. (Ch. 630)

**S. B. 441**, an act to change the qualifications for a limited pilotage license issued by the Cape Fear Navigation and Pilotage Commission. (Ch. 631)

**H. B. 565** (Committee Substitute No. 2), an act allowing the City of Winston-Salem to establish, agree to and comply with minimum minority and women's business enterprise participation requirements. (Ch. 632)

**H. B. 620** (Committee Substitute), an act to allow a procedure for extension of and assessment for water lines into developed subdivisions in Brunswick County. (Ch. 633)

**H. B. 631** (Committee Substitute), an act to provide for the establishment of safety zones to prohibit hunting near buildings in the Bladen Lakes State Forest. (Ch. 634)

**H. B. 931** (Committee Substitute), an act concerning subdivision water system dedication in extraterritorial areas. (Ch. 635)

**H. B. 997** (Committee Substitute), an act to provide for the expungement of records of first offenders only when charges are dismissed or there are findings of not guilty. (Ch. 636)

**H. B. 1410**, an act to permit local school boards to authorize the observance of a moment of silence each day in school. (Ch. 637)

#### CALENDAR (Continued)

**H. B. 882** (Committee Substitute), a bill to require college students to receive certain immunizations.

On motion of Senator Martin of Guilford, Committee Amendment No. 1 is adopted.



The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1171** (Committee Substitute), a bill to strengthen the obscenity laws of this State and the enforcement of these laws, to protect minors from harmful material that does not rise to the level of obscenity, and to stop the sexual exploitation and prostitution of minors.

On motion of Senator Swain, consideration of the Committee Substitute bill is postponed until Monday, July 8.

**H. B. 1176**, a bill to adopt a comparative fault system.

Senator Soles offers a motion to remove the bill from the Calendar for today and place it on the Calendar for Monday, July 8, which motion fails to prevail (electronically recorded).

Senator Barnes offers a motion to remove the bill from the Calendar for today and re-refer it to the **Judiciary I Committee**.

Senator Harris, seconded by Senator Hardison, offers a motion that the motion to re-refer and the bill do lie upon the table.

Senator Winner, seconded by Senator Hipps, offers a motion that the Senate adjourn, which motion fails to prevail (electronically recorded). The motion to table the motion to re-refer and the bill prevails, and the bill lies upon the table.

Senator Rauch offers a motion that the vote by which the bill was laid upon the table be reconsidered, and that that motion do lie upon the table, which motion fails to prevail upon a tie-vote (electronically recorded).

The Chair announces the vote, whereupon Senator Basnight requests to be allowed to be recorded voting. The Chair rules the member may not be allowed to vote after the vote is announced. Senator Rauch offers a motion to suspend the rules to the end that Senator Basnight may be allowed to vote, which motion fails to prevail (electronically recorded) for lack of a two-thirds majority vote.

**H. B. 1337**, a bill to validate certain guardian sales.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1340** (Committee Substitute No. 2), a bill to prohibit the impersonation of a law enforcement officer.

On motion of Senator Staton, Committee Amendment No. 1, changing the title, upon concurrence, to read, **H. B. 1340** (Committee Substitute No. 2), a bill to prohibit the impersonation of a law enforcement or other public officer, is adopted.

The Committee Substitute bill No. 2, as amended, passes its second reading (electronically recorded).

Senator Swain objects to third reading, which objection he subsequently withdraws.

Senator Staton offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill No. 2 passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 142** (Senate Committee Substitute), a bill to repeal the sunset provision on certain safety requirements concerning a stopped school bus, upon third reading.

Senator Watt offers Amendment No. 2, which he subsequently withdraws.

The Senate Committee Substitute bill passes its third reading (electronically recorded),

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

**H. B. 796** (Committee Substitute), a bill clarifying the procedure for serving pick-up notices under the ten-day revocation procedure, upon third reading.

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1144**, a bill to clarify filing requirements for a claim of statutory lien by a subcontractor dealing with one other than the owner of the property.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its third reading (electronically recorded), and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 176** (House Committee Substitute), a bill to clarify the authorities of Stanly, Iredell, Northampton, Montgomery, Anson, Bertie, Duplin, Jones, Forsyth, Hertford and Gates Counties and the municipalities therein to undertake economic development activities, for concurrence in the House Committee Substitute bill, upon third reading.

On motion of Senator Jordan, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Goldston, Guy, Hardison, Harris, Hunt of Moore, Johnson of Wake, Jordan, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, and Woodard—33.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

**S. B. 279** (Committee Substitute), a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning eligibility for present-use value taxation, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Rauch, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Woodard—37.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**S. B. 663** (Committee Substitute), a bill to impose sales tax on all property sold at flea markets, to require all persons who sell property at flea markets to display their sales tax licenses, and to require persons who sell at flea markets to furnish evidence to the lessor of the market that they are registered for sales tax purposes, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4, upon second reading.

On motion of Senator Hipps, consideration of the Committee Substitute bill is postponed until Monday, July 8.

**S. B. 125**, a bill to provide that false information in State employees' files shall be destroyed, for concurrence in House Amendment No. 1.

On motion of Senator Guy, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

**S. B. 237** (Committee Substitute), a bill to provide Good Samaritan protection to public school employees and volunteers, for concurrence in House Amendment No. 1.

On motion of Senator Plyler, the Senate concurs in House Amendment No. 1, and the Committee Substitute bill is ordered enrolled.

**S. B. 442** (House Committee Substitute), a bill to provide for treble damages as a civil remedy for the writing of worthless checks, for concurrence in the House Committee Substitute bill.

On motion of Senator Woodard, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

**S. B. 598** (Committee Substitute), a bill to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, or by delivery to the Clerk of Court for filing, for concurrence in House Amendment No. 1.

On motion of Senator Staton, the Senate concurs in House Amendment No. 1, and the Committee Substitute bill is ordered enrolled.

**S. B. 690**, a bill to continue the School Finance Pilot Project, for concurrence in House Amendment No. 1.

On motion of Senator Taft, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

#### WITHDRAWAL FROM COMMITTEE

**H. B. 1079**, a bill to require that all civil fines and penalties collected by the State be paid into the county school fund of the county in which the acts for which the fines and penalties were levied occurred.

On motion of Senator Swain, the rules are suspended and the bill is taken from the **Judiciary III Committee** and is placed on the Calendar for immediate consideration.

Senator Rand offers Amendment No. 1, changing the title, upon concurrence, to read: **H. B. 1079**, a bill to require that all civil fines and penalties collected by the State be paid into the county school fund of the county in which the acts for which the fines and penalties were levied occurred and defining clear proceeds, which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Rand to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

#### CALENDAR (Continued)

**H. B. 222** (Senate Committee Substitute), a bill to provide broad-based tax relief to North Carolina citizens, for adoption of the Conference Report submitted yesterday, upon second reading.

On motion of Senator Rauch, the Conference Report is adopted by roll-call vote, ayes 38, noes 7, as follows:



Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Williams, Winner, and Woodard—38.

Voting in the negative: Senators Ballenger, Cobb, Kincaid, McDuffie, Sawyer, Simpson, and Watt—7.

The Conference Report remains on the Calendar for Monday, July 8, for adoption, upon third reading.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

H. B. 834

HOUSE OF REPRESENTATIVES  
July 5, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment Numbers 3, 4, 6 to H. B. No. 834, A BILL TO BE ENTITLED AN ACT TO MAKE ADDITIONAL TECHNICAL AMENDMENTS TO THE ELECTION LAWS, and requests conferees. The Speaker has appointed Representatives Beall (Chairman), Blue, Hunter, Nesbitt, and Ballance on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Rand moves that the President appoint conferees, which motion prevails. The President appoints Senators Kaplan, Rand, Walker, Warren, and Woodard as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

On motion of Senator Harrington, seconded by Senator Johnson of Wake, the Senate adjourns to meet Monday, July 8, at 6:00 P.M.

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### ONE HUNDRED TENTH DAY

SENATE CHAMBER,  
Monday, July 8, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Reverend Billy Johnson, Clayton, as follows:

"Eternal God, our Heavenly Father, we thank Thee today for America, the land of freedom and democracy.

"We thank Thee for these, our State Representatives in both the Senate and House Chambers, whom You have ordained as ministers of service for this great State.

"We pray that You will grant to each Your Divine wisdom and guidance as they seek to accomplish the tremendous task outlined in the agenda for this Session.

"Help us to remember that what is achieved in the performance of our duties, it is done by and through You.

"We ask it all for Thy Name's sake. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 125**, an act to provide that false information in State employees' files shall be destroyed. (Ch. 638)

**S. B. 176** (House Committee Substitute), an act to clarify the authorities of Stanly, Iredell, Northampton, Montgomery, Anson, Bertie, Duplin, Jones, Forsyth, Hertford and Gates Counties and the municipalities therein to undertake economic development activities. (Ch. 639)

**S. B. 221**, an act to authorize Wake County to exercise the power of eminent domain under G. S. 40A-42(a) to acquire property for public safety and other facilities. (Ch. 640)

**S. B. 226** an act allowing the City of Durham not to levy assessments on City-owned property. (Ch. 641)

**S. B. 237** (Committee Substitute), an act to provide Good Samaritan protection to public school employees and volunteers. (Ch. 642)

**S. B. 442** (House Committee Substitute), an act to provide for treble damages as a civil remedy for the writing of worthless checks. (Ch. 643)

**S. B. 590**, an act to amend the definition of a slot machine as it relates to arcade amusement machines, video games, and other devices. (Ch. 644)

**S. B. 598** (Committee Substitute), an act to provide that claims against decedents' estates may be presented by registered or certified mail, return receipt requested, or by delivery to the Clerk of Court for filing. (Ch. 645)

**S. B. 690**, an act to continue the School Finance Pilot Project. (Ch. 646)

**H. B. 500** (Committee Substitute), an act amending Chapter 188 of the 1977 Session Laws relating to the Policemen's Pension Fund of the City of Asheville. (Ch. 647)

**H. B. 516** (Committee Substitute), an act to amend G. S. 7A-517 to prohibit sexual exploitation of children. (Ch. 648)

**H. B. 712** (Senate Committee Substitute), an act to provide for various changes in State and local retirement. (Ch. 649)

**H. B. 789** (Senate Committee Substitute), an act to authorize letters in worthless check collection procedures. (Ch. 650)

**H. B. 807**, an act to provide for small estates procedure if there is a will. (Ch. 651)

**H. B. 1135** (Senate Committee Substitute), an act to improve enforcement of the cooling-off period in off-premises sales. (Ch. 652)

**H. B. 1238** (Senate Committee Substitute), an act to protect certain claimants from discharge or demotion by employers for instituting a workers' compensation claim. (Ch. 653)

**H. B. 1337**, an act to validate certain guardian sales. (Ch. 654)

**H. B. 1082** (Committee Substitute), an act to allow a bond to release a possessory lien and to allow a special proceeding for disposal of abandoned motor vehicles subject to such liens. (Ch. 655)

#### REPORTS OF COMMITTEES

Without objection, the rules are suspended and Senator Soles submits the following report for the **Rules and Operation of the Senate Committee**:

By Senator Soles for the **Rules and Operation of the Senate Committee**:

**S. J. R. 842**, a joint resolution honoring the life and memory of William Frederick Floyd, a former member of the General Assembly, with a favorable report.

On motion of Senator Soles, the rules are suspended and the joint resolution is placed before the Senate for immediate consideration.

The joint resolution passes its second (electronically recorded) and third readings and is ordered, without objection sent to the House of Representatives by special messenger.

#### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 738** (Committee Substitute), a bill to improve the regulation of insurance by making technical improvements and increasing fees and penalties, for concurrence in House Committee Substitute bill changing the title upon concurrence to read, **S. B. 738** (House Committee Substitute), a bill to improve the regulation of insurance by making technical improvements and other needed changes, which is placed on the Calendar for tomorrow, July 9.

**H. B. 1417**, a bill to allow counties in creating fire protection service districts to limit the tax rate in that district.

Referred to **Finance Committee**.

**H. B. 1418**, a bill to permit the taking of foxes in certain townships of Iredell County.



On motion of Senator Redman, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 507**, a bill to prohibit obtaining housing assistance by misrepresentation, for concurrence in the House Committee Substitute bill changing the title, upon concurrence, to read, **S. B. 507** (House Committee Substitute), a bill to prohibit obtaining housing assistance by misrepresentation and to authorize eviction of tenants for failure to pay rent, which is placed on the Calendar for tomorrow, July 9.

**S. B. 587** (Committee Substitute), a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for tomorrow, July 9, upon second reading.

**H. B. 18**, a bill to allow individuals a five-year carry-forward of any unused charitable deduction.

Referred to **Finance Committee**.

**H. B. 143** (Committee Substitute), a bill to amend certain obscenity statutes.

Referred to **Judiciary II Committee**.

**H. B. 1022** (Committee Substitute), a bill to make certain technical and other amendments to the practicing psychologists' licensing act.

Referred to **Finance Committee**.

**S. B. 154** (Committee Substitute), a bill to amend the Constitution to allow a county to exempt, in full or in part, inventories of manufacturers, wholesalers, and retailers from property taxes imposed by that county and the local governmental units located in the county, for concurrence in House Amendment No. 1, changing the title, upon concurrence, to read, **S. B. 154** (Committee Substitute), a bill to amend the Constitution to allow a county to exempt, in full or in part, inventories of all manufacturers, all wholesalers, and all retailers from property taxes imposed by that county and the local governmental units located in the county, which is placed on the Calendar for tomorrow, July 9.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 222** (Senate Committee Substitute), a bill to provide broad-based tax relief to North Carolina citizens, conference report for adoption, upon third reading.

On motion of Senator Rauch, the conference report submitted July 4, is adopted by roll-call vote, ayes 39, noes 7, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus,

Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Williams, Winner, and Woodard—39.

Voting in the negative: Senators Ballenger, Cobb, Kincaid, Sawyer, Simpson, Somers, and Watt—7.

A message is ordered sent to the House of Representatives, informing that Honorable Body of such action.

**H. B. 215** (Committee Substitute), a bill to authorize Currituck County to levy an excise tax on instruments conveying real property in Currituck County, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rauch, Royall, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—40.

Voting in the negative: Senators Johnson of Cabarrus and Sawyer—2.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 792**, a bill to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina, upon third reading.

The bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 975**, a bill to allow counties to create law enforcement service districts, upon third reading.

On motion of Senator Hardison, the bill is re-referred to the **Judiciary IV Committee**.

**H. B. 623** (Committee Substitute), a bill to authorize the Secretary of Human Resources to regulate traffic, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 44, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 977** (Committee Substitute), a bill to reform the laws regulating common carriers of passengers by motor vehicles, upon second reading.

The Committee Substitute bill passes its second reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Williams, Winner, and Woodard—42.

Voting in the negative: Senators Johnson of Cabarrus and Somers—2.

The Committee Substitute bill remains on the Calendar for further consideration, upon third reading.

**H. B. 1131**, a bill to rewrite the Physical Therapy Practice Act, upon second reading.

On motion of Senator Harris, Committee Amendments No. 1, No. 2, No. 3, and No. 4 are adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration, upon third reading.

**H. B. 1201** (Senate Committee Substitute), a bill concerning uniform bond procedures, upon second reading.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second reading by roll-call vote, ayes 44, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—44.

Voting in the negative: Senator Cobb—1.

The Senate Committee Substitute bill, as amended, remains on the Calendar for further consideration, upon third reading.

**H. B. 1311**, a bill to remove the restoration fee on driver's licenses that are voluntarily surrendered for health reasons, upon second reading.

The bill passes its second reading by roll-call vote, ayes 46, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of



Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Winner—46.

Voting in the negative: None.

The bill remains on the Calendar for further consideration, upon third reading.

**H. B. 1321** (Committee Substitute), a bill to further regulate regional bank holding companies seeking to acquire North Carolina banks or bank holding companies, upon second reading.

Without objection, Senator Conder is excused from voting for the following reason: "Possible conflict of interest."

Without objection, Senator Johnson of Cabarrus is excused from voting.

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

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for further consideration, upon third reading.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

Senator Martin of Guilford moves that the rules be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote:

By Senators Martin of Guilford and Rauch:

**S. J. R. 847**, a joint resolution authorizing the Legislative Research Commission to study the distribution of State funds to local governmental units and the local governmental units' abilities to meet their revenue needs without distributions of State funds.

Referred to **Appropriations Committee**.

#### CALENDAR (Continued)

**S. B. 38**, a bill to change the eligible adoption age for children under the scholarships for children of war veterans program.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives.

Senator Staton offers a motion that the vote by which the bill passed its third reading be reconsidered. The Chair rescinds the order to send the bill to the House of Representatives by special messenger and the motion to reconsider the vote by which the bill passed

its third reading prevails. Senator Staton offers a motion to reconsider the vote by which the bill passed its second reading, which motion prevails.

On motion of Senator Staton, the bill is recommitted to the **Appropriations Committee**.

**S. B. 70**, a bill relating to State contributions to county veterans service programs. On motion of Senator Plyler, the bill is re-referred to the **Appropriations Committee**.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Plyler for the **Appropriations Committee**:

**S. B. 216** (Committee Substitute), a bill to provide that funds from special personalized registration plates be used to promote travel accessibility for the disabled, with a favorable report.

**S. B. 532** (Committee Substitute), a bill to establish a State lottery after a binding referendum, with a favorable report.

**S. B. 360**, a bill to establish the North Carolina Council on the Holocaust, with a favorable report, as amended.

### CALENDAR (Continued)

**S. B. 300**, a bill to authorize the use of State income tax refund offset procedures in non-AFDC and interstate cases as required by federal law, as amended, with Amendment No. 2 pending.

On motion of Senator Marvin, Committee Amendment No. 2 is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 485** (Committee Substitute), a bill to provide that a recorded instrument that corrects an obvious minor error made in the instrument as originally recorded is valid if the correction in the new instrument is initialed and an explanation statement is signed by the parties to the instrument or the attorney who drafted the instrument.

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

**S. B. 845**, a bill to permit local school boards to authorize the observance of a moment of silence each day in school.

On motion of Senator Barnes, seconded by Senator Taft, the bill is postponed indefinitely.

**H. B. 266** (Senate Committee Substitute), a bill to adopt the Revised Uniform Limited Partnership Act.

Senator Staton offers Amendment No. 1 which is adopted (electronically recorded).

Senator Simpson offers Amendment No. 2 which is adopted (electronically recorded).

Senator Plyler offers a motion to the end that the Senate Committee Substitute bill, as

amended, be withdrawn from the Calendar and re-referred to the **Appropriations Committee**.

Senator Staton offers a motion that the Senate Committee Substitute bill, as amended, be taken from today's Calendar and placed on the Calendar for Wednesday, July 10, which motion he subsequently withdraws.

The motion of Senator Plyler prevails and the Senate Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee**.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, with pending Amendment No. 1.

On motion of Senator Hipps, the bill with Amendment No. 1 pending, is adopted, and on his further motion is placed on today's Calendar immediately following **S. B. 243** (Committee Substitute), a bill to improve the law regarding endangered children.

**H. B. 665** (Committee Substitute), a bill to amend Article VI and Chapter 108A regarding Protection of the Abused, Neglected or Exploited Disabled Adult Act.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 679**, a bill to amend Chapter 54B of the General Statutes to make technical changes relating to savings and loan associations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 713**, a bill to provide that vested benefits under the North Carolina Public Employee Deferred Compensation Plan are nonforfeitable.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 787**, a bill to make various technical amendments to the General Statutes as recommended by the General Statutes Commission, as amended.

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 945** (Senate Committee Substitute), a bill to amend the Solid Waste Law.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill.

**H. B. 957** (Committee Substitute), a bill to require that ordinances restricting the speed of trains be filed with the Utilities Commission before becoming effective.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1010** (Committee Substitute No. 2), a bill to clarify the definition of preference or advantage in utilities regulation and to provide a corporate income tax credit.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Committee Substitute bill No. 2, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.



**H. B. 1024**, a bill to permit licensed psychologists with at least two years clinical experience to conduct initial involuntary commitment evaluations.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

Senator Harris offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Redman to its third reading, the bill, as amended, remains on the Calendar for further consideration, upon third reading.

**H. B. 1059** (Committee Substitute), a bill to provide that the maximum rate of interest may vary during the term of variable rate loans.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1171** (Committee Substitute), a bill to strengthen the obscenity laws of this State and the enforcement of these laws, to protect minors from harmful material that does not rise to the level of obscenity, and to stop the sexual exploitation and prostitution of minors.

On motion of Senator Staton, Committee Amendments No. 1, No. 2, No. 3, No. 4, and No. 5 are adopted.

Senator Somers offers Amendment No. 6 which fails of adoption (electronically recorded).

Senator Watt offers Amendment No. 7. Senator Harris, seconded by Senator Staton, offers a motion that Amendment No. 7 do lie upon the table which motion prevails (electronically recorded) and Amendment No. 7 lies upon the table.

Senator Watt offers Amendment No. 8. Senator Staton, seconded by Senator Harris, offers a motion that Amendment No. 8 do lie upon the table which motion prevails (electronically recorded) and Amendment No. 8 lies upon the table.

Senator Winner offers Amendment No. 9 which is adopted (electronically recorded).

Senator Staton, seconded by Senator Hardison, calls the previous question. The call is sustained.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration, upon third reading.

The President recognizes the following pages serving in the Senate this week: Ashley Alphine, Raleigh; Scarlett Andrews, Raleigh; Andrea Brown, Raleigh; Dawn Bullard, Durham; Tammy Bunn, Zebulon; David Carpenter, Raleigh; Rick Condor, Rockingham; Manning Connors, Raleigh; Bellamy de Rosset, Raleigh; Stan Ezzell, Rocky Mount; Chip Hartzog, Raleigh; George Lambreth, Raleigh; Nicole McLamb, Benson; Mary Beth Odom, Lumberton; Will Pitman, Raleigh; and Jeffrey Snell, Raleigh.

On motion of Senator Harrington, seconded by Senator Johnson of Wake, the Senate adjourns to meet tomorrow, Tuesday, July 9, at 1:30 P.M.

## ONE HUNDRED ELEVENTH DAY

SENATE CHAMBER,  
Tuesday, July 9, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Healing, we thank Thee for progress of Thy servant Jim Ezzell, we rejoice in his return to this Chamber today; and we pray Thee to continue to work Thy healing powers in him.

"O God of Comfort, be with the families of those who have lost loved ones through violent deaths in Raleigh, Madison, and other communities in our State; and give to them that comfort which the world can neither give nor take away.

"O God of Grace, we thank Thee for Thy Presence with us in this session, and for the State budget which we finally approved yesterday. Use this budget and all the public officials of our State to minister effectively to the needs of the children, youth, adults, and senior citizens of our State.

"O God of Wisdom, deliver us in our desire for a speedy conclusion to this Session, from making hasty decisions which will result in the enactment of poor legislation. Deliver us from the temptation to yield to special interest groups or to gamble with the future of our citizens in the waning hours of this session. Give us the guidance of Thy Spirit; integrity as individuals; courage to vote the convictions of our hearts; and compassion which will seek to enact laws that minister to the needs of the people, rather than prey on their weaknesses.

"All this we ask in the Name of the God of Amos, who says, 'Let justice flow down like water, and righteousness like an ever-flowing stream.' Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President welcomes Senator Ezzell from his leave of absence due to hospitalization.

**REPORTS OF COMMITTEES**

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of The Senate Committee:**

**S. B. 675**, a bill to create the State Personnel Study Commission to study the State Personnel Act and to propose changes to give professional State employees the protection and security from political pressures they deserve and to establish a senior executive service, with a favorable report.

On motion of Senator Harrington, the bill is re-referred to the **Appropriations Committee**.

**H. B. 344**, a bill to create the Railroad Negotiating Commission, with a favorable report.

**H. J. R. 1402**, a joint resolution honoring the memory of William M. "Buster" Lentz, with a favorable report.

**H. B. 1413**, a bill to provide that when the Governor receives a recommendation from an officer of the General Assembly on filling a vacancy in an office filled by the General Assembly, the Governor must take action within a specified period of time, with a favorable report.

By Senator Walker (Vice-Chairman) for the **Local Government and Regional Affairs Committee**:

**S. B. 353** (Committee Substitute), a bill to grant the New Hanover County Board of Commissioners the power to compromise room occupancy tax penalties, with a favorable report.

**H. B. 459**, a bill to allow the City of Durham to establish overlay zones, with a favorable report.

**H. B. 551** (Committee Substitute), a bill to allow boards of county commissioners to hold special meetings outside their jurisdictions, with a favorable report.

**H. B. 624**, a bill to extend Durham's Fair Housing Ordinance to discrimination based on age or handicap, with a favorable report.

**H. B. 625**, a bill concerning Durham City contracts for additional facility capacity, with a favorable report.

**H. B. 1406**, a bill authorizing the Town of Sunset Beach, Brunswick County, to assess for navigation projects, with a favorable report.

On motion of Senator Walker, the rules are suspended and the bill is placed on today's Calendar for consideration, upon second reading.

By Senator Soles for the **Judiciary IV Committee**:

**S. B. 685**, a bill to amend the Constitution of North Carolina to provide that midterm vacancy elections shall be held when the vacancy occurs at least sixty days before the election rather than at least thirty days before the election, so as to ease the administration of elections, with a favorable report, as amended.

**S. B. 711**, a bill to amend the Constitution of North Carolina to provide for election of statewide officials in the fall of the odd-numbered years, with a favorable report, as amended.

On motion of Senator Soles, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion, Committee Amendment No. 1 is adopted.

The bill, as amended, is ordered engrossed and re-referred to the **Appropriations Committee**.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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



**H. B. 222**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 8, 1985

*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 **Senate CS for H. B. No. 222, A BILL TO BE ENTITLED AN ACT TO PROVIDE BROAD-BASED TAX RELIEF TO NORTH CAROLINA CITIZENS**, and the Speaker has ordered the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 222** (Senate Committee Substitute), an act to provide broad-based tax relief to North Carolina citizens. (Ch. 656)

**H. B. 189**, an act for special registration plates for disabled veterans who are not one hundred percent disabled. (Ch. 657)

**H. B. 665** (Committee Substitute), an act to amend Article VI and Chapter 108A regarding Protection of the Abused, Neglected or Exploited Disabled Adult Act. (Ch. 658)

**H. B. 679**, an act to amend Chapter 54B of the General Statutes to make technical changes relating to savings and loan associations. (Ch. 659)

**H. B. 713**, an act to provide that vested benefits under the North Carolina Public Employee Deferred Compensation Plan are nonforfeitable. (Ch. 660)

**H. B. 792**, an act to authorize the construction and the financing, without appropriations from the General Fund, of certain capital improvements projects by constituent institutions of the University of North Carolina. (Ch. 661)

**H. B. 957** (Committee Substitute), an act to require the ordinances restricting the speed of trains be filed with the Utilities Commission before becoming effective. (Ch. 662)

**H. B. 1059** (Committee Substitute), an act to provide that the maximum rate of interest may vary during the term of variable rate loans. (Ch. 663)

**H. B. 1418**, an act to permit the taking of foxes in certain townships of Iredell County. (Ch. 664)

**S. B. 461** (Committee Substitute), an act to provide for private sale of redevelopment property. (Ch. 665)

**S. J. R. 842**, a joint resolution honoring the life and memory of William Frederick Floyd, a former member of the General Assembly. (Res. 31)

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senators Taft, Hardison, Warren, and Winner:

**S. J. R. 848**, a joint resolution authorizing the Legislative Research Commission to study the fiscal impact of Senate Bill 49.

Referred to **Appropriations Committee**.

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 1218** (Committee Substitute), a bill to appropriate funds to the Judicial Department and to improve the administration of the judicial system.

On motion of Senator Plyler, the rules are suspended (electronically recorded), and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Plyler, members of the Fiscal Research staff are extended courtesies of the floor for the purpose of assisting in the explanation of the Committee Substitute bill.

Senator Simpson offers Amendment No. 1. Senator Simpson calls for the ayes and noes on the adoption of Amendment No. 1, which call is sustained. Amendment No. 1 fails of adoption by roll-call vote, ayes 15, noes 28, as follows:

Voting in the affirmative: Senators Ballenger, Cobb, Harris, Jordan, Kincaid, McDuffie, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Somers, and Williams—15.

Voting in the negative: Senators Barnes, Basnight, Conder, Goldston, Harrington, Hips, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Royall, Soles, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Winner, and Woodard—28.

Senator Cobb offers Amendment No. 2. Senator Cobb calls for the ayes and noes on the adoption of Amendment No. 2, which call is sustained. Senator Warren offers a motion that Amendment No. 2 do lie upon the table, seconded by Senator Johnson of Wake. Senator Cobb calls for the ayes and noes on the motion to table Amendment No. 2, which call is sustained. The motion to table Amendment No. 2 prevails by roll-call vote, ayes 33, noes 14, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hips, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, and Woodard—33.

Voting in the negative: Senators Ballenger, Cobb, Hardison, Johnson of Cabarrus, Kincaid, McDuffie, Price, Redman, Sawyer, Shaw, Simpson, Smith, Somers, and Williams—14.

Amendment No. 2 lies upon the table.

Senator Plyler, seconded by Senator Swain, calls the previous question on the passage of the Committee Substitute bill. The call is sustained (electronically recorded). The Committee Substitute bill passes its second reading (electronically recorded).

Without objection, the Committee Substitute bill remains before the Senate for further consideration upon third reading.

Senator Royall offers Amendment No. 3 which is adopted (electronically recorded).  
Senator Martin of Guilford offers Amendment No. 4 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and is ordered, without objection, returned to the House of Representatives for concurrence in Senate Amendment No. 3, by special messenger.

**H. B. 514**, a bill to authorize a County Director of Social Services to secure medical, surgical, psychiatric, psychological and other care or treatment for a juvenile in the custody or physical custody of a County Department of Social Services.

Referred to **Human Resources Committee**.

**H. B. 1049**, a bill concerning venue for judicial review under the Administrative Procedure Act.

Referred to **Judiciary I Committee**.

### MESSAGE FROM THE HOUSE OF REPRESENTATIVES

A message is received from the House of Representatives, transmitting the following bills and resolutions, which are read the first time and disposed of as follows:

**S. B. 418**, a bill to permit the Treasurer to authorize limited exemptions from the Daily Deposit Law, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 10.

**S. B. 596**, a bill to clarify conditions of probation, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, July 10.

**S. B. 624**, a bill to increase the percentage of signatures required to call an alcoholic beverage election, for concurrence in House Amendments No. 1 and No. 2, which is placed on the Calendar for tomorrow, July 10.

**H. B. 1021** (Committee Substitute), a bill to amend G. S. 153A-77 relating to the population of counties with authority over commissions, boards and agencies.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 1118** (Committee Substitute), a bill to facilitate appeals from small claims court to district court.

Referred to **Judiciary III Committee**.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 496**, a bill to prohibit the operation of a motor vehicle with the view outward or inward through the windshield or windows obscured, for concurrence in the House Committee Substitute bill, which changes the title, upon concurrence, to read, **S. B. 496** (House Committee Substitute), a bill to prohibit dark-shaded windows on motor vehicles which obstruct the view from outside the vehicle, which is placed on the Calendar for tomorrow, July 10.



## CALENDAR

Bills and resolutions on the Calendar, carried forward as unfinished business from Monday, July 8, are taken up and disposed of as follows:

**H. B. 1063**, a bill to grant parity with federally chartered savings and loan associations by permitting State chartered savings and loan associations to call themselves savings banks.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1130** (Committee Substitute), a bill to establish guidelines for locating liquid and gas pipelines and to limit the width of land condemned for location of such pipelines.

Without objection, and on motion of Senator Swain, Committee Amendment No. 1 is withdrawn.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

**H. B. 1137** (Senate Committee Substitute), a bill to allow qualified units of local governments to issue permits for approval for the extension of sewer and water lines in lieu of State approval.

Senator Harris offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment, for concurrence in the Senate Committee Substitute bill.

**H. B. 1188**, a bill to limit financial institutions from certain insurance activities with customers.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1209** (Committee Substitute), a bill to permit the provision of telephone service by entities other than the certificated telephone company by coin, coinless, or key-operated pay telephones.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1239** (Committee Substitute), a bill to provide that a loan instrument that contains no prepayment terms or prepayment terms that are not in accordance with law may be prepaid.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Staton for the **Judiciary II Committee**:

**H. B. 143** (Committee Substitute), a bill to amend certain obscenity statutes, with a favorable report.

By Senator Tally for the **Natural and Economic Resources and Wildlife Committee**:

**H. B. 1219** (Committee Substitute), a bill to amend the statutes pertaining to the North Carolina Hazardous Waste Treatment Commission, with a favorable report.

**H. B. 588** (Committee Substitute), a bill to permit the taking of foxes in Bladen County, with a favorable report, as amended.

By Senator Plyler for the **Appropriations Committee**:

**S. B. 182**, a bill to expand the membership of the Joint Legislative Commission on Governmental Operations, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill, which changes the title to read, **S. B. 182** (Committee Substitute), a bill to appropriate funds for various Statewide projects, to specify how certain appropriated funds are to be used, and to make various changes in the law, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for today, July 9.

By Senator Johnson of Wake for the **Insurance Committee**:

**S. B. 717**, a bill to provide cleft palate coverage under the Teachers' and State Employees' Comprehensive Major Medical Plan as required of private insurers, with a favorable report.

On motion of Senator Johnson of Wake, the bill is re-referred to the **Appropriations Committee**.

**H. B. 1168**, a bill to provide for licensing of foreign military sales agents of life insurance companies domiciled in this State for life insurance business at foreign military installations, with a favorable report.

**H. B. 456** (Committee Substitute), a bill to increase educational requirements for licensing of fire and casualty and life insurance agents and to require insurance companies to give agents 180 days notice before cancelling an agency contract, with a favorable report, as amended.

**H. B. 1037** (Committee Substitute), a bill to enable hospital, medical and dental service corporations, insurers and persons to engage in health care cost containment activities, with a favorable report, as amended.

#### CALENDAR (Continued)

**S. B. 243** (Committee Substitute), a bill to improve the law regarding endangered children, as amended, upon third reading.

Senator Marvin offers Amendment No. 3 which is adopted (electronically recorded).

Senator Sawyer offers Amendment No. 4.

On motion of Senator Plyler, the Committee Substitute bill, as amended, with Amendment No. 4 pending, is re-referred to the **Ways and Means Committee**.

**WITHDRAWAL FROM COMMITTEE**

**S. B. 484** (Committee Substitute), a bill regarding the closing of schools due to hazardous weather conditions, natural disaster, or other emergency.

Senator Simpson rises and offers a motion, subsequent to notice rendered in the Senate on July 2 of his intention, to the end that the Committee Substitute bill be withdrawn from the **Appropriations Committee** and placed before the Senate for immediate consideration.

Senator Plyler offers a motion, seconded by Senator Barnes, that the motion of Senator Simpson do lie upon the table, which motion prevails (electronically recorded), and the motion to recall the Committee Substitute bill from the **Appropriations Committee** lies upon the table.

**CALENDAR (Continued)**

**S. B. 182** (Committee Substitute), a bill to appropriate funds for various Statewide projects, to specify how certain appropriated funds are to be used, and to make various changes in the law.

Senator Plyler offers a motion that the rules be suspended to the end that the Committee Substitute bill may be placed before the Senate for consideration out of its regular order of business, which motion prevails (electronically recorded).

Senator Plyler offers a motion that the rules be suspended to the end that Mrs. Linda Powell of the Fiscal Research staff be allowed courtesies of the floor for the purpose of assisting in the explanation of the Committee Substitute bill, which motion prevails.

Senator Rand offers Amendment No. 1 which is adopted (electronically recorded).

Senator Parnell offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Cobb objects to the third reading of the Committee Substitute bill, as amended.

Senator Plyler moves that the rules be suspended to the end that the Committee Substitute bill, as amended, receive further consideration upon its third reading today, which motion fails to prevail (electronically recorded).

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, with Amendment No. 1 pending.

On motion of Senator Hipps, consideration of the bill with Amendment No. 1 pending, is postponed until Wednesday, July 10.

**INTRODUCTION OF BILLS AND RESOLUTIONS**

Senator Barnes moves that the rules be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Barnes, Warren, Hipps, Staton, Redman, and Winner:

**S. B. 849**, a bill to extend the expiration date of the Administrative Procedure Act and rules adopted under that Act.



On motion of Senator Barnes, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

#### CALENDAR (Continued)

**H. B. 1079**, a bill to require that all civil fines and penalties collected by the State be paid into the county school fund of the county in which the acts for which the fines and penalties were levied occurred and defining clear proceeds, as amended, upon third reading.

On motion of Senator Winner, the bill, as amended, is re-referred to the **Appropriations Committee**.

**S. B. 279** (Committee Substitute), a bill to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning eligibility for present-use value taxation, for concurrence in House Amendment No. 1, upon third reading.

On motion of Senator Speed, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Guilford, Marvin, McDuffie, Plyler, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Tally, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—40.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S. B. 182** (Committee Substitute), a bill to appropriate funds for various Statewide projects, to specify how certain appropriated funds are to be used, and to make various changes in the law.

Senator Plyler offers a motion that the rules be suspended to the end that the Committee Substitute bill, as amended, be considered upon its third reading, which motion the Chair rules out of order.

Senator Plyler offers a motion that the vote by which the motion to suspend the rules to consider the bill upon its third reading today failed to prevail, be reconsidered, which motion the Chair rules out of order as Senator Plyler did not vote with the prevailing side.

**S. B. 663** (Committee Substitute), a bill to impose sales tax on all property sold at flea markets, to require all persons who sell property at flea markets to display their sales tax licenses, and to require persons who sell at flea markets to furnish evidence to the lessor of the market that they are registered for sales tax purposes, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4, upon second reading.

On motion of Senator Hipps, the Senate concurs in House Amendments No. 1, No. 2, No. 3, and No. 4, by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Winner—42.

Voting in the negative: Senators Redman and Shaw—2.

The Committee Substitute bill remains on the Calendar for further consideration upon third reading.

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

**H. B. 215** (Committee Substitute), a bill to authorize Currituck County to levy an excise tax on instruments conveying real property in Currituck County, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 3, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Shaw, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: Senators Kincaid, Sawyer, and Simpson—3.

The Committee Substitute bill is ordered enrolled.

**H. B. 1406**, a bill authorizing the Town of Sunset Beach, Brunswick County, to assess for navigation projects, reported from the **Local Government and Regional Affairs Committee** and placed on today's Calendar under a suspension of the rules is ruled a roll-call measure and the Chair placed it on the Calendar for tomorrow, upon second reading.

**H. B. 623** (Committee Substitute), a bill to authorize the Secretary of Human Resources to regulate traffic, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 1, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: Senator Martin of Pitt—1.

The Committee Substitute bill is ordered enrolled.

**H. B. 977** (Committee Substitute), a bill to reform the laws regulating common carriers of passengers by motor vehicles, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: Senators Sawyer and Somers—2.

The Committee Substitute bill is ordered enrolled.

**H. B. 1131**, a bill to rewrite the Physical Therapy Practice Act, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 43, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Woodard—43.

Voting in the negative: Senators Sawyer and Somers—2.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, and No. 4.

**H. B. 1201** (Senate Committee Substitute), a bill concerning uniform bond procedures, as amended, upon third reading.

The Senate Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 42, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Winner—42.

Voting in the negative: Senators Cobb and Smith—2.

The Senate Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without engrossment, by special messenger.

**H. B. 1311**, a bill to remove the restoration fee on driver's licenses that are voluntarily surrendered for health reasons, upon third reading.

The bill passes its third reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Winner—45.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 1321** (Committee Substitute), a bill to further regulate regional bank holding companies seeking to acquire North Carolina banks or bank holding companies, upon third reading.

The Committee Substitute bill passes its third reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Winner—42.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S. B. 182** (Committee Substitute), a bill to appropriate funds for various Statewide



projects, to specify how certain appropriated funds are to be used, and to make various changes in the law.

Senator Rauch offers a motion that the vote by which the motion to allow the third reading of the Committee Substitute bill today failed to prevail be reconsidered, which motion prevails (electronically recorded).

Senator Rauch moves that the Committee Substitute bill be placed on today's Calendar for further consideration upon third reading as a last order of business, which motion prevails (electronically recorded).

**H. B. 1272** (Committee Substitute), a bill to amend the North Carolina requirements for comprehensive hazardous waste treatment facilities by requiring the payment of certain fees, upon second reading.

Senator Plyler, Chairman of the **Appropriations Committee**, requests a fiscal note.

Without objection, consideration of the Committee Substitute bill is postponed until Thursday, July 11, for receipt of a fiscal note.

**S. B. 216** (Committee Substitute), a bill to provide that funds from special personalized registration plates be used to promote travel accessibility for the disabled.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered engrossed and sent to the House of Representatives.

**S. B. 360**, a bill to establish the North Carolina Council on the Holocaust.

On motion of Senator Rauch, the bill is re-referred to the **Finance Committee**.

**S. B. 532** (Committee Substitute), a bill to establish a State lottery after a binding referendum.

Senator Royall offers a motion that the rules be suspended to the end that Kenneth Levenbook, member of the General Research staff, is granted courtesies of the floor for the purpose of assisting in the explanation of the Committee Substitute bill, which motion prevails.

Senator Harris offers Amendment No. 1 which fails of adoption upon a tie-vote for lack of majority (electronically recorded).

Senator McDuffie offers Amendment No. 2 which fails of adoption (electronically recorded).

Senator Simpson calls for the ayes and noes on the passage of the Committee Substitute bill. The call is sustained.

Senator Royall, seconded by Senator Hardison, calls the previous question. The call is sustained (electronically recorded).

The Committee Substitute bill passes its second reading by roll-call vote, ayes 27, noes 21, as follows:

Voting in the affirmative: Senators Basnight, Conder, Goldston, Guy, Hardison, Harrington, Hunt of Durham, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Plyler, Rand, Rauch, Royall, Shaw, Smith, Somers, Staton, Swain, Tally, Thomas of Craven, Ward, Watt, Winner, and Woodard—27.

Voting in the negative: Senators Ballenger, Barnes, Cobb, Harris, Hipps, Hunt of Moore, Jordan, Kincaid, Martin of Pitt, McDuffie, Parnell, Price, Redman, Sawyer, Simpson, Soles, Speed, Taft, Walker, Warren, and Williams—21.

On objection of Senator Kincaid to its third reading, the Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 900**, a bill to revise the provisions of Chapter 11 of the General Statutes relating to oaths and affirmations in order to conform to constitutional requirements as recommended by the General Statutes Commission.

On motion of Senator Barnes, the bill is re-referred to the **Judiciary I Committee**.

**H. B. 1132** (Committee Substitute), a bill to make changes in the Certificate of Need law.

On motion of Senator Harris, Committee Amendments No. 1 and No. 2 are adopted.

Senator Rand offers Amendment No. 3. Senator Harris, seconded by Senator Rand, calls the previous question on the adoption of Amendment No. 3. The call is sustained (electronically recorded). Amendment No. 3 fails of adoption (electronically recorded).

Senator Kaplan offers Amendment No. 4. Senator Harris, seconded by Senator Swain, offers a motion that Amendment No. 4 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 4 lies upon the table.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Taft to its third reading, the Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 1024**, a bill to permit licensed psychologists with at least two years clinical experience to conduct initial involuntary commitment evaluations, as amended, upon third reading.

Senator Redman offers Amendment No. 3 which fails of adoption (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded).

Without objection, the bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2, by special messenger.

#### RE-REFERRAL

**H. B. 1380**, a bill to enhance the pension and retirement benefits for local law officers.

On motion of Senator Plyler, the rules are suspended and the bill is taken from the **Appropriations Committee** and re-referred to the **Finance Committee**.

#### CALENDAR (Continued)

**H. B. 1171** (Committee Substitute), a bill to strengthen the obscenity laws of this State and the enforcement of these laws, to protect minors from harmful material that does not rise to the level of obscenity, and to stop the sexual exploitation and prostitution of minors, as amended, upon third reading.

Senator Staton offers a motion that the vote by which Amendment No. 9 was adopted be reconsidered, which motion prevails (electronically recorded).

Without objection, Senator Winner is allowed to withdraw Amendment No. 9.

Senator Watt offers Amendment No. 10. Senator Staton, seconded by Senator Harris, offers a motion that Amendment No. 10 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 10 lies upon the table.

Senator Staton, seconded by Senator Hipps, calls the previous question. The call is sustained (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered returned to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, No. 4, and No. 5.

**S. B. 154** (Committee Substitute), a bill to amend the Constitution to allow a county to exempt, in full or in part, inventories of manufacturers, wholesalers, and retailers from property taxes imposed by that county and the local governmental units located in the county, for concurrence in House Amendment No. 1, upon second reading.

Senator Rauch, moves that the Senate do not concur in House Amendment No. 1 and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Thomas of Henderson, Rauch, Warren, Ballenger, and Conder as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**S. B. 587** (Committee Substitute), a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year, for concurrence in House Amendments No. 1 and No. 2, upon second reading.

On motion of Senator Rand, the Senate concurs in House Amendments No. 1 and No. 2 by roll-call vote, ayes 39, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Jordan, Kaplan, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Woodard—39.

Voting in the negative: None.

The Committee Substitute bill remains on the Calendar for concurrence in House Amendments No. 1 and No. 2, upon third reading.

**S. B. 738** (House Committee Substitute), a bill to improve the regulation of insurance by making technical improvements and other needed changes, for concurrence in the House Committee Substitute bill, upon second reading.

The House Committee Substitute bill is held not to be material by the Chair.

On motion of Senator Johnson of Wake, the Senate concurs in the House Committee Substitute bill (electronically recorded), and the bill is ordered enrolled.

**S. B. 507** (House Committee Substitute), a bill to prohibit obtaining housing assistance by misrepresentation and to authorize eviction of tenants for failure to pay rent, for concurrence in the House Committee Substitute bill.

Senator Hardison offers a motion that the Senate do concur in the House Committee Substitute bill.

Senator Watt offers a substitute motion that the House Committee Substitute bill be taken from the Calendar and re-referred to the **Judiciary III Committee**, which motion prevails (electronically recorded).

**S. B. 182** (Committee Substitute), a bill to appropriate funds for various Statewide projects, to specify how certain appropriated funds are to be used, and to make various changes in the law, upon third reading.

Senator Cobb offers Amendment No. 3 and calls for the ayes and noes on the adoption of the Amendment. The call is sustained. Senator Plyler, seconded by Senator Marvin, offers a motion that Amendment No. 3 do lie upon the table. Senator Cobb calls for the ayes and noes on the motion to table Amendment No. 3. The call is sustained. The motion that Amendment No. 3 do lie upon the table prevails by roll-call vote, ayes 29, noes 15, as follows:



Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hippy, Hunt of Moore, Jordan, Kaplan, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Royall, Soles, Swain, Taft, Tally, Walker, Ward, Warren, Watt, and Winner—29.

Voting in the negative: Senators Ballenger, Cobb, Johnson of Cabarrus, Johnson of Wake, Kincaid, McDuffie, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Williams, and Woodard—15.

Amendment No. 3 lies upon the table.

Senator Rauch offers Amendment No. 4 which is adopted (electronically recorded).

Senator Watt offers Amendment No. 5 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives, by special messenger, without engrossment.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 612**, a bill to amend the Durham City Charter to permit the annexation of areas lying within the corporate boundaries of the city.

Referred to **Local Government and Regional Affairs Committee**.

**H. B. 655** (Committee Substitute), a bill to modify the Mountain Ridge Protection Act of 1983 in cities of 50,000 or more.

On motion of Senator Winner, the Committee Substitute bill is placed on the Calendar for Wednesday, July 10.

**H. B. 1419**, a bill to grant the New Hanover County Board of Commissioners the power to compromise room occupancy tax penalties.

On motion of Senator Williams, the bill is placed on the Calendar for Wednesday, July 10.

**H. B. 1420**, a bill to change the membership of the Craven County Tourism Development Authority.

On motion of Senator Thomas of Craven, the bill is placed on the Calendar for Wednesday, July 10.

**H. B. 1288**, a bill to grant community college status to Durham Technical Institute.

Referred to **Appropriations Committee**.

**H. B. 327** (Committee Substitute No. 2), a bill to establish a one-time tax amnesty program to encourage payment of unpaid, unreported, or assessed but unpaid income taxes and sales and use taxes.

Referred to **Finance Committee**.

**S. B. 394**, a bill to establish a general Statewide cash management policy for the State of North Carolina, for concurrence in House Amendment No. 1, which is placed on the Calendar for tomorrow, July 10.

On motion of Senator Harrington, seconded by Senator Thomas of Craven, the Senate adjourns to meet tomorrow, July 10, at 1:30 P.M.

## ONE HUNDRED TWELFTH DAY

SENATE CHAMBER,

Wednesday, July 10, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable Richard Conder, Senator from the 17th District.

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 738** (House Committee Substitute), an act to improve the regulation of insurance by making technical improvements and other needed changes. (Ch. 666)

**S. B. 279** (Committee Substitute), an act to clarify the type land that qualifies for taxation at its present-use value and to make technical changes concerning eligibility for present-use value taxation. (Ch. 667)

**H. B. 77** (Committee Substitute No. 3), an act to strengthen the felony child abuse law by prohibiting the infliction of any serious injury and by increasing the punishment. (Ch. 668)

**H. B. 193**, an act to make certain changes in the membership of the Juvenile Law Study Commission. (Ch. 669)

**H. B. 215** (Committee Substitute), an act to authorize Currituck County to levy an excise tax on instruments conveying real property in Currituck County. (Ch. 670)

**H. B. 584**, an act to authorize the Town of Seven Devils to hold an election on the sale of malt beverages and unfortified wine. (Ch. 671)

**H. B. 623** (Committee Substitute), an act to authorize the Secretary of Human Resources to regulate traffic. (Ch. 672)

**H. B. 676**, an act to transfer the powers, duties and functions of the Roanoke Voyages Corridor Commission to the Roanoke Voyages and Elizabeth II Commission, and to abolish the Corridor Commission. (Ch. 673)

**H. B. 806** (Senate Committee Substitute), an act to provide that the local health director may allow the confinement of a legally vaccinated and restrained dog or cat that bites a person on the owner's property for ten days. (Ch. 674)

**H. B. 891** (Committee Substitute), an act to amend G. S. 90-95(d) (4) to increase the punishment for misdemeanor possession of marijuana. (Ch. 675)

**H. B. 977** (Committee Substitute), an act to reform the laws regulating common carriers of passengers by motor vehicles. (Ch. 676)

**H. B. 1063**, an act to grant parity with federally chartered savings and loan associations by permitting State chartered savings and loan associations to call themselves savings banks. (Ch. 677)

**H. B. 1151** (Senate Committee Substitute), an act to allow producers to obtain liens against assets of the distributor for failure to pay for milk sold or consigned. (Ch. 678)

**H. B. 1188**, an act to limit financial institutions from certain insurance activities with customers. (Ch. 679)

**H. B. 1209** (Committee Substitute), an act to permit the provision of telephone service by entities other than the certificated telephone company by coin, coinless, or key-operated pay telephones. (Ch. 680)

**H. B. 1239** (Committee Substitute), an act to provide that a loan instrument that contains no prepayment terms or prepayment terms that are not in accordance with law may be prepaid. (Ch. 681)

**H. B. 1311**, an act to remove the restoration fee on driver's licenses that are voluntarily surrendered for health reasons. (Ch. 682)

**H. B. 1321** (Committee Substitute), an act to further regulate regional bank holding companies seeking to acquire North Carolina banks or bank holding companies. (Ch. 683)

#### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Hardison for the **Commerce Committee**:

**H. B. 818** (Committee Substitute), a bill to amend G. S. Chapter 24 concerning late fees, with a favorable report.

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

**H. B. 18**, a bill to allow individuals a five-year carry-forward of any unused charitable deduction, with a favorable report.

On motion of Senator Rauch, the bill is re-referred to the **Ways and Means Committee**.

**H. B. 327** (Committee Substitute No. 2, a bill to establish a one-time tax amnesty program to encourage payment of unpaid, unreported, or assessed but unpaid income taxes and sales and use taxes, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill No. 2 is placed on today's Calendar for consideration.

**H. B. 1417**, a bill to allow counties in creating fire protection service districts to limit the tax rate in that district, with a favorable report.

On motion of Senator Rauch, the rules are suspended and the bill is placed on today's Calendar for consideration upon second reading.

**H. B. 842**, a bill to improve the administration of the property tax, with a favorable report, as amended.



On motion of Senator Rauch, the rules are suspended and the bill is placed before the Senate for immediate consideration, and on his further motion Committee Amendment No. 1 is adopted.

On motion of Senator Rauch, the bill, as amended, is re-referred to the **Appropriations Committee**.

**H. B. 1022** (Committee Substitute), a bill to make certain technical and other amendments to the practicing psychologists' licensing act, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration upon second reading.

**H. B. 1380**, a bill to enhance the pension and retirement benefits for local law officers, with a favorable report, as amended.

On motion of Senator Rauch, the rules are suspended and the bill is placed on today's Calendar for consideration upon second reading.

By Senator Martin of Guilford for the **Higher Education Committee**:

**H. B. 1310** (Committee Substitute), a bill to validate appointments to boards of trustees of community colleges and technical institutes, with a favorable report.

By Senator Royall for the **Ways and Means Committee**:

**S. B. 430**, a bill to provide an income tax credit for supervisory fees paid by savings and loan associations to the Administrator of the Savings and Loan Division, with a favorable report.

**H. B. 397**, a bill to provide an income tax deduction for marketing assessments on tobacco grown in North Carolina, with a favorable report.

**S. B. 243** (Committee Substitute), a bill to improve the law regarding endangered children, with a favorable report, as amended.

On motion of Senator Royall, the rules are suspended and the Committee Substitute bill is placed on today's Calendar for consideration upon third reading.

By Senator Harris for the **Human Resources Committee**:

**S. B. 65**, a bill to change the effective date of the life care center certificate of need modification law, with a favorable report.

On motion of Senator Harris, the bill is re-referred to the **Appropriations Committee**.

**H. B. 1192**, a bill to temporarily authorize local health departments to charge a fee for the administration of the immunizations required pursuant to G. S. 130A-152, with a favorable report.

**S. B. 679**, a bill to increase the CON threshold for the acquisition of major medical equipment and to require that a recipient of a CON follow the projections of its application, with a favorable report, as amended.

**H. B. 514**, a bill to authorize a County Director of Social Services to secure medical, surgical, psychiatric, psychological and other care or treatment for a juvenile in the custody or physical custody of a County Department of Social Services, with a favorable report, as amended.

**H. B. 1291**, a bill to amend the Chiropractic Law, with a favorable report, as amended.

**S. B. 594**, a bill to amend the requirements for filling contact lens prescriptions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harris, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 11.

By Senator Swain for the **Judiciary III Committee**:

**H. B. 1118** (Committee Substitute), a bill to facilitate appeals from small claims court to district court, with a favorable report.

**S. B. 507** (House Committee Substitute), a bill to prohibit obtaining housing assistance by misrepresentation and to authorize eviction of tenants for failure to pay rent, with an unfavorable report as to concurrence.

On motion of Senator Swain, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Swain moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Swain, Redman, and Johnson of Wake as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

#### RE-REFERRAL

**H. B. 761**, a bill to apportion the federal estate tax burden as recommended by the General Statutes Commission.

On motion of Senator Rauch, the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to the **Judiciary II Committee**.

#### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 154**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 10, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to Senate Committee Substitute **S. B. No. 154**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ALLOW A COUNTY TO EXEMPT, IN FULL OR IN PART, INVENTORIES OF MANUFACTURERS, WHOLESALERS, AND RETAILERS FROM PROPERTY TAXES IMPOSED BY THAT COUNTY AND THE LOCAL GOVERNMENTAL UNITS LOCATED IN THE COUNTY, the Speaker has appointed as conferees on the part of the House, Representative Lancaster, Chairman; Mavretic, Wright, Hightower, and Pool to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

July 10, 1985

**H. B. 348**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 10, 1985

*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 Committee Substitute **H. B. No. 348, A BILL TO BE ENTITLED AN ACT REGARDING THE IDENTIFICATION AND LABELLING OF TOXIC AND HAZARDOUS SUBSTANCES**, and requests conferees. The Speaker has appointed Representatives Payne, Chairman; Mavretic, Locks, Hackney, and Ballance on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

Senator Harris moves that the President appoint conferees, which motion prevails. The President appoints Senators Walker, Harris, Thomas of Henderson, Hardison, and Ballenger as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 760**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 10, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate Committee Substitute to Committee Substitute **H. B. No. 760, A BILL TO BE ENTITLED AN ACT TO CONFORM THE ADOPTION STATUTES TO THE STATUTES RELATING TO THE TERMINATION OF PARENTAL RIGHTS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION**, and requests conferees. The Speaker has appointed Representatives Wicker, Chairman; Nesbitt, and Easterling on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Hippias moves that the President appoint conferees, which motion prevails. The President appoints Senators Hippias, Johnson of Cabarrus, and Barnes as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.



**H. B. 945**

(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES

July 10, 1985

*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 Committee Substitute to **H. B. No. 945, A BILL TO BE ENTITLED AN ACT TO AMEND THE SOLID WASTE LAW**, and requests conferees. The Speaker has appointed Representatives Diamont, Chairman; Hackney, and Jeralds on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

Senator Harris moves that the President appoint conferees, which motion prevails. The President appoints Senators Harris (Chairman), Walker, and Ward as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Rand moves that the rules be suspended to allow the introduction of the following bill, which motion prevails by a two-thirds majority vote.

By Senators Rand, Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard:

**S. B. 851**, a bill to restrict substantive legislation in appropriations bills.

On motion of Senator Rand, the rules are suspended and the bill is placed on the Calendar for today.

Senator Swain offers a motion to the end that the rules be suspended to allow the introduction of a bill pertaining to the salary of the members of the Council of State, which motion fails to prevail (electronically recorded).

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 1406**, a bill authorizing the Town of Sunset Beach, Brunswick County, to assess for navigation projects, upon second reading.

The bill passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford,

Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Soles, Somers, Speed, Staton, Swain, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1419**, a bill to grant the New Hanover County Board of Commissioners the power to compromise room occupancy tax penalties, upon second reading.

The bill passes its second reading by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—45.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 353**, (Committee Substitute), a bill to grant the New Hanover County Board of Commissioners the power to compromise room occupancy tax penalties.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

**H. B. 459**, a bill to allow the City of Durham to establish overlay zones.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 588** (Committee Substitute), a bill to permit the taking of foxes in Bladen County. On motion of Senator Tally, Committee Amendment No. 1 is adopted.

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 624**, a bill to extend Durham's Fair Housing Ordinance to discrimination based on age or handicap.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 625**, a bill concerning Durham City contracts for additional facility capacity.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 655** (Committee Substitute), a bill to modify the Mountain Ridge Protection Act of 1983 in cities of 50,000 or more.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1420**, a bill to change the membership of the Craven County Tourism Development Authority.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 685**, a bill to amend the Constitution of North Carolina to provide that midterm vacancy elections shall be held when the vacancy occurs at least sixty days before the election rather than at least thirty days before the election, so as to ease the administration of elections, upon second reading.

On motion of Senator Kaplan, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 47, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—47.

Voting in the negative: None.

Receiving a three-fifths affirmative majority vote, the bill, as amended, remains before the Senate for further consideration upon third reading, without objection.

The bill, as amended, passes its third reading by roll-call vote, ayes 48, noes 0, as follows:

Voting in the affirmative; Senators Ballenger, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—48.

Voting in the negative: None.

Receiving a three-fifths affirmative majority vote the bill, as amended, is ordered engrossed and sent to the House of Representatives.

**H. B. 143** (Committee Substitute), a bill to amend certain obscenity statutes.

Senator Taft offers Amendment No. 1.

Senator Kaplan offers a motion that the bill, with Amendment No. 1 pending, be re-referred to the **Judiciary II Committee**.

Senator Harris, seconded by Senator Simpson, offers a motion that Amendment No. 1 do lie upon the table which motion prevails (electronically recorded). Amendment No. 1 lies upon the table.

Senator Staton calls the previous question, seconded by Senator Somers. The call is sustained (electronically recorded). The Committee Substitute bill passes its second reading (electronically recorded).

Senator Watt objects to the third reading of the Committee Substitute bill. Senator Staton offers a motion that the rules be suspended to the end that the Committee Substitute bill be considered upon third reading today, which motion fails to prevail (electronically recorded).

Senator Watt subsequently withdraws his objection to the third reading of the Committee Substitute bill, and with no further objection, the Committee Substitute bill remains before the Senate for consideration upon third reading.

Senator Martin of Guilford offers Amendment No. 2. Senator Staton, seconded by Senator Harris, calls the previous question on the adoption of Amendment No. 2. The call is sustained (electronically recorded). Amendment No. 2 is adopted (electronically recorded).



Senator Staton, duly seconded, calls the previous question. The call is sustained. The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and the bill is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 849**, a bill to extend the expiration date of the Administrative Procedure Act and rules adopted under that Act, for concurrence in House Amendment No. 1.

On motion of Senator Barnes, the rules are suspended, and the bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Senate concurs (electronically recorded) in House Amendment No. 1 and the bill is ordered enrolled.

**H. B. 74**, a bill to transfer the responsibility for issuing bingo licenses and establishing audit procedures for bingo accounts from the Department of Revenue to the Attorney General's Office.

Referred to **Finance Committee**.

**H. B. 442** (Committee Substitute), a bill to permit the City of Asheville to participate in downtown development projects.

On motion of Senator Winner, the rules are suspended and the bill is placed on the Calendar for Thursday, July 11.

**H. B. 533** (Committee Substitute No. 2), a bill to classify minor traffic offenses as infractions and to provide a procedure for the disposition of such infractions by the courts.

Referred to **Judiciary II Committee**.

**H. B. 952** (Committee Substitute), a bill to amend the statute concerning special plates for amateur radio operators.

Referred to **Transportation Committee**.

**H. B. 1237**, a bill to grant community college status to James Sprunt Technical College.

Referred to **Appropriations Committee**.

**H. B. 1089** (Committee Substitute), a bill to amend the law regarding public hospitals.

Referred to **Human Resources Committee**.

### CALENDAR (Continued)

**S. B. 243** (Committee Substitute), a bill to improve the law regarding endangered children, upon third reading, with Amendment No. 4 pending.

Amendment No. 4 offered previously by Senator Sawyer is adopted (electronically recorded).

On motion of Senator Royall, Committee Amendment No. 5 is adopted.

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

**H. B. 344**, a bill to create the Railroad Negotiating Commission.

Senator Winner offers Amendment No. 1.

On motion of Senator Winner, the bill with Amendment No. 1 pending is re-referred to the **Appropriations Committee**.

**H. B. 456** (Committee Substitute), a bill to increase educational requirements for licensing of fire and casualty and life insurance agents and to require insurance companies to give agents 180 days notice before cancelling an agency contract.

On motion of Senator Johnson of Wake, Committee Amendment No. 1 is adopted, changing the title, upon concurrence, to read, **H. B. 456** (Committee Substitute), a bill to increase education requirements for licensing of fire and casualty and life insurance agents and to require notices of agency contract terminations from insurers.

The Committee Substitute bill, as amended, passes its second reading (electronically recorded.)

Senator Kaplan objects to the third reading of the Committee Substitute bill, as amended, which objection he subsequently withdraws.

Senator Kaplan offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and the bill is ordered returned to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, with Amendment No. 1 pending.

On motion of Senator Swain, consideration of the bill with Amendment No. 1 pending is postponed until Friday, July 12.

**H. B. 551** (Committee Substitute), a bill to allow boards of county commissioners to hold special meetings outside their jurisdictions.

Senator Watt offers Amendment No. 1 which he subsequently withdraws.

Senator Hardison offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 2.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Barnes for the **Judiciary I Committee**:

**H. B. 155** (Committee Substitute), a bill to amend the Well Construction Act, G. S. 87-83 *et seq.*, to provide for civil penalties, with a favorable report.

**H. B. 900**, a bill to revise the provisions of Chapter 11 of the General Statutes relating to oaths and affirmations in order to conform to constitutional requirements as recommended by the General Statutes Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Barnes, the rules are suspended and the Senate Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Barnes, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for Thursday, July 11.

The Chair declares the Senate in recess for the purpose of committee meetings.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

## CALENDAR (Continued)

**H. B. 1037** (Committee Substitute), a bill to enable hospital, medical and dental service corporations, insurers and persons to engage in health care cost containment activities.

Without objection and on motion of Senator Johnson of Wake, Committee Amendment No. 1 is withdrawn.

Senator Johnson of Wake offers a motion that the rules be suspended to the end that Alan Feezor of the Department of Commerce is granted courtesies of the floor for the purpose of assisting in the explanation of the Committee Substitute bill, which motion prevails.

Senator Johnson of Wake offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Without objection the Committee Substitute bill, as amended, remains before the Senate upon third reading.

Senator Kaplan offers Amendment No. 3 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading and is ordered sent to the House of Representatives for concurrence in Senate Amendment No.2.

## INTRODUCTION OF BILLS AND RESOLUTIONS

Senator Staton moves that the rules be suspended to allow the introduction and referral to committee of the following joint resolution, which motion prevails by a two-thirds majority vote.

By Senators Staton and Harrington:

**S. J. R. 853**, a joint resolution to authorize the Legislative Research Commission to study methods to assure greater efficiency in the legislative process.

Referred to **Appropriations Committee**.

## SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 182** (Committee Substitute), a bill to appropriate funds for various Statewide projects, to specify how certain appropriated funds are to be used, and to make various changes in the law, for concurrence in the House Amendments No. 1, No. 2, No. 4, No. 6, No. 7, No. 9, No. 10, No. 13, No. 14, No. 15, No. 16, No. 17, and No. 18.

Without objection, on motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Plyler moves that the Senate do not concur in the House amendments and further moves that the President appoint conferees, which motions prevail. The President



appoints Senators Plyler, Harrington, Rand, Royall, and Johnson of Cabarrus as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 849**, an act to extend the expiration date of the Administrative Procedure Act and rules adopted under that Act. (Ch. 684)

### CALENDAR (Continued)

**H. B. 1168**, a bill to provide for licensing of foreign military sales agents of life insurance companies domiciled in this State for life insurance business at foreign military installations.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1219** (Committee Substitute), a bill to amend the statutes pertaining to the North Carolina Hazardous Waste Treatment Commission.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. J. R. 1402**, a joint resolution honoring the memory of William M. "Buster" Lentz. The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1413**, a bill to provide that when the Governor receives a recommendation from an officer of the General Assembly on filling a vacancy in an office filled by the General Assembly, the Governor must take action within a specified period of time.

The bill passes its second reading (electronically recorded).

On objection of Senator Harris to its third reading, the bill remains on the Calendar for further consideration upon third reading.

**S. B. 532** (Committee Substitute), a bill to establish a State lottery after a binding referendum, upon third reading.

Senator Royall offers a motion that the rules be suspended to the end that Kenneth Levenbook, member of the General Research staff be granted courtesies of the floor for the purpose of assisting in the explanation of the Committee Substitute bill, which motion prevails.

Senator Royall calls the previous question, seconded by Senator Hardison. The call is sustained (electronically recorded). The Committee Substitute bill fails to pass its third reading upon a tie-vote (electronically recorded).

Senator Kaplan requests that he be allowed to change his vote from "aye to "no." The Chair rules that the vote was announced and Senator Kaplan may not change his vote.

Senator Harris, seconded by Senator Soles, offers a motion that the vote by which the Committee Substitute bill failed to pass its third reading be reconsidered and further moves that that motion do lie upon the table, which motion receives a tie-vote (electronically recorded). The Chair rules the placement of the motion to reconsider in error

inasmuch as no member voted with the majority upon the tie-vote on the passage of the Committee Substitute bill, and the bill remains on the table.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 1422**, a bill to amend the Durham City Charter to provide for urban development projects, and for other purposes.

On motion of Senator Hunt of Durham, the rules are suspended, and the bill is placed on the Calendar for tomorrow, July 11.

### CALENDAR (Continued)

**H. B. 1132** (Committee Substitute), a bill to make changes in the Certificate of Need law, as amended, upon third reading.

Senator Conder offers a motion that the vote by which Amendment No. 3 failed of adoption be reconsidered which motion prevails (electronically recorded). After further consideration, Amendment No. 3, offered by Senator Rand, is adopted (electronically recorded).

Senator Hardison offers Amendment No. 5 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and the bill is ordered, without objection, returned to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, No. 3, and No. 5 by special messenger.

**S. B. 587** (Committee Substitute), a bill to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year, for concurrence in House Amendments No. 1 and No. 2, upon third reading.

On motion of Senator Rand, the Senate concurs in House Amendments No. 1 and No. 2 by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Price, Rand, Rauch, Redman, Royall, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill is ordered enrolled.

**S. B. 663** (Committee Substitute), a bill to impose sales tax on all property sold at flea markets, to require all persons who sell property at flea markets to display their sales tax licenses, and to require persons who sell at flea markets to furnish evidence to the lessor of the market that they are registered for sales tax purposes, for concurrence in House Amendments No. 1, No. 2, No. 3, and No. 4, upon third reading.

On motion of Senator Rauch, the Senate concurs in House Amendments No. 1, No. 2, No. 3, and No. 4 by roll-call vote, ayes 40, noes 2, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Ezzell, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Royall, Simpson, Smith, Soles, Speed, Swain, Tally, Thomas

of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—40.

Voting in the negative: Senators Redman and Shaw—2.

The Committee Substitute bill is ordered enrolled.

**S. B. 394**, a bill to establish a general statewide cash management policy for the State of North Carolina, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 418**, a bill to permit the Treasurer to authorize limited exemptions from the Daily Deposit Law, for concurrence in House Amendment No. 1.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 496** (House Committee Substitute), a bill to prohibit dark-shaded windows on motor vehicles which obstruct the view from outside the vehicle, for concurrence in the House Committee Substitute bill.

Senator Kaplan moves that the Senate do not concur in the House Committee Substitute bill and further moves that the President appoint conferees, which motions prevail (electronically recorded).

The President appoints Senators Warren, Kaplan, and Johnson of Cabarrus as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**S. B. 596**, a bill to clarify conditions of probation, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Swain, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

**S. B. 624**, a bill to increase the percentage of signatures required to call an alcoholic beverage election, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Kaplan, the Senate concurs in House Amendments No. 1 and No. 2 (electronically recorded), and the bill is ordered enrolled.

#### WITHDRAWAL FROM COMMITTEE

**H. B. 1021** (Committee Substitute), a bill to amend G. S. 153A-77 relating to the population of counties with authority over commissions, boards and agencies.

On motion of Senator Ezzell, the rules are suspended and the Committee Substitute bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for tomorrow, July 11.

#### CONFERENCE REPORT

##### **H. B. 414**

(Committee Substitute)

Senator Barnes for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 414** (Committee Substitute), a bill to



provide that an order of seizure and delivery for property purchased under a conditional sale contract or for property used as collateral expires in sixty days, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for **House Bill 414**, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER OF SEIZURE AND DELIVERY FOR PROPERTY PURCHASED UNDER A CONDITIONAL SALE CONTRACT OR FOR PROPERTY USED AS COLLATERAL EXPIRES IN SIXTY DAYS, wish to report as follows: The Senate recedes from its Amendment #1, and in lieu thereof amends the bill on page 1, line 13, by deleting "or on his payments of ", and substituting ", a purchase money security agreement or on".

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 10th day of July

S/ WILMA C. WOODARD  
S/ LURA TALLY  
S/ HENSON P. BARNES  
*Conferees on the  
part of the Senate*

S/ H. MARTIN LANCASTER  
S/ JOHN C. HASTY  
S/ B. HOLT  
*Conferees on the part of the  
House of Representatives*

On motion of Senator Barnes, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 606**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 10, 1985

*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 Comm. Sub. to **H. B. Comm. Sub. No. 606**, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE WAKE COUNTY AND THE CITY OF RALEIGH TO LEVY OCCUPANCY TAXES, and request conferees. The Speaker has appointed Representatives Blue (Chairman), Stamey, Fussell, and Sparrow on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Speed moves that the President appoint conferees, which motion prevails. The President appoints Senators Woodard, Johnson of Wake, Staton, and Speed as conferees

July 10, 1985

on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**S. B. 507**  
(House Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 10, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **HCS for S. B. No. 507**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT OBTAINING HOUSING ASSISTANCE BY MISREPRESENTATION AND TO AUTHORIZE EVICTION OF TENANTS FOR FAILURE TO PAY RENT, the Speaker has appointed as conferees on the part of the House, Representatives Wright (Chairman), Dawkins, and C. Woodard to act with a like committee on the part of the Senate to the end that the differences existing between the two Bodies may be adjusted.

Respectfully,  
*Principal Clerk*

**S. B. 319**, a bill to permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways, for concurrence in House Amendment No. 1, which is placed on the Calendar for immediate consideration.

On motion of Senator Hardison, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**H. B. 1329**, a bill to allow the Friends of Elizabeth II, Inc. to operate vending machines on the site grounds of the Elizabeth II.

Referred to **Judiciary IV Committee**.

#### CALENDAR (Continued)

**H. B. 327** (Committee Substitute No. 2), a bill to establish a one-time tax amnesty program to encourage payment of unpaid, unreported, or assessed but unpaid income taxes and sales and use taxes.

Senator Sawyer offers a motion to the end that consideration of the Committee Substitute bill No. 2 be postponed until tomorrow, July 11, which motion he subsequently withdraws.

On motion of Senator Plyler, the Committee Substitute bill No. 2 is referred to the **Appropriations Committee**.

**H. B. 1417**, a bill to allow counties in creating fire protection service districts to limit the tax rate in that district, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1022** (Committee Substitute), a bill to make certain technical and other amendments to the practicing psychologists' licensing act, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

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

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The Committee Substitute bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 1380**, a bill to enhance the pension and retirement benefits for local law officers, upon second reading.

On motion of Senator Plyler, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 851**, a bill to restrict substantive legislation in appropriations bills.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger without engrossment.

On motion of Senator Harrington, seconded by Senator Soles, the Senate adjourns to meet tomorrow, Thursday, July 11, at 11:00 A.M.



## ONE HUNDRED THIRTEENTH DAY

SENATE CHAMBER,  
Thursday, July 11, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God of Creation, we thank Thee for the land of the long-leaf pine, and for the high honor which has been ours to represent the citizens of this great State during this Session of the General Assembly.

"For those times when we have had the wisdom, integrity, and courage to stand up for our convictions and to take action which was in the best interest of all our citizens, We give Thee thanks.

"For those times when we as pastors and politicians have done less than our best—when we have attacked the integrity of another because his views were different from our own—when we have taken cheap shots at our political opponents—and when we have yielded to the pressure of special interest groups—at the expense of the average citizen—we ask Thy forgiveness.

"O God of Prayer, we pray that these opening moments before the business of our sessions, have not simply been a polite "nod" to God; but a time when we have acknowledged our accountability unto Thee; and when we have sought Your guidance on the important matters before us. We thank Thee for all those pastors, priests, rabbis, and Senators who have led us in prayer; and we pray that each of us may develop our own prayer life and a strong relationship with Thee—which will issue in a life of integrity, compassion, and servanthood.

"O God of Love, we thank Thee for all those who have aided us in our work during this Session of the General Assembly. For the love and support of our families—for the long hours of labor by our secretaries—for the effective work of the Principal Clerk and her staff—for the services rendered by the Sergeant-at-Arms and her staff—for the work of the staff of the General Assembly—for the help of the Journal Clerk, the Reading Clerk, and the Pages—for the leadership of our Lieutenant Governor and his staff—for the labors of the Majority and Minority Leaders—for the leadership of our President Pro Tempore and our Committee Chairpersons—and for all others who have contributed to the success of this Session—we give Thee thanks.

"O God of Wisdom, guide us now in the closing hours of this General Assembly. Inspire us to move with dispatch, but deliver us from hasty decisions and shoddy legislation.

"O God of Power, we pray that You will bless the President of these United States; the Governor and Lieutenant Governor of our State; the Senators and Representatives of our General Assembly; our federal, State, and local officials; and the pastors and people of our great State— with wisdom, integrity, love, and compassion—so that we may become, indeed, a nation under God with liberty and justice for all. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President extends courtesies of the floor to Malcolm Fulcher, former member of the House of Representatives from Carteret County.

**S. B. 532** (Committee Substitute), a bill to establish a State lottery after a binding referendum.

The President of the Senate makes the following statement:

"The Chair would also like to announce to the Senate that under Rule 24 of the Senate, the motion to reconsider says that when a question has been once put and decided, then a Senator who voted in the majority may move to reconsideration thereof. It really does not address a tie-vote. Our rules also indicate that anything that is not spoken to directly in the Senate Rules can be addressed by the U. S. House of Representatives—U. S. House Rules. The provision in the U. S. House of Representatives' Rules—it says, the provision of the rule that the motion may be made—in quotations—'by any member of the majority'—end of quote—is construed in case of a tie-vote to mean any member of the prevailing side. So what that means is that in the tie-vote yesterday on the bill on the lottery, the prevailing side being the side that won that vote, being the ones who voted against the bill, those members who voted in the prevailing side or those members who voted against the bill are those who have the opportunity to make the motion to reconsider. That is to me a very clear statement of what the rule should be and the Chair will follow that."

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Marvin for the **Pensions and Retirement Committee**:

**S. B. 846**, a bill to provide additional court cost receipts for the supplemental retirement of local law enforcement officers, with a favorable report.

On motion of Senator Marvin, the bill is re-referred to the **Appropriations Committee**.

By Senator Harris for the **Human Resources Committee**:

**S. B. 526**, a bill to allow the next-of-kin to have a representative present at the performance of an autopsy, with an unfavorable report.

By Senator Staton for the **Judiciary II Committee**:

**H. B. 533** (Committee Substitute No. 2), a bill to classify minor traffic offenses as infractions and to provide a procedure for the disposition of such infractions by the courts, with a favorable report, as amended.

By Senator Soles for the **Judiciary IV Committee**:

**H. B. 1329**, a bill to allow the Friends of Elizabeth II, Inc., to operate vending machines on the site grounds of the Elizabeth II, with a favorable report.

On motion of Senator Soles, the rules are suspended and the bill is placed on today's Calendar for consideration.

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:

By Senator Barnes:

**S. B. 850**, a bill to authorize the Legislative Research Commission to study the use of satellite courts in the Superior and District Court Divisions of the General Court of Justice.

Referred to **Appropriations Committee**.

By Senators Swain, Ezzell, Hardison, Marvin, Staton, Thomas of Craven, Walker, and Woodard:

**S. B. 852**, a bill to change the salaries of certain members of the Council of State.

Referred to **Appropriations Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 1406**, a bill authorizing the Town of Sunset Beach, Brunswick County, to assess for navigation projects, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Walker, Warren, Watt, Williams, and Woodard—37.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 1419**, a bill to grant the New Hanover County Board of Commissioners the power to compromise room occupancy tax penalties, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Tally, Thomas of Craven, Walker, Warren, Watt, and Williams—37.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 442** (Committee Substitute), a bill to permit the City of Asheville to participate in downtown development projects.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1422**, a bill to amend the Durham City Charter to provide for urban development projects, and for other purposes.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1022** (Committee Substitute), a bill to make certain technical and other amendments to the practicing psychologists' licensing act, as amended, upon third reading.

The Committee Substitute bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:



Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Redman, Royall, Sawyer, Shaw, Simpson, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, and Williams—41.

Voting in the negative: None.

The Committee Substitute bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**H. B. 1380**, a bill to enhance the pension and retirement benefits for local law officers, as amended, upon third reading.

Senator Rand offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Wake, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, and Williams—40.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 322** (Committee Substitute), an act to provide numbered National Guard registration plates to senior enlisted members and retired members. (Ch. 685)

**S. B. 735**, an act to make attendance counselors school social workers. (Ch. 686)

**H. B. 270**, an act to amend G. S. 20-294 relating to dealer licenses. (Ch. 687)

**H. B. 536** (Senate Committee Substitute), an act to protect consumers in North Carolina by providing for placement of insurance with financially sound nonadmitted insurers and for a system of regulation of surplus lines insurance. (Ch. 688)

**H. B. 787**, an act to make various technical amendments to the General Statutes as recommended by the General Statutes Commission. (Ch. 689)

**H. B. 796** (Committee Substitute), an act clarifying the procedure for serving pick-up notices under the ten-day revocation procedure. (Ch. 690)

**H. B. 841** (Senate Committee Substitute), an act to prevent harrassment of jurors or former jurors. (Ch. 691)

**H. B. 882** (Committee Substitute), an act to require college students to receive certain immunizations. (Ch. 692)

**H. B. 938**, an act to amend G. S. 143-295 to increase settlement authority of Attorney General in tort claims from five thousand dollars to ten thousand dollars. (Ch. 693)

**H. B. 1010** (Committee Substitute No. 2), an act to clarify the definition of preference or advantage in utilities regulation and to provide a corporate income tax credit. (Ch. 694).

**H. B. 1024**, an act to permit licensed psychologists with at least two years clinical experience to conduct initial involuntary commitment evaluations. (Ch. 695)

**H. B. 1130** (Committee Substitute), an act to establish guidelines for locating liquid and gas pipelines and to limit the width of land condemned for location of such pipelines. (Ch. 696)

**H. B. 1137** (Senate Committee Substitute), an act to allow qualified units of local governments to issue permits for approval for the extension of sewer and water lines in lieu of State approval. (Ch. 697)

**H. B. 1218** (Committee Substitute), an act to appropriate funds to the judicial department and to improve the administration of the judicial system. (Ch. 698)

**S. B. 98**, an act to provide free registration plates to persons awarded the Congressional Medal of Honor who are residents of North Carolina. (Ch. 699)

**H. B. 142** (Senate Committee Substitute), an act to repeal the sunset provision on certain safety requirements concerning a stopped school bus. (Ch. 700)

#### CALENDAR (Continued)

**H. B. 1417**, a bill to allow counties in creating fire protection service districts to limit the tax rate in that district, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Johnson of Cabarrus, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, and Winner—40.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 1192**, a bill to temporarily authorize local health departments to charge a fee for the administration of the immunizations required pursuant to G. S. 130A-152, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Walker, Warren, Watt, Williams, and Winner—42.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**H. B. 1272** (Committee Substitute), a bill to amend the North Carolina requirements for comprehensive hazardous waste treatment facilities by requiring the payment of certain fees, upon second reading.

On motion of Senator Rauch, Committee Amendment No. 1 is adopted.

The Chair rules Amendment No. 1 to be material and adoption constitutes the first reading of the Committee Substitute bill.

On motion of Senator Plyler, the Committee Substitute bill, as amended, is re-referred to the **Appropriations Committee**.

**H. B. 1291**, a bill to amend the Chiropractic Law, upon second reading.

On motion of Senator Harris, Committee Amendments No. 1 and No. 2 are adopted.

The bill, as amended, passes its second reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Cobb, Conder, Goldston, Hardison, Harrington, Harris, Hips, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, and Winner—40.

Voting in the negative: None.

The bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 430**, a bill to provide an income tax credit for supervisory fees paid by savings and loan associations to the Administrator of the Savings and Loan Division.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

**S. B. 594** (Committee Substitute), a bill to amend the requirements for filling contact lens prescriptions.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

**S. B. 679**, a bill to increase the CON threshold for the acquisition of major medical equipment and to require that a recipient of a CON follow the projections of its application.

On motion of Senator Harris, Committee Amendment No. 1, changing the title to read, **S. B. 679**, a bill to require that a recipient of a CON follow the projections of its application, and Committee Amendment No. 2, are adopted.

The bill, as amended, passes its second reading (electronically recorded).

Senator Swain objects to third reading, which objection he subsequently withdraws.

Senator Swain offers Amendment No. 3 which is adopted (electronically recorded).

On motion of Senator Harris, further consideration of the bill, as amended, upon third reading, is postponed until Friday, July 12.

**H. B. 397**, a bill to provide an income tax deduction for marketing assessments on tobacco grown in North Carolina.

Senator Martin of Guilford calls the previous question, seconded by Senator Hardison. The call is sustained.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.



## WITHDRAWAL FROM COMMITTEE

**S. B. 711**, a bill to amend the Constitution of North Carolina to provide for election of statewide officials in the fall of the odd-numbered years.

Senator Plyler offers a motion that the rules be suspended to the end that the bill, as amended, may be withdrawn from the **Appropriations Committee** and placed before the Senate for immediate consideration, upon second reading, which motion prevails (electronically recorded).

Senator Cobb offers Amendment No. 2. Senator Swain, seconded by Senator Winner, offers a motion that Amendment No. 2 do lie upon the table. Senator Cobb calls for the ayes and noes on the motion to table Amendment No. 2. The call is sustained. The motion prevails by roll-call vote, ayes 33, noes 13, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—33.

Voting in the negative: Senators Ballenger, Cobb, Harris, Johnson of Craven, Jordan, McDuffie, Price, Redman, Sawyer, Shaw, Simpson, Smith, and Williams—13.

Amendment No. 2 lies upon the table.

Senator Martin of Guilford, seconded by Senator Rand, calls the previous question on the passage of the bill, as amended. Senator Redman, seconded by Senator Simpson, offers a motion that the Senate do now adjourn, which motion fails to prevail (electronically recorded). Senator Cobb calls for the ayes and noes on the call for the previous question. The call is sustained. The motion for the previous question prevails by roll-call vote, ayes 37, noes 10, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—37.

Voting in the negative: Senators Ballenger, Cobb, Jordan, McDuffie, Redman, Sawyer, Shaw, Simpson, Smith, and Williams—10.

The bill, as amended, passes its second reading by roll-call vote, ayes 35, noes 12, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—35.

Voting in the negative: Senators Ballenger, Cobb, Johnson of Cabarrus, Jordan, McDuffie, Price, Redman, Sawyer, Shaw, Simpson, Smith, and Williams—12.

Senator Cobb objects to the third reading of the bill, as amended. Senator Kaplan offers a motion to the end that the bill, as amended, having received a three-fifths affirmative majority vote, remain before the Senate for further consideration upon its third reading. Senator Cobb calls for the ayes and noes on the motion to consider the bill, as amended, upon third reading. The call is sustained. The motion prevails by roll-call vote, ayes 35, noes 12, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—35.

Voting in the negative: Senators Ballenger, Cobb, Johnson of Cabarrus, Jordan, McDuffie, Price, Redman, Sawyer, Shaw, Simpson, Smith, and Williams—12.

Senator Martin of Guilford, seconded by Senator Swain, calls the previous question on the third reading of the bill, as amended.

The bill, as amended, passes its third reading by roll-call vote, ayes 35, noes 11, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—35.

Voting in the negative: Senators Ballenger, Cobb, Jordan, McDuffie, Price, Redman, Sawyer, Shaw, Simpson, Smith, and Williams—11.

Receiving a three-fifths affirmative majority vote, the bill, as amended, is ordered sent to the House of Representatives, without objection, by special messenger.

## CONFERENCE REPORT

### H. B. 945

(Committee Substitute)

Senator Harris for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 945** (Senate Committee Substitute), a bill to amend the Solid Waste Law, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on S. C. S. for H. B. 945, A BILL TO BE ENTITLED AN ACT TO AMEND THE SOLID WASTE LAW, wish to report as follows:

The conferees adopt the Senate Committee Substitute, as amended as follows:

The third sentence of proposed G. S. Section 130A-308 beginning on page 2, line 13, is deleted and the following is substituted in its place: "Notwithstanding any other provision of this section, this section shall apply only to units, facilities, and permits that are covered by Section 3004(u) of the Federal Act (42 U.S.C. Section 6924(u)). Notwithstanding the foregoing, corrective action authorized elsewhere in this Chapter shall not be limited by this section."

AND the bill is further amended by deleting the fourth sentence of the proposed Section 130A-309, beginning on page 3, line 10, and by substituting in its place the following: "Notwithstanding any other provision of this section, this section shall apply only to units, facilities, and permits that are covered by Section 3004(v) of the Federal Act (42 U.S.C. Section 6924(v)). Notwithstanding the foregoing, corrective action authorized elsewhere in this Chapter shall not be limited by this section."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the     day of July, 1985.

S/ OLLIE HARRIS  
S/ RUSSELL WALKER  
S/ MARVIN WARD  
*Conferees on the  
part of the Senate*

S/ DAVID H. DIAMONT  
S/ JOE HACKNEY  
S/ LUTHER JERALDS  
*Conferees on the part of the  
House of Representatives*

On motion of Senator Harris, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

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

**S. B. 182**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 11, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **CS for S. B. No. 182, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VARIOUS STATEWIDE PROJECTS, TO SPECIFY HOW CERTAIN APPROPRIATED FUNDS ARE TO BE USED, AND TO MAKE VARIOUS CHANGES IN THE LAW**, the Speaker has appointed as conferees on the part of the House, Representatives Watkins (Chairman), Bob Etheridge, Michaux, Nesbitt, and Barbee to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

**S. B. 496**  
(House Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 11, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **HCS for S. B. No. 496, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DARK-SHADED WINDOWS ON MOTOR VEHICLES WHICH OBSTRUCT THE VIEW FROM OUTSIDE THE VEHICLE**, the Speaker has appointed as conferees on the part of the House, Representatives Miller (Chairman), Nesbitt, and Fussell to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*



**H. B. 945**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 11, 1985

*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 **Senate CS for CS H. B. No. 945, A BILL TO BE ENTITLED AN ACT TO AMEND THE SOLID WASTE LAW**, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

**H. B. 414**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 11, 1985

*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 **CS H. B. No. 414, A BILL TO BE ENTITLED AN ACT TO PROVIDE THAT AN ORDER OF SEIZURE AND DELIVERY FOR PROPERTY PURCHASED UNDER A CONDITIONAL SALE CONTRACT OR FOR THE PROPERTY USED AS COLLATERAL EXPIRES IN SIXTY DAYS**, and the Speaker has ordered the bill enrolled.

Respectfully,  
S/ COLLINS  
*Principal Clerk*

**H. B. 1340**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 11, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment NUMBER 1 and 2 to **CS2 H. B. No. 1340, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE IMPERSONATION OF A LAW ENFORCEMENT OFFICER**, and requests conferees. The Speaker has appointed Representatives Colton (Chairman), Lancaster, and Holt on the part of the House to confer with a like committee appointed by the Senate to end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Staton moves that the President appoint conferees, which motion prevails. The President appoints Senators Staton, Thomas of Henderson, and Simpson as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**S. B. 507**

(House Committee Substitute)

HOUSE OF REPRESENTATIVES

July 11, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House has adopted the report of the Conferees on **House CS for S. B. No. 507**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT OBTAINING HOUSING ASSISTANCE BY MISREPRESENTATION AND TO AUTHORIZE EVICTION OF TENANTS FOR FAILURE TO PAY RENT, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations, for concurrence in House Amendment No. 1.

Referred to **Finance Committee**.

### CONFERENCE REPORT

**S. B. 507**

(House Committee Substitute)

Senator Swain for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 507** (House Committee Substitute), a bill to prohibit obtaining housing assistance by misrepresentation and to authorize eviction of tenants for failure to pay rent, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 507 A BILL TO BE ENTITLED AND ACT TO PROHIBIT OBTAINING HOUSING ASSISTANCE BY MISREPRESENTATION AND TO AUTHORIZE EVICTION OF TENANTS FOR FAILURE TO PAY RENT, wish to report as follows:  
amend the bill on page 2, line 23-26.

by deleting current section (i) and rewriting it to read as follows:

"(i) failure to make payments due under the rental agreement, if such payments were properly and promptly calculated according to applicable HUD regulations, without regard to fault on the part of the tenant,"

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 11th day of July 1985.

S/ ROBERT S. SWAIN  
S/ JOSEPH E. JOHNSON  
S/ WILLIAM W. REDMAN, JR.  
*Conferees on the  
part of the Senate*

S/ RICHARD WRIGHT  
S/ DONALD M. DAWKINS  
S/ CHARLES D. WOODARD  
*Conferees on the part of the  
House of Representatives*

July 11, 1985

On motion of Senator Swain, the Conference Report is adopted and the House Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 425**

HOUSE OF REPRESENTATIVES  
July 11, 1985

*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. No. 425**, A BILL TO BE ENTITLED AN ACT TO PERMIT WAYNE COUNTY AND THE CITIES LOCATED THERE TO REGULATE ABANDONED, JUNKED VEHICLES FOR AESTHETIC PURPOSES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

**H. B. 687**, a bill to eliminate extra charges for volunteer firemen and rescue squad members' license plates.

Referred to **Finance Committee**.

The Chair declares the Senate in recess until 3:00 P.M., for the purpose of committee meetings.

### AFTERNOON SESSION—3:00 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

### WITHDRAWAL FROM COMMITTEE

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations.

On motion of Senator Rauch, the rules are suspended and the bill is taken from the **Finance Committee** and is placed on the Calendar for tomorrow, July 12.

**H. B. 747**, a bill to prescribe compensation for supervisors of elections.

On motion of Senator Kaplan, the rules are suspended and the bill is taken from the **Election Laws Committee** and is placed on the Calendar for tomorrow, July 12.

### CONFERENCE REPORT

**H. B. 855**

(Senate Committee Substitute)

Senator Harris for the Conferees appointed to consider the differences arising between



the Senate and House of Representatives upon **H. B. 855** (Senate Committee Substitute), a bill to amend the requirements for receiving a license to practice medicine, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for House Bill 855 A BILL TO BE ENTITLED AN ACT TO AMEND THE REQUIREMENTS FOR RECEIVING A LICENSE TO PRACTICE MEDICINE, wish to report as follows: The House concurs and further amends on page 3, line 23 by changing the words "July 1, 1985" to "upon ratification."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.  
This the 3 day of July 1985.

S/ OLLIE HARRIS  
S/ RUSSELL WALKER  
S/ HELEN R. MARVIN  
*Conferees on the  
part of the Senate*

S/ BARNEY P. WOODARD  
S/ JEFF H. ENLOE, JR.  
S/ WENDELL MURPHY  
*Conferee on the part of the  
House of Representatives*

On motion of Senator Harris, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

**S. B. 647**, a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harrington, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Committee Substitute bill is adopted, and on his further motion remains on the Calendar for today, for further consideration in its regular order of business.

By Senator Barnes for the **Judiciary I Committee:**

**H. B. 911**, a bill prohibiting the copying of boat hulls by the direct molding process, with a favorable report, as amended.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 1131**, an act to rewrite the Physical Therapy Practice act. (Ch. 701)

**H. B. 1144**, an act to clarify filing requirements for a claim of statutory lien by a subcontractor dealing with one other than the owner of the property. (Ch. 702)

**H. B. 1171** (Committee Substitute), an act to strengthen the obscenity laws of this State and the enforcement of these laws, to protect minors from harmful material that does not rise to the level of obscenity, and to stop the sexual exploitation and prostitution of minors. (Ch. 703)

**S. B. 663** (Committee Substitute), an act to impose sales tax on all property sold at flea markets, to require all persons who sell property at flea markets to display their sales tax licenses, and to require persons who sell at flea markets to furnish evidence to the lessor of the market that they are registered for sales tax purposes. (Ch. 704)

**S. B. 624**, an act to increase the percentage of signatures required to call an alcoholic beverage election. (Ch. 705)

**S. B. 596**, an act to clarify conditions of probation. (Ch. 706)

**S. B. 587** (Committee Substitute), an act to provide for payment of a city to taxpayers of a fire district when a city annexes territory in the fire district during the fiscal year. (Ch. 707)

**S. B. 418**, an act to permit the Treasurer to authorize limited exemptions from the Daily Deposit Law. (Ch. 708)

**S. B. 394**, an act to establish a general statewide cash management policy for the State of North Carolina. (Ch. 709)

**H. B. 1420**, an act to change the membership of the Craven County Tourism Development Authority. (Ch. 710)

**H. B. 1219** (Committee Substitute), an act to amend the statutes pertaining to the North Carolina Hazardous Waste Treatment Commission. (Ch. 711)

**H. B. 1168**, an act to provide for licensing of foreign military sales agents of life insurance companies domiciled in this State for life insurance business at foreign military installations. (Ch. 712)

**H. B. 655** (Committee Substitute), an act to modify the Mountain Ridge Protection Act of 1983 in cities of 50,000 or more. (Ch. 713)

**H. B. 625**, an act concerning Durham City contracts for additional facility capacity. (Ch. 714)

**H. B. 624**, an act to extend Durham's Fair Housing Ordinance to discrimination based on age or handicap. (Ch. 715)

**H. B. 459**, an act to allow the City of Durham to establish overlay zones. (Ch. 716)

**H. J. R. 1402**, a joint resolution honoring the memory of William M. "Buster" Lentz. (Res. 32)

## CALENDAR (Continued)

**H. B. 514**, a bill to authorize a County Director of Social Services to secure medical, surgical, psychiatric, psychological and other care or treatment for a juvenile in the custody or physical custody of a County Department of Social Services.

On motion of Senator Harris, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On motion of Senator Swain, consideration of the bill, as amended, is postponed until Friday, July 12.

**H. B. 818** (Committee Substitute), a bill to amend G. S. Chapter 24 concerning late fees.

Without objection, the following Senators are excused from voting for the stated reasons: Senator Hardison, Senator Johnson of Cabarrus: "I am a director of First Union and stockholder."

Senator Johnson of Wake offers Amendment No. 1 which is adopted (electronically recorded).

Senator Watt offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 641**, a bill to amend the law regarding the Town of Elkin's Retirement System. Referred to **Pensions and Retirement Committee**.

**H. B. 425**

HOUSE OF REPRESENTATIVES  
July 11, 1985

*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. 425**, A BILL TO BE ENTITLED AN ACT TO PERMIT WAYNE COUNTY AND THE CITIES LOCATED THERE TO REGULATE ABANDONED, JUNKED VEHICLES FOR AESTHETIC PURPOSES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

## CONFERENCE REPORT

**H. B. 425**

Senator Barnes for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 425**, a bill to permit Wayne County and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes submits the following Report:



To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 425, A BILL TO BE ENTITLED AN ACT TO PERMIT WAYNE COUNTY AND THE CITIES LOCATED THERE TO REGULATE ABANDONED, JUNKED VEHICLES FOR AESTHETIC PURPOSES**, wish to report as follows:

The Senate recedes from its Amendment #2, and in lieu thereof adopts the following amendment:

amend the bill on page 1, line 2, by rewriting that line to read: "AN ACT TO PERMIT CERTAIN COUNTIES AND THE CITIES LOCATED THERE TO";

and further amend the bill on page 1, line 7, by rewriting that line to read: "after 'Dare' the words 'Alamance, Ashe, Bladen, Brunswick, Burke, Caldwell, Cumberland, Davie, Gaston, Guilford, Henderson, Jackson, Lincoln, New Hanover, Pender, Rockingham, Rowan, Surry, Wayne'";

and further amend the bill on page 1, line 10, by rewriting that line to read: "'Dare' the words 'Alamance, Ashe, Bladen, Brunswick, Burke, Caldwell, Cumberland, Davie, Gaston, Guilford, Henderson, Jackson, Lincoln, New Hanover, Pender, Rockingham, Rowan, Surry, Wayne'";

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 11th day of July 1985.

S/ HENSON BARNES  
S/ OLLIE HARRIS  
S/ ROBERT D. WARREN  
*Conferees on the part  
of the Senate*

S/ MARTIN LANCASTER  
S/ GORDON H. GREENWOOD  
S/ J. W. CRAWFORD  
*Conferees on the part  
of the House of Representatives*

On motion of Senator Barnes, the Conference Report is adopted, changing the title to read, a bill to permit certain counties and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### CALENDAR (Continued)

**H. B. 900** (Senate Committee Substitute), a bill to revise the provisions of Chapter 11 of the General Statutes relating to oaths and affirmations in order to conform to constitutional requirements as recommended by the General Statutes Commission.

The Senate Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in the Committee Substitute bill by special messenger.

**H. B. 1021** (Committee Substitute), a bill to amend G. S. 153A-77 relating to the population of counties with authority over commissions, boards and agencies.

Senator Royall offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

**H. B. 1118** (Committee Substitute), a bill to facilitate appeals from small claims court to district court.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

Senator Soles offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2 by special messenger.

**H. B. 1310** (Committee Substitute), a bill to validate appointments to boards of trustees of community colleges and technical institutes.

The Committee Substitute bill passes its second reading (electronically recorded).

Senator Soles objects to the third reading, which objection he subsequently withdraws.

Senator Soles offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1, without objection, by special messenger.

**H. B. 155** (Committee Substitute), a bill to amend the Well Construction Act, G. S. 87-83 *et seq.*, to provide for civil penalties, upon third reading.

The Committee Substitute bill passes its third reading (electronically recorded) and is ordered enrolled.

**H. B. 1413**, a bill to provide that when the Governor receives a recommendation from an officer of the General Assembly on filling a vacancy in an office filled by the General Assembly, the Governor must take action within a specified period of time, upon third reading.

Senator Swain offers Amendment No. 1 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

### CONFERENCE REPORT

**H. B. 1340** (Committee Substitute No. 2)

Senator Staton for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1340** (Committee Substitute No. 2), a bill to prohibit the impersonation of a law enforcement or other public officer, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute #2 for **House Bill 1340, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE IMPERSONATION OF A LAW ENFORCEMENT OFFICER**, wish to report as follows:

The Senate recedes from Senate Amendment #1.

The House concurs in Senate Amendment #2.

The conferees agree that HCS #2 for HB 1340 be further amended as follows:

1. Page 1, line 6 by deleting the words "**law enforcement officer**" and substituting the words: "**law enforcement or other public officer**"; and

2. page 3, line 7 by adding after the period (.) a new paragraph to read:

"(e) It shall be unlawful for any person other than duly authorized employees of a county, a municipality or the State of North Carolina, including but not limited to, the Department of Social Services, Health, or Mental Health or Building Inspector to represent to any person that they are duly authorized employees of a county, a municipality or the State of North Carolina or one of the above enumerated departments and acting upon such representation to perform any act, make any investigation, seek access to otherwise confidential information, perform any duty of said officer, gain access to any place not otherwise open to the public, or seek to be afforded any privilege which would otherwise not be afforded to such person except for such false representation or make any attempt to do any of said enumerated acts. Any person, corporation, or business association violating the provisions of this section shall be guilty of a misdemeanor and upon conviction may be fined or imprisoned at the discretion of the court."

3. Section 2 is renumbered as Section 3, and a new Section 2 is added to read as follows:

"Sec. 2. Chapter 477 of the 1985 Session Laws is hereby repealed."

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 11th day of July 1985

S/ WILLIAM W. STATON

S/ ROYCE P. THOMAS

S/ DANIEL R. SIMPSON

*Conferees on the part  
of the Senate*

S/ MARIE W. COLTON

S/ B. HOLT

S/ H. MARTIN LANCASTER

*Conferees on the part  
of the House of Representatives*

On motion of Senator Staton, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 578** (Committee Substitute No. 2), a bill to confirm the establishment of an elevator and amusement device division in the Department of Labor and to set out the powers and duties of the Commissioner of Labor dealing with the regulation of elevators, amusement devices and related equipment.

Referred to **Judiciary III Committee**.

**H. B. 608**, a bill to allow Caswell County to appoint a Public Safety Officer.

Referred to **Judiciary III Committee**.



**RE-REFERRAL**

**H. B. 687**, a bill to eliminate extra charges for volunteer firemen and rescue squad members' license plates.

On motion of Senator Barnes, the rules are suspended and the bill is taken from the **Finance Committee** and re-referred to the **Judiciary I Committee**.

**CALENDAR (Continued)**

**H. B. 1329**, a bill to allow the Friends of Elizabeth II, Inc., to operate vending machines on the site grounds of the Elizabeth II.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**S. B. 647** (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President of the Senate.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 1102** (Committee Substitute), a bill to authorize an executive administrator for the Teachers' and State Employees' Comprehensive Major Medical Plan, and to make technical amendments to the Plan.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the rules are suspended to the end that Sam Byrd, Fiscal Research Staff, is extended the courtesies of the floor for the purpose of assisting with the explanation of the Committee Substitute bill.

Senator Kaplan offers Amendment No. 1 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Senator Soles offers Amendment No. 2, which fails of adoption (electronically recorded).

Senator Soles objects to the third reading, which objection he subsequently withdraws.

Senator Simpson offers Amendment No. 3. Senator Plyler, seconded by Senator Harris, offers a motion that Amendment No. 3 do lie upon the table, which motion prevails (electronically recorded). Amendment No. 3 lies upon the table.

Senator Soles offers Amendment No. 4 which is adopted (electronically recorded).

Senator Plyler calls the previous question, seconded by Senator Rand. The call is sustained (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 4.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 1340**  
(Committee Substitute No. 2)

HOUSE OF REPRESENTATIVES  
July 11, 1985

*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 CS Num. 2 **H. B. No. 1340**, A BILL TO BE ENTITLED AN ACT TO PROHIBIT THE IMPERSONATION OF A LAW ENFORCEMENT OFFICER, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

**WITHDRAWAL FROM COMMITTEE**

**H. B. 612**, a bill to amend the Durham City Charter to permit the annexation of areas lying within the corporate boundaries of the city.

On motion of Senator Royall, the rules are suspended and the bill is taken from the **Local Government and Regional Affairs Committee** and is placed on the Calendar for immediate consideration upon second reading.

The bill passes its second reading by roll-call vote, ayes 33, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Hardison, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Kaplan, Martin of Guilford, Marvin, Parnell, Rauch, Royall, Sawyer, Shaw, Smith, Soles, Speed, Staton, Taft, Tally, Thomas of Craven, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—33.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

On motion of Senator Harrington, seconded by Senator Hardison, the Senate adjourns to meet tomorrow, Friday, July 12, at 11:00 A. M.

**ONE HUNDRED FOURTEENTH DAY**

SENATE CHAMBER,  
Friday, July 12, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

“Almighty God, Thou Who are our refuge and strength; we thank Thee for Thy sustaining grace during the long days of this General Assembly.

“For strength to persevere—through tedious committee meetings—and through marathon business sessions—

“For grace to deal with the pressures of family, business, and Senate responsibilities—

“For wisdom to discern the essence of an issue, the validity of a bill, and the needs of the people—in the face of pressure from constituents, special interest groups, and political allies—and—

“For courage, to withstand the political heat— and to vote our moral and religious convictions on significant matters—

“We give Thee thanks, O Lord.

“O God of Forgiveness, we ask Thy forgiveness for our sins of omission and commission. For those times—when we have failed to live up to Your expectations of us—when we have compromised principle for political gain—when we have made attacks on individuals instead of attacking the issue—when we have put undue pressure on our colleagues—when we have neglected our families because of our love of politics—we ask Thy forgiveness.

“O God of Grace, bless us now in the final hours of this Session. Give us the grace and courage to do the right thing in our final votes; give us safe trips home; help us to strengthen our family ties in the months ahead; and grant that we may live lives of integrity, joy, love, and compassion—both now and ever more. Amen.”

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

### CONFERENCE REPORT

#### H. B. 834

Senator Kaplan for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 834**, a bill to make additional technical amendments to the election laws, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 834**, A BILL TO BE ENTITLED AN ACT TO MAKE ADDITIONAL TECHNICAL AMENDMENTS TO THE ELECTION LAWS, wish to report as follows:

The House concurs in Senate Amendment #3 with an amendment: in Senate Amendment #3, deletes “Sec. 7.1.” and substitute “Sec. 6.1.”.

The House concurs in Senate Amendment #4 with an amendment as follows: on page 3 of the Amendment, delete “application, container-return envelope,” and substitute “container-return envelope”, and delete “5.1 through 5.4” and substitute “5.1 through 5.5”.

The House recedes its concurrence in Senate Amendment #5, and the Senate recedes from that Amendment.

The Senate recedes from Senate Amendment #6.



And the House and Senate agree to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the day of July 1985.

S/ TED KAPLAN

S/ ANTHONY E. RAND

S/ ROBERT D. WARREN

S/ RUSSELL WALKER

S/ WILMA WOODARD

*Conferees on the  
part of the Senate*

S/ CHARLES BEALL

S/ DANIEL BLUE

S/ ROBERT C. HUNTER

S/ MARTIN NESBITT

S/ FRANK M. BALLANCE, JR.

*Conferees on the part of  
the House of Representatives*

On motion of Senator Kaplan, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Marvin for the **Pensions and Retirement Committee**:

**H. B. 641**, a bill to amend the law regarding the Town of Elkin's Retirement System, with a favorable report.

On motion of Senator Marvin, the rules are suspended and the bill is placed on today's Calendar for consideration.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 216** (Committee Substitute), a bill to provide that funds from special personalized registration plates be used to promote travel accessibility for the disabled, for concurrence in House Amendment No. 1.

Without objection, the Committee Substitute bill is placed on the Calendar for today.

**S. B. 612** (Committee Substitute), a bill to permit the Commissioner of Motor Vehicles to issue fictitious licenses and registration plates to local law enforcement officers under certain circumstances, for concurrence in House Amendment No. 1.

Without objection, the Committee Substitute bill is placed on the Calendar for today.

**H. B. 551**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 11, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information from the House of Representatives that the Senate Amendment to Committee Substitute **House Bill 551**, A BILL TO BE ENTITLED AN ACT TO ALLOW BOARDS OF COUNTY

COMMISSIONERS TO HOLD SPECIAL MEETINGS OUTSIDE THEIR JURISDICTIONS, is unacceptable, and is returned to your Honorable Body for further consideration.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Without objection, the Committee Substitute bill is placed on today's Calendar in its regular order of business.

**H. B. 1101** (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.

On motion of Senator Hardison, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for Saturday, July 13.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 612**, a bill to amend the Durham City Charter to permit the annexation of areas lying within the corporate boundaries of the city, upon third reading.

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

Voting in the affirmative: Senators Ballenger, Barnes, Cobb, Conder, Goldston, Guy, Harrington, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Shaw, Simpson, Smith, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—43.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 641**, a bill to amend the law regarding the Town of Elkin's Retirement System.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 1192**, a bill to temporarily authorize local health departments to charge a fee for the administration of the immunizations required pursuant to G. S. 130A-152, upon third reading.

The bill passes its third reading by roll-call vote, ayes 40, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, Winner, and Woodard—40.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 1291**, a bill to amend the Chiropractic Law, as amended, upon third reading.

The bill, as amended, passes its third reading by roll-call vote, ayes 41, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Ward, Warren, Watt, Williams, Winner, and Woodard—41.

Voting in the negative: None.

The bill, as amended, is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 533** (Committee Substitute No. 2), a bill to classify minor traffic offenses as infractions and to provide a procedure for the disposition of such infractions by the courts.

On motion of Senator Staton, the rules are suspended to the end that James Drennan from the Administrative Office of the Courts, is extended the courtesies of the floor for the purpose of assisting with the explanation of the Committee Substitute bill No. 2.

On motion of Senator Staton, Committee Amendment No. 1 is adopted.

Senator Staton offers Amendments No. 2 and No. 3 which are adopted (electronically recorded).

The Committee Substitute bill No. 2 passes its second reading (electronically recorded).

Senator Harris objects to the third reading of the Committee Substitute bill, as amended, which objection he subsequently withdraws.

Senator Rand offers a motion to postpone further consideration of the Committee Substitute bill No. 2, as amended, until Wednesday, July 17, which motion he subsequently withdraws, and offers a substitute motion to re-refer the Committee Substitute bill No. 2, as amended, to the **Judiciary II Committee**.

Senator Staton, seconded by Senator Swain, offers a motion that the motion to re-refer the Committee Substitute bill No. 2, as amended, to the **Judiciary II Committee** do lie upon the table, which motion fails to prevail (electronically recorded).

The motion to re-refer the Committee Substitute bill No. 2, as amended, to the **Judiciary II Committee** fails to prevail (electronically recorded).

Senator Sawyer offers Amendment No. 4.

Senator Staton calls the previous question on the Committee Substitute bill No. 2 and Amendment No. 4, which motion he subsequently withdraws.

Senator Harris offers a motion that Amendment No. 4 do lie upon the table, which motion fails for lack of a second.

Senator Conder offers a motion that the Committee Substitute bill No. 2 and pending Amendment No. 4 be temporarily displaced and become the last item of business on the Calendar for today, which motion fails to prevail.

Amendment No. 4 fails of adoption (electronically recorded).

Senator Staton calls the previous question, seconded by Senator Taft. The call is sustained.

The Committee Substitute bill No. 2, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 3.

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, with pending Amendment No. 1.

Amendment No. 1 offered by Senator Martin of Guilford on June 24, is adopted (electronically recorded).

On motion of Senator Staton, Committee Amendment No. 2 is adopted.

The bill, as amended, passes its second reading (electronically recorded).



On objection of Senator Swain to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**H. B. 551** (Committee Substitute), a bill to allow boards of county commissioners to hold special meetings outside their jurisdictions, returned by the House of Representatives for further consideration.

Senator Cobb moves that the vote by which the Committee Substitute bill passed its third reading be reconsidered, which motion prevails.

Senator Cobb moves that the vote by which the Committee Substitute bill passed its second reading be reconsidered, which motion prevails.

Senator Cobb moves that the vote by which Amendment No. 2 was adopted be reconsidered, which motion prevails.

Without objection, Senator Hardison withdraws Amendment No. 2.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 747**, a bill to prescribe compensation for supervisors of elections, as amended.

Senator Cobb offers Amendment No. 2 which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

**H. B. 911**, a bill prohibiting the copying of boat hulls by the direct molding process.

On motion of Senator Barnes, Committee Amendment No. 1 is adopted.

The bill, as amended, passes its second reading (electronically recorded).

On objection of Senator Barnes to its third reading, the bill, as amended, remains on the Calendar for further consideration upon third reading.

**S. B. 679**, a bill to require that a recipient of a CON follow the projections of its application, as amended, upon third reading.

Senator Redman offers Amendment No. 4 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered engrossed and sent to the House of Representatives.

**H. B. 514**, a bill to authorize a County Director of Social Services to secure medical, surgical, psychiatric, psychological and other care or treatment for a juvenile in the custody or physical custody of a County Department of Social Services, as amended, upon third reading.

Senator Swain offers Amendment No. 2 which is adopted (electronically recorded).

Senator Sawyer offers Amendment No. 3 which fails of adoption (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1 and No. 2.

The Chair declares the Senate in recess until 2:30 P.M. for the purpose of committee meetings.

#### AFTERNOON SESSION—2:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

## ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 106**, an act to authorize appeal of Personnel Commission decisions awarding attorney fees in grievance proceedings. (Ch. 717)

**S. B. 319**, an act to permit the Division of Services for the Blind of the Department of Human Resources to operate vending machines on interstate highways and controlled-access highways. (Ch. 718)

**S. B. 633** (Committee Substitute), an act to provide for a uniform premium tax structure for insurance companies. (Ch. 719)

**H. B. 397**, an act to provide an income tax deduction for marketing assessments on tobacco grown in North Carolina. (Ch. 720)

**H. B. 442** (Committee Substitute), an act to permit the City of Asheville to participate in downtown development projects. (Ch. 721)

**H. B. 588** (Committee Substitute), an act to permit the taking of foxes in Bladen County. (Ch. 722)

**H. B. 1201** (Senate Committee Substitute), an act concerning uniform bond procedures. (Ch. 723)

**H. B. 1417**, an act to allow counties in creating fire protection service districts to limit the tax rate in that district. (Ch. 724)

**H. B. 1406**, an act authorizing the Town of Sunset Beach, Brunswick County, to assess for navigation projects. (Ch. 725)

**H. B. 1419**, an act to grant the New Hanover County Board of Commissioners the power to compromise room occupancy tax penalties. (Ch. 726)

**H. B. 1422**, an act to amend the Durham City Charter to provide for urban development projects, and for other purposes. (Ch. 727)

**H. B. 155** (Committee Substitute), an act to amend the Well Construction Act, G. S. 87-83 *et seq.*, to provide for civil penalties. (Ch. 728)

**H. B. 1380**, an act to enhance the pension and retirement benefits for local law officers. (Ch. 729)

**H. B. 1329**, an act to allow the Friends of Elizabeth II, Inc., to operate vending machines on the site grounds of the Elizabeth II. (Ch. 730)

**H. B. 143** (Committee Substitute), an act to amend certain obscenity statutes. (Ch. 731)

**H. B. 1102** (Committee Substitute), an act to authorize an executive administrator for the Teachers' and State Employees' Comprehensive Major Medical Plan, and to make technical amendments to the Plan. (Ch. 732)

**H. B. 456** (Committee Substitute), an act to increase educational requirements for

licensing of fire and casualty and life insurance agents and to require notices of agency contract terminations from insurers. (Ch. 733)

**H. B. 1022** (Committee Substitute), an act to make certain technical and other amendments to the practicing psychologists' licensing act. (Ch. 734)

**H. B. 1037** (Committee Substitute), an act to enable hospital, medical and dental service corporations, insurers and persons to engage in health care cost containment activities. (Ch. 735)

**H. B. 414** (Committee Substitute), an act to provide that an order of seizure and delivery for property purchased under a conditional sale contract or for property used as collateral expires in sixty days. (Ch. 736)

**H. B. 425**, an act to permit certain counties and the cities located there to regulate abandoned, junked vehicles for aesthetic purposes. (Ch. 737)

**H. B. 945** (Senate Committee Substitute), and act to amend the Solid Waste Law. (Ch. 738)

**H. B. 855** (Senate Committee Substitute), an act to amend the requirements for receiving a license to practice medicine. (Ch. 739)

**H. B. 1132** (Committee Substitute), an act to make changes in the Certificate of Need law. (Ch. 740)

**S. B. 507** (House Committee Substitute), an act to prohibit obtaining housing assistance by misrepresentation and to authorize eviction of tenants for failure to pay rent. (Ch. 741)

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 154**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 12, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that Rep. Martin Lancaster has resigned as Chairman for the House of Representatives Conference Committee for **CS Senate Bill 154**, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ALLOW A COUNTY TO EXEMPT, IN FULL OR IN PART, INVENTORIES OF MANUFACTURERS, WHOLESALERS, AND RETAILERS FROM PROPERTY TAXES IMPOSED BY THAT COUNTY AND THE LOCAL GOVERNMENTAL UNITS LOCATED IN THE COUNTY, and will be replaced by Rep. Martin Nesbitt, as Chairman.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*



**H. B. 52**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 12, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that Rep. Martin Lancaster has resigned as a member of the House of Representatives Conference Committee for CS **House Bill 52**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 150A OF THE GENERAL STATUTES, ADD A NEW ARTICLE 60 TO CHAPTER 7A OF THE GENERAL STATUTES, AND MAKE OTHER CHANGES IN THE ADMINISTRATIVE PROCEDURES OF EXECUTIVE AGENCIES, and will be replaced by Rep. Martin Nesbitt.

Respectfully,  
GRACE A. COLLINS  
*Principal Clerk*

**H. B. 834**

HOUSE OF REPRESENTATIVES  
July 12, 1985

*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. No. 834**, A BILL TO BE ENTITLED AN ACT TO MAKE ADDITIONAL TECHNICAL AMENDMENTS TO THE ELECTIONS LAWS, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

**H. B. 1155**, a bill to punish assaults or threatened assaults on judges and district attorneys.

Referred to **Judiciary III Committee**.

#### CALENDAR (Continued)

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations, for concurrence in House Amendment No. 1, upon second reading.

On motion of Senator Rand, the Senate concurs in House Amendment No. 1 by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Basnight, Conder, Goldston, Guy, Hardison, Harris, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Johnson of Wake, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Redman, Sawyer, Shaw, Simpson, Smith, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Ward, Warren, Watt, Williams, and Woodard—37.

Voting in the negative: None.

The bill remains on the Calendar for concurrence in House Amendment No. 1, upon third reading.

**S. B. 216** (Committee Substitute), a bill to provide that funds from special personalized registration plates be used to promote travel accessibility for the disabled, for concurrence in House Amendment No. 1.

On motion of Senator Ballenger, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

**S. B. 612** (Committee Substitute), a bill to permit the Commissioner of Motor Vehicles to issue fictitious licenses and registration plates to local law enforcement officers under certain circumstances.

On motion of Senator Thomas of Henderson, the Senate concurs in House Amendment No. 1 (electronically recorded), and the Committee Substitute bill is ordered enrolled.

The Chair declares the Senate in recess until 3:10 P.M. for the purpose of a meeting of the **Rules and Operation of the Senate Committee**.

#### AFTERNOON SESSION—3:10 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

#### CONFERENCE REPORT

##### **S. B. 182** (Committee Substitute)

Senator Plyler for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 182** (Committee Substitute), a bill to appropriate funds for various Statewide projects, to specify how certain appropriated funds are to be used, and to make various changes in the law, submits the following Conference Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for Senate Bill 182, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VARIOUS STATEWIDE PROJECTS, TO SPECIFY HOW CERTAIN APPROPRIATED FUNDS ARE TO BE USED, AND TO MAKE VARIOUS CHANGES IN THE LAW, wish to report as follows: The Senate concurs in House Amendments #1, 4, 9, 13, and 16.

The House recedes from House Amendments #17 and 18.

The Senate concurs in House Amendment #2 with an amendment as follows: on page 17, line 23, add the designation "(c)" immediately before the words "The Commission".

The Senate concurs in House Amendment #15 with the following amendments:

- (1) in the first line, delete "eight" and substitute "nine".
- (2) insert immediately after "G. S. 120-121." the following: "(9) one health care provider shall be appointed by the General Assembly upon the recommendation of the President of the Senate in accordance with G. S. 120-121."
- (3) by deleting "nurse and" in the last line of the amendment and substituting "nurse, health care provider, and".

The Senate concurs in House Amendment #14 with the following amendment: add the following at the end of the amendment:

(1) Amend the bill on page 123 line 15 by deleting "Eight" and substituting "Seven", and on page 123 line 17 by deleting "nine" and substituting "eight".

(2) further amend on page 123 line 28 by adding the following at the end of the line: "Any vacancy in members appointed under G. S. 116-233(7) shall be filled by the Governor for the remainder of the unexpired term."

(3) further amend on page 124 line 7 by adding the following at the end of the line: "The initial members appointed under G. S. 116-233(7) shall be appointed for terms to expire January 15, 1989. Successors shall be appointed for four-year terms."

The House recedes from its Amendment #6 and in lieu substitutes the following: Amend the bill on page 77 line 14 by adding the following sentence at the end of the line: "Those building standards adopted by units of local government shall not be a cause to penalize those day care centers which have been built according to those building standards or regulations which may be imposed pursuant to this Article."

The House recedes from its Amendment #7 and in lieu substitutes the following:

(1) Delete Senate Amendment #5.

(2) Amend the bill on page 85 line 26, and page 86 line 5 by deleting "Landfill" and substituting "sanitary landfill, as defined in G. S. 130A-290(16),".

The Senate concurs in House Amendment #10 with an amendment: Amend the bill on page 89 lines 6 and 7 by deleting "62-281" in both places and substituting "20-384".

And the Senate and House agree to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the      day of July 1985.

S/ AARON PLYLER  
S/ ANTHONY RAND  
S/ KENNETH ROYALL  
S/ J. J. HARRINGTON  
S/ JIM JOHNSON  
*Conferees on the part  
of the Senate*

S/ WILLIAM WATKINS  
S/ BOB ETHERIDGE  
S/ H. M. MICHAUX  
S/ MARTIN NESBITT  
S/ ALLEN BARBEE  
*Conferees on the part of the  
House of Representatives*

On motion of Senator Plyler, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harrington for the **Rules and Operation of the Senate Committee:**

**S. B. 726**, a bill to abolish certain boards and commissions, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Harrington, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 726** (Committee Substitute), a bill to abolish certain executive branch boards and to consolidate the functions of other boards, is placed before the Senate for immediate consideration.

July 12, 1985



On motion of Senator Harrington, the Committee Substitute bill is adopted.

Senator Thomas of Craven offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger, without engrossment.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 880** (Committee Substitute), a bill to amend Article 1A of Chapter 18B concerning compensation for injury caused by sales to underage persons.

Referred to **Judiciary III Committee**.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Plyler for the **Appropriations Committee**:

**S. B. 291**, a bill to repeal statutes allowing local boards of education to charge tuition for students over 18 years old, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives by special messenger.

**H. B. 114** (Committee Substitute), a bill to provide that claims to land under navigable waters may be litigated in Superior Court, with a favorable report.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and is ordered enrolled.

The Chair declares the Senate in recess until 3:55 P.M. for the purpose of a meeting of the **Judiciary III Committee**.

### AFTERNOON SESSION—3:55 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

### CALENDAR (Continued)

**S. B. 514**, a bill authorizing the Legislative Research Commission to study the salaries and fringe benefits of State employees to determine whether they are comparable to salaries and fringe benefits in the private sector.

The Chair rescinds the order to send the bill to the House of Representatives. Senator Swain moves that the vote by which the bill passed its third reading be reconsidered, which motion prevails.

Without objection and on motion of Senator Swain, further consideration of the bill, as amended, is postponed until Monday, July 15, upon third reading.

### CONFERENCE REPORT

#### H. B. 760 (Senate Committee Substitute)

Senator Hipps for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 760** (Senate Committee Substitute), a bill to conform the adoption statutes to the statutes relating to the termination of parental rights as recommended by the General Statutes Commission submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Senate Committee Substitute for **House Bill 760** (Fourth Edition Engrossed), A BILL TO BE ENTITLED AN ACT TO CONFORM THE ADOPTION STATUTES TO THE STATUTES RELATING TO THE TERMINATION OF PARENTAL RIGHTS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, wish to report as follows: The House concurs in the Senate Committee Substitute (Fourth Edition Engrossed) with the following amendment:

On page 4, lines 14-16, rewrite those lines to read:

"Sec. 12. G. S. 48-11(a) is amended by rewriting the first sentence to read:

'No consent described in G. S. 48-6, 48-7, or 48-9, shall be revocable by the consenting party after the entering of an interlocutory decree has been waived in accordance with the provisions of G. S. 48-21: Provided, no consent shall be revocable after three months from the date of the giving of the consent unless no adoption proceeding is instituted within eighteen months from the date of the giving of the consent in which case the consent may be revoked; provided further, that when the consent has been given generally to a director of social services or to a duly licensed child-placing agency, it shall not be revocable after 30 days from the date of the giving of the consent unless no adoption proceeding is instituted within eighteen months from the date of the giving of the consent in which case the consent may be revoked.'

Sec. 13. This act shall become effective October 1, 1985, and shall apply to all petitions for adoption filed on or after that date."

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the     day of

S/ HENSON P. BARNES  
S/ CHARLES HIPPS  
S/ JAMES C. JOHNSON, JR.  
*Conferees on the part  
of the Senate*

S/ RUTH EASTERLING  
S/ MARTIN NESBITT  
S/ DENNIS A. WICKER  
*Conferees on the part  
of the House of Representatives*

On motion of Senator Higgs, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### CONFERENCE REPORT

#### H. B. 52 (Senate Committee Substitute)

Senator Barnes for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 52** (Senate Committee Substitute), a bill to amend Chapter 150A of the General Statutes, add a new Article 60 to Chapter 7A of the General Statutes, and make other changes in the administrative procedures of executive agencies submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **House Bill 52** (5th edition), A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 150A OF THE GENERAL STATUTES, ADD A NEW ARTICLE 60 TO CHAPTER 7A OF THE GENERAL STATUTES, AND MAKE OTHER CHANGES IN THE ADMINISTRATIVE PROCEDURES OF EXECUTIVE AGENCIES, wish to report as follows: The House concurs in the Senate Committee Substitute with the following amendments:

1. on page 57, lines 25-28 of the Senate Committee Substitute, rewrite those lines to read:

“(2) Is clear and unambiguous to persons it is intended to direct, guide, or assist;

(3) Is reasonably necessary to enable the administrative agency to perform a function assigned to it by statute or to enable or facilitate the implementation of a program or policy in aid of which the rule was adopted.”

2. on page 58, lines 3-10 by deleting the Senate amendment and adding the language that was deleted by that amendment.

3. on page 58, lines 14-16 by rewriting those lines to read:

“is unnecessary, the Commission shall object and delay the effectiveness of the rule or part”.

4. on page 58, lines 21-27 by rewriting those lines to read:

“of the objection and delay of the rule or its part and the reasons for the delay. The delay of the effectiveness of the rule or its part is effective when the chief hearing officer of the Office of Administrative Hearings receives the written report transmitted by the Commission. A rule or its part that is delayed is not ‘effective’, as defined by G. S. 150A-2(2a).”

5. on page 59, lines 6-10 by rewriting those lines to read:

“(f) While the effectiveness of a rule or its part is delayed, the agency that has promulgated it may not adopt another rule that has substantially identical provisions



to those for which the Commission delayed the effectiveness of the original rule or part of a rule.”

6. on page 59, line 11 by relettering subsection (f) as subsection (g).
7. on page 59, lines 13-22 by rewriting those lines to read:

“(h) If an agency does not amend or repeal a delayed rule to cure the defects cited as reasons for the Commission’s objection and delay, the Commission shall disallow the rule. The Commission shall transmit to the agency, the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chief hearing officer of the Office of Administrative Hearings the written report of the disallowance of the rule. A rule that is disallowed is not ‘effective’, as defined by G. S. 150A-2(2a).”
8. on page 59, line 27 by deleting the period and substituting the following:

“and may disallow the rule due to the agency’s failure to make the finding required by G. S. 150A-13.”
9. on page 60, line 16 by rewriting that line to read:

“ § 143A-55.6. **Failure to object and delay; inadmissibility**”
10. on page 60, line 18 by inserting immediately before the word “a” the words “and delay the effectiveness of ”.
11. on page 60, line 21 by adding the word “and” immediately following the words “object to”
12. on page 60, line 22 by inserting immediately before the word “a” the words “delay the effectiveness of ”.
13. on page 4, lines 5-9 by rewriting those lines to read:

“as required by G. S. 150A-59 and either has not been delayed by or has been returned to the Administrative Rules Review Commission as required by G. S. 143A-55.3. A rule that is effective is”.
14. on page 29, lines 11-13 by rewriting those lines to read:

“specific reasons why the hearing officer’s recommended decision is not adopted. A decision or order shall not be”.
15. on page 41, lines 18-22 by deleting those lines.
16. on page 22, line 2 by deleting the phrase “with the agency”.
17. on page 42, lines 14-25 by deleting those lines and substituting the following:

“ § 150A-49. **New Evidence.** — In a review proceeding under this Article, any party may present evidence not contained in the record that is not repetitive.”
18. on page 42, line 26 by deleting the words “**on the record**”.
19. on page 42, line 28 and on page 43, lines 1-8 by deleting those lines and substituting the following:

"by the court without a jury."

20. on page 43, lines 10-26 and on page 44, lines 1-3 by deleting those lines and substituting the following:

" **case.** — Based on the record and the evidence presented to the court, the court may affirm, reverse, or modify the decision or remand the case to the agency for further proceedings."

21. on page 10, line 8 by deleting the period and substituting the following:

" , nor may any agency make any rule enlarging the scope of any trade or profession subject to licensing."

22. on page 62, lines 15 and 16 by inserting a new section between those lines to read:

"Sec. 14. The notice publication requirements of G. S. 150A-12(c) shall be deemed to be met if an agency publishes notice in three newspapers with general circulation prior to the first publication of the North Carolina Register."

23. on page 62, lines 16-20 by rewriting those lines to read:

"Sec. 19. This act is effective upon ratification, except sections 1, 4, 5, 6, 8, 13, 14, 15, 16, 17, 18, and 18.1. Sections 1, 4, 8, 13, 14, 15, 16, 17, and 18 shall become effective January 1, 1986. Sections 5 and 6 shall become effective 30 days from the date the Supreme Court issues an advisory opinion on the constitutionality of those sections unless the opinion states that those sections are unconstitutional, in which event those sections shall not become effective. Section 18.1 shall become effective only if the Supreme Court issues an advisory opinion that the appointment of the chief hearing officer by the Chief Justice is unconstitutional and shall become effective on the date that opinion is issued. This act shall expire January 1, 1992 and shall not be effective on or after that date. This act shall not affect contested cases commenced before January 1, 1986."

24. on page 20, lines 1-3 by rewriting those lines to read:

" **§ 150A-23. Commencement; assignment of hearing offices; hearing required; notice; intervention.** — (a) Except as provided in subsection (a1), all contested cases other than those conducted under Article 3A of this Chapter shall be commenced by the filing of a petition with the Office of Administrative Hearings. Any petition filed by a party other than an agency shall be verified or supported by affidavit and shall state facts tending to establish that the agency named as the respondent has deprived the petitioner of property, has ordered the petitioner to pay a fine or civil penalty, or has otherwise substantially prejudiced the petitioner's rights and that the agency:

- (1) exceeded its authority or jurisdiction;
- (2) acted erroneously;
- (3) failed to use proper procedure;
- (4) acted arbitrarily or capriciously; or
- (5) failed to act as required by law or rule.

The parties in a contested case shall be given an opportunity for a hearing without undue delay.

All contested cases under Chapter 126 of the General Statutes shall be conducted in the Office of Administrative Hearings. Except in contested cases under Chapter 126 of the General Statutes, a party may waive the right to have a contested case conducted by a hearing officer in the Office of Administrative Hearings in the petition filed to commence the case, in which case the contested case shall be conducted by the agency. In the absence of a waiver, a contested case under this Article shall be presided over by the chief hearing officer of the Office of Administrative Hearings or a hearing officer assigned by him. In assigning hearing officers, the chief hearing officer shall attempt to use personnel having expertise in the subject to be dealt with in the hearing.

A local government employee, applicant for employment, or former employee to whom Chapter 126 of the General Statutes applies may commence a contested case under this Article in the same manner as any other petitioner. The case shall be conducted in the Office of Administrative Hearings in the same manner as other contested cases under this Article, except that the decision of the hearing officer shall be advisory only and not binding on the local appointing authority, unless (1) the hearing officer decides that the employee, applicant, or former employee has been subjected to discrimination prohibited by Article 6 of Chapter 126 of the General Statutes or (2) applicable federal standards require a binding decision. In these two cases, the hearing officer's decision shall be final.

(a1) The parties in a contested case in the Department of Human Resources shall be given an opportunity for a hearing without undue delay."

25. on page 20, line 12 by deleting the word "A" and substituting the following:  
"If the agency is the Department of Human Resources a"
26. on page 22, line 4 by deleting the word "The" and substituting "If the agency is the Department of Human Resources the".
27. on page 22, line 16 by deleting the word "agency" and substituting "chief hearing officer of the Office of Administrative Hearings".
28. on page 25, line 11 by deleting the word "An" and substituting the following:  
"The chief hearing officer of the Office of Administrative Hearings shall assign himself or a hearing officer in the Office of Administrative Hearings to preside as hearing officer in each contested case. If a party waives the right to have a case conducted in the Office of Administrative Hearings in the petition to commence the case, an"
29. on page 25, line 13 by inserting the word "or" between the comma and the word "one".
30. on page 25, line 14 by deleting ", or a" and substituting a period.
31. on page 25, lines 15-22 by deleting those lines.
32. on page 25, line 23 by inserting between the word "party" and the word "who" the words "in a contested case in the Department of Human Resources".



33. on page 53, line 8 by deleting the word "four" and substituting the word "five".
34. on page 52, lines 27 and 28 by rewriting those lines to read:

"the Office of Administrative Hearings shall be appointed by the Chief Justice for a term of office of four years. The first chief hearing officer shall be appointed as soon as practicable for a term to begin on the day of his appointment and to end on June 30, 1989. Successors to the first chief hearing officer shall be appointed for a term to begin on July 1 of the year the preceding term ends and to end on June 30 four years later. A chief hearing officer may continue to serve beyond his term until his successor is duly appointed and sworn, but any holdover shall not affect the expiration date of the succeeding term."

35. on page 10, lines 15-18 by rewriting those lines to read:

"specifies a criminal penalty for violation of the rule."

36. on page 61, lines 14-24 by rewriting those lines to read:

"The initial salary of the chief hearing officer of the Office of Administrative Hearings shall be forty-eight thousand two hundred sixteen dollars (\$48,216) annually, payable monthly (equivalent to Grade 86, step 3 of the salary plan for State employees). The initial salary of a hearing officer in the Office of Administrative Hearings shall be forty-one thousand seven hundred sixty dollars (\$41,760) annually, payable monthly (equivalent to Grade 83, step 3 of the salary plan for State employees)."

37. on page 52, lines 25 and 26 by inserting a new paragraph between those lines to read:

"The Office of Administrative Hearings is designated the official deferral agency under Section 706 of the Civil Rights Act of 1964, as amended, for all charges filed on a timely basis with the Equal Employment Opportunity Commission by any State or local government employee covered under Chapter 126 of the General Statutes. The Office of Administrative Hearings may contract with the Equal Employment Opportunity Commission to become a 706 deferral agency and may conduct necessary investigations and informal hearings or fact-finding proceedings. The Office of Administrative Hearings may prepare investigation reports with the findings, conclusions, and determinations of probable cause that a 706 deferral agency is required to make and may take other actions required for it to function as a 706 deferral agency for State and local employees covered under Chapter 126 of the General Statutes. Proceedings conducted by the Office of Administrative Hearings as a 706 deferral agency are not contested cases as defined in G. S. 150A-2(2)."

38. on page 62, lines 15 and 16 by inserting the following new sections between those lines:

"Sec. 15. G. S. 126-37 is amended by rewriting the second, third, fourth and fifth sentences to read:

'Appeals involving disciplinary action or alleged discrimination shall be conducted in the Office of Administrative Hearings as provided in Article 3 of

Chapter 150A of the General Statutes. The State Personnel Commission shall make a final decision in these cases as provided in G. S. 150A-36.'

Sec. 16. G. S. 126-40 is repealed.

Sec. 17. G. S. 126-43 is rewritten to read:

'§ 126-43. **The Administrative Procedure Act.** — The provisions of Article 3 of Chapter 150A of the General Statutes shall apply to all hearings required by this Chapter, except as otherwise provided in this Article. A contested case under this Chapter shall be commenced as provided in Article 3 of Chapter 150A of the General Statutes within the time limits set out in this Chapter.'

Sec. 18. G. S. 143-135.3 is amended by adding a new paragraph at the end to read:

'Chapter 150A of the General Statutes shall not apply to claims filed in accordance with this section.'

39. on page 45, lines 2, 5, and 13 by deleting the date "July 1, 1985" and substituting "January 1, 1986".

40. on page 20, line 5 by inserting between the words "hearing by the" and the word "agency" the words "Office of Administrative Hearings or the".

41. on page 22, line 20 by inserting between the words "contested case" and the word "involving" the words "in the Department of Human Resources".

42. on page 28, lines 4 and 5 by inserting a new subdivision between those lines to read:

"(9) Determine that a rule as applied in a particular case is void because (1) it is not within the statutory authority of the agency, (2) is not clear and unambiguous to persons it is intended to direct, guide, or assist, or (3) is not reasonably necessary to enable the administrative agency to perform a function assigned to it by statute or to enable or facilitate the implementation of a program or policy in aid of which the rule was adopted."

43. on page 57, line 5 by deleting the word "and" and substituting the following:

"of two hundred dollars (\$200.00) for each day or part of a day of service plus"

44. on page 62, lines 15 and 16 by inserting between those lines new sections to read:

"Sec. 18.1. G. S. 7A-752 is amended by deleting the words 'Chief Justice' and substituting the words 'Attorney General'.

Sec. 18.2. The President of the Senate and the Speaker of the House of Representatives shall request the Supreme Court to issue an advisory opinion on the constitutionality of sections 5 and 6 of this act and the appointment of the chief hearing officer by the Chief Justice as provided in G. S. 7A-752 in section 2 of this act."

And the Senate agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 12th day of July, 1985.

S/ HENSON P. BARNES  
 S/ CHARLES W. HIPPS  
 S/ WILLIAM W. STATON  
 S/ ROBERT S. SWAIN  
 S/ DENNIS J. WINNER  
*Conferees on the part  
 of the Senate*

S/ W. PAUL PULLEY, JR.  
 S/ ROBERT C. HUNTER  
 S/ MARTIN J. NESBITT  
 S/ GEORGE W. MILLER, JR.  
 S/ WILLIAM T. WATKINS  
*Conferees on the part  
 of the House of Representatives*

On motion of Senator Barnes, the Conference Report is adopted and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 711**, a bill to amend the Constitution of North Carolina to provide for election of statewide officials in the fall of the odd-numbered years, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Kaplan, the rules are suspended and the bill is placed before the Senate for immediate consideration, upon second reading.

Senator Martin of Guilford offers a motion that the Senate do concur in House Amendments No. 1 and No. 2.

Senator Martin of Guilford, duly seconded, calls the previous question on the motion that the Senate do concur. The call is sustained (electronically recorded).

The Senate concurs in House Amendments No. 1 and No. 2, upon second reading by roll-call vote, ayes 33, noes 10, as follows:

Voting in the affirmative: Senators Barnes, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—33.

Voting in the negative: Senators Ballenger, Cobb, Jordan, Kincaid, Redman, Sawyer, Shaw, Simpson, Smith, and Williams—10.

On motion of Senator Kaplan, the rules are suspended and the bill, having received a three-fifths affirmative majority vote, is placed before the Senate for further consideration, upon third reading. The Senate concurs in House Amendments No. 1 and No. 2, upon third reading by roll-call vote, ayes 34, noes 10, as follows:

Voting in the affirmative: Senators Barnes, Conder, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Wake, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Royall, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—34.

Voting in the negative: Senators Ballenger, Cobb, Jordan, Kincaid, Redman, Sawyer, Shaw, Simpson, Smith, and Williams—10.

The Chair orders the bill enrolled.



**H. B. 1310**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 12, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to CS **H. B. No. 1310**, A BILL TO BE ENTITLED AN ACT TO VALIDATE APPOINTMENTS TO BOARDS OF TRUSTEES OF COMMUNITY COLLEGES AND TECHNICAL INSTITUTES, and requests conferees. The Speaker has appointed Representatives Hudson, Chairman; Pool, and Church on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Martin of Guilford moves that the President appoint conferees, which motion prevails. The President appoints Senators Martin of Guilford, Soles, and Tally as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 760**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 12, 1985

*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 Senate CS for **H. B. No. 760**, A BILL TO BE ENTITLED AN ACT TO CONFORM THE ADOPTION STATUTES TO THE STATUTES RELATING TO THE TERMINATION OF PARENTAL RIGHTS AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

**S. B. 266**, a bill to make technical changes and to amend the CON Statute, for concurrence in House Amendments No. 1 and No. 2 which is placed on the Calendar for Monday, July 15.

**H. B. 1423**, a bill to make a technical correction in the Mental Health Law recodification. Referred to **Human Resources Committee**.

**S. B. 337** (House Committee Substitute), a bill to amend the application fee and cost recovery provisions of G. S. 110-130.1 regarding non-AFDC services, for concurrence in the House Committee Substitute bill.

Referred to **Human Resources Committee**.

**H. J. R. 444**, a joint resolution honoring the life and memory of Charles Harris Livengood, Jr.

On motion of Senator Royall, the rules are suspended and the joint resolution is placed on the Calendar for Monday, July 15.

**S. B. 182**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 12, 1985

*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 CS **S. B. No. 182**, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS FOR VARIOUS STATEWIDE PROJECTS, TO SPECIFY HOW CERTAIN APPROPRIATED FUNDS ARE TO BE USED, AND TO MAKE VARIOUS CHANGES IN THE LAW, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

The Chair orders the Committee Substitute bill enrolled.

**H. B. 52**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 12, 1985

*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 CS for **H. B. No. 52**, A BILL TO BE ENTITLED AN ACT TO AMEND CHAPTER 150A OF THE GENERAL STATUTES, ADD A NEW ARTICLE 60 TO CHAPTER 7A OF THE GENERAL STATUTES, AND MAKE OTHER CHANGES IN THE ADMINISTRATIVE PROCEDURES OF EXECUTIVE AGENCIES, to the end that when a similar action has been taken on the part of the Senate, we may order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

#### WITHDRAWAL FROM CALENDAR

**H. B. 1101** (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.

On motion of Senator Rand the rules are suspended and the Committee Substitute bill is taken from the Calendar for Saturday, July 13, and is placed on the Calendar for today.

The Chair declares the Senate in recess for twenty minutes.

#### RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 52** (Senate Committee Substitute), an act to amend Chapter 150A of the General Statutes, add a new Article 60 to Chapter 7A of the General Statutes, and make other changes in the administrative procedures of executive agencies. (Ch. 746)

### CONFERENCE REPORT

**H. B. 1310** (Committee Substitute)

Senator Martin of Guilford for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 1310** (Committee Substitute), a bill to validate appointments to boards of trustees of community colleges and technical institutes submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for **House Bill 1310**, A BILL TO BE ENTITLED AN ACT TO VALIDATE APPOINTMENTS TO BOARDS OF TRUSTEES OF COMMUNITY COLLEGES AND TECHNICAL INSTITUTES. wish to report as follows: The Senate recedes from Senate Amendment #1.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the     day of July 1985.

S/ WILLIAM N. MARTIN  
S/ LURA TALLY  
S/ R. C. SOLES  
*Conferees on the part  
of the Senate*

S/ JOE R. HUDSON  
S/ MURRAY P. POOL  
S/ JOHN T. CHURCH  
*Conferees on the part of the  
House of Representatives*

On motion of Senator Martin of Guilford, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 18** (Committee Substitute), a bill to establish the North Carolina Center for Missing Children, for concurrence in House Amendments No. 1 and No. 2.

On motion of Senator Winner, the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Winner, the Senate concurs (electronically recorded) in House Amendments No. 1 and No. 2, and the Committee Substitute bill is ordered enrolled.



## CALENDAR (Continued)

**H. B. 1101** (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives.

Senator Harrington offers Amendment No. 1 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

## SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 1310**

(Committee Substitute)

HOUSE OF REPRESENTATIVES

July 12, 1985

*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 **CS H. B. No. 1310, A BILL TO BE ENTITLED AN ACT TO VALIDATE APPOINTMENTS TO BOARDS OF TRUSTEES OF COMMUNITY COLLEGES AND TECHNICAL INSTITUTES**, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,

S/ GRACE A. COLLINS

*Principal Clerk*

**H. B. 569** (Committee Substitute), a bill to establish an interdisciplinary committee to assist the court in developing alternatives for status offenders and to allow protective custody in response to violation of the terms of a valid protective supervision order.

Referred to **Judiciary IV Committee**.

On motion of Senator Harrington, seconded by Senator Swain, the Senate adjourns to meet Monday, July 15, at 7:00 P.M.

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 ONE HUNDRED FIFTEENTH DAY

SENATE CHAMBER,

Monday, July 15, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O Lord of the Sabbath, we thank Thee for the time of renewal which we shared with You and our families over the weekend; and we pray that we may ever maintain the discipline of corporate worship in our lives.

"O God of Love, we thank Thee for the love and support of family, staff, friends, and colleagues during the long days of this Session. For the new friendships we have established, and for the old friendships which have been deepened, we give Thee thanks.

"O God of Moses and of Jesus, we thank Thee for the Ten Commandments and for the Sermon on the Mount—which provide guidelines for our moral and religious conduct. We thank Thee, too, for the creative legislation passed in this Session. Especially do we thank Thee for the laws which have been passed to protect and provide for the well-being of our children, our youth, and our senior citizens.

"O God of Isaiah, as we begin the 115th day of this Session, we ask with the prophet of old, 'How long, O Lord, how long?' And the answer seems to be 'No one knows the day, nor the hour . . .'

"O God of Strength, give us strength now to persevere in the completion of the tasks that are before us, that we may with all deliberate speed, bring this Session of the General Assembly to a successful conclusion.

"Fill us now with Thy love, crown us with Thy grace, and dismiss us with Thy blessing—that we may live lives of love, joy, integrity, and compassion—both now and evermore. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of Friday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

Senator Royall is noted present for a portion of tonight's Session.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 530** (Committee Substitute), a bill to remove archaic references to school committees from Chapter 115C of the General Statutes and changing the percentage of qualified voters who may petition for election.

On motion of Senator Martin of Pitt, the rules are suspended, and the Committee Substitute bill is placed on the Calendar for tonight as the last order of business.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. J. R. 444**, a joint resolution honoring the life and memory of Charles Harris Livengood, Jr.

The joint resolution passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 514**, a bill to authorize a County Director of Social Services to secure medical, surgical, psychiatric, psychological and other care or treatment for a juvenile in the custody or physical custody of a County Department of Social Services, as amended, upon third reading.

Senator Swain offers Amendment No. 4 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2, and No. 4.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Harris for the **Human Resources Committee**:

**S. B. 337**, a bill to amend the application fee and cost recovery provisions of G. S. 110-130.1 regarding non-AFDC services, with a favorable report, as to concurrence in the House Committee Substitute bill.

On motion of Senator Harris, the rules are suspended and the House Committee Substitute bill is placed before the Senate for immediate consideration, upon second reading.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 43, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hips, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—43.

Voting in the negative: None.

The House Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 1423**, a bill to make a technical correction in the Mental Health Law recodification, with a favorable report.

On motion of Senator Harris, the rules are suspended and the bill is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

## CALENDAR (Continued)

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, as amended, upon third reading.

On motion of Senator Hips, consideration of the bill, as amended, is postponed until Tuesday, July 16.

**H. B. 911**, a bill prohibiting the copying of boat hulls by the direct molding process, as amended, upon third reading.

The bill, as amended, passes its third reading (electronically recorded), and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

**S. B. 266**, a bill to make technical changes and to amend the CON Statute, for concurrence in House Amendments No. 1 and No. 2.

Senator Harris, moves that the Senate do not concur in House Amendments No. 1 and No. 2, and further moves that the President appoint conferees, which motions prevail (electronically recorded).

The President appoints Senators Harris, Hardison, and Rand as conferees on the part



of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**S. B. 50**, a bill to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations, for concurrence in House Amendment No. 1, upon third reading.

The Senate concurs in House Amendment No. 1 by roll-call vote, ayes 45, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Redman, Royall, Sawyer, Shaw, Simpson, Smith, Soles, Somers, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—45.

Voting in the negative: None.

The bill is ordered enrolled.

**H. B. 530** (Committee Substitute), a bill to remove archaic references to school committees from Chapter 115C of the General Statutes and changing the percentage of qualified voters who may petition for election.

On motion of Senator Barnes, consideration of the Committee Substitute bill is postponed until Tuesday, July 16.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 641**, an act to amend the law regarding the Town of Elkin's Retirement System. (Ch. 742)

**H. B. 1192**, an act to temporarily authorize local health departments to charge a fee for the administration of the immunizations required pursuant to G. S. 130A-152. (Ch. 743)

**H. B. 612**, an act to amend the Durham City Charter to permit the annexation of areas lying within the corporate boundaries of the city. (Ch. 744)

**H. B. 551** (Committee Substitute), an act to allow boards of county commissioners to hold special meetings outside their jurisdictions. (Ch. 745)

**S. B. 300**, an act to authorize the use of State income tax refund offset procedures in non-AFDC and interstate cases as required by federal law. (Ch. 747)

**S. B. 594** (Committee Substitute), an act to amend the requirements for filling contact lens prescriptions. (Ch. 748)

**S. B. 671**, an act to permit members of the Teachers' and State Employees' Retirement System and of the consolidated Judicial Retirement System to purchase creditable service for comparable federal employment. (Ch. 749)

**S. B. 430**, an act to provide an income tax credit for supervisory fees paid by savings and loan associations to the Administrator of the Savings and Loan Division. (Ch. 750)

**S. B. 557**, an act to increase the retirement formula for active and retired members of

the Local Governmental Employees' Retirement System and Law Enforcement Officers' Retirement System. (Ch. 751)

**H. B. 1413**, an act to provide that when the Governor receives a recommendation from an officer of the General Assembly on filling a vacancy in an office filled by the General Assembly, the Governor must take action within a specified period of time. (Ch. 752)

**H. B. 1118** (Committee Substitute), an act to facilitate appeals from small claims court to district court. (Ch. 753)

**H. B. 1021** (Committee Substitute), an act to amend G. S. 153A-77 relating to the population of counties with authority over commissions, boards and agencies. (Ch. 754)

**H. B. 818** (Committee Substitute), an act to amend G. S. Chapter 24 concerning late fees. (Ch. 755)

**H. B. 900** (Committee Substitute), an act to revise the provisions of Chapter 11 of the General Statutes relating to oaths and affirmations in order to conform to constitutional requirements as recommended by the General Statutes Commission. (Ch. 756)

**S. B. 182** (Committee Substitute), an act to appropriate funds for various Statewide projects, to specify how certain appropriated funds are to be used, and to make various changes in the law. (Ch. 757)

**H. B. 760** (Senate Committee Substitute), an act to conform the adoption statutes to the statutes relating to the termination of parental rights as recommended by the General Statutes Commission. (Ch. 758)

**H. B. 834**, an act to make additional technical amendments to the election laws. (Ch. 759)

**H. B. 1291**, an act to amend the Chiropractic Law. (Ch. 760)

**H. B. 1340** (Committee Substitute No. 2), an act to prohibit the impersonation of a law enforcement or other public officer. (Ch. 761)

**H. B. 114** (Committee Substitute), an act to provide that claims to land under navigable waters may be litigated in Superior Court. (Ch. 762)

**H. B. 747**, an act to prescribe compensation for supervisors of elections. (Ch. 763)

**H. B. 533** (Committee Substitute), an act to classify minor traffic offenses as infractions and to provide a procedure for the disposition of such infractions by the courts. (Ch. 764)

**S. B. 18** (Committee Substitute), an act to establish the North Carolina Center for Missing Children. (Ch. 765)

**S. B. 216** (Committee Substitute), an act to provide that funds from special personalized registration plates be used to promote travel accessibility for the disabled. (Ch. 766)

**S. B. 612** (Committee Substitute), an act to permit the Commissioner of Motor Vehicles to issue fictitious licenses and registration plates to local law enforcement officers under certain circumstances. (Ch. 767)

**S. B. 711**, an act to amend the Constitution of North Carolina to provide for election of statewide officials in the fall of the odd-numbered years. (Ch. 768)

The Chair declares the Senate in recess for the purpose of committee meetings.

### RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Senator Martin of Guilford offers a motion that the rules be suspended to the end that he may file a bill for introduction amending Chapter 768 of the 1985 Session Laws regarding the election laws constitutional amendment, which motion fails to prevail (electronically recorded).

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 291**, a bill to repeal statutes allowing local boards of education to charge tuition for students over 18 years old, for concurrence in House Amendment No. 1 which is placed on the Calendar for Tuesday, July 16.

**S. B. 647** (Committee Substitute), a bill to appoint persons to various public offices upon the recommendation of the President of the Senate, for concurrence in House Amendment No. 1.

On motion of Senator Harrington, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

On motion of Senator Harrington, the Senate concurs in House Amendment No. 1 (electronically recorded), and the bill is ordered enrolled.

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Plyler for the **Appropriations Committee**:

**H. B. 996**, a bill to amend the School Budget and Fiscal Control Act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years, with a favorable report.

**S. B. 489**, a bill to appropriate funds to the Department of Administration to complete land acquisitions in the State Government Center and for the acquisition of land adjacent to the Revenue Building outside the State Government Center, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill, which changes the title to read, **S. B. 489** (Committee Substitute), a bill to make additional appropriations for various Statewide projects and for other purposes, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Committee Substitute bill is adopted and on his further motion remains before the Senate for further consideration upon second reading.



Senator Plyler offers Amendments No. 1, No. 2, No. 3, and No. 4 which are adopted (electronically recorded).

Senator Rand offers Amendments No. 5, No. 6, and No. 7 which are adopted (electronically recorded).

Senator Rand offers a motion that the vote by which Amendment No. 7 was adopted be reconsidered, which motion prevails. Senator Rand, without objection, offers the corrected Amendment No. 7 which is adopted (electronically recorded).

Senator Rand offers Amendments No. 8, No. 9, and No. 10 which are adopted (electronically recorded).

Senator Speed offers Amendment No. 11 which fails of adoption (electronically recorded).

Senator Redman offers Amendment No. 12 which is adopted (electronically recorded).

Senator Simpson offers Amendment No. 13 which fails of adoption (electronically recorded).

Senator Plyler calls the previous question, seconded by Senator Soles. The call is sustained (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Without objection, the Committee Substitute bill, as amended, remains before the Senate for further consideration upon third reading.

Senator Hardison offers Amendment No. 14 which fails of adoption (electronically recorded).

Senator Hardison offers a motion that the Committee Substitute bill, as amended, be taken from today's Calendar and placed upon the Calendar for tomorrow.

Senator Plyler, seconded by Senator Kaplan, calls the previous question on the passage of the Committee Substitute bill, as amended. The call is sustained (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded), and the bill is ordered, without objection, sent to the House of Representatives without engrossment, by special messenger.

### CONFERENCE REPORT

#### H. B. 348 (Senate Committee Substitute)

Senator Walker for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 348** (Senate Committee Substitute), a bill regarding the identification and labelling of toxic and hazardous substances, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **HOUSE BILL 348, (RIGHT TO KNOW) AN ACT REGARDING THE IDENTIFICATION AND LABELLING OF TOXIC AND HAZARDOUS SUBSTANCES**, wish to report as follows:

That the House of Representatives and the Senate adopt the following amendment to the bill: on page 3, line 21, by deleting the word "ascertainable" and inserting in lieu thereof the word "ascertained"

and on page 5, line 2 by deleting the words "at least"

and on page 5, lines 14 and 15, by deleting the words "over 5,000 pounds or 550 gallons" and inserting in lieu thereof the following: "between 550 gallons and 5500 gallons, and quantities between 5,000 pounds and 50,000 pounds"

and on page 5, after line 15, by adding the following: "Class D, which shall include quantities of greater than 5500 gallons or 50,000 pounds; and"

and on page 5, line 21, by inserting after word "annually" and before the period the following: "; however, if a chemical is deleted from, or added to, the Hazardous Substances List, or if the quantity changes sufficiently to cause the chemical to be in a different class as defined in subsection (a) of this section, the employer shall update the Hazardous Substance List to reflect those changes as soon as practicable, but in any event within 30 days of such change."

and on page 6, line 9, by adding a new sentence at the end to read as follows: "If the employer does not receive an MSDS within 30 days after his written request, he shall notify the Commissioner of Labor of the failure by manufacturer or distributor to provide the MSDS."

and on page 7, line 27, delete the word "the" the second time that it appears and insert after the word "information" and before the period the following: "not available to the public under G. S. 95-208"

and on page 8, line 7, by deleting the words "Class J felony" and inserting in lieu thereof the word "misdemeanor"

and on page 8, line 7, by adding a new sentence at the end to read as follows: "Restrictions concerning confidentiality or non-disclosure of information under this Article 18 shall be exemptions from the Public Records Act contained in Chapter 132 of the General Statutes, and such information shall not be disclosed notwithstanding the provisions of Chapter 132 of the General Statutes."

and on page 9, line 8, by inserting a comma after the word "Article" and by inserting after the comma and before the period the following: "or has used the provisions of G. S. 95-208"

and on page 10, line 15, by deleting the words "confidential business information" and inserting in lieu thereof the following: "a hazardous substance trade secret"

and on page 13, line 8, by inserting after the word "available" and before the period the following: "and is requested"

and on page 13, line 8, by inserting after the period a new sentence to read as follows: "Whenever an employer has withheld a chemical under the provisions of G. S. 95-197 from the information provided under G. S. 95-208, the employer must state that the information is being withheld and, upon request, must provide the MSDS for the chemical."

and on page 13, line 28, by deleting the words "in a manner similar to that" and inserting the word "as"

and on page 14, line 7, by inserting after the word "available" and before the word "and" the following: "and is requested"

and on page 5, line 2, by inserting after the word "normally" and before the word "stored" the words "used or"

and on page 6, line 21, by deleting the word "and" and inserting after "(ii)" and before the word "advise" the following: "in municipalities with populations of less than 10,000,"

and on page 6, line 22, by deleting the period, inserting a comma after the word "request", and adding the following: "and (iii) in municipalities with populations of 10,000 or more, a copy of the Hazardous Substance List."

and on page 6, lines 24 and 25, by deleting the words "upon the written request of the Fire Chief" and inserting in lieu thereof the following: "in accordance with the provisions of G. S. 95-194(a)"

and on page 6, line 26, by deleting the word "requested" and inserting in lieu thereof the word "submitted".

on page 8, line 4, by inserting after the word "Any" and before the word "distribution" the word "knowing"

on page 13, line 7, by inserting a comma after the word "List" and by inserting between the comma and the word "and" the following: "the class of each chemical as defined in G. S. 95-191(a) (2),"

and on page 14, line 6, by inserting a comma after the word "List" and by inserting between the comma and the word "and" the following: "The class of each chemical as defined in G. S. 95-191(a) (2),"

and on page 16, line 14, by inserting after the word "the" and before the word "storage" the words "use or"

and on page 16, line 18, by inserting at the beginning of the line before the word "storage" the words "use or".

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 15th day of July, 1985.

S/ RUSSELL WALKER, *Chairman*

S/ OLLIE HARRIS

S/ HAROLD W. HARDISON

S/ R. P. THOMAS

S/ CASS BALLENGER

*Conferees on the  
part of the Senate*

S/ HARRY E. PAYNE, JR., *Chairman*

S/ JOSEPHUS L. MAVRETIC

S/ SIDNEY A. LOCKS

S/ JOE HACKNEY

S/ FRANK W. BALLANCE, JR.

*Conferees on the part of the  
House of Representatives*

On motion of Senator Walker, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.



## CONFERENCE REPORT

**H. B. 458**

Senator Winner for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **H. B. 458**, a bill to authorize the City of Asheville to process local fair housing complaints, submits the following report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Bill 458, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO PROCESS LOCAL FAIR HOUSING COMPLAINTS, wish to report as follows: The Senate recedes from amendment #1.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 15th day of July, 1985.

S/ DENNIS J. WINNER  
S/ ROBERT S. SWAIN  
S/ CHARLES W. HIPPS  
*Conferees on the  
part of the Senate*

S/ MARIE W. COLTON  
S/ MARTIN L. NESBITT  
S/ N. J. CRAWFORD  
*Conferees on the part of the  
House of Representatives*

On motion of Senator Winner, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 348**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 15, 1985

*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 **Senate CS for CS H. B. No. 348**, A BILL TO BE ENTITLED AN ACT REGARDING THE IDENTIFICATION AND LABELLING OF TOXIC AND HAZARDOUS SUBSTANCES, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

H. B. 458

HOUSE OF REPRESENTATIVES  
July 15, 1985*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. No. 458, A BILL TO BE ENTITLED AN ACT TO AUTHORIZE THE CITY OF ASHEVILLE TO PROCESS LOCAL FAIR HOUSING COMPLAINTS**, to the end that when a similar action has been taken on the part of the Senate, we will order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

S. B. 266

HOUSE OF REPRESENTATIVES  
July 15, 1985*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **S. B. No. 266, A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL CHANGES AND TO AMEND THE CON STATUTE**, the Speaker has appointed as conferees on the part of the House, Representatives Pulley (Chairman), Hunter, and Church to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

On motion of Senator Harrington, seconded by Senator Marvin, the Senate adjourns to meet tomorrow, Tuesday, July 16, at 12:00 Noon.

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ONE HUNDRED SIXTEENTH DAY

SENATE CHAMBER,  
Tuesday, July 16, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"O God, our Heavenly Father, Whose Power is infinite and Whose Love is eternal, we pray for the leading of Thy Spirit as we seek to conclude the business of the General Assembly.

"Inspire us to think clearly, to speak calmly, and to act courageously on those bills and budget matters that still need our attention.

"And bless us as we adjourn to go our separate ways that we may demonstrate integrity in our private and public life—that we may strengthen the ties of our family life—that we may work for the good of the poor and the needy—that we may promote justice and brotherhood, and—that love may become the hallmark of our lives. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Royall and Redman for today.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 50**, an act to modify special budgetary provisions contained in Chapter 1034 of the 1983 Session Laws which relate to interest income on N. C. Housing Finance Agency bond reserve appropriations. (Ch. 769)

**H. B. 1101** (Committee Substitute), an act to appoint persons to various public offices upon the recommendation of the Speaker of the House of Representatives. (Ch. 770)

**H. B. 1423**, an act to make a technical correction in the Mental Health Law recodification. (Ch. 771)

**H. B. 911**, an act prohibiting the copying of boat hulls by the direct molding process. (Ch. 772)

**H. B. 1310** (Committee Substitute), an act to validate appointments to boards of trustees of community colleges and technical institutes. (Ch. 773)

**S. B. 647** (Committee Substitute), an act to appoint persons to various public offices upon the recommendation of the President of the Senate. (Ch. 774)

**H. J. R. 444**, a joint resolution honoring the life and memory of Charles Harris Livengood, Jr. (Res. 33)

### REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Swain for the **Judiciary III Committee**:

**H. B. 608**, a bill to allow Caswell County to appoint a Public Safety Officer.

Senator Swain offers a motion that the rules be suspended and the bill be placed before the Senate for immediate consideration, which motion fails to prevail (electronically recorded).

### INTRODUCTION OF BILLS AND RESOLUTIONS

The following bills and resolutions filed for introduction are presented to the Senate, read the first time, and disposed of as follows:



By Senator Martin of Guilford:

**S. B. 854**, a bill to make technical corrections to the constitutional amendment concerning elections in odd-numbered years.

On motion of Senator Martin of Guilford, the bill is placed on the Calendar for today, upon second reading.

Senator Cobb rises to a point of parliamentary inquiry as to the necessity of the suspension of the rules to allow the motion. The Chair rules the bill properly before the Senate upon first reading with motions for disposition in order.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 488**, a bill to provide for coverage under the State Property Fire Insurance Fund to be on a replacement cost basis instead of an actual cash value basis; and to reimburse local fire departments for protection of State property from the General Fund.

Referred to **Insurance Committee**.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 996**, a bill to amend the School Budget and Fiscal Control Act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years, upon second reading.

The bill passes its second reading by roll-call vote, ayes 42, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Basnight, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Kincaid, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Sawyer, Shaw, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—42.

Voting in the negative: None.

The bill remains on the Calendar for further consideration upon third reading.

**S. B. 854**, a bill to make technical corrections to the constitutional amendment concerning elections in odd-numbered years, upon second reading.

Senator Cobb offers Amendment No. 1 and calls for the ayes and noes upon its adoption. The call is sustained. Senator Martin of Guilford offers a motion, seconded by Senator Jordan, that Amendment No. 1 do lie upon the table. Senator Kincaid calls for the ayes and noes on the motion to table Amendment No. 1. The call is sustained. The motion to table Amendment No. 1 prevails by roll-call vote, ayes 28, noes 14, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Goldston, Guy, Hardison, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Soles, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—28.

Voting in the negative: Senators Ballenger, Cobb, Harrington, Jordan, Kincaid, McDuffie, Price, Sawyer, Shaw, Simpson, Smith, Speed, Swain, and Williams—14.

Amendment No. 1 lies upon the table.

The bill passes its second reading by roll-call vote, ayes 30, noes 11, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Kaplan, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Winner, and Woodard—30.

Voting in the negative: Senators Ballenger, Cobb, Jordan, Kincaid, McDuffie, Price, Sawyer, Shaw, Simpson, Smith, and Williams—11.

On objection of Senator Cobb to its third reading, the bill remains on the Calendar for further consideration upon third reading.

On motion of Senator Kaplan, the rules are suspended and the bill is taken from the Calendar for Wednesday, July 17, and referred to the **Election Laws Committee**.

**H. B. 530** (Committee Substitute), a bill to remove archaic references to school committees from Chapter 115C of the General Statutes and changing the percentage of qualified voters who may petition for election.

On motion of Senator Winner, the Committee Substitute bill is referred to the **Education Committee**.

**S. B. 337** (House Committee Substitute), a bill to amend the application fee and cost recovery provisions of G. S. 110-130.1 regarding non-AFDC services, for concurrence in House Committee Substitute bill, upon third reading.

On motion of Senator Harris, the Senate concurs in the House Committee Substitute bill by roll-call vote, ayes 38, noes 0, as follows:

Voting in the affirmative: Senators Barnes, Cobb, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, McDuffie, Parnell, Plyler, Price, Rand, Rauch, Sawyer, Shaw, Smith, Soles, Speed, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, Winner, and Woodard—38.

Voting in the negative: None.

The House Committee Substitute bill is ordered enrolled.

**S. B. 291**, a bill to repeal statutes allowing local boards of education to charge tuition for students over 18 years old, for concurrence in House Amendment No. 1.

On motion of Senator Tally, the Senate concurs in House Amendment No. 1, and the bill is ordered enrolled.

## REPORTS OF COMMITTEES

Bills and resolutions are reported from standing committees, read by their titles, together with the reports accompanying them and take their place on the Calendar as follows:

By Senator Plyler for the **Appropriations Committee**:

**S. B. 636**, a bill to authorize the Legislative Research Commission to study local land

use control policies affecting manufactured housing, with an unfavorable report as to bill, but favorable as to Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Committee Substitute bill which changes the title to read, **S. B. 636** (Committee Substitute), a bill authorizing studies by the Legislative Research Commission, making technical amendments thereto, and to make other amendments, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for today in its regular order of business for further consideration.

**H. B. 344**, a bill to create the Railroad Negotiating Commission, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 344** (Senate Committee Substitute), a bill to create and continue various committees and commissions, to make appropriations therefor, and to amend statutory law, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for today in its regular order of business for further consideration.

**H. B. 1079**, a bill to require that all civil fines and penalties collected by the State be paid into the county school fund of the county in which the acts for which the fines and penalties were levied occurred and defining clear proceeds, with an unfavorable report as to bill, but favorable as to Senate Committee Substitute bill.

On motion of Senator Plyler, the rules are suspended and the Senate Committee Substitute bill which changes the title to read, **H. B. 1079** (Senate Committee Substitute), a bill to clarify G. S. 115C-437 by adding a definition of clear proceeds, is placed before the Senate for immediate consideration.

On motion of Senator Plyler, the Senate Committee Substitute bill is adopted, and on his further motion is placed on the Calendar for today in its regular order of business for further consideration.

#### CALENDAR (Continued)

**H. B. 1079** (Senate Committee Substitute), a bill to clarify G. S. 115C-437 by adding a definition of clear proceeds.

Senator Hips offers Amendment No. 1 which fails of adoption (electronically recorded).

The Senate Committee Substitute bill passes its second reading (electronically recorded).

On objection of Senator Watt to its third reading, the Senate Committee Substitute bill remains on the Calendar for further consideration upon third reading.

**H. B. 344** (Senate Committee Substitute), a bill to create and continue various committees and commissions, to make appropriations therefor, and to amend statutory law.

The Senate Committee Substitute bill passes its second reading (electronically recorded).

Without objection, the Senate Committee Substitute bill remains before the Senate for further consideration, upon third reading.



Senator Plyler offers Amendment No. 1 which is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and the bill is ordered, without objection, sent to the House of Representatives by special messenger for concurrence in the Senate Committee Substitute bill, without engrossment.

**S. B. 636** (Committee Substitute), a bill authorizing studies by the Legislative Research Commission, making technical amendments thereto, and to make other amendments.

Senator Martin of Guilford offers Amendment No. 1 which is adopted (electronically recorded).

Senator Taft offers Amendment No. 2 which is adopted (electronically recorded).

The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Without objection, the Committee Substitute bill remains before the Senate for further consideration upon third reading.

Senator Hunt of Durham offers Amendment No. 3 which is adopted (electronically recorded).

Senator Parnell rises to a point of order as to the principal provisions of a measure postponed indefinitely contained within the Committee Substitute bill, as amended, relative to a State lottery. The Chair defers a ruling on the point of order.

Senator Parnell offers Amendment No. 4 which is adopted (electronically recorded).

Senator Plyler offers Amendment No. 5 which is adopted (electronically recorded).

Senator Sawyer offers Amendment No. 6 which fails of adoption (electronically recorded).

The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent, without objection, to the House of Representatives by special messenger without engrossment.

#### **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**H. B. 922** (Committee Substitute), a bill to appropriate funds for various local projects.

On motion of Senator Plyler, the rules are suspended and without objection, the Committee Substitute bill is placed on the Calendar for today.

#### **CALENDAR (Continued)**

**H. B. 1079** (Senate Committee Substitute), a bill to clarify G. S. 115C-437 by adding a definition of clear proceeds.

Senator Watt withdraws his objection to the third reading of the Senate Committee Substitute bill and without further objection, the bill is placed before the Senate for further consideration, upon third reading.

The Senate Committee Substitute bill passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in the Senate Committee Substitute bill, without objection, by special messenger.

The Chair declares the Senate in recess for the purpose of committee meetings.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

## WITHDRAWAL FROM COMMITTEE

**S. B. 854**, a bill to make technical corrections to the constitutional amendment concerning elections in odd-numbered years.

On motion of Senator Cobb and without objection, the rules are suspended and the bill is taken from the **Election Laws Committee** and is placed on the Calendar for today, upon third reading.

## CALENDAR (Continued)

**H. B. 922** (Committee Substitute), a bill to appropriate funds for various local projects.

Senator Hardison offers Amendment No. 1 which is adopted (electronically recorded).

Senator Sawyer offers Amendment No. 2. Senator Plyler, seconded by Senator Hipps, offers a motion that Amendment No. 2 do lie upon the table. Senator Sawyer calls for the ayes and noes on the motion to table Amendment No. 2. The call is sustained. The motion to table Amendment No. 2 prevails by roll-call vote, ayes 29, noes 14, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Goldston, Guy, Hardison, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Soles, Speed, Staton, Swain, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, and Woodard—29.

Voting in the negative: Senators Ballenger, Cobb, Jordan, Kincaid, McDuffie, Price, Sawyer, Shaw, Simpson, Smith, Somers, Taft, Williams, and Winner—14.

Amendment No. 2 lies upon the table.

Senator Simpson submits a statement of dissent and requests it be spread upon the Journal. Upon the objection of Senator Plyler, Senator Cobb rises to a point of order as to the Constitutional provision allowing the request of Senator Simpson under Article II, Section 18. The Chair sustains the point of order and orders the statement of Senator Simpson spread upon the Journal, as follows:

“Mr. President and Members of the North Carolina Senate:

“Pursuant to Article II Section 18 of the Constitution of North Carolina, I wish to formally enter my dissent and protest against Committee Substitute for **House Bill 922**.

“Mr. President and Members of the Senate, I am convinced that Committee Substitute for **House Bill 922** is injurious to the public for the following reasons among others:

“1. The pork barrel system as demonstrated by this legislation prostitutes the legislative system in that money is appropriated without consideration of the merits of those various groups who receive the money.

“2. Tax funds appropriated by this bill are used by a few members of the legislature as a tool to attempt to control the votes of members of the General Assembly.

“3. I doubt the constitutionality of distributing public tax funds to private groups, lodges, clubs, and fraternities.

“4. In my opinion, the Pork Barrel System on a national level has contributed to the Federal deficit which has placed our national government on the brink of disaster.

“I now move that this protest be spread upon the minutes of the Journal of this Senate as by the Constitution provided.”

Senator Somers offers Amendment No. 3 which he subsequently withdraws.

Senator Plyler calls the previous question on the Committee Substitute bill, as amended, seconded by Senator Hardison. The call is sustained (electronically recorded). The Committee Substitute bill, as amended, passes its second reading (electronically recorded).

Without objection, the Committee Substitute bill, as amended, remains before the Senate for further consideration, upon third reading.

Senator Cobb offers Amendment No. 4 and calls for the ayes and noes upon its adoption. The call is sustained. Senator Staton, seconded by Senator Swain, offers a motion that Amendment No. 4 do lie upon the table. Senator Cobb calls for the ayes and noes on the motion to table Amendment No. 4. The call is sustained. The motion to table Amendment No. 4 prevails by roll-call vote, ayes 30, noes 12, as follows:

Voting in the affirmative: Senators Barnes, Basnight, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Rand, Rauch, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Winner, and Woodard—30.

Voting in the negative: Senators Ballenger, Cobb, Jordan, Kincaid, McDuffie, Price, Sawyer, Shaw, Smith, Somers, Watt, and Williams—12.

Amendment No. 4 lies upon the table.

Senator Plyler calls the previous question, seconded by Senator Hardison. The call is sustained. The Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives, without objection, by special messenger for concurrence in Senate Amendment No. 1.

**S. B. 854**, a bill to make technical corrections to the constitutional amendment concerning elections in odd-numbered years, upon third reading.

The bill passes its third reading by roll-call vote, ayes 30, noes 7, as follows:

Voting in the affirmative: Senators Basnight, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Kaplan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Price, Rand, Rauch, Soles, Speed, Staton, Swain, Taft, Tally, Thomas of Henderson, Walker, Ward, Winner, and Woodard—30.

Voting in the negative: Senators Ballenger, Cobb, McDuffie, Sawyer, Shaw, Smith, Somers—7.

Receiving an affirmative three-fifths majority, the bill is ordered, without objection, sent to the House of Representatives by special messenger.

The Chair declares the Senate in recess for the purpose of committee meetings.

## RECESS

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

## WITHDRAWAL FROM COMMITTEE

**S. B. 38**, a bill to change the eligible adoption age for children under the scholarships for children of war veterans program.



Without objection and on motion of Senator Plyler, the rules are suspended and the bill is taken from the **Appropriations Committee** and is placed before the Senate for immediate consideration.

The bill passes its second (electronically recorded) and third readings and is ordered, without objection, sent to the House of Representatives by special messenger.

#### CALENDAR (Continued)

**H. B. 537**, a bill to reduce the length of time a child must remain in foster care as grounds for terminating parental rights, as amended, upon third reading.

Senator Hipps offers Amendment No. 3 which he subsequently withdraws.

Senator Swain offers Amendment No. 4 which is adopted (electronically recorded).

The bill, as amended, passes its third reading (electronically recorded) and is ordered sent to the House of Representatives for concurrence in Senate Amendments No. 1, No. 2 and No. 4, without objection, by special messenger.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 1424**, a joint resolution setting the time for adjournment of the 1985 General Assembly to reconvene in 1986, and limiting the subjects that may be considered in that Session.

On motion of Senator Harrington, the joint resolution is placed on the Calendar for tomorrow, July 17.

On motion of Senator Harrington, seconded by Senator Rand, the Senate adjourns to meet tomorrow, Wednesday, July 17.

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#### ONE HUNDRED SEVENTEENTH DAY

SENATE CHAMBER,  
Wednesday, July 17, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by the Honorable J. Ollie Harris, Senator from Cleveland County, as follows:

"Our Father, we thank Thee for this day. We thank Thee for this General Assembly and what it means to North Carolina. We thank Thee for the leadership in this General Assembly, for each staff member, for each member of the General Assembly and their families. Be with us and guide us and direct us through today and through the days to come. For Christ's sake. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Royall, Redman, and Johnson of Wake for today.

#### WITHDRAWAL FROM COMMITTEE

**H. B. 801**, a bill authorizing the Department of Transportation to use aviation grant funds for all direct and indirect costs of administering airport grant projects.

Without objection, on motion of Senator Plyler, the rules are suspended and the bill is taken from the **Appropriations Committee** and is placed on the Calendar for today.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 348** (Senate Committee Substitute), an act regarding the identification and labelling of toxic and hazardous substances. (Ch. 775)

**H. B. 458**, an act to authorize the City of Asheville to process local fair housing complaints. (Ch. 776)

**H. B. 514**, an act to authorize a County Director of Social Services to secure medical, surgical, psychiatric, psychological and other care or treatment for a juvenile in the custody or physical custody of a County Department of Social Services. (Ch. 777)

**H. B. 922** (Committee Substitute), an act to appropriate funds for various local projects. (Ch. 778)

**H. B. 1079** (Senate Committee Substitute), an act to clarify G. S. 115C-437 by adding a definition of clear proceeds. (Ch. 779)

**S. B. 291**, an act to repeal statutes allowing local boards of education to charge tuition for students over 18 years old. (Ch. 780)

**S. B. 337** (House Committee Substitute), an act to amend the application fee and cost recovery provisions of G. S. 110-130.1 regarding non-AFDC services. (Ch. 781)

#### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 168** (Committee Substitute), a bill to promote the safe placement of subsurface installations in North Carolina, for concurrence in House Amendments No. 1, No. 2, and No. 3, which is placed on the Calendar for immediate consideration.

Without objection, and on motion of Senator Harris, the Senate does not concur in House Amendments No. 1, No. 2, and No. 3, and the President appoints conferees.

The President appoints Senators Harris, Thomas of Henderson, Swain, Staton, and Goldston as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**S. B. 489** (Committee Substitute), a bill to make additional appropriations for various Statewide projects and for other purposes, for concurrence in House Amendments No. 1 through No. 20.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Plyler moves that the Senate do not concur in House Amendments No. 1 through No. 20, and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Rand, Plyler, Watt, Hardison, and Warren as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**S. B. 636** (Committee Substitute), a bill authorizing studies by the Legislative Research Commission, making technical amendments thereto, and to make other amendments, for concurrence in House Amendments No. 1 through No. 7.

On motion of Senator Plyler, the rules are suspended, and the Committee Substitute bill is placed before the Senate for immediate consideration.

Senator Plyler moves that the Senate do not concur in House Amendments No. 1 through No. 7, and further moves that the President appoint conferees, which motions prevail.

The President appoints Senators Rauch, Hipps, Taft, Hunt of Durham, and Hunt of Moore as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**H. B. 1056**, a bill to require that abortion remains be disposed of in a humane manner limited to burial, cremation or hospital approved type of incineration.

Referred to **Human Resources Committee**.

**H. B. 344**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 16, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House fails to concur in the Senate amendment to **Senate CS for H. B. No. 344, A BILL TO BE ENTITLED AN ACT TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, TO MAKE APPROPRIATIONS THEREFOR, AND TO AMEND STATUTORY LAW**, and requests conferees. The Speaker has appointed Representatives Bob Etheridge (Chairman), Watkins, Quinn, Nesbitt, and Ed Warren on the part of the House to confer with a like committee appointed by the Senate to the end that the differences arising may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Hardison moves that the President appoint conferees, which motion prevails. The President appoints Senators Hardison, Ward, Winner, Woodard, and Thomas of Craven as conferees on the part of the Senate to resolve the differences arising between the two Bodies, and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

#### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

July 17, 1985



**H. B. 801**, a bill authorizing the Department of Transportation to use aviation grant funds for all direct and indirect costs of administering airport grant projects.

The bill passes its second (electronically recorded) and third readings and is ordered enrolled.

**H. B. 608**, a bill to allow Caswell County to appoint a Public Safety Officer.

On motion of Senator Swain, Committee Amendment No. 1 is adopted.

Senator Swain offers a motion to remove the bill from its position on the Calendar and place it as the last item of business on today's Calendar.

On motion of Senator Jordan, the bill, as amended, is re-referred (electronically recorded) to the **Manufacturing and Labor Committee**.

**H. B. 996**, a bill to amend the School Budget and Fiscal Control Act concerning approval of expenditures some or all of which are to be paid in ensuing fiscal years, upon third reading.

The bill passes its third reading by roll-call vote, ayes 37, noes 0, as follows:

Voting in the affirmative: Senators Ballenger, Barnes, Goldston, Guy, Hardison, Harrington, Harris, Hipps, Hunt of Durham, Hunt of Moore, Johnson of Cabarrus, Jordan, Martin of Pitt, Martin of Guilford, Marvin, Parnell, Plyler, Price, Rand, Rauch, Sawyer, Shaw, Simpson, Smith, Speed, Staton, Swain, Taft, Tally, Thomas of Craven, Thomas of Henderson, Walker, Ward, Warren, Watt, Williams, and Winner—37.

Voting in the negative: None.

The bill is ordered enrolled.

**H. J. R. 1424**, a joint resolution setting the time for adjournment of the 1985 General Assembly to reconvene in 1986, and limiting the subjects that may be considered in that Session.

Without objection, the joint resolution is temporarily displaced.

The Chair declares the Senate in recess until 12:00 Noon for the purpose of committee meetings.

#### AFTERNOON SESSION—12:00 Noon

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor,

No business placed before the Senate for consideration, the Chair declares the Senate in recess until 2:30 P.M. for the purpose of committee meetings.

#### AFTERNOON SESSION—2:30 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

#### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**H. B. 801**, an act authorizing the Department of Transportation to use aviation grant funds for all direct and indirect costs of administering airport grant projects. (Ch. 782)

**H. B. 996**, an act to amend the School Budget and Fiscal Control Act concerning

approval of expenditures some or all of which are to be paid in ensuing fiscal years. (Ch. 783)

**H. B. 537**, an act to reduce the length of time a child must remain in foster care as grounds for terminating parental rights. (Ch. 784)

### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 168**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 17, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **CS S. B. No. 168**, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE SAFE PLACEMENT OF SUBSURFACE INSTALLATIONS IN NORTH CAROLINA, the Speaker has appointed as conferees on the part of the House, Representatives Pulley (Chairman), Evans, Bumgardner, Ballance, and Beall to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

**S. B. 489**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 17, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **SCS for S. B. No. 489**, A BILL TO BE ENTITLED AN ACT TO MAKE ADDITIONAL APPROPRIATIONS FOR VARIOUS STATEWIDE PROJECTS AND FOR OTHER PURPOSES, the Speaker has appointed as conferees on the part of the House, Representatives Bob Etheridge (Chairman), Watkins, James, Blue, and Anderson to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

**S. B. 636**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 17, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **CS S. B. No. 636**, A BILL TO BE ENTITLED AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, MAKING

TECHNICAL AMENDMENTS THERETO, AND TO MAKE OTHER AMENDMENTS, the Speaker has appointed as conferees on the part of the House, Representatives Watkins (Chairman), Bob Etheridge, Michaux, Fussell, and Hunter to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

### CONFERENCE REPORT

#### S. B. 168 (Committee Substitute)

Senator Harris for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S. B. 168 (Committee Substitute), a bill to promote the safe placement of subsurface installations in North Carolina, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on SB 168, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE SAFE PLACEMENT OF SUBSURFACE INSTALLATIONS IN NORTH CAROLINA, wish to report as follows:

The conferees agree that the House of Representatives recedes from Amendment #1 and the Senate concurs in Amendment #2 and Amendment #3.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 17th day of July, 1985.

S/ OLLIE HARRIS, *Chairman*  
S/ "BO" THOMAS  
S/ ROBERT S. SWAIN  
S/ "BILL" STATON  
S/ "BILL" GOLDSTON, JR.  
*Conferees on the part  
of the Senate*

S/ PAUL PULLEY, *Chairman*  
S/ DAVID BUMGARDNER  
S/ CHARLES EVANS  
S/ FRANK BALLANCE, JR.  
S/ CHARLES M. BEALL  
*Conferees on the part of the  
House of Representatives*

On motion of Senator Harris, the Conference Report is adopted (electronically recorded) and the Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### WITHDRAWAL FROM COMMITTEE

H. B. 488, a bill to provide for coverage under the State Property Fire Insurance Fund to be on a replacement cost basis instead of an actual cash value basis; and to reimburse local fire departments for protection of State property from the General Fund.

Without objection, on motion of Senator Parnell, the rules are suspended and the bill is



taken from the **Insurance Committee** and is placed on the Calendar for immediate consideration.

Senator Swain offers Amendment No. 1, changing the title to read, upon concurrence, **H. B. 488**, a bill to provide for coverage under the State Property Fire Insurance Fund to be on a replacement cost basis instead of an actual cash value basis, which is adopted (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives, for concurrence in Senate Amendment No. 1.

### RECALL FROM HOUSE

**H. B. 344** (Senate Committee Substitute), a bill to create and continue various committees and commissions, to make appropriations therefor, and to amend statutory law.

Senator Hardison offers a motion to the end that the conferees be dismissed and further that the Senate Committee Substitute bill be recalled from the House of Representatives, for further consideration, which motions prevail.

The Chair orders a message sent to the House of Representatives informing that Honorable Body of such action and requesting the return of the Senate Committee Substitute bill for further consideration by the Senate.

### RECONSIDERATION

**H. B. 608**, a bill to allow Caswell County to appoint a Public Safety Officer, as amended.

Senator Jordan moves that the vote by which the motion to re-refer the bill, as amended, to the **Manufacturing and Labor Committee** prevailed, be reconsidered, which motion prevails (electronically recorded).

The bill, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 344**  
(Senate Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 17, 1985

*Mr. President:*

Pursuant the message from your Honorable Body, the House of Representatives is returning Senate Committee Substitute for House Bill 344, A BILL TO BE ENTITLED AN ACT TO CREATE THE RAILROAD NEGOTIATING COMMISSION, for your further consideration.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Senator Hardison moves that the vote by which the Senate Committee Substitute bill passed its third reading, be reconsidered, which motion prevails. Without objection, the Senate Committee Substitute bill is placed on today's Calendar for further consideration, upon third reading.

July 17, 1985

**S. B. 168**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 17, 1985

*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 **CS S. B. No. 168, A BILL TO BE ENTITLED AN ACT TO PROMOTE THE SAFE PLACEMENT OF SUBSURFACE INSTALLATIONS IN NORTH CAROLINA**, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

The Chair orders the Committee Substitute bill enrolled.

The Chair declares the Senate in recess until 4:45 P.M.

#### AFTERNOON SESSION—4:45 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

#### CONFERENCE REPORT

**S. B. 496** (House Committee Substitute)

Senator Warren for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 496** (House Committee Substitute), a bill to prohibit dark-shaded windows on motor vehicles which obstruct the view from outside the vehicle, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on House Committee Substitute for Senate Bill 496 (Fourth Edition Engrossed), **A BILL TO BE ENTITLED AN ACT TO PROHIBIT DARK-SHADED WINDOWS ON MOTOR VEHICLES WHICH OBSTRUCT THE VIEW FROM OUTSIDE THE VEHICLE**, wish to report as follows: The Senate concurs in the House Committee Substitute for Senate Bill 496 (Fourth Edition Engrossed), with the following amendment: delete the entire House Committee Substitute (Fourth Edition Engrossed) and insert in lieu thereof the following proposed conference committee substitute:

“SENATE BILL 496  
Conference Committee Substitute  
A BILL TO BE ENTITLED

**AN ACT TO PROHIBIT DARK-SHADED WINDOWS ON MOTOR VEHICLES  
WHICH OBSTRUCT THE VIEW FROM OUTSIDE THE VEHICLE.**

The General Assembly of North Carolina enacts:

Section 1. G. S. 20-127 is hereby amended by adding new subsection (d) and (e) thereto to read as follows:

'(d) It shall be unlawful to operate a noncommercial passenger vehicle registered or which is required to be registered in this state, including passenger cars, pickup trucks and passenger vans, upon any highway or public vehicular area with a windshield or any other window which does not meet the light transmittance requirements of federal motor vehicle safety standard No. 205. Provided, vehicles with a windshield or any other window installed prior to August 1, 1985, which does not meet the light transmittance requirements of federal motor vehicle standard No. 205 or vehicles transporting deceased human remains will be exempt from the provisions of this subsection.

(e) No motor vehicle inspection certificate shall be issued on or after January 1, 1987 for a motor vehicle subject to subsection (d) with a windshield or any other window which does not meet the light transmittance requirements of federal motor vehicle safety standard No. 205. Any motor vehicle otherwise subject to subsection (d) will be exempt from the provisions of this subsection provided the vehicle owner provides the motor vehicle inspector with a document, attesting that any windshield or any other window not in compliance with subsection (d) was installed prior to August 1, 1985.'

Sec. 2. This act shall become effective upon ratification."

And the House agrees to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the     day of

S/ ROBERT D. WARREN  
S/ "JIM" JOHNSON

S/ GEORGE W. MILLER, JR.  
S/ MARTIN L. NESBITT  
S/ AARON E. FUSSELL

*Conferees on the  
part of the Senate*

*Conferees on the part of the  
House of Representatives*

On motion of Senator Warren, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. B. 344** (Senate Committee Substitute), a bill to create and continue various committees and commissions, to make appropriations therefor, and to amend statutory law, upon third reading.

Senator Hardison offers Amendment No. 2.

On motion of Senator Martin of Guilford, the Chair divides the question. Amendment No. 2, Part A, is adopted (electronically recorded). Amendment No. 2, Part B, is adopted (electronically recorded).

The Senate Committee Substitute bill, as amended, passes its third reading (electronically recorded) and is ordered, without objection, sent to the House of Representatives for concurrence in the Senate Committee Substitute bill by special messenger, without engrossment.



Senator Hipps serves as Reading Clerk for a portion of today's session.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S. B. 496**  
(House Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 17, 1985

*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 **HCS for S. B. No. 496, A BILL TO BE ENTITLED AN ACT TO PROHIBIT DARK-SHADED WINDOWS ON MOTOR VEHICLES WHICH OBSTRUCT THE VIEW FROM OUTSIDE THE VEHICLE**, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

The Chair orders the House Committee Substitute bill enrolled.

On motion of Senator Harrington, seconded by Senator Plyler, the Senate adjourns to meet tomorrow, Thursday, July 18, at 9:30 A.M.

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**ONE HUNDRED EIGHTEENTH DAY**

SENATE CHAMBER,  
Thursday, July 18, 1985.

The Senate meets pursuant to adjournment and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

Prayer is offered by Dr. Samuel D. McMillan, Jr., Senate Chaplain, as follows:

"Almighty God, we begin the last day of this General Assembly as began the first—asking Your blessing upon our Lieutenant Governor, the members of this Body, and the citizens of our State.

"Bless us one and all—  
With a life of integrity  
With a spirit of love  
With a freedom from pettiness  
With a passion for justice  
With a sensitivity to the needs of others  
With a heart of compassion and—  
With a willingness to take upon ourselves the  
burdens of others. Amen."

Senator Harrington for the Rules and Operation of the Senate Committee announces

that the Journal of yesterday has been examined and is found to be correct. On his motion, the Senate dispenses with the reading of the Journal and it stands approved as written.

The President grants leaves of absence to Senators Royall, Shaw, and Simpson for today. Senator Royall is noted present for a portion of today's Session.

### CONFERENCE REPORT

#### S. B. 636 (Committee Substitute)

Senator Rauch for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon S. B. 636 (Committee Substitute), a bill authorizing studies by the Legislative Research Commission, making technical amendments thereto, and to make other amendments, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on the Senate Committee Substitute to Senate Bill 636, as amended by the Senate on July 16, 1985, A BILL TO BE ENTITLED AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, MAKING TECHNICAL AMENDMENTS THERETO, AND TO MAKE OTHER AMENDMENTS, wish to report as follows:

that the Senate concur in House Amendments #'s 1 and 5.

that the House recede from its amendments #'s 2, 3, 4, 6, and 7; and

that the further differences between the Senate and House of Representatives regarding Senate Committee Substitute to Senate Bill 636, as amended, be resolved by the adoption of the following amendments:

by deleting the following language from Section 1 of the bill:

“(22) Utilities Commission and its Public Staff (H. B. 1414-Nye),”;

by renumbering the following subsections of Sections 1 accordingly;

by inserting a new Section 2 in the bill to read:

“Sec. 2. Transportation Problems at Public Facilities. The Legislative Research Commission may identify and study transportation problems at public transportation facilities in North Carolina.”

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 18 day of July, 1985

S/ MARSHALL A. RAUCH

S/ CHARLES HIPPS

S/ THOMAS F. TAFT

S/ RALPH A. HUNT

S/ WANDA H. HUNT

*Conferees on the part  
of the Senate*

S/ WILLIAM T. WATKINS

S/ BOB ETHERIDGE

S/ ROBERT C. HUNTER

*Conferees on the part of the  
House of Representatives*

On motion of Senator Rauch, the Conference Report is adopted (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### CALENDAR

Bills and resolutions on the Calendar are taken up and disposed of as follows:

**H. J. R. 1424**, a joint resolution setting the time for adjournment of the 1985 General Assembly to reconvene in 1986, and limiting the subjects that may be considered in that Session.

Senator Harrington offers Amendment No. 1 which is adopted (electronically recorded).

The joint resolution, as amended, passes its second (electronically recorded) and third readings and is ordered sent to the House of Representatives for concurrence in Senate Amendment No. 1 by special messenger.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 168** (Committee Substitute), an act to promote the safe placement of subsurface installations in North Carolina (Ch. 785)

**H. B. 488**, an act to provide for coverage under the State Property Fire Insurance Fund to be on a replacement cost basis instead of an actual cash value basis. (Ch. 786)

**H. B. 608**, an act to allow Caswell County to appoint a Public Safety Officer. (Ch. 787)

**S. B. 38**, an act to change the eligible adoption age for children under the scholarships for children of war veterans program. (Ch. 788)

**S. B. 496** (House Committee Substitute), an act to prohibit dark-shaded windows on motor vehicles which obstruct the view from outside the vehicle. (Ch. 789)

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 636**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 18, 1985

*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 Senate CS for **S. B. No. 636**, A BILL TO BE ENTITLED AN ACT AUTHORIZING STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, MAKING TECHNICAL AMENDMENTS THERETO, AND TO MAKE OTHER AMENDMENTS, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*



The Chair orders the bill enrolled.

The Chair declares the Senate in recess until 11:00 A.M.

#### MORNING SESSION—11:00 A.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

#### SPECIAL MESSAGES FROM THE HOUSE OF REPRESENTATIVES

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

**S. B. 445**, a bill to make the issuance of worthless checks in certain amounts a felony, for concurrence in House Amendment No. 1 which, without objection, is placed on the Calendar for immediate consideration.

Senator Thomas of Henderson moves that the Senate do not concur in the House amendment and further moves that the President appoint conferees, which motions prevail. The President appoints Senators Thomas of Henderson, Rauch, and Hipps as conferees on the part of the Senate and a message is ordered sent to the House of Representatives informing that Honorable Body of such action and requesting conferees.

**H. B. 1134** (Committee Substitute), a bill to make additional appropriations for various projects and to make various changes to the law.

Referred to **Appropriations Committee**.

**S. B. 154**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 18, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body with the information that the House of Representatives has failed to adopt the Conference report on **CS Senate Bill 154, A BILL TO BE ENTITLED AN ACT TO AMEND THE CONSTITUTION TO ALLOW A COUNTY TO EXEMPT, IN FULL OR IN PART, INVENTORIES OF ALL MANUFACTURERS, ALL WHOLESALERS, AND ALL RETAILERS FROM PROPERTY TAXES IMPOSED BY THAT COUNTY AND THE LOCAL GOVERNMENTAL UNITS LOCATED IN THE COUNTY**, because of a lack of a 3/5's majority vote.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

The Chair declares the Senate in recess until 1:00 P.M.

#### AFTERNOON SESSION—1:00 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

#### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

July 18, 1985

S. B. 445

HOUSE OF REPRESENTATIVES

July 18, 1985

*Mr. President:*

Pursuant to your information that your Honorable Body failed to concur in House Amendment to **S. B. No. 445**, A BILL TO BE ENTITLED AN ACT TO MAKE THE ISSUANCE OF WORTHLESS CHECKS IN CERTAIN AMOUNTS A FELONY, the Speaker has appointed as conferees on the part of the House, Representatives Miller, Chairman; Nesbitt, and Hackney to act with a like committee on the part of the Senate to the end that the differences existing between the two bodies may be adjusted.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

### CONFERENCE REPORT

S. B. 445

Senator Thomas of Henderson for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 445**, a bill to make the issuance of worthless checks in certain amounts a felony, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on **Senate Bill 445**, Second Edition Engrossed, A BILL TO BE ENTITLED AN ACT TO MAKE THE ISSUANCE OF WORTHLESS CHECKS IN CERTAIN AMOUNTS A FELONY, wish to report as follows:

The House agrees to amend House Amendment #1 by rewriting the last three lines thereof to read as follows:

“shall be guilty of a Class J felony, if said person, firm, or corporation shall thereafter bring an action, civil or criminal, arising from the issuance of the check or draft. Upon conviction the felony shall be punishable by imprisonment for not more than three years or by a fine not to exceed five thousand dollars (\$5,000), or both.”

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 18th day of July, 1985.

S/ R. P. THOMAS  
S/ CHARLES W. HIPPS  
S/ MARSHALL RAUCH  
*Conferees on the part  
of the Senate*

S/ GEORGE W. MILLER, JR.  
S/ MARTIN NESBITT

*Conferees on the part of the  
House of Representatives*

Senator Thomas of Henderson offers a motion that the Senate adopt the Conference Report.

July 18, 1985

The Conference Report fails of adoption (electronically recorded), and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 636** (Committee Substitute), an act authorizing studies by the Legislative Research Commission, making technical amendments thereto, and to make other amendments. (Ch. 790)

The Chair declares the Senate in recess until 2:35 P.M.

### AFTERNOON SESSION—2:35 P.M.

The Senate meets pursuant to recess and is called to order by the Honorable Robert B. Jordan III, Lieutenant Governor.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. B. 1330** (Committee Substitute), a bill to amend the Surplus Lines Act, 1985 Session Laws Chapter 688.

On motion of Senator Guy the rules are suspended and the Committee Substitute bill is placed before the Senate for immediate consideration.

The Committee Substitute bill passes its second (electronically recorded) and third readings and the bill is ordered enrolled.

### CONFERENCE REPORT

**S. B. 489** (Committee Substitute)

Senator Rand for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 489** (Committee Substitute), a bill to make additional appropriations for various Statewide projects and for other purposes, submits the following Report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for **Senate Bill 489**, A BILL TO BE ENTITLED AN ACT TO MAKE ADDITIONAL APPROPRIATIONS FOR VARIOUS STATEWIDE PROJECTS AND FOR OTHER PURPOSES, wish to report as follows: The Senate concurs in House Amendments #1, 3, 7, 8, 10, 11, 12, 13, 14, 16, 18, 19, and 20.

The House recedes from House Amendments #2, 5, 6, 15, and 17.

The House recedes from Amendment #4 and in lieu substitutes the following:



(1) Amend the bill on page 18, lines 17 through 21, by deleting the lines and by substituting the following new section to be numbered appropriately:

“— FARMERS’ MARKET FUNDS.

Sec. \_\_\_\_ . Funds allocated by Section 5.5 of Chapter 480 of the 1985 Session Laws for the Raleigh Farmers’ Market may be expended only for a farmers’ market which complies with all applicable Federal, State, and local laws and regulations, including local zoning regulations. The Commissioner of Agriculture is requested to consider additional potential locations for the Raleigh Farmers’ Market and to evaluate such sites and their accessibility and benefit to the citizens of Raleigh and North Carolina, the farmers of North Carolina, and the wholesalers and retailers of farm products. Funds appropriated under Section 4 of Chapter 480 of the 1985 Session Laws for the Raleigh Farmers’ Market shall not revert until the General Assembly approves such reversion. It is requested the City of Raleigh give fair consideration to requests by the State on matters requiring action by the City in connection with the construction of the Farmers’ Market referred to in this section.”

(2) Change the table of contents so that it reflects the bill, as amended, and this conference report.

The House recesses from Amendment #9 and in lieu substitutes the following:

Amend the bill on page 13, before line 27, by adding the following new section to be appropriately numbered:

“—EDUCATING WILLIE M. STUDENTS/STUDY.

Sec. \_\_\_\_ . The State Board of Education is directed to determine the most cost effective methods of educating Willie M. students and to report its findings to the Joint Legislative Commission on Governmental Operations and to the Fiscal Research Division by March 1, 1986.”

And the Senate and House agree to the same.

To this end, the conferees recommend that the Senate and House of Representatives adopt the foregoing report.

This the 18th day of July 1985.

S/ “TONY” RAND  
S/ HAROLD W. HARDISON  
S/ AARON W. PLYLER  
S/ ROBERT D. WARREN  
S/ MELVIN WATT  
*Conferees on the part  
of the Senate*

S/ BOBBY ETHERIDGE  
S/ GERALD ANDERSON  
S/ DANIEL T. BLUE  
S/ VERNON JAMES  
S/ WILLIAM T. WATKINS  
*Conferees on the part of the  
House of Representatives*

On motion of Senator Rand, the Conference Report is adopted (electronically recorded) and a message is ordered sent to the House of Representatives informing that Honorable Body of such action.

**SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**

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

**S. B. 489**  
(Committee Substitute)

HOUSE OF REPRESENTATIVES  
July 18, 1985

*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 SCS for **S. B. No. 489, A BILL TO BE ENTITLED AN ACT TO MAKE ADDITIONAL APPROPRIATIONS FOR VARIOUS STATEWIDE PROJECTS AND FOR OTHER PURPOSES**, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE COLLINS  
*Principal Clerk*

The Chair orders the Committee Substitute bill enrolled.

### RECONSIDERATION

**S. B. 445**, a bill to make the issuance of worthless checks in certain amounts a felony. Senator Barnes moves that the vote by which the Conference Report failed of adoption be reconsidered, which motion prevails.

Without objection, Senator Thomas of Henderson withdraws the Conference Report submitted for further consideration by the conferees.

### ENROLLED BILLS

The Enrolling Clerk reports the following bills and resolutions properly enrolled, and they are duly ratified and sent to the office of the Secretary of State:

**S. B. 489** (Committee Substitute), an act to make additional appropriations for various Statewide projects and for other purposes. (Ch. 791)

**H. B. 344** (Committee Substitute), an act to create and continue various committees and commissions, to make appropriations therefor, and to amend statutory law. (Ch. 792)

**H. B. 1330** (Committee Substitute), an act to amend the Surplus Lines Act, 1985 Session Laws Chapter 688. (Ch. 793)

**H. J. R. 1424**, a joint resolution setting the time for adjournment of the 1985 General Assembly to reconvene in 1986, and limiting the subjects that may be considered in that Session. (Res. 34)

The following pages serving in the Senate this week are acknowledged: Ashley Brock Alphin, Raleigh; Scarlette Denise Andrews, Raleigh; Melissa Pace Brown, Raleigh; Dawn Michelle Bullard, Durham; Tammy Renee Bunn, Zebulon; David Middleton Carpenter, Raleigh; Kathryn Ivey Johnson, Raleigh; Susan Briles Johnson, Raleigh; Nicole Barber McLamb, Benson; William F. Pittman, Raleigh; Barissa Rodgers, Raleigh; Minionette Rodgers, Raleigh; Melissa Swindell Scott, Raleigh; Laura Elise Tate, Raleigh; and Elishia Gayle Treece, Raleigh.

The Chair recognizes Senator Harrington who offers a motion that the Senate do now adjourn to reconvene, pursuant to **H. J. R. 1424**, at Noon on the second day after the date set by law for a 1986 second primary.

The Chair orders a message sent to the House of Representatives informing that Honorable Body that the Senate has completed the business before it and stands ready to adjourn upon receipt of a like message from that Honorable Body.

### SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES

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

**H. J. R. 1424**

HOUSE OF REPRESENTATIVES

July 18, 1985

*Mr. President:*

It is ordered that a message be sent your Honorable Body respectfully advising that the business of the House has been concluded and that this Body will be ready to adjourn pursuant to **House Joint Resolution 1424**, A JOINT RESOLUTION SETTING THE TIME FOR ADJOURNMENT OF THE 1985 GENERAL ASSEMBLY TO RECONVENE IN 1986, AND LIMITING THE SUBJECTS THAT MAY BE CONSIDERED IN THAT SESSION, upon notification that your Honorable Body stands ready to adjourn.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

Pursuant to the special message from the House of Representatives, the President places the motion of Senator Harrington, seconded by Senator Royall, that the Senate do now adjourn to reconvene at Noon on the second day after the date set by law for a 1986 second primary, which motion prevails.

The hour for adjournment as fixed by **H. J. R. 1424**, passed by the two Houses, having arrived, Lieutenant Governor Jordan, by the authority vested in him as President of the Senate, declares the Senate stands adjourned to reconvene at Noon on the second day after the date set by law for the 1986 second primary.

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ROBERT BYRD JORDAN III  
*President of the Senate*

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SYLVIA MORRIS FINK  
*Principal Clerk of the Senate*



# **ADDENDUM**

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## ERRATA

## Page 212

**S. B. 360**, a bill to establish the North Carolina Council on the Holocaust. Senator Winner, co-sponsor, is inadvertently omitted.

## Page 269

**H. B. 435**, a bill to add additional factor in division of marital property.

The motion of Senator Swain to postpone consideration of the bill until Monday, April 29, is inadvertently omitted and should appear immediately following **H. B. 237**.

## Page 368

**H. B. 488**, a bill to provide for coverage under the State Property Fire Insurance Fund to be on a replacement cost basis instead of an actual cash value basis; and to reimburse local fire departments for protection of State property from the General Fund.

This bill was ordered engrossed and referred to the Appropriations Committee by the Speaker of the House of Representatives and inadvertently received and read in the Senate on May 17. It was returned to the Principal Clerk of the House of Representatives and received by the Senate after having been properly passed by the House of Representatives on July 16.

## Page 646

**S. B. 393** (Committee Substitute), a bill to clarify the jurisdiction of grand juries.

The following special message from the House of Representatives was inadvertently omitted and should appear immediately following **H. B. 52** under the heading **SPECIAL MESSAGE FROM THE HOUSE OF REPRESENTATIVES**:

HOUSE OF REPRESENTATIVES  
June 27, 1985

*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. No. 393**, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE JURISDICTION OF GRAND JURIES, to the end that when a similar action has been taken on the part of the Senate, you may order the bill enrolled.

Respectfully,  
S/ GRACE A. COLLINS  
*Principal Clerk*

## Page 646

**S. B. 393** (Committee Substitute), a bill to clarify the jurisdiction of grand juries.

The following Conference Report was inadvertently omitted and should appear immediately preceding **H. B. 693** under the heading **CONFERENCE REPORT**:

Senator Taft, for the Conferees appointed to consider the differences arising between the Senate and House of Representatives upon **S. B. 393** (Committee Substitute), a bill to be entitled an act to clarify the jurisdiction of grand juries, submits the following report:

To the President of the Senate and the  
Speaker of the House of Representatives:

We, your conferees, appointed to resolve the differences arising between the Senate and the House of Representatives on Committee Substitute for Senate Bill 393, A BILL

TO BE ENTITLED AN ACT TO CLARIFY THE JURISDICTION OF GRAND JURIES, wish to report as follows:

The Senate concurs in House Amendment #1 with the following change:

delete the last three lines of House Amendment #1 and substitute the following:

“and further moves to amend the bill on page 1, line 12, by rewriting that line to read:

‘Sec. 2. This act does not apply to pending prosecutions.’ ”

To this end, the conferees recommend that the Senate and the House of Representatives adopt the foregoing report.

This the day of 1985.

S/ THOMAS TAFT

S/ WILLIAM STATON

S/ JOE JOHNSON

*Conferees on the part  
of the Senate*

S/ PAUL PULLEY

S/ ROBERT C. HUNTER

S/ CHARLES D. EVANS

*Conferees on the part of the  
House of Representatives*

On motion of Senator Taft, the Conference Report is adopted (electronically recorded) and the Committee Substitute bill is ordered enrolled. A message is ordered sent to the House of Representatives informing that Honorable Body of such action.

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It will be noted that a number of bills and resolutions passed second reading and then 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.

In order to comply with this Rule, no bill which has passed its second reading is read a third time except:

- (1) when a member moves that the Rule be suspended, and this motion prevails by at least a two-thirds vote of the membership of the Senate, or
- (2) when the Chair determines that there is no objection from any member present, which constitutes unanimous consent that Rule 50 be suspended.

In these cases, the bill is read a third time.

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It will be noted that 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.

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It will be noted that Rule 20 (2) of the House of Representatives requires that “all measures affecting a fee imposed by the State or any subdivision thereof” are classified roll-call measures for the purpose of spreading the ayes and noes on the Journal. Though the Senate Rules do not require, the Rule of the House of Representatives is honored and the measures are considered as roll-call measures, unless ruled otherwise by the presiding officer.

Sylvia Fink  
*Principal Clerk*





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# NORTH CAROLINA GENERAL ASSEMBLY SENATORIAL DISTRICTS

(G. S. 120-1)

DISTRICTS (Seats)	COUNTIES Townships, Precincts, Towns, Census Tracts, Enumeration Districts
1st	(1) BEAUFORT (Township of Pantego), BERTIE (Townships of Merry Hill, Whites, Windsor—Town of Askewville; Enumeration Districts 196, 197), CAMDEN, CHOWAN, CURRITUCK, DARE, GATES (Townships of Holly Grove, Hunters Hill, Mintonville), HYDE, PASQUOTANK, PERQUIMANS, TYRRELL, WASHINGTON.
2nd	(1) BERTIE (Townships of Colerain, Indian Woods, Mitchells, Roxobel, Snake Bite, Woodville, Windsor—Town of Windsor; Enumeration Districts 198A, 199), EDGECOMBE (Townships of 3—Upper Conetoe, 4—Deep Creek), GATES (Townships of Gatesville, Hall, Haslett, Reynoldson), HALIFAX (Townships of Conocarnara, Enfield, Halifax, Littleton, Palmyra, Roseneath, Scotland Neck, Weldon), HERTFORD, MARTIN (Townships of Goose Nest, Hamilton), NORTHAMPTON, VANCE (Townships of Middleburg-Nutbush, Townsville, Williamsboro), WARREN (Townships of Fork, Hawtree, Nutbush, River, Roanoke, Sandy Creek, Shocco, Sixpound, Smith Creek, Warrenton)
3rd	(1) CARTERET, CRAVEN, PAMLICO.
4th	(1) ONSLOW.
5th	(1) DUPLIN, JONES, LENOIR, PENDER (Townships of Columbia, Union).
6th	(1) EDGECOMBE (Townships of 1—Tarboro, 2—Lower Conetoe, 5—Lower Fishing Creek, 8—Sparta, 9—Otter Creek, 10—Lower Town Creek, 11—Walnut Creek, 12—Rocky Mount, 13—Cokey, 14—Upper Town Creek), MARTIN (Township of Robersonville), PITT (Townships of Arthur, Belvoir, Bethel, Falkland, Farmville, Fountain), WILSON (Townships of Gardner, Wilson, Toisnot).
7th	(1) NEW HANOVER, PENDER (Townships of Burgaw, Canetuck, Caswell, Grady, Holly, Long Creek, Rocky Point, Topsail).
8th	(1) GREENE, WAYNE.
9th	(1) BEAUFORT (Townships of Bath, Chocowinity, Long Acre, Richland, Washington), MARTIN (Townships of Beargrass, Cross Roads, Grifins, Jamesville, Poplar Point, Williams, Williamston), PITT (Townships of Ayden, Carolina, Chicod, Greenville, Griffon, Grimesland, Pactolus, Swift Creek, Winterville).
10th	(1) EDGECOMBE (Townships of 6—Upper Fishing Creek, 7—Swift Creek), HALIFAX (Townships of Brinkleyville, Butterwood, Faucett, Roanoke Rapids), NASH, WARREN (Townships of Fishing Creek, Judkins), WILSON (Townships of Black Creek, Cross Roads, Old Fields, Saratoga, Springhill, Stantonsburg, Taylor).



- 11th (1) FRANKLIN, VANCE, WAKE (Townships of Bartons Creek, Little River, Marks Creek, New Light, Wake Forest, St. Matthews Precincts 1, 2, 3, 4).
- 12th (2) CUMBERLAND (Townships of Black River, Carvers Creek, Cedar Creek, Cross Creek, Eastover, Gray's Creek, Manchester, Pearces Mill, Rockfish, Seventy-First).
- 13th (2) DURHAM, GRANVILLE, PERSON, ORANGE (Townships of Cedar Grove, Eno, Little River).
- 14th (3) HARNETT, LEE, WAKE (Townships of Buckhorn, Cary, Cedar Fork, Holly Springs, House Creek, Leesville, Meredith, Middle Creek, Neuse River, Panther Branch, Raleigh, St. Mary's, St. Matthew's [not included in District 11], Swift Creek, White Oak).
- 15th (1) JOHNSTON, SAMPSON.
- 16th (2) CHATHAM, MOORE, RANDOLPH, ORANGE (Townships of Bingham, Chapel Hill, Cheeks, Hillsborough).
- 17th (2) ANSON, MONTGOMERY, RICHMOND, SCOTLAND, STANLY, UNION.
- 18th (1) BLADEN, BRUNSWICK, COLUMBUS, CUMBERLAND (Township of Beaver Dam).
- 19th (1) FORSYTH (Townships of Belews Creek, Kernersville), GUILFORD (Townships of Bruce, Center Grove, Clay, Fentress, Greene, Madison, Monroe, Oak Ridge, Rock Creek, Washington—Precincts of Friendship I, Greensboro 10, 20, 21, 27, 28, 32, 34, 35).
- 20th (2) FORSYTH (Townships of Abbotts Creek, Bethania, Broadbay, Clemmonsville, Lewisville, Middle Fork, Old Richmond, Old Town, Salem Chapel, South Fork, Vienna, Winston).
- 21st (1) ALAMANCE, CASWELL.
- 22nd (1) CABARRUS, MECKLENBURG (Precincts of Charlotte 62, 64, Clear Creek, Matthews, Mint Hill 1, 2, Morning Star, Providence).
- 23rd (2) DAVIDSON, DAVIE, ROWAN.
- 24th (2) ALLEGHANY, ASHE, ROCKINGHAM, STOKES, SURRY, WATAUGA.
- 25th (3) CLEVELAND, GASTON, LINCOLN, RUTHERFORD.
- 26th (2) ALEXANDER, CATAWBA, IREDELL, YADKIN.
- 27th (2) AVERY, BURKE, CALDWELL, MITCHELL, WILKES.
- 28th (2) BUNCOMBE, McDOWELL, MADISON, YANCEY.
- 29th (2) CHEROKEE, CLAY, GRAHAM, HAYWOOD, HENDERSON, JACKSON, MACON, POLK, SWAIN, TRANSYLVANIA.
- 30th (1) HOKE, ROBESON.

- 31st (1) GUILFORD (Townships of Jefferson, Sumner, High Point Census Tract 166 [Block 921], Precincts of Greensboro 3, 4, 5, 6, 7, 8, 9, 11, 19, 25, 29, 30, High Point 3, 5, 6, 7, 11, 12, 19, Jamestown 1, 2, 3).
- 32nd (1) GUILFORD (Township of Deep River, Precincts of Friendship II, Greensboro 1, 2, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 26, 31, 33, 36, High Point 1, 2, 4, 8, 9, 10, 13, 14, 15, 16, 17, 18, 20, 21).
- 33rd (1) MECKLENBURG (Precincts of Charlotte 2, 11, 12, 13, 14, 15, 16, 22, 25, 27, 29, 31, 39, 41, 42, 44, 46, 52, 54, 55, 56, 60, 77, 78, 82, Long Creek 2).
- 34th (1) MECKLENBURG (Precincts of Charlotte 3, 4, 5, 23, 24, 26, 28, 30, 33, 40, 43, 45, 53, 61, 79, 80, 81, 83, 84, 89, Berryhill, Cornelius, Crab Orchard 1, 2, Davidson, Huntersville, Lemly, Long Creek 1, Mallard Creek 1, 2, Oakdell, Paw Creek 1, 2, Steel Creek 1, 2).
- 35th (1) MECKLENBURG (Precincts of Charlotte 1, 6, 7, 8, 9, 10, 17, 18, 19, 20, 21, 32, 34, 35, 36, 37, 38, 47, 48, 49, 50, 51, 57, 58, 59, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 85, 86, 88, Pineville).

# SENATE RESOLUTIONS

## FIRST SESSION 1985

Adopted March 19, 1985

**S. R. 8, A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE 1985 SESSION OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.**

(See pages 90-107 Senate Journal)

Adopted March 19, 1985

**S. R. 97, A SENATE RESOLUTION HONORING THE LIFE AND WORK OF RALPH HENDERSON SCOTT, SR., AND DESIGNATING MARCH 19, 1985, AS RALPH SCOTT DAY IN THE NORTH CAROLINA SENATE.**

(See pages 107-108 Senate Journal)

Adopted May 15, 1985

**S. R. 669, A SENATE RESOLUTION TO PROVIDE FOR THE EXTENSION OF CERTAIN DEADLINES.**

(See page 350 Senate Journal)

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**February 5, 1985**

### REMARKS BY LIEUTENANT GOVERNOR ROBERT B. JORDAN III

Congratulations: your taking the Oath of Office and the convening of this the 136th Session of the North Carolina Senate is an important milestone in your lives and in that of this great state. As the 29th Lieutenant Governor, I welcome this opportunity to serve with you.

I want to recognize and welcome the families and guests of the members of the Senate. These Senators are here today because of your strong support, and they will need your support even more in the days and weeks ahead as they deliberate the many important issues that will come before this body.

I also recognize and welcome our other distinguished guests—Members of the Council of State, the Judiciary, representatives of the Executive Branch, and visitors.

This is a very special day for me, and I especially want to recognize my wife, Sarah, my children, other members of my family, and friends, and to thank them for their confidence and support and most importantly for their love.

To stand here before this distinguished body is an humbling experience. I am reminded of those who have preceded me in the Office of Lieutenant Governor and of the contributions that they and the members of the Senate have made to this great State.

We can be proud of North Carolina's momentum. We have made gains in microelectronics, biotechnology, and new jobs. We can be proud of North Carolina's attractiveness



as a place to live and to retire. We can be proud of the steps taken to improve education, of the efforts to help the elderly and those who cannot care for themselves. We can be proud of North Carolina's history of frugal and responsive government.

Now the opportunity and the responsibility has been passed to us. I am certain that every Senate, every General Assembly, every administration has felt its time to be unique; its problems, the most difficult; its opportunities for service, the greatest.

Certainly this is an exciting time, a tremendously important time for North Carolina. The people of our State have many needs in education, in health care, in highways. Our State has need to develop economically, to provide more and better job opportunities, to maintain its environment.

The first priority must be—our children. They are the future. We must see to their care and well-being. We must provide every child with 'equal opportunity' to education regardless of where he or she lives in our State.

Unfortunately, there is not enough money to do all we would like to do. Although the budget approved this Session will total around \$16 billion, your deliberations must assure that it is utilized where it will do the most good for the most people without waste and without duplication.

This State's ability to provide for its future needs is dependent on its economic development. We must look for ways to encourage sound economic development without penalizing local governments, and without depriving citizens of the basic needs of life.

The citizens of North Carolina have elected us to chart a sound and enduring course for the State as it moves into the closing years of this century. We must build upon past accomplishments, and we must utilize the available resources to the fullest as we chart the course for the future.

It has been said that 'coming together, as we have done today, is a beginning. Keeping together is progress. Working together is success.' I pledge to you today a willingness to work together with you, with the House of Representatives, with the Administration to do the best possible job for North Carolina.

I pledge to you an open Senate. Each of you will have the opportunity to be heard and to participate fully in the deliberations. The number of committees has been reduced to avoid as many conflicts in schedules as possible, and to allow more time for members to study issues.

I am committed to working with you in cooperation with Speaker Ramsey and the Members of the House, and with Governor Martin and his administration. This is not to say that we will not have differences, we will. But I will work diligently to seek positive solutions that are in the best interest of the people of the state.

All of us, Senators and Representatives, Democrats and Republicans, must remember that our first responsibility is to serve the people of this great State. We asked for the opportunity, but it was the people who have given us their trust. We must uphold their faith in us, and with God's guidance, we will.

I look forward to working with each of you this Session.

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**February 5, 1985**  
**NOMINATION OF SENATOR J. J. HARRINGTON,**  
**PRESIDENT PRO TEMPORE, 1985 SESSION**

ACCEPTANCE REMARKS:

Mr. President, distinguished guests, fellow senators, my family and friends:

I accept, with heart-felt appreciation, the office of President Pro Tem of the 1985 Senate. You have granted me an honor for which I shall be grateful for the rest of my life.

I have the honor of being the first citizen of northeastern North Carolina to be elected President Pro Tem in 40 years. The northeast is indeed special to all North Carolinians. It is the site of our first settlement, the land of our beginnings, the cradle of the colony. And I am immensely proud of it. But we are one State and one people and I pray that we will always look at ourselves in that light.

I will work with and for all members of this Body. I shall need your advice and counsel, and I will not be reluctant to ask for it. As your President Pro Tem, I will attempt to meet problems head-on when they arise and do whatever I can to see that solutions are sound and sufficient.

I am confident that we will have a smooth and productive session under the guidance of our President, the Honorable Bob Jordan. He is a man of uncommon ability, insight, and fairness and I count it a privilege to be able to work with him.

Our legislative process is really a three-way partnership involving the Senate, our esteemed colleagues in the House of Representatives, and the Executive Branch headed by the Governor. All three in this partnership have a role to play, and I hope that each will respect the other's position.

For the second time in this century, the legislative leadership and the executive leadership are from different political parties. Differences are bound to arise, but we can disagree without being disagreeable. I think I speak for all members of this Body when I say that Governor Martin's proposals will get all due consideration. After all, we are all working toward the same goal—a better life for all of the people of our great State.

To you freshmen members—a special greeting—welcome to our midst and to the membership in one of democracy's truly great legislative bodies. The Senate of North Carolina is an ancient and honorable institution. It is the upper chamber of the most powerful legislative body in America. You incoming freshmen will find that we are a close-knit group of men and women who share friendship and respect. You will also find that we must take our responsibilities seriously and give each and every measure before us thorough and careful consideration.

One main factor that will affect this Session is the economy. The economy, of course, directly affects our State budget and revenues. Some experts are forecasting a slide in the economy this year and some just the reverse.

So we will be challenged to use our resources in a sensible manner—to give the people what they want at a price they are willing to pay and to base all our decisions on what will produce the greatest good for the greatest number.

I hope that when our work is done several months from now, all 50 of us who occupy seats on this Floor will have made a meaningful contribution to good government in North Carolina. Working together, we will write a record of achievement that will reflect favorably upon this Senate and upon the State of North Carolina.

Let's approach the Session with our eyes open and our sleeves rolled up. And let's conduct a Session that will leave an imprint that will last for all time to come.

Thank you very much.

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February 5, 1985

**NOMINATION OF SENATOR KENNETH C. ROYALL, JR.  
SENATE MAJORITY LEADER**

ACCEPTANCE REMARKS:

Mr. President, Honorable Members of the Judiciary, distinguished guests, my fellow Senators, ladies and gentlemen:

My sincere thanks to Senator Harris, Senator Rand and Senator Bo Thomas for their kind remarks. My heartiest congratulations to President Pro Tem, Monk Harrington; Principal Clerk, Ms. Sylvia Fink; Reading Clerk, Mr. Leroy Clark; and Sergeant-at-Arms, Gerda Pleasants.

It is with humble heart and a deep sense of gratitude that I accept the position of Majority Leader of the Senate. To know that I have your confidence is a source of great personal satisfaction to me. I will make every effort to justify your trust and to serve as best I can the interests of this Body and the people of our great State.

We should proceed no further without recognizing our outstanding leader, Lieutenant Governor Jordan. We are fortunate to have a man with his experience, ability and sincere dedication to the public good to serve as President of this Senate Body.

Working behind this great man you will find a very dedicated staff and I would like to ask each of them to stand as they are recognized: John McMillan, Legal Counsel; Brenda Summers, Director of Communications; Rachel Havnauer, Special Assistant for Administration; Wayne Loftin, Administrative Assistant for Constituency Services; Judy Britt, Administrative Secretary for Lieutenant Governor; Ellen Stainback, Staff Assistant; Betty Taylor, Staff Assistant; Laura Bingham, Administrative Assistant for Policy; and Mr. John A. Williams, Senior Staff Advisor, who could not be with us today. Let's give them a hand.

I also want to especially recognize someone else who will be working closely with the Lieutenant Governor and with each one of us, our President Pro Tem, Senator Monk Harrington. He has many years of valuable experience and expertise to share with us and will be a great leader. I would like to recognize Senator Harrington's able Special Assistant, Joan Leatherman. My right arm, Loraine Newsome, will be in my office and we hope you will call on us at any time that we can be of assistance to you.

As legislators, we face a number of uncertainties, not the least of which is the economy. We also have many responsibilities. But I submit that none is more important than education. Unless our people acquire the knowledge and skills they need to make their way in life, our entire economic structure is adversely affected. North Carolina has a great tradition of being fiscally responsible and giving better government to all its citizens. As long as we work together as a team, we will continue that great tradition.

To serve as Majority Leader is indeed a challenge. I accept this challenge with you, my colleagues, the great people of North Carolina, my caring and understanding wife, Julia, and my family.



With two outstanding leaders, Lieutenant Governor Jordan and President Pro Tem Harrington and their staffs, I am sure we will move forward in 1985 to provide better programs and better government for all the people of our great State. Working together we can keep North Carolina the number one State in the Nation. With God's help, we can accomplish this.

Thank you from the bottom of my heart and God bless each one of you.

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February 5, 1985

**REMARKS BY SENATOR WILLIAM W. REDMAN, JR.  
MINORITY LEADER**

Mr. President, and ladies and gentlemen of the Senate:

I would like for each and every one of you to know that we are not necessarily here in an adversarial role as a minority group. What we are here as is a group of people who are concerned about North Carolina. We are concerned about the same things that your Majority Leader has just mentioned and that you, Mr. President, mentioned earlier. Those same concerns affect us, too. We may have different ideas about their path to get there, and we would like to have an open and free debate to discuss them with you, and I am sure that we will be provided that as time goes on.

Coming from the Ninth Congressional District, though, Mr. President and ladies and gentlemen of the Senate, I have had the pleasure, too, of working in that area and having our present Governor serve as my Congressman for a number of years. I would like for each and every Member here to know that we do have an outstanding gentleman in the Governorship at this time. He is a man of great compassion, a man who truly is concerned about people, the little people as well as the big people and the middle people. That's the type of person he is. If I had to give one shortcoming that he might have—and I think it's a terrible thing that we today would call this a shortcoming—he believes that there is a little bit of good in everybody, and being Governor, he is liable to find out that may not be true all the time.

But I look forward for this Session, Mr. President, my colleagues, to working with you and with the Governor for a better North Carolina. Thank you.

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February 28, 1985

**STATE-OF-THE-STATE ADDRESS  
by Governor James G. Martin**

Mr. President, Mr. Speaker, Members of the North Carolina General Assembly, your distinguished guests and fellow North Carolinians:

Nearly eight weeks ago, on a cold Saturday morning, you honored me with your presence for my inauguration and kindly received my remarks at the time regarding the unity of our State. Today you have honored me again, with this opportunity to address this Joint Session on the State of the State, and to present my first biennial message.

In many respects, our State and its economy have shown strength and resilience. We

continue to see improvements in retail sales, in wages, relative to inflation, in productivity, in housing and other construction, in new investment and in overall optimism. At the same time, there are strategic weaknesses in many sectors. The strength of the United States dollar has generated a severe, chronic trade deficit, as cheaper imports flood American markets and our exports are priced out of the foreign markets. This threatens our vital textile and apparel manufacturing in North Carolina, as well as our tobacco stabilization program.

At a time when our economic development resources have been focused on recruiting new industries, especially in high technology and services, an effort I intend to continue, I have added a new commitment to emphasize also the need to sustain our existing, traditional industries. I intend to be measured not only by the familiar yardstick of success at recruiting new investment, which is relatively easy and seems now destined to reach new heights, but also by the more difficult standard of how well we help sustain existing industries. For that reason, I have established a new program under an Assistant Secretary of Commerce for traditional industries to coordinate our efforts to support these industries that have been historically important to our job market.

It is for this reason also that my proposals to phase out the intangibles tax and inventory tax, and to replace any lost revenue for local governments, are so eminently justifiable. At the same time, our pattern of unemployment in North Carolina, which clearly correlates with rural border counties, is a compelling argument for eliminating these virtually unique, self-inflicting handicaps on North Carolina businesses and the jobs they provide. We are indeed fortunate that many profitable businesses can prosper in North Carolina; we are unfortunate that too many, marginally profitable businesses cannot. When that investment goes elsewhere or goes under, it is our workers who pay a "hidden tax" of unemployment.

In past years, the majority of you favored efforts to repeal these taxes. It was never possible to do so before because the recommended budget proposed to spend all the accelerating revenue growth. With this Governor, that will not be a problem, because my biennial budget for fiscal 1985-87 will not spend all the growth in revenues, reserving enough to give tax cuts to you, our people. The plan I submit to you fulfills my chosen obligation, endorsed by the voters of this State by a larger total vote than any other North Carolina candidate has ever received, to use part of that healthy revenue growth for a timely tax cut, so that we give part of it back to the people.

My plan will include not only these two strategic anti-jobs taxes, beginning on January 1, 1986, six months earlier than my proposal of last October, but also the elimination of the 3% State sales tax on food and non-prescription medicine at the point of sale. My plan shows that this is feasible not only for the 1985-87 biennium, but also for the following two years until the last stage of relieving the inventory tax is complete beginning January 1, 1988.

Today those three taxes extract \$340 million a year, not to mention the corollary cost in lost jobs and buying power. If continued, by 1988 they would rise to almost \$500 million. By adopting my schedule for phasing out these taxes and phasing in these cuts, you can save our taxpayers the combined four-year total of almost \$1.2 billion in reduced taxes. That will greatly improve their buying power and savings rate.

And it can be done, as I will show you, without cutting any existing programs, although because of a specific belief and commitment, I do propose to greatly reduce funding for abortions, by eliminating payments for elective abortions.

## SALES TAX ON FOOD AND MEDICINE

I propose to eliminate only the 3% State tax on food and non-prescription medicines, without affecting the local sales tax on these items. The State 3% tax would cease to be collected for all food items purchased in retail grocery stores for home preparations. It would continue to be collected for food services, restaurants, carry-outs, and ready-to-eat home deliveries, as well as some vending machines. Of the 46 states which have a sales tax, 28 exclude food from the sales tax, and two provide some relief from the food tax through a credit. Only sixteen (16) states tax food.

Other groups of citizens, merchants as well as consumers, have a legitimate interest to express to you as to how this tax relief on life's necessities can best be implemented.

Let me make clear that my essential goal is to relieve a tax burden of \$178 million a year. How to do it is of secondary importance, but I would not dodge that issue, and I have told you how I would propose to do it: just stop collecting it, like dozens of other states.

## INTANGIBLES TAX

Let me talk about the intangibles tax. Eliminating this irrevered "nuisance tax" will greatly boost the attractiveness of North Carolina to investors and retirees who have substantial assets. That will remedy a severe problem in that our State is now capital deficient. It will also deprive local governments of \$87 million in 1987-88 which is remitted to them from the North Carolina Department of Revenue unless it is replaced.

To offset this lost source of revenue, I propose to distribute a like amount of money to the localities from excess State revenues. Each county would get a fixed share in 1987. The amount would increase each year at the same rate as the State sales tax (adjusted to prevent any penalty arising from the elimination of the food and medicine tax). Historically, the intangibles tax has increased at an average rate of 9.3%, while the sales tax has grown at a 9.3% rate. Other formulas were considered, but this one has the profound advantages that (A) no county or its municipalities will get less than each receives from its own prior share of the intangibles tax; and (B) the future will be as bright as before because of tying the replacement revenue to the growth of the sales tax.

## BUSINESS INVENTORY TAX

Let me talk about the business inventory tax. My proposal is to make a 50% rebate to businesses for the tax year beginning January 1, 1986, continuing in 1987 and then going to a 100% rebate on January 1, 1988. Those businesses having a tax liability for that or any subsequent year could elect a tax credit instead of a rebate and realize an earlier cash flow advantage.

With these tax cuts on schedule, revenues will continue to grow, but to the extent of 23% over the next four years instead of a 33% increase were there no tax relief. Once again, the important thing to keep clearly in mind is that our objective is to cut those taxes.

## BASE BUDGET

As the accompanying charts will show, this can be done without reducing any continuation level of funding for any program in the base budget. That means that for all programs but one, I propose funding at levels that will continue to present levels of service. In a few instances, identified in the appendix, present levels of service are possible at reduced cost, so those savings are incorporated as "Adjustments to Continuation Budget." For example, a reduced reimbursement allowed for use of one's personal automobile is appropriate in light of reduced fuel costs from the peak years for which current allowances are pegged.



**ABORTION**

I propose to continue limited state funding for abortions only for those cases involving rape or incest, which are promptly reported, or where two medical opinions agree that continuing a pregnancy to term would endanger the life or physical health of the pregnant woman. Some would view such limited exceptions as amounting to "self-defense." Other abortions of an elective nature would not be financed by State funds.

Otherwise, my budget allows for continuation of all existing government services and programs. During the course of the next year, my new administration will be examining existing programs to find areas for savings, that is, during this coming year. We expect that my newly announced Efficiency Study Commission, chaired by Mr. Tom Storrs, will identify many improvements that we can implement administratively. Others will require legislation. You can be sure that I will want to share as many such ideas with you as quickly as I can.

This means, then, that my tax cut proposals will not necessitate any further spending cuts in existing programs. To the extent any are proposed later, by you or me, on their own merits, that will certainly free up flexibility for some new spending or reserves, a rainy day fund or the like.

**EXPANSION, NEW PROGRAMS AND PAY INCREASES**

My tax cut proposals will still leave room for major improvements. Previously, I had indicated to you in my acceptance of your kind invitation to speak that my specific proposals for the expansion budget and compensation improvements would be presented to you just a few legislative days after the biennial address. Indeed, I have completed those recommendations and will be ready to share the itemized specifics with you on Monday.

Accordingly, I have indicated to the Speaker and Lieutenant Governor, the Speaker Pro Tem and the President Pro Tem, that I am prepared to appear before a joint session of the full Appropriations Committee convening on next Monday evening at 6:30 in the House Appropriations Committee room. This would be a less formal situation suitable for our purposes in a location that can accommodate the attendance of all members. That will be an historic innovation for presenting to you and the people of North Carolina my specific recommendations for improvements.

These can be summarized at this time as providing expansions, compensation improvements of 5% or more in each year and capital outlays totaling \$519 million in 1985-86. For 1986-87, my proposal provides \$760 million in improvements over this current fiscal year.

For the biennium, instead of spending the entire excess revenue, I propose \$1.28 billion for program improvements, along with \$328 million in combined tax cuts.

What that means is that, thanks to the same healthy revenue growth forecast which Governor Hunt presented to you in December, there is room to use most of it for improvements in State programs, and use a smaller part of it to cut taxes as I have proposed, and do that without having to cut any existing programs except the ones I have already identified.

It can be done. And it should be done.

Now, some have already raised the specter of possible federal budget cuts. If the Congress of the United States were somehow to enact a fiscally responsible federal budget and reduce the growth of federal spending, it would so strengthen our economy that we would have no great trouble financing those lost programs that we would agree on the need to keep as a state responsibility. It is then simply not realistic to postpone our overdue tax cuts on the remote, hypothetical possibility that federal spending is going to be cut substantially.

The question before us is not really whether Congress might surprise us and cut spending. The question is whether we are going to take all of that revenue growth over the next four years and spend it all—or whether we are going to give a fourth of it back to our taxpayers.

Let me point out, for example, that many of the so-called federal cuts are, in reality, just smaller increases than some would want. For example, what the National Governors' Association claims to be a 13% "cut" in Medicaid for North Carolina means in fact that we get only a 15% increase in place of a 28% increase!

Keep in mind that there are several significant factors that serve to protect their budget proposals that are not reflected in the numbers I've shown you on what I've commented on, so far. For one, there is the efficiency study with a potential saving upwards of \$200 million, none of which is yet projected in my budget (nor should it be until we receive the specifics). If that achieves one-half of its potential, it will more than offset the federal cuts in state programs. For another, there is the likelihood that my strategic tax cuts will generate more investment, more jobs, more tax base and therefore a stronger budget balance. Nothing of this secondary supply-side effect is reflected in my revenue projections, however, for they use the same cautious, static assumptions that predicted little economic growth in 1983-84 after President Reagan's tax cuts. You will be pleased to note that no mirrors have been used; no prior year reversions after 1985 and 86; and no non-recurring funds for recurring expenses.

But if you want a bigger cushion in the budget numbers for a specific "rainy day fund" greater than the annual balances I've shown, I will be happy to work with you to identify where cuts might be made in the base budget. This proposal reflects my belief that none are needed to accommodate the tax cuts.

## OTHER LEGISLATIVE INITIATIVES

I am pleased to use part of this time to put before you a select number of other legislative initiatives for which I respectfully invite your consideration. You will recognize in them some ideas that many of you have championed in the past. My purpose is not to usurp your leadership, but to add my support along with modifications I believe are desirable.

## EDUCATION

The greatest number of funding improvements in my budget over this current year, as well as the majority (60%) of the dollars budgeted for improvements are for education. That is as it should be. Public schools especially represent the greatest area of need. These improvements will be documented in detail on Monday evening. Let me emphasize for now that I propose salary improvements for certified and non-certified personnel, a two-step reduction in class size for grades seven through nine, remedial summer school for third graders scoring poorly on the competency test, the Teacher Advancement Center at Western Carolina University, and microcomputer laboratories to completely establish your computer literacy initiative for our schools.

In addition, I wholeheartedly endorse the start-up of the Career Ladder Pilot Program to develop incentives for better pay for better teachers. Almost no one closely associated with this vitally important experiment is advocating that the results of only the one year of pilot development should be promptly imposed statewide in 1986-87. The consensus, with which I agree, is that at least a second year and maybe a third will be needed to work out the organizational and perceptual difficulties of so profound a change. We must not force this prematurely if we want to build confidence both inside as well as outside the classroom. I, therefore, propose to fund it in 1986-87 at the level needed for the second year of a two-year pilot program for the initial sixteen (16) school systems. Without prejudging 1987-88, I have reserved an additional amount for that and the subsequent year in the general reserve for compensation improvements the amount needed for full statewide implementation of the career ladder beginning in the fall of 1987.

In all, I project over the biennium \$116 million in improvements for our public schools, with \$75 million of that coming in the first year.

### THE YEAR OF THE CHILD

One of the most gratifying developments in this Session is the emphasis which so many of you have given to the problems of the abused, abducted and victimized children. Many of you have highlighted this as the "Year of the Child." My wife, Dottie, has promoted family awareness of child safety practices all across our State. I hope that you will welcome me to this crusade. Accordingly, I am proclaiming that for North Carolina 1985 is "The Year of the Child."

My administration, working with Dottie, Senator Hipps, Representatives Easterling, Keesee-Forrester, and others, has put together an eleven-part package of firm measures for dealing with the tragedy of abducted, lost, disappeared or otherwise missing children. That will be submitted to you as my **Missing Children Act of 1985**.

A companion bill, the **Child Protection Act of 1985**, proposes seven important steps to combat the exploitation and sexual or other physical abuse of our children. It also provides for videotaped testimony of children to be admitted as evidence in criminal trials, to at least minimize the further traumatization of victimized minors.

Together, these two bills will move North Carolina well into the forefront of states in responding to the modern horror of at least 50,000 American children disappearing every year without a trace and many thousands more brutalized and murdered.

You are to be commended for your progress in earlier years and the leadership so many of you have taken in these areas. Let's push ourselves to get all the basic protections in place this year.

Let me add that in my budget improvements I have proposed additional support for prevention of pregnancy, prenatal care and more adoption (and less abortion) as a plan for dealing with the problem of the unwanted pregnancy.

### DOPE FAST

The rising tide of drug traffic assaults us almost daily as more and more families find themselves infected by this epidemic plague. It is widely recognized today as nothing less than a terrorist invasion of our very homeland, and it is time for us to declare war on those who seek to destroy us by psychochemical guerilla warfare.

I repeat my 1984 proposal for a Drug Observation, Prevention and Education (DOPE)



Program to interdict the international supply routes, catch the dealers and their suppliers, and educate our young people to the horrible danger they face. We must work on both the supply and the demand. We must employ modern surveillance, including our most sophisticated military assets. We must double the number of undercover agents, as Attorney General Thornburg and I separately and jointly have proposed. And we must bring families and school together (FAST) in a community effort to rescue those who have begun a chemical dependency and to help others to avoid this fateful step.

I will share with you briefly four more initiatives before closing this address.

#### **OPEN MEETINGS**

I am submitting to you legislation to tighten up certain exceptions to the Open Meetings Law and to provide for nullification of official actions taken in unlawfully closed meetings of public bodies. This legislation was inspired by, and tracks earlier proposals by, Senator Ballenger.

It is time for us to assure the people that (with few justifiable exceptions) public business must be done in public. Already we have demonstrated that the Council of State and the Advisory Budget Commission can function very well and meet their responsibilities with only a modest additional burden of time. If anything, members of these important bodies find greater reassurance that their views will be less misrepresented when they can speak for themselves rather than risking having an adversary characterize their participation after a secret session.

In a time of bipartisan government, both our rivalries and our collaborative efforts deserve the public confidence and awareness of open meetings.

#### **STATE PERSONNEL ACT AMENDMENT**

I have previously announced my commitment to State employees to reduce the number of State jobs that are exempt from the protections of the State Personnel Act. In fact, my Senior Assistant for Personnel Policy has begun a review with all my Cabinet Secretaries of the 1,529 individually exempt positions in our Department. By law, those designations can be added or subtracted at the discretion of the Governor, provided notice is given. I intend to make substantial reductions in the number of such exempt positions, and deeply appreciate the forbearance of the General Assembly until that review is completed. Most understand and agree with the absolute need for a new Governor to make key managerial changes, without which one cannot govern.

I submit to you a related measure, which I expect you will welcome and enact with suitable dispatch. I am proposing that for all other personnel, that the initial trial period until their rights are vested in the State Personnel Act be reduced from five (5) years to three (3) years. Democrats and Republicans and Independents alike, our new employees can understand a reasonable "apprenticeship," but reducing that to three (3) years and keeping it there will vastly reduce unnecessary political pressure. I believe that after a three-year vulnerability, they are entitled to full protection so that they can settle down to do their job with pride.

I am also particularly interested in the initiative introduced by Representatives Jones, Warren, Allran, and Anderson to put teeth into legislation to protect State employees from being coerced by their supervisors into making involuntary campaign contributions.

#### **MERIT SELECTION OF JUDGES**

It is becoming increasingly clear that many leaders in the legal profession are concerned

about our process for selection and retention of judges in our State courts. Chief Justice Joseph Branch and I have proposed a plan which we believe deserves serious consideration. It would modify the plan established in Missouri, which would improve the merit selection and retention of judges. In the weeks to come, we will be calling attention to the advantages of such a system.

### VETO POWER

I am convinced also that it is time for serious consideration of a Constitutional Amendment to grant the veto power to the Governor of North Carolina. Let me just leave three (3) points with you:

1. The Constitutional system of checks and balances between executive and legislative branches of government has been so successful in America that every other state has enshrined it—and every one of the original thirteen (13) colonies has long since overcome any residual phobia against royal governors in the two centuries since they were driven from our shores. Is our system so enviable that even one other state is moving to revoke veto authority?

2. As several editorial commentators have observed, there is, after all, a responsibility which we alone in North Carolina do not require of our Governor: The obligation to be involved in some degree of leadership on every important issue of the State, and be held accountable for his views. That is a profound point worth considering. You and your predecessors have experienced days of high honor when you have risen to confront a difficult issue, to meet it head on without your Governor sharing that public burden, other than whispering words of encouragement from the cool shade while you had to take the heat.

3. Check it out and you will find that the people of this State are ready for it. You have under consideration another constitutional amendment to repeal gubernatorial succession after the next election. While I have no self-interest in that issue, I do question whether the people are ready to change it back after only one experience. They will care little whether it is a bottleneck to ambition. Yet, I see nothing wrong with placing that question before the people, along with the veto amendment.

Think about it. Really think about it. Can we not do more of genuine value for North Carolina if we are compelled to share responsibility and accountability for the tough decisions through a system that works in every other state? Is it really so uniquely and exclusively alien to North Carolina?

Distinguished members of the North Carolina General Assembly, you have honored me with your attendance and your attention to these thoughts. In coming months, as you react to and speak of these proposals—and you will—be confident in the assurance that I have prepared and brought them to you in a sincere commitment to work honorably and cooperatively with you. I will do my best to try to fulfill the kind of leadership that the people of North Carolina expect from their Governor. And I will always do my best to respect your jurisdiction and prerogatives so as to help you carry out the kind of responsibility that they have come to expect from their Legislature.

If, together, we can just reaffirm those vows and endeavor to keep them, the people of North Carolina are going to be well-served during these coming years.

Thank you.

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March 7, 1985

H. B. 129 — see page 71

**STATE OF NORTH CAROLINA  
OFFICE OF THE GOVERNOR**

Raleigh, 27611

February 22, 1985

HAND-DELIVERED

Honorable William T. Watkins  
North Carolina House of Representatives  
Chairman, Appropriations Committee—Expansion Budget  
Legislative Building  
Jones Street  
Raleigh, North Carolina

Re: Roanoke River Basin Litigation With Hampton  
Roads, Virginia; Request for Appropriation

*Dear Representative Watkins:*

After consultation with the Attorney General and his staff concerning the above-captioned matter, and pursuant to N.C.G.S. Section 143-15, I request that appropriate legislation be introduced to the end that \$500,000 may be appropriated immediately for the purposes of this litigation.

It is understood that the litigation, which has been under way for several months and involves complex litigation in three federal court forums, has reached a critical juncture from the standpoint of this State. Funds are needed immediately to fund expert witness research and preparation and for attorneys fees.

The appropriation should be broken down between the Department of Justice and the Department of Natural Resources and Community Development in accordance with their immediate needs. It is understood that Department spokesmen will give you these figures.

Should further assistance on my part be desired, please let me know.

With best personal regards, I am

Very truly yours,  
S/ JAMES G. MARTIN

cc: Honorable Aaron W. Plyler  
Chairman, Senate Appropriations

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NORTH CAROLINA DEPARTMENT OF CULTURAL RESOURCES  
109 East Jones Street  
Raleigh, North Carolina 27611

James G. Martin, *Governor*

Patric Dorsey, *Secretary*

The North Carolina Department of Cultural Resources  
Division of Archives and History  
and  
The State Capitol Foundation, Inc.



cordially invite the members of the North Carolina  
General Assembly to sit in ceremonial joint session  
in the chamber of the House of Representatives  
in the Historic State Capitol

in recognition of the  
North Carolina Society of the Cincinnati  
for its contribution of bronze plaques  
for the Capitol and Union Square

at

7:00 P.M. Monday

May 13, 1985

followed by a reception in the Rotunda

## SENATE STAFF

### OFFICE OF THE PRESIDENT

Lieutenant Governor	Robert B. Jordan III
Legal Counsel	John B. McMillan
Senior Staff Advisor	John A. Williams, Jr.
Director of Communications	Brenda Summers
Special Assistant/Administration	Rachel Havnaer
Administrative Assistants	
Constituency Services	Wayne Lofton
Policy	Laura C. Bingham
Administrative Secretary	Judy Britt
Staff Assistant for	
Constituency Services	Ellen Stainback
Staff Assistants	Gretchen McQuillan Betty S. Taylor

### OFFICE OF THE PRESIDENT PRO TEMPORE

President Pro Tempore	J. J. Harrington
Administrative Assistant	Joan R. Leatherman

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Principal Clerk	Sylvia Morris Fink
Administrative Assistants	Barbara R. Richardson Sandra P. Brown
Calendar Clerk	Susan Thompson
Assistant Calendar Clerks	Marianne Brooks Joyce Bunn Emma E. "Bill" Farrow
Journal Clerk	Mary Lee Taylor
Assistant Journal Clerks	Mary Puryear Kay Parry-Hill Wendy Schull Mildred Stone Joan Van Tilburg

### READING CLERK

LeRoy Clark, Jr.

### OFFICE OF THE SERGEANT-AT-ARMS

Sergeant-at-Arms	Gerda B. Pleasants
Deputy Sergeant-at-Arms	Royster Baker

**OFFICE OF THE SERGEANT-AT-ARMS (continued)**

Assistants

- Hunter Bacot
- Henry Copley
- Rita DeMent
- Sharon Fisher
- Scott Goodwyn
- Bruce Hargrove
- Jimmy Hight
- William Horton
- Thomas Laskey
- Anthony Lathrop
- John Mueller
- Jesse Rice
- Susan Teague
- Dallas Tucker
- Kenny Wall
- Turner Williams

**SECRETARIES**

Supervisor

Lois S. Brown

<i>Name</i>	<i>Senator</i>	<i>Clerk of Committee</i>
Doris Allen	Parnell	Appropriations Justice and Public Safety
Pattie Almekinder	Williams	
Jane "Dee" Bagley	Barnes	Judiciary I
Sybil Barnes	Kaplan	Election Laws
Jerry Batchelor	Staton	Judiciary II
Beth Boney		
Jacqueline Clark	Somers	
Janice Cone	Ezzell	Local Government and Regional Affairs
Kathy Cooke	Price	
Hazel Cooper	R. Thomas	Finance
Margaret Durham	McDuffie	
Janet Eyler	W. Hunt	Senior Citizens
Sue Floyd	Rauch	Finance
Carolyn Gooden	Swain	Judiciary III
Yvonne Hall	Sawyer	
Joan Hardison	Ward	Appropriations/Education
Clementine Holloway		
Carolyn Honeycutt	Winner	Education
Pat House	Speed	Agriculture



**SECRETARIES (continued)**

<i>Name</i>	<i>Senator</i>	<i>Clerk of Committee</i>
Catherine Isley	Jordan	Manufacturing and Labor
Marianne Jacobi	Tally	Natural and Economic Resources and Wildlife
Ellen Johns	Hardison	Commerce
Brenda Johnson	Goldston	
Gerry Johnson	Redman	
Martha Jordan	Simpson	
Ann Lambert	Rand	Base Budget
Joan Leatherman	Harrington	Rules
Betty Lee	R. Martin	
Sherry Lewis	Watt	
Sarah Long	Smith	
Rose Lucas	Basnight	
Faye McLamb	Warren	Transportation
Pat Misner	J. Thomas	Appropriations/Natural and Economic Resources
Connie Mitchell	Basnight	
Mamie Moore	R. Hunt	
Sarah Murphy	Conder	
Elaine Myers	Plyler	Appropriations
Loraine Newsome	Royall	Ways and Means
Helen Patterson	Jordan	Manufacturing and Labor
Nancy Jo Pekarek	Redman	
Jean Pope	Cobb	
Phyllis Porter	Kincaid	
Janet Pruitt	Harris	Human Resources
Nancy Pulley	Guy	State Government
Janet Puryear	Soles	Judiciary IV
Betsy Ann Reavis	Walker	Appropriations/Human Resources
Jennifer Revels	Shaw	
Sue Robertson	Woodard	Appropriations/General Government
Hellon Senter		
Cynthia Simmons	Taft	
Bettie Simpkins	Cobb	
Mary Sinclair	Joe Johnson	Insurance

**SECRETARIES (continued)**

<i>Name</i>	<i>Senator</i>	<i>Clerk of Committee</i>
Diane Smith	Wm. Martin	Higher Education
Pat Teston	Somers	
Lois Tyree	Ballenger	
Dot Waugaman	Marvin	Pensions and Retirement
Nancy Wilson	Jim Johnson	
Sandra Wood	Hipps	Children and Youth

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**Basnight, Marc—Senator**

Beaufort (part), Bertie (part), Camden, Chowan,  
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District 2—Senator J. J. Harrington

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Senator Daniel Reid Simpson

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**Caldwell County—**District 27—Senator Donald R. Kincaid  
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**Camden County—**District 1—Senator Marc Basnight

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**Martin County**—District 2—Senator J. J. Harrington

District 6—Senator R. L. Martin

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S 825 (Appr Com/see S 182—Ch. 757) . . . . . 562.

Railroad

Bridge Replaced/Trent River

S 759 (Appr Com/see S 182—Ch. 757) . . . . . 382.

Train Speed Limit Ordinances Filed

H 957 (Ch. 662) . . . . . 545, 716, 731, 735.

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Abandonment of Roads in Coastal Counties

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Cartway Easements Expanded

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Vending Machine Operation by Blind on Interstate/Access

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**Transylvania County**—District 29—Senator Charles W. Hipps

Senator R. P. Thomas

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**Treble Damages**—see **Banking; Commerce and Business**

**Trials**—see **Civil Procedure; Criminal Procedure**

**Trucks**—see **Motor Vehicles**

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Hunting on Others' Land	
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## Appraised Valuations For Property Tax

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## Train Speed Limit Ordinances Filed

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## Income Tax Credit/Rates for Low-Income Consumer

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## Utility Review/Joint Legislative Committee, Established

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- Van Landingham, Eugenia**—In Memory  
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- Vance County**—District 11—Senator James D. Speed  
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- Veterans**—see **Military**
- Veterinary**—see **Agriculture**
- Veto**—see **State Officers** (Governor)
- Victim**—see **Judicial Department**
- Video Games**—see **Criminal Law**
- Visitation Rights**—see **Married Persons** (Divorce)
- Vital Records**—see **Public Health**
- Vocational Guidance**—see **Education**
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 Senator William W. Staton  
 Senator Wilma C. Woodard
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Garner (continued)

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Special Zoning Authority

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Extraterritorial Zoning

S 255 (Ch. 196)..... 193, 276, 280, 369.

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S 254 (Ch. 195)..... 193, 276, 280, 369.

Zoning Authority

H 297 (Ch. 76) ..... 162, 168, 177, 181.

Wake Tech Emergency Training Funds

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Zebulon Zoning Authority

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**Walker, Russell G.—Senator**

Chatham, Moore, Orange (part), and

**Randolph—16th District**

Absent With Leave ..... 590.

Adjournment Motion ..... 179.

Award—Psychological Associations ..... 73.

Certificate of Election ..... 6.



**Walker, Russell G.—Senator (continued)**

Committee Assignments ..... 11, 12, 13, 15, 16, 18, 31, 109.

Standing—

- Appropriations on Human Resources (Chairman)
- Appropriations (Vice-Chairman)
- Human Resources (Vice-Chairman)
- Local Government and Regional Affairs (Vice-Chairman)
- Base Budget—Children and Youth—Finance—Judiciary III—Rules and Operation of the Senate—State Government

Conference—

- SB 471 ..... 456, 521.
- HB 348 ..... 752, 813.
- HB 834 ..... 723, 785.
- HB 855 ..... 679, 776.
- HB 945 ..... 753, 772.

Select—

- University Board of Governors

Escorts—President Pro Tempore ..... 9.

Oath of Office ..... 7.

Bills and Resolutions—(Senate Bill Numbers)

- Primary Sponsor ..... 130, 132, 163, 229, 260, 261, 262, 349, 350, 402, 403, 585, 629, 649, 650, 651, 652, 788, 795, 813, 814, 815, 819, 821.
- Co-Sponsor ..... 5, 6, 11, 12, 13, 14, 15, 56, 58, 64, 70, 72, 80, 86, 97, 98, 99, 103, 105, 113, 119, 128, 131, 176, 180, 181, 197, 205, 220, 230, 243, 256, 257, 258, 286, 287, 299, 343, 373, 375, 378, 379, 393, 395, 396, 397, 401, 406, 416, 417, 418, 419, 420, 421, 425, 451, 458, 469, 471, 476, 477, 491, 497, 520, 534, 535, 541, 584, 617, 698, 699, 703, 711, 720, 767, 768, 774, 784, 787, 829, 851, 852.

**Ward, Marvin—Senator**

**Forsyth (part)—20th District**

Certificate of Election ..... 6.

Committee Assignments ..... 11, 12, 13, 14, 15, 17, 18, 109.

Standing—

- Appropriations on Education (Chairman)
- Education (Vice Chairman)
- Natural and Economic Resources and Wildlife (Vice-Chairman)
- Appropriations—Base Budget—Children and Youth—Finance—Human Resources—Rules and Operation of the Senate—Transportation

Conference—

- HB 344 ..... 827, 831.
- HB 945 ..... 753, 772.

Select—

- Board of Community Colleges

Escorts—President Pro Tempore ..... 9.

Oath of Office ..... 7.

Prayer ..... 164, 352, 467, 695.

Bills and Resolutions—(Senate Bill Numbers)

- Primary Sponsor ..... 112, 136, 149, 214, 225, 345, 346, 347, 391, 401, 451, 499, 673, 736, 743, 745, 753, 816, 817.

**Ward, Marvin**—Senator (continued)  
 Bills and Resolutions (continued)

Co-Sponsor . . . . . 5, 6, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25,  
 26, 58, 63, 64, 68, 80, 97, 100, 103, 128, 130, 157,  
 176, 180, 181, 197, 220, 237, 243, 258, 286, 373,  
 375, 378, 394, 396, 406, 410, 425, 429, 431, 459,  
 467, 498, 534, 535, 541, 596, 616, 617, 641, 672,  
 703, 711, 714, 787, 788, 851.

**Warrants**—see also **Criminal Procedure**

**Warren County**—District 2—Senator J. J. Harrington  
 District 10—Senator James E. Ezzell, Jr.

Warrenton Fence Limitation

H 615 (unf rpt) . . . . . 503, 602.

**Warren, Robert D.**—Senator **Johnston, Sampson**—15th District

Absent With Leave . . . . . 312, 319.  
 Adjournment Motion . . . . . 60, 64, 452, 466.  
 Certificate of Election . . . . . 6.  
 Committee Assignments . . . . . 11, 12, 14, 15, 16, 18, 130.

Standing—

Transportation (Chairman)  
 Agriculture (Vice-Chairman)  
 Appropriations (Vice-Chairman)  
 Education (Vice-Chairman)  
 Base Budget—Finance—Human Resources—Judiciary I—Rules and Op-  
 eration of the Senate

Conference—

SB 489 . . . . . 827, 839.  
 SB 496 . . . . . 761, 832.  
 HB 222 . . . . . 594, 706.  
 HB 425 . . . . . 665, 779.  
 HB 834 . . . . . 723, 785.

Select—

Board of Community Colleges

Oath of Office . . . . . 7.

Prayer . . . . . 501.

Bills and Resolutions—(Senate Bill Numbers)

Primary Sponsor . . . . . 39, 45, 46, 47, 49, 105, 120, 233, 411,  
 601, 602, 630, 631, 712.  
 Co-Sponsor . . . . . 5, 6, 29, 30, 31, 35, 36, 64, 72, 74, 98, 99, 103, 131,  
 138, 140, 144, 149, 154, 157, 176, 180, 181, 183, 184,  
 218, 286, 373, 375, 390, 394, 396, 397, 401, 406, 409,  
 410, 414, 415, 417, 418, 419, 421, 425, 477, 487, 497,  
 498, 515, 612, 617, 672, 683, 711, 720, 742, 774, 784,  
 787, 788, 845, 848, 849, 851.

**Washington County**—District 1—Senator Marc Basnight

Development Commission Power

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Civic Center Funds/Washington-Beaufort

S 492 (Appr Com/see H 922—Ch. 778) . . . . . 310.

**Waste**—see **Public Health**

**Watauga County**—District 24—Senator William D. Goldston, Jr.  
 Senator Weldon R. Price

Beech Mountain Mixed Beverage Election  
 S 280 (Ch. 390) . . . . . 199, 275, 281, 290, 534.  
 Blowing Rock Planning Jurisdiction  
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 School Board Vacancies  
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 Seven Devils  
 Beer/Wine Vote  
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**Water Heater Replacement**—see **Building Code**

**Water and Sewer**

Water Well and Pump Contractor's Licensing Board Established  
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**Watershed**—see **Public Health**

**Watt, Melvin L.**—Senator

**Mecklenburg (part)**—33rd District

Absent With Leave . . . . . 38, 40, 45, 77, 79, 82, 85, 256.  
 Adjournment Motion . . . . . 256.  
 Certificate of Election . . . . . 7.  
 Committee Assignments . . . . . 12, 13, 15, 16, 18, 109.  
 Standing—  
     Election Laws (Vice-Chairman)  
     Appropriations—Appropriation on Human Resources—Base Budget—  
         Commerce—Human Resources—Judiciary I—State Government  
 Conference—  
 SB 489 . . . . . 827, 839.  
 Select—  
     Board of Community Colleges  
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 Oath of Office . . . . . 7.  
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     Primary Sponsor . . . . . 187, 188, 189, 190, 191, 192, 193, 351, 628,  
         658, 659, 685, 751, 754, 828, 832.  
     Co-Sponsor . . . . . 64, 72, 181, 197, 237, 256, 257, 286, 370, 373, 394,  
         396, 406, 410, 421, 425, 495, 515, 541, 584, 596, 617,  
         623, 624, 661, 670, 683, 699, 705, 711, 714, 720, 784,  
         787, 788, 851.

**Wayne County**—District 8—Senator Henson P. Barnes

Alcohol Education Program/School  
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 Beaver Bounties  
 S 365 (N&ER&W Com) . . . . . 213.  
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 Goldsboro/Development Land Disposition  
 H 466 (Ch. 281) . . . . . 295, 414, 435, 441.  
 Patetown Charter Revision  
 H 438 (Loc Gov Com) . . . . . 236.  
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**Weapons**—see **Criminal Law; Natural and Economic Resources (Wildlife)**

**Welfare**—see **Social Services**

**Wildlife**—see **Natural and Economic Resources (Wildlife); Individual County**

**Wilkes County**—District 27—Senator Donald R. Kincaid  
Senator Daniel Reid Simpson

Wilkesboro Firemen Pension Fund

H 175 (Ch. 131) ..... 156, 258, 267, 270.

YMCA Capital Improvements Appropriation

H 504 (Ch. 283) ..... 359, 414, 435, 441.

**Williams, Franklin E., Sr.**—Senator **New Hanover, Pender (part)**—**7th District**

Absent With Leave ..... 581.

Adjournment Motion ..... 600.

Appointment Filling Unexpired Term ..... 467.

Committee Assignments ..... 475.

Standing—

Education—Finance—Judiciary II—Local Government and Regional  
Affairs—Natural and Economic Resources and Wildlife—Pensions and  
Retirement

Oath of Office ..... 468.

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Primary Sponsor ..... 836.

Co-Sponsor ..... 845, 851.

**Willie M.**—see **Mental Health**

**Wills**—see **Estates**

**Wilson County**—District 6—Senator William N. Martin  
District 10—Senator James E. Ezzell, Jr.

Black Creek Property Transfer

H 586 (Ch. 286) ..... 337, 414, 436, 441.

Newton Park Annexation

H 480 (Ch. 294) ..... 329, 414, 434, 447, 453.

Wilson

Parking Penalties

S 232 (Ch. 137) ..... 183, 205, 217, 270.

Water/Sewer Acreage Charge

H 673 (Ch. 300) ..... 329, 415, 435, 448, 453.

**Windshields**—see **Motor Vehicles**

**Wine**—see **Alcoholic Beverage Control; Taxation**

**Winner, Dennis**—Senator

**Buncombe, McDowell, Madison, and  
Yancey**—**28th District**

Absent With Leave ..... 36, 38, 40, 68, 71, 74, 77, 79, 82, 85, 197, 204, 220,  
229, 307, 542, 549 (noted present).

Adjournment Motion ..... 33, 42, 189, 326, 331, 419.

Certificate of Election ..... 7.

Committee Assignments ..... 11, 12, 14, 16, 18, 19, 109.

Standing—

Education (Chairman)

Appropriations on Education (Vice-Chairman)

Finance (Vice-Chairman)

Appropriations—Base Budget—Judiciary IV—Rules and Operation of the  
Senate—State Government—Ways and Means

**Winner, Dennis**—Senator (continued)

Committee Assignments (continued)

Conference—

HB 52.....	664, 797.
HB 87.....	318, 554.
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HB 344.....	827, 831.
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Select—

Board of Community Colleges

Oath of Office.....	7.
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Primary Sponsor.....	7, 10, 32, 36, 62, 68, 78, 86, 124, 199, 224, 269, 270, 297, 431, 432, 433, 435, 438, 439, 440, 453, 546, 737, 812, 830, 835.
Co-Sponsor.....	6, 57, 64, 72, 115, 116, 119, 138, 140, 147, 171, 172, 180, 181, 186, 244, 256, 257, 267, 268, 286, 310, 321, 360, 373, 375, 380, 381, 385, 388, 390, 406, 410, 415, 416, 417, 419, 420, 425, 429, 442, 445, 446, 468, 471, 477, 495, 497, 519, 605, 617, 672, 711, 720, 743, 766, 772, 784, 787, 788, 790, 818, 829, 845, 848, 849, 851.

**Winston, Dr. Ellen Black**—In Memory

S 444 (Res. 23).....	271, 513, 546, 559.
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**Witness**—see **Civil/Criminal Procedure; Criminal Law**

**Women's Prison**—see **Prison**

**Woodard, Wilma C.**—Senator

Harnett, Lee, Wake (part)—14th District

Absent With Leave.....	269.
Adjournment Motion.....	159, 713.
Appointment—Advisory Budget Commission.....	37.
Certificate of Election.....	6.
Committee Assignments.....	11, 12, 13, 15, 16, 17, 18, 31, 109.

Standing—

Appropriations on General Government (Chairman)

Appropriations—Base Budget—Children and Youth—Commerce—Higher Education—Judiciary I—Pensions and Retirement—Rules and Operation of the Senate—State Government

Conference—

HB 344.....	827, 831.
HB 414.....	705, 761.
HB 606.....	762.
HB 834.....	723, 785.

Select—

University Board of Governors

Oath of Office.....	7.
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Bills and Resolutions—(Senate Bill Numbers)

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**Woodard, Wilma C.—Senator (continued)**

Bills and Resolutions (continued)

Co-Sponsor ..... 5, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25,  
 26, 32, 38, 56, 63, 64, 70, 72, 74, 86, 97, 98,  
 99, 105, 130, 131, 181, 183, 184, 197, 220,  
 243, 252, 253, 258, 261, 286, 373, 375, 385,  
 388, 393, 394, 396, 399, 400, 401, 406, 410,  
 414, 425, 429, 431, 477, 515, 520, 537, 541,  
 545, 568, 569, 570, 578, 617, 625, 672, 699,  
 703, 711, 720, 774, 784, 787, 788, 843, 845,  
 851, 852.

**Workers' Compensation**

Agricultural Extension Workers' Compensation  
 S 162 (Ch. 144)..... 144, 182, 195, 278.  
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 Disability Discharge/Demotion Protection  
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 Insurance Regulations to Insurance from Industrial Commission  
 S 83 (Ch. 119)..... 64, 122, 130, 235, 252, 256.  
 Interest Earned on Awards on Appeal  
 S 584 (Ch. 598)..... 336, 382, 392, 672, 694, 697.  
 Physician Selection by Employee  
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 Salaries  
 Industrial Commissioner/Deputies Study  
 S 170 (Appr Com) ..... 150, 313.  
 Industrial Commission Deputies  
 S 171 (unf rpt) ..... 150, 304.  
 Unemployment Benefits  
 H 455 (Ch. 616) ..... 508, 614, 637, 649, 667, 718.  
 Volunteer's Minimum Weekly Compensation  
 S 159 (Ch. 133)..... 140, 182, 195, 203, 270.

**"Workfare"—see Social Services**

**Worthless Checks—see Banks; Criminal Law**

**Wright, J. A.—Senator**

**New Hanover, Pender (part)—7th District**

Absent With Leave..... 65, 79, 137.  
 Adjournment Motion..... 458.  
 Appointment—Utilities Commission ..... 284, 363.  
 Certificate of Election..... 6.  
 Committee Assignments ..... 14, 15, 16, 17.  
 Standing—  
 Pensions and Retirement (Vice-Chairman)  
 Education—Finance—Judiciary II—Local Government and Regional  
 Affairs—Natural and Economic Resources and Wildlife  
 Joint Caucus Leader..... 9.  
 Oath of Office..... 7.  
 Resignation..... 451.  
 Votes Excused—SB 558..... 334.  
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