



## The Daily Bulletin: Thursday, July 24, 2014

### PUBLIC/HOUSE BILLS

H 366 (2013-2014) **NC FARM ACT OF 2014 (NEW)**. Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO (1) MAINTAIN THE CONFIDENTIALITY OF ENVIRONMENTAL INVESTIGATIONS FOR AGRICULTURAL OPERATIONS AND DIRECT THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO ADOPT RULES FOR A FORMAL COMPLAINT PROCEDURE; (2) CLARIFY THE AUTHORITY OF LOCAL GOVERNMENTS TO ADOPT ORDINANCES RELATED TO FERTILIZER; (3) REWRITE THE LANDSCAPE CONTRACTOR LICENSING STATUTES; (4) STUDY THE STATE'S PARTICIPATION IN THE COMMERCIAL VEHICLE SAFETY ALLIANCE NORTH AMERICAN STANDARD INSPECTION PROGRAM; (5) CLARIFY THE MEANING OF THE TERMS "PLANTING AND HARVESTING SEASON" AND "PLANTING AND HARVESTING PERIOD" FOR 12 PURPOSES OF APPLYING FEDERAL LAWS OR REGULATIONS RELATING TO HOURS OF SERVICE RULES FOR CERTAIN DRIVERS TRANSPORTING AGRICULTURAL PRODUCTS; (6) AMEND THE CHAIRMANSHIP OF THE AGRICULTURE AND FORESTRY AWARENESS STUDY COMMISSION; (7) ALLOW THE COMMISSIONER OF AGRICULTURE TO APPOINT LAW ENFORCEMENT OFFICERS TO CARRY OUT THE LAW ENFORCEMENT RESPONSIBILITIES OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (8) AMEND THE HORSE INDUSTRY PROMOTION ACT; (9) ALLOW THE USE OF PESTICIDES TO CONTROL MOLES; (10) CLASSIFY TRESPASSING ON AN AGRICULTURAL FACILITY AS A FIRST DEGREE TRESPASS; (11) REQUIRE WRITTEN CONSENT TO OPERATE AN ALL-TERRAIN VEHICLE ON PROPERTY OWNED BY ANOTHER; (12) ALLOW DRAINAGE DISTRICTS TO MAINTAIN DITCHES IN BUFFER ZONES; (13) CLARIFY PERIODIC INSPECTIONS AUTHORITY OF THE NORTH CAROLINA HOUSING FINANCE AGENCY; (14) PERMIT SECURITY GRILLES AT ALL EXITS OF A BUILDING SUBJECT TO CERTAIN CONDITIONS; (15) DESIGNATE THE "GOT TO BE NC" MARKETING CAMPAIGN AS THE OFFICIAL AGRICULTURAL MARKETING CAMPAIGN FOR THE STATE; (16) ALLOW CERTIFICATION OF PRIVATE PESTICIDE APPLICATORS; AND (17) EXEMPT STATE FAIR ADMISSION FEES FROM RULE MAKING.*

The conference report to the 5th edition makes the following changes.

Makes clarifying changes in GS 143-215.9D.

Amends GS 89D-13 to provide that the Chapter (Landscape Contractors) does not apply to any landscaping work where the price of all contracts for labor, material, and other items for a given job site during any consecutive 12 month period is less than \$30,000 (was, less than \$25,000).

Makes technical changes to GS 89D-17 and to the provision concerning members serving on the NC Landscape Contractors' Registration Board on the effective date of the act.

Requires the Department of Public Safety to submit its report on the study of the state's participation in the Commercial Vehicle Safety Alliance North American Standard Inspection Program for roadside commercial vehicle safety inspections on or before February 1, 2015 (was, November 1, 2014).

Amends GS 120-150, creating the Agriculture and Forestry Awareness Study Commission to delete proposed changes to Commission membership. Reinstates the deleted provision naming the chairs of the House Agriculture Committee and the chairs of the Senate Committee on Agriculture, Environment, and Natural Resources as cochairs. Allows the President Pro Tempore of the Senate and the Speaker of the House of Representatives to each appoint an additional member of each chamber to serve as cochair; if appointed, these cochairs are voting members of the Commission (was, the President Pro Tempore and the Speaker must each designate two members to serve as cochairs).

Amends GS 106-822 to define commercial horse feed to mean any commercial feed labeled or marketed (was, labeled) for equine use.

Amends GS 106-550 to add that it is in the interest of the public welfare that state farmers who produce seafood be permitted and encouraged to act jointly and in cooperation with growers, handlers, dealers, and processors in promoting and stimulating the increased production, use, and sale of specified commodities. Adds that the "Got to Be NC" marketing campaign is the official agricultural marketing campaign for the state.

Amends GS 143-440(b) to allow the Pesticide Board to adopt rules to classify private pesticide applicators.

Amends GS 150B-1 to exempt the Board of Agriculture with respect to annual admission fees for the State Fair from Article 2A (Rules) of GS Chapter 150B (Administrative Procedure Act). Requires the Board to annually post the admission fees on its website and provide notice of the fees and a citation to the statute to those on the mailing list.

Adds a severability clause.

**Intro. by Langdon, Dixon.**

[GS 20, GS 106, GS 120, GS 143, GS 150B, GS 156](#)

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[Agriculture, Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Environment, Government, APA/Rule Making, State Agencies, Department of Agriculture and Consumer Services, Department of Environment and Natural Resources, Department of Public Safety, Local Government, Transportation](#)

H 369 (2013-2014) [CRIMINAL LAW CHANGES](#). Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO MAKE CHANGES TO VARIOUS CRIMINAL LAWS AND TO CLARIFY TO WHICH LOCAL GOVERNMENT CONTRACTS E-VERIFY APPLIES.*

Senate amendments make the following changes to the 6th edition.

Amendment #8 adds the North Carolina Pediatric Society to those entities that the Human Trafficking Commission must consult with in conducting its study of the prevention of sexual abuse of children.

Amendment #9 amends GS 14-316 to add Cumberland County to those counties where air rifles, air pistols, and BB guns are not deemed to be dangerous firearms for the purposes of (a) of the statute.

**Intro. by Waddell, Brody, Langdon, Dixon.**

[Anson, Caswell, Chowan, Cleveland, Cumberland, Harnett, Stanly, Surry, GS 7A, GS 14, GS 15A, GS 20, GS 90, GS 143B, GS 153A, GS 160A](#)

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[Courts/Judiciary, Civil, Evidence, Criminal Justice, Government, Local Government](#)

H 1048 (2013-2014) [AG SELECTION CRITERIA/NCNG AMENDMENTS \(NEW\)](#). Filed May 14 2014, *AN ACT TO AMEND THE SELECTION CRITERIA FOR ADJUTANT GENERAL OF THE NORTH CAROLINA NATIONAL GUARD, TO ADD AN ASSISTANT ADJUTANT GENERAL FOR THE NORTH CAROLINA NATIONAL GUARD, AND TO ALLOW FOR ADDITIONAL USES OF FAMILY ASSISTANCE CENTER FUNDS FOR SURVIVING FAMILY MEMBERS OF DECEASED NATIONAL GUARD SERVICEMEMBERS.*

The new conference report makes the following changes to the 5th edition.

Amends GS 127A-19 to amend the requirements that must be met to be eligible for appointment as Adjutant General

to (1) require a person have a minimum of three years commissioned service in the Army (was, the NC Army) or Air National Guard within the six year period previous to the appointment date and (2) require a minimum of 12 months in command of either an Army or Air National Guard unit (was a NC National Guard unit) or a unit in any component of the Armed Forces of the United States. Retains all other eligibility requirements from the 5th edition.

Clarifies that the act is effective when it becomes law and that Section 1 (amending GS 127A-19) is effective for appointments made on or after the effective date of the act.

**Intro. by Hastings.**

[GS 127A](#)

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[Military and Veteran's Affairs](#)

H 1133 (2013-2014) [TECHNICAL AND OTHER CORRECTIONS](#). Filed May 20 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE TECHNICAL AND CLARIFYING AMENDMENTS TO THE GENERAL STATUTES.*

The House committee substitute to the 1st edition is to be summarized.

**Intro. by T. Moore.**

[View summary](#)

H 1181 (2013-2014) [NORTH CAROLINA MEDICAID MODERNIZATION \(NEW\)](#). Filed May 21 2014, *AN ACT TO MODERNIZE AND STABILIZE NORTH CAROLINA'S MEDICAID PROGRAM THROUGH FULL-RISK CAPITATED HEALTH PLANS TO BE MANAGED BY A NEW DEPARTMENT OF MEDICAL BENEFITS.*

Senate amendment #1 makes the following changes to the 5th edition.

Amends GS 143B-1405 by adding that for one year following the expiration of service on the Board of the Department of Medical Benefits (Board), a board member may not accept employment or enter into a contract with an entity described in (d), which lists individuals who may not serve on the Board.

Amends GS 143B-1410 by adding that neither the Board nor the Department of Medical Benefits may enter into a contract with an entity to provide a health plan if: (1) that entity employs or contract with a current member of the Board; (2) that entity employs or contracts with a former member of the Board whose service ended less than 24 months before entering into the contract; (3) a member of the Board also serves on the governing board of the entity; or (4) a former member of the board, who service ended less than 24 months before entering into the contract, serves on the governing board of the entity.

**Intro. by Dollar, Burr, Avila, Lambeth.**

[GS 120, GS 126, GS 143B](#)

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[Government, State Agencies, Department of Health and Human Services, Health and Human Services, Social Services, Public Assistance](#)

H 1224 (2013-2014) [LOCAL SALES TAX OPTIONS/ECON. DEVPT. CHANGES \(NEW\)](#). Filed May 27 2014, *A BILL TO BE ENTITLED AN ACT TO LIMIT THE TOTAL LOCAL GOVERNMENT SALES AND USE TAX RATE TO TWO AND ONE-HALF PERCENT; TO GIVE COUNTIES THE FLEXIBILITY TO USE UP TO ONE-HALF PERCENT OF THE LOCAL SALES AND*

*USE TAX FOR PUBLIC TRANSPORTATION, FOR PUBLIC EDUCATION, FOR GENERAL PURPOSES, OR FOR A COMBINATION THEREOF; AND TO MAKE VARIOUS CHANGES TO TAX AND ECONOMIC DEVELOPMENT LAWS.*

Senate amendment #4 makes the following changes to the 3rd edition, as amended.

Further amends GS 143B-437.52(a), effective July 1, 2015, to delete the provision in the grant agreement conditions that allowed the Economic Investment Committee to disregard the Job Catalyst Fund award in determining whether a grant is appropriate for the project if the total costs of the project to the State outweigh the benefits as a result of an award from the Job Catalyst Fund.

Makes a clarifying change to the required wage standard for grants from the Job Catalyst Fund in GS 143B-437.67(a) (5).

Makes technical changes.

**Intro. by Presnell.**

[GS 78A, GS 105, GS 143B, GS 150B](#)

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**[Business and Commerce, Development, Land Use and Housing, Community and Economic Development, Government, Tax](#)**

## PUBLIC/SENATE BILLS

S 163 (2013-2014) [RECLAIMED WATER AS A SOURCE WATER. \(NEW\)](#) Filed Mar 4 2013, *A BILL TO BE ENTITLED AN ACT TO DESIGNATE RECLAIMED WATER AS A SOURCE WATER UNDER CERTAIN CONDITIONS.*

The conference report makes the following changes to the 4th edition.

Amends GS 143-350 to add the term *pretreatment mixing basin*, meaning a basin created from lands that do not include waters of the state and in which raw water is mixed with reclaimed water before it is treated to the standards to make it suitable for potable water supply.

Amends GS 143-355.5 to amend the conditions that must be met in order for a local water supply system to combine reclaimed water with the source water treated to provide potable water supply to replace the term "impoundment" with "pretreatment mixing basin." Adds to those conditions that any discharge into the waters of the state must be pursuant to a permit issued under GS 143-215.1.

Deletes the provision requiring the Department of Environment and Natural Resources, in consultation with the Environmental Management Commission, to study the effects of chemicals of emerging concerns in wastewater effluent from municipal and privately operated wastewater treatment plants and in source water supplies.

**Intro. by Jackson, Cook, Rabin.**

[GS 143](#)

[View summary](#)

**[Environment, Environment/Natural Resources, Health and Human Services, Health, Public Health](#)**

S 376 (2013-2014) [MONTGOMERY CO. EMPLOYEES IN STATE HEALTH PLAN.](#) Filed Mar 20 2013, *A BILL TO BE ENTITLED AN ACT TO ALLOW MONTGOMERY COUNTY EMPLOYEES AND THE DEPENDENTS OF EMPLOYEES TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.*

The House committee substitute to the 2nd edition deletes the contents of the 2nd edition and replaces it with: AN ACT TO ALLOW MONTGOMERY COUNTY EMPLOYEES AND THE DEPENDENTS OF EMPLOYEES TO PARTICIPATE IN THE STATE HEALTH PLAN FOR TEACHERS AND STATE EMPLOYEES.

Amends GS 135-48.47(a) to add employees of Montgomery County and those employees' dependents to those who are eligible to participate in the State Health Plan.

**Intro. by Bingham.**

Montgomery, GS 135

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**Health and Human Services, Health, Health Insurance**

S 773 (2013-2014) **IMPLEMENT GSC RECOMMENDATIONS.** Filed May 15 2014, *A BILL TO BE ENTITLED AN ACT TO IMPLEMENT THE RECOMMENDATIONS OF THE GENERAL STATUTES COMMISSION TO MODIFY THE SLAYER STATUTE DUE TO THE NEED TO ACCOUNT FOR PROPERTY HELD IN A JOINT TENANCY IN UNEQUAL SHARES, TO CLARIFY THE PROVISIONS FOR FILING CERTIFIED COPIES OF PROBATED WILLS IN OTHER COUNTIES WHERE A DECEDENT HAS REAL PROPERTY, AND TO DELETE THE STATUTORY FORMS FOR JUDGMENT DEBTORS CLAIMING EXEMPTIONS UNDER G.S. 1C-1601 BECAUSE THE ADMINISTRATIVE OFFICE OF THE COURTS ALREADY HAS WIDELY USED FORMS FOR THAT PURPOSE, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION; AND TO MAKE OTHER CHANGES TO THE LAW.*

House committee substitute makes the following changes to the 3rd edition.

Amends GS 1C-1603(a)(5) to delete the provision requiring that the notice to the judgment debtor describe the types of property that are exempt from execution under state and federal law.

Amends GS 1C-1603(c1) to provide that the Form for Debtor's Statement, as provided by the Administrative Office of the Courts (AOC), must include a statement that state law and federal law exempt certain other property not included in the form (was, required the AOC to provide a form for a schedule to allow a debtor to claim property as exempt under subsection (c) of this section as well as to list property as exempt under other provisions of state law, federal law, and the North Carolina Constitution).

**Intro. by Hartsell.**

GS 1C, GS 28A, GS 31A, GS 41, GS 122C

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**Courts/Judiciary, Civil, Civil Law, Civil Procedure, Court System**

S 793 (2013-2014) **CHARTER SCHOOL MODIFICATIONS.** Filed May 19 2014, *A BILL TO BE ENTITLED AN ACT TO MAKE VARIOUS CHANGES TO THE CHARTER SCHOOL LAWS AND TO MAKE A TECHNICAL CORRECTION TO HOUSE BILL 712.*

Conference report makes the following changes to the 5th edition:

Changes the long title.

Amends GS 115C-238.29D(f), providing that a charter school can, without prior approval of the State Board of Education, expand to offer one grade higher or lower (previously, could only expand a higher grade) than the charter school currently offers if the charter school meets specified criteria. Makes a clarifying change. Adds language to the required criteria that a charter school must meet, now requiring that the charter school must have been in operation for

less than three years. Makes conforming changes.

Amends proposed GS 115C-238.29F(b1) to provide that a charter school cannot discriminate against any student on the basis of ethnicity, national origin, gender, or disability (previously, could not discriminate with respect to any category protected under the US Constitution or under federal law applicable to the states).

Amends GS 115C-238.29F(g)(5), substituting the word "sex" for the word "gender" in proposed language that now provides that a charter school whose mission is single-sex education can limit admission on the basis of sex.

Amends proposed GS 115C-238.29F(m), making a clarifying change and providing that inspection of charter school personnel records for those employees directly employed by the board of directors of the charter schools can be subject to the requirements of GS Chapter 115C, Article 21A (previously provided that the inspection of charter school employee personnel records is subject to the requirements of GS 115C, Article 21A). Deletes language that previously provided that information contained in GS 115C-320(a)(1) (names of local board of education employees) is not open to inspection. Adds language that provides that the charter school and board of directors of the private nonprofit corporation that operates the charter school must use the same schedule established by the Department of Cultural Resources for retention and disposition of records of local school administrative units.

Amends proposed GS 20-84(b)(3a), concerning permanent registration plates for motor vehicles owned and exclusively operated by a nonprofit corporation that operates a charter school, providing that the motor vehicle can only be used for student transportation and official charter school-related activities.

**Intro. by Tillman, Cook.**

[GS 115C](#)

[View summary](#)

[Education, Elementary and Secondary Education](#)

## LOCAL/HOUSE BILLS

H1056 (2013-2014) [LAKE LURE OFFICIAL MAP](#). Filed May 14 2014, *A BILL TO BE ENTITLED AN ACT AMENDING THE CHARTER OF THE TOWN OF LAKE LURE TO PROVIDE THE PLAT AND BOOK NUMBER IN THE OFFICE OF THE RUTHERFORD COUNTY REGISTER OF DEEDS WHERE THE OFFICIAL MAP OF THE TOWN'S BOUNDARIES IS RECORDED.*

AN ACT AMENDING THE CHARTER OF THE TOWN OF LAKE LURE TO PROVIDE THE PLAT AND BOOK NUMBER IN THE OFFICE OF THE RUTHERFORD COUNTY REGISTER OF DEEDS WHERE THE OFFICIAL MAP OF THE TOWN'S BOUNDARIES IS RECORDED. Enacted July 23, 2014. Effective July 23, 2014.

**Intro. by Hager.**

[Rutherford](#)

[View summary](#)

## ACTIONS ON BILLS

## PUBLIC BILLS

**H 27: ESCHEAT SAVINGS BOND TRUST FUND/SCHOLARSHIPS.**

*House: Reptd Fav To Concur*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

**H 101: SPECIAL LICENSE PLATE DEVELOPMENT PROCESS.**

*House: Reptd Fav To Concur*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

*House: Withdrawn From Com*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

**H 201: BUILDING REUTILIZATION FOR ECONOMIC DEV. ACT.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 366: NC FARM ACT OF 2014 (NEW).**

*Senate: Conf Com Reported*

*Senate: Placed On Cal For 07/28/2014*

*House: Conf Com Reported*

*House: Re-ref to the Com on Agriculture, if favorable, Finance*

**H 369: CRIMINAL LAW CHANGES.**

*Senate: Amend Adopted A8*

*Senate: Amend Adopted A9*

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Engrossed*

*Senate: Special Message Sent To House*

*House: Special Message Received For Concurrence in S Com Sub*

*House: Placed On Cal For 07/28/2014*

**H 625: ZONING/HEALTH CARE STRUCTURE.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 1048: AG SELECTION CRITERIA/NCNG AMENDMENTS (NEW).**

*House: Conf Com Reported*

*House: Placed On Cal For 07/25/2014*

**H 1133: TECHNICAL AND OTHER CORRECTIONS.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

**H 1145: INSURANCE & REGISTRATION FOR MOPEDS (NEW).**

*House: Failed Concur In S Com Sub*

*House: Failed Concur In S Com Sub*

*House: Conf Com Appointed*

**H 1181: NORTH CAROLINA MEDICAID MODERNIZATION (NEW).**

*Senate: Amend Adopted A1*  
*Senate: Amend Failed A2*  
*Senate: Amend Failed A3*  
*Senate: Passed 2nd Reading*  
*Senate: Withdrawn From Cal*  
*Senate: Placed On Cal For 07/28/2014*

**H 1195: FISCAL INTEGRITY/PENSION-SPIKING PREVENTION.**

*Ratified*  
*Pres. To Gov. 7/24/2014*

**H 1224: LOCAL SALES TAX OPTIONS/ECON. DEVPT. CHANGES (NEW).**

*Senate: Amendment Withdrawn A3*  
*Senate: Amend Adopted A4*  
*Senate: Amend Failed A5*  
*Senate: Divide Quest. FAILS*  
*Senate: Passed 3rd Reading*  
*Engrossed*  
*Senate: Special Message Sent To House*  
*House: Special Message Received For Concurrence in S Com Sub*  
*House: Ruled Material*  
*House: Ref To Com On Finance*

**H 1277: HONOR JIM FULGHUM.**

*House: Passed 1st Reading*  
*House: Cal Pursuant 32(a)*  
*House: Added to Calendar*  
*House: Adopted*

**S 163: RECLAIMED WATER AS A SOURCE WATER. (NEW)**

*Senate: Conf Com Reported*  
*Senate: Placed On Cal For 07/25/2014*  
*Senate: Withdrawn From Cal*  
*Senate: Placed On Cal For 07/28/2014*  
*House: Conf Report Adopted*

**S 376: MONTGOMERY CO. EMPLOYEES IN STATE HEALTH PLAN.**

*House: Reptd Fav Com Substitute*  
*House: Cal Pursuant Rule 36(b)*  
*House: Added to Calendar*

**S 763: OMNIBUS TAX LAW CHANGES.**

*Senate: Amend Failed A1*  
*Senate: Passed 3rd Reading*  
*Senate: Special Message Sent To House*  
*House: Special Message Received From Senate*  
*House: Passed 1st Reading*  
*House: Ref To Com On Finance*

**S 773: IMPLEMENT GSC RECOMMENDATIONS.**

*House: Reptd Fav Com Substitute*



*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

**S 793: CHARTER SCHOOL MODIFICATIONS.**

*Senate: Conf Report Adopted*

*House: Conf Com Reported*

*House: Placed On Cal For 07/25/2014*

**S 877: EXEMPT TIME-SHARES/RULE AGAINST PERPETUITIES.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

**LOCAL BILLS**

**H 1044: AVERASBORO TOWNSHIP TDA CHANGES.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 1054: SPINDALE/CAPE FEAR SEWER FEE COLLECTION.**

*House: Fail Concur In S Amend SAI*

*House: Conf Com Appointed*

**H 1056: LAKE LURE OFFICIAL MAP.**

*Ratified*

**H 1151: FAYETTEVILLE RED LIGHT CHANGES.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Ordered Enrolled*

**H 1155: PINEHURST ANNEXATION.**

*House: Concurred In S Amend SAI*

*House: Ordered Enrolled*

**S 201: STANLY COMMUNITY COLLEGE CAPITAL PROJECT (NEW).**

*Senate: Concurred In H/Com Sub*

*Senate: Ordered Enrolled*

**S 788: TOWN OF DUCK/EMINENT DOMAIN.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

**S 859: CITIES/REGULATION OF VACATION RENTALS.**

*Senate: Passed 2nd Reading*

*Senate: Passed 3rd Reading*

*Senate: Special Message Sent To House*

*House: Special Message Received From Senate*

*House: Passed 1st Reading*

*House: RefTo Com On Rules, Calendar, and Operations of the House*

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