

The Daily Bulletin: 2017-10-04

PUBLIC/HOUSE BILLS

H 56 (2017-2018) [AMEND ENVIRONMENTAL LAWS](#). Filed Feb 7 2017, *AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS*.

AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS. Enacted October 4, 2017. Effective October 4, 2017, except as otherwise provided.

Intro. by McElraft, Yarborough.

[GS 74](#), [GS 113A](#), [GS 113B](#), [GS 130A](#), [GS 143](#), [GS 143B](#), [GS 153A](#), [GS 159](#)

[View summary](#)

**Environment, Aquaculture and Fisheries,
Environment/Natural Resources, Government, State Agencies,
Department of Environmental Quality (formerly DENR),
Department of Health and Human Services, State
Government, State Property, Health and Human Services,
Health, Public Health**

H 717 (2017-2018) [JUDICIAL REDISTRICTING & INVESTMENT ACT. \(NEW\)](#) Filed Apr 10 2017, *AN ACT TO REVISE JUDICIAL DISTRICTS*.

House committee substitute makes the following changes to the 2nd edition.

Changes the short title of the act.

Makes the following changes to new GS 7A-40.5. Makes organizational changes by moving the number of superior court judges for each district to a new subsection (b). Amends the judicial divisions and the number of superior court judges in those districts as follows. Increases the number of judges in District 2 from one to two. Combines Districts 4A and 4B into District 4, consisting of Duplin, Jones, Onslow, and Sampson counties (Jones County was in District 5B) and makes conforming changes. Combines Districts 5A and 5B into District 5, consisting of Green, Lenoir, and Wayne counties and makes conforming changes. Combines Districts 6A and 6B into District 6, consisting of Pitt County in its entirety and makes conforming changes. Increases the number of judges for District 7 from two to three. Moves Warren County from District 9 to District 8 and increases the number of judges in each of those districts by one. Deletes District 17 and moves Harnett and Lee counties to District 11, which was formerly only Johnston County, and increases the number of judges in District 11 from two to three. Combines Districts 13A and 13B into District 13, consisting of Bladen, Brunswick, and Columbus counties, and adds a judge to the District. Increases the number of judges in District 16 from one to two. Amends the portions of Durham County that make up District 18A and 18B and creates new District 18C, consisting of specified portions of Durham County, and gives each of the districts one judge. Amends the portions of Guilford County that make up District 22A and 22B and creates new Districts 22C, 22D, and 22E, each consisting of specified portions of Guilford County, and gives each of the districts one judge. Renumbers District 26 (Cabarrus County) to District 25. Renumbers District 25A and 25B to District 26A and 26B and amends the portions of Mecklenburg County that make up each of those districts; gives District 26A five judges and 26B three judges. Increases the number of judges in District 28 from one to two. Amends the portions of Forsyth County that make up Districts 30A, 30B, 30C, and 30D. Increases the number of judges in District 33 from two to three. Increases the number of judges in District 34 from two to three. Combines Districts 35A and 35B into District 35 and makes conforming changes. Combines Districts 41A and 41B into District 41 and makes conforming changes.

Adds to new GS 7A-40.5 that for superior court, candidates for specified judgeships must reside in the specified counties for Districts 4, 5, 11, 13, 35, and 41.

Further amends the statute by amending the requirement that judges in the specified districts take office on January 1, 2019, with elections in 2018, as follows. Changes the number of judges included from the following districts: 7, 18A, 26B, and 35. Adds Districts 16, 25, 28, and 35, and deletes Districts 12A, 17, and 18B. Specifies which judges are impacted by specifying the county they are from for the following districts: 13, 35, and 41. Makes additional conforming changes.

Further amends the statute by amending the requirement that judges in the specified districts take office on January 1, 2021, with elections in 2020, as follows. Adds Districts 4, 9, 11, 22C, 26A, 30B, and 30D, and deletes Districts 4B, 17, 18B, 22A, 30A, and 30C. Specifies which judges are impacted by specifying the county they are from for the following districts: 4 and 11. Makes additional conforming changes.

Further amends the statute by amending the requirement that judges in the specified districts take office on January 1, 2023, with elections in 2022, as follows. Adds districts 4, 6, 22B, 30C, and 35, and deletes district 30B. Specifies which judges are impacted by specifying the county they are from for the following districts: 4, 11, 35, and 41. Makes additional conforming changes.

Further amends the statute by amending the requirement that judges in the specified districts take office on January 1, 2025, with elections in 2024, as follows. Adds Districts 12A and 30A and deletes District 30D. Specifies which judges are impacted by specifying the county they are from for District 13. Makes additional conforming changes.

Amends proposed (g)(7) by specifying that if a vacancy is created in a set of districts with an insufficient number of judges allocated to that set of districts to allow all elected judges, as of October 1, 2017, to continue to serve and fill the vacancy, the vacancy must not be filled.

Makes the following changes to new GS 7A-133.5. Makes organizational changes by moving the number of district court judges for each district to a new subsection (b). Amends the judicial divisions and the number of district court judges in those districts as follows. Moves Jones County from District 5 to District 4 and increases the number of judges in District 4 from eight to nine. Combines District 6A and 6B into District 6, consisting of Pitt County in its entirety and makes conforming changes. Increases the number of judges in District 8 from four to five. Moves Warren County from District 9 to District 8. Deletes District 17 and moves Harnett and Lee counties to District 11, which was formerly only Johnston County, and increases the number of judges in District 11 from six to 12. Increases the number of judges in District 13 from six to seven. Increases the number of judges in District 14 from six to seven. Amends the portions of Durham County that make up Districts 18A and 18B and creates new District 18C, consisting of specified portions of Durham County, and gives each of the districts two judges. Increases the number of judges in District 20 from four to five. Amends the portions of Guilford County that make up Districts 22A, 22B, 22C, 22D, and 22E, each consisting of specified portions of Guilford County, and gives each of the districts three judges. Increases the number of judges in District 23 from five to six. Renumbers District 26 (Cabarrus County) to District 25 and increases the number of judges from five to six. Renumbers District 25A and 25B to District 26A and 26B and amends the portions of Mecklenburg County that make up each of those districts; gives District 26A 12 judges and gives District 26B nine judges. Amends the portions of Forsyth County that make up Districts 30A, 30B, 30C, and 30D. Increases the number of judges in District 30B from two to three judges. Increases the number of judges in District 32 from five to six. Increases the number of judges in District 35 from nine to 10. Increases the number of judges in District 36 from four to five. Increases the number of judges in District 38 from three to four. Increases the number of judges in District 40 from four to five.

Adds to new GS 7A-133.5 that for district court, candidates for specified judgeships must reside in the specified counties for Districts 4, 11, 13, 28, 29, 32, 35, and 36. Further amends the statute by amending the requirement that judges in the specified districts take office on January 1, 2019, with elections in 2018, as follows. Changes the number of judges included from the following districts: 4, 10AE, 10BD, 10C, 11, 12B, 13, 18A, 18B, 23, 26A, 26B, 30A, 30D, 32, 35, 36, 39A, and 39B. Adds Districts 6, 8, 18C, and 40, and deletes Districts 6A, 6B, 9, 12C, 17, 19, 30B, and 30C.

Further amends the statute by amending the requirement that judges in the specified districts take office on January 1, 2021, with elections in 2020, as follows. Changes the number of judges included from the following districts: 4, 9, 10BD, 10C, 11, 12B, 12C, 13, 14, 19, 20, 22A, 22B, 23, 26A, 26B, 30A, 30B, 30C, 30D, 32, 34, 35, and 39A. Adds Districts 6, 18C, 22C, 22D, 22E, and 38, and deletes Districts 6A, 6B, 17, 18A, 18B, and 39B. Makes additional conforming changes.

Makes the following changes to new GS 7A-60.5. Makes organizational changes by moving the number of district attorneys for each prosecutorial district to a new subsection (b). Amends the prosecutorial divisions and the number of district attorneys in those districts as follows. Moves Jones County from District 5 to District 4 and increases the number of district attorneys in District 4 from 19 to 20. Increases the number of district attorneys in District 7 from 19 to 20. Increases the number of district

attorneys in District 8 from 11 to 12. Moves Warren County from District 9 to District 8. Increases the number of district attorneys in District 9 from 13 to 15. Increases the number of district attorneys in District 10 from 42 to 44. Increases the number of district attorneys in District 13 from 14 to 15. Increases the number of district attorneys in District 17 from 11 to 13. Increases the number of district attorneys in District 22 from 34 to 36. Renames District 26 (Cabarrus County) to District 25 and increases the number of district attorneys from nine to 10. Renames District 25 (Mecklenburg County) to District 26. Increases the number of district attorneys in District 33 from 15 to 16. Increases the number of district attorneys in District 34 from 12 to 13. Increases the number of district attorneys in District 40 from nine to 10. Increases the number of district attorneys in District 41 from 12 to 13. Moves Anson and Richmond Counties from District 24 to new District 42, and gives new District 42 six district attorneys. Moves Catawba County from District 36 to new District 43, and gives new District 43 11 district attorneys. Makes additional conforming changes. Further amends the statute by deleting language concerning implementation of these prosecutorial divisions providing for the office and term of any district attorney beginning on or before January 1, 2017, to continue until the expiration of the current elected term without transfer of any assistant district attorneys assigned. Instead enacts language providing for specified terms for district attorneys and subsequent transfer of attorneys in Districts 19, 18, 20, and 26.

Amends GS 163-165.5 to require each official ballot to contain the designation of vacancy sought when there are two or more vacancies for an elected office. Requires the designation to be provided as determined by the Bipartisan State Board of Elections and Ethics Enforcement (State Board). Prohibits the designation of the vacancy by the name(s) of any incumbent or other individual.

Amends GS 163-106 to require the notice of candidacy for certain offices (Supreme Court associate justices, Court of Appeals, district court judge, and US Senate) to designate the vacancy sought in a form determined by the State Board. Prohibits the designation of the vacancy by the name(s) of any incumbent or other individual.

Deletes language requiring that Section 18B.9 of Senate Bill 257 of the 2017 Regular Session, which eliminated Prosecutorial District 9A and divided the district between Districts 9 and 17A, be repealed if the act becomes law.

Makes technical changes.

Intro. by Burr, Stone, Destin Hall, Millis.

[STUDY, GS 7A, GS 163](#)

[View summary](#)

[Courts/Judiciary, Court System, Government, Elections](#)

H 717 (2017-2018) [JUDICIAL REDISTRICTING & INVESTMENT ACT. \(NEW\)](#) Filed Apr 10 2017, *AN ACT TO REVISE JUDICIAL DISTRICTS.*

The House committee substitute to the 3rd edition is to be summarized.

Intro. by Burr, Stone, Destin Hall, Millis.

[View summary](#)

H 928 (2017-2018) [HONOR ED HOLMES, FORMER LEGISLATOR.](#) Filed Oct 4 2017, *A HOUSE RESOLUTION HONORING THE LIFE AND MEMORY OF EDWARD SHELTON "ED" HOLMES, FORMER MEMBER OF THE GENERAL ASSEMBLY.*

As title indicates.

Intro. by Rules, Calendar, and Operations of the House.

[HOUSE RES](#)

[View summary](#)

[Government, General Assembly](#)

PUBLIC/SENATE BILLS

S 582 (2017-2018) **BUDGET & AGENCY TECHNICAL CORRECTIONS (NEW)**. Filed Apr 3 2017, *AN ACT (I) TO MAKE TECHNICAL, CLARIFYING, AND OTHER MODIFICATIONS TO THE CURRENT OPERATIONS APPROPRIATIONS ACT OF 2017 AND TO RELATED LEGISLATION AND (II) TO MAKE AGENCY TECHNICAL CORRECTIONS.*

Conference report makes the following changes to the 3rd edition. Unless otherwise indicated, the act deletes all provisions of the previous edition.

Part I.

Adds the following new provisions.

Amends Section 5.3(e) of SL 2017-57 (Appropriations Act of 2017) to limit the use of grant funds awarded by the Superintendent of Public Instruction to the construction of new school buildings (currently limited to new capital projects).

Amends Section 3, subdivision (7) of SL 2017-119 (Disaster Recovery Act of 2017) concerning the funds allocated to the Lumber River Council of Government, directing the Housing Finance Authority to coordinate with the Lumber River Council of Government to create a 30- to 36-unit (currently, 30- to 35-unit) multifamily affordable housing complex within the Fair Bluff Town limits.

Amends Section 3 of SL 2017-137 to make Section 2.5 of the act (amending GS 20-280 concerning the requirement for taxicab operators to file proof of financial responsibility with governing board of municipality or county) effective January 1, 2018, (instead of October 1, 2017). Makes Section 1 of the act (enacting new GS 136-19.4A, concerning required surveying information in certain acquisition plans) applicable to policies issued or renewed (was, to plans prepared for acquisitions) on or after October 1, 2017.

Requires the Department of Administration to study the use of buildings by State agencies in downtown Raleigh and report its findings to the Joint Legislative Committee on Governmental Operations no later than April 1, 2018.

Part II.

Adds the following new provisions.

Amends GS 115D-5(x), as enacted by SL 2017-57, extending the date by which the State Board of Community Colleges, the State Board of Education and the Board of Governors must jointly report to the Joint Legislative Education Oversight Committee their evaluation of success of students participating in the Career and College Promise Program from January 15 of each year to March 15 of each year.

Amends GS 115C-64.17, as enacted by SL 2017-57, extending the date by which the NC Education and Workforce Innovation Commission must accept applicants for a grant from November 1, 2017, to November 30, 2017.

Amends Section 8.2(b) of SL 2017-57, providing for a monthly salary supplement for highly qualified teaching graduates, to make the provisions applicable to teachers entering the profession in the 2017-18 fiscal year who were hired prior to the effective date of Section 8.2A of the act, enacted as follows. Enacts new Section 8.2A to SL 2017-57, providing for highly qualified graduates employed by a local board of education to receive a monthly salary supplement at the highest level for which the graduate qualifies as provided. Defines a highly qualified graduate or graduate as an individual entering the teaching profession and hired on or after the effective date of Section 8.2A who has graduated from an approved educator preparation located in NC who meets the specified GPA and edTPA assessment score requirements. Applies to teachers entering the profession in the 2017-18 fiscal year and hired on or after the date the act becomes law.

Amends Section 8.3 of SL 2017-57, concerning compensation for principals for the 2017-18 fiscal year. Provides that principals who were eligible for longevity in the 2016-17 fiscal year may receive the salary the principal received in the 2016-17 fiscal year pursuant to Section 9.1 of SL 2016-94 (Appropriations Act of 2016). Further provides that principals who were not eligible for longevity in the 2016-17 fiscal year (currently, 2016-17 school year) may receive the salary the principal received in the 2016-17 fiscal year pursuant to Section 9.1, which sets out the teacher monthly salary schedule, or Section 9.2, which sets out the school-based administrator salary schedule, of SL 2016-94 (currently, does not provide receipt pursuant to Section 9.1). Makes identical changes to Section 8.5(e) of SL 2017-57 concerning compensation for assistant principals for the 2017-18 fiscal year. Applies retroactively to July 1, 2017.

Part III.

Adds the following new provisions.

Deletes the term randomized control group member from the definitions set forth in Section 12F.1 of SL 2016-94 (Appropriations Act of 2016) pertaining to the Medication-Assisted Opioid Use Disorder Treatment Pilot Program. Makes conforming changes throughout Section 12F to remove references to the term and to remove evaluation and reporting requirements concerning the term.

Amends GS 147-86.70(b)(1) to explicitly allow for a parent under a power of attorney to act on behalf of an Achieving a Better Life Experience (ABLE) account owner (currently, only explicitly authorizes a guardian or agent under a power of attorney). Makes conforming changes to GS 147-86.71, pertaining to the ABLE Program, to include parents in the existing provisions concerning ABLE accounts and limitations.

Amends Section 11F.9 of SL 2017-57, directing the Department of Health and Human Services, Division of Mental Health, Developmental Disabilities, and Substance Abuse Services (Division) to establish an adult pediatric traumatic brain injury pilot program to be conducted at not less than three and not more than five trauma hospitals licensed in the state (currently, directs the Department to establish up to three program sites at trauma hospitals). Deletes the previous appropriations set forth for the development and implementation of the program. Deletes the previous directive requiring each program site to be awarded \$100,000 for the development and implementation of an interactive quality assessment and quality assurance clinical decision support tool. Instead, directs the Division to appropriate \$150,000 in nonrecurring funds for the 2017-18 fiscal year and \$300,000 in nonrecurring funds for the 2018-19 fiscal year of the funds appropriated by the act to the Division to enter into a contract with an independent entity to operate the pilot program (currently, directs the Department to contract with a private entity to assist participating trauma hospitals in implementing the described quality assessment and assurance tool). Sets out criteria the Division must meet in selecting an independent entity to contract with for this purpose. Sets forth the responsibilities of the independent entity contracted, including initiating and operating the pilot program and assisting participating hospitals in implementing the quality assessment and assurance software. Makes conforming and organizational changes.

Amends SL 2017-57 by requiring nonrecurring funds appropriated in the act to the Department of Health and Human Services, Division of Aging and Adult Services, in 2017-18, to be allocated to the Town of Bolton instead of to the Bolton Senior Center.

Part IV.

Adds the following new provisions.

Amends Section 15.9A of SL 2017-57 to further specify that the funds appropriated to the Department of Commerce as a grant-in-aid to the Town of Haw River must be used to provide grants, loans, or both for a historic mill renovation project. Specifies that the Town of Haw River must enter into an agreement with any entity (currently referred to as subgrantee) receiving funds (recipient) in addition to the provisions governing reporting, oversight, and administration of grants funds contained in GS 143C-6-23. Further provides that the agreement with any entity receiving funds must contain a provision requiring recapture or repayment (currently only recapture) of all funds if the recipient fails to comply with the terms of the agreement. Adds that the Town of Haw River can retain up to 20% of the funds for the historic mill renovation project for infrastructure improvement necessary for and directed related to the project. Defines infrastructure improvements. Makes conforming changes.

Amends the allocation of the \$100,000 allocated in Section 13.22 of SL 2017-57, as amended, from the funds appropriated to the Division of Water Infrastructure of the Department of Environmental Quality for water and sewer infrastructure grants for the 2017-18 fiscal year to Davidson County. Allocates \$50,000 for a sewer project and \$50,000 for preservation and restoration work on the Wil-Cox bridge (currently, allocates \$100,000 for the Wil-Cox bridge sewer expansion).

Eliminates the sunset provision in Section 15.14B of SL 2014-100 (Appropriations Act of 2014), which enacts GS 143B-437.02A and establishes the Film and Entertainment Grant Fund.

Amends Section 10.24 of SL 2017-57, which directs the Food Processing Innovation Center Committee (Committee) to develop a business plan for the Food Processing Research center at the North Carolina Research Campus to implement, to

establish that this business plan is binding and North Carolina State University cannot deviate from the plan without having the plan amended by the Committee. Provides that the Committee can adopt amendments to the business plan by a majority vote.

Directs that, of the funds appropriated in SL 2017-57 to the Wildlife Resources Commission, an additional \$50,000 in recurring funds be allocated to the Outdoor Heritage Advisory Council to provide support for the operation of the Council, including salaries and benefits of Council personnel. Enacts GS 143B-344.62, authorizing the Outdoor Heritage Advisory Council to employ an executive director, and authorizes the executive director to hire additional staff and consultants, subject to appropriations and other funds that accrue to the Council.

Amends GS 97-2(2), defining employee as the term applies to the Workers' Compensation Act, deleting existing language that creates a rebuttable presumption that the term employee does not include any person performing services in the sale of newspapers or magazine to ultimate consumers under an agreement whereby the newspapers or magazines are to be sold by that person at a fixed price and the person's compensation is based on the retention of the excess of the fixed price over the amount at which the newspapers or magazines are charged to the person. Effective January 1, 2018.

Amends Section 15.8 of SL 2017-57, as amended, to decrease by \$100,000 the funds appropriated to the Rural Economic Development Division of the Department of Commerce to provide grants-in-aid for downtown revitalization projects for the specified counties and cities. Also removes the Town of Yadkinville from the list of recipients.

Adds the following to Section 15.8 of SL 2017-57. Requires that of the fund appropriated to the Rural Economic Development Division of the Department of Commerce: (1) \$25,000 in nonrecurring funds for 2017-18 be used to provide a grant-in-aid to the Town of Dover to be used for parks and recreation projects, and (2) \$75,000 in nonrecurring funds for 2017-18 be used to provide a grant-in-aid to Lincoln County for the Voice Interoperability Plan for Emergency Responders network.

Amends GS 143B-293.2(a1) to require that the specified General Assembly appointees to the NC Oil and Gas Commission be members (was, representatives) of a nongovernmental conservation interest); applicable to appointments made on or after the effective date of the act.

Amends Section 14.19 of SL 2017-57 to allow the \$300,000 appropriated to the Division of North Carolina Aquariums to be used for the planning and permitting (was, planning) of Blake Farms satellite aquarium area. Also adds that the Division is allowed to specifically expend funds to engage architects and other program consultants to (1) collaborate with Blake Farms to design and permit the building housing the satellite aquarium area and (2) produce schematic, design, and final construction documents for the satellite aquarium area.

Amends Section 37.2(e) of SL 2016-94, as amended, to require that funds appropriated during the 2015-17 biennium (was any funds) for Environmental Quality incentive Program projects to be paid out to each of the original grantees for the full grant amount except that the Secretary may retain 10% of the state share of funding until the US Department of Agriculture has provided a final practice approval of the project. Amends GS 143-215.72(d) to procedures that apply to grants for the purpose in GS 143-215.71(8) to require, upon request signed by the grant applicant and co-applicant, that the Department make periodic payments to the co-applicant for its share of non-federal costs of a project before receipt of a final practice approval from the Natural Resources Conservation Service if the grantee has submitted a certified reimbursement request or invoice.

Part V.

Adds the following new provisions.

Amends GS 97-13, requiring the average weekly wage of inmates employed pursuant to the Prison Industry Enhancement Program to be calculated pursuant to GS 97-2(5).

Amends GS 114-2(1), setting forth the duties of the Attorney General, prohibiting the delegation of the duty to represent the State in criminal appeals to any district attorney's office or any other entity. Makes conforming changes to GS 7A-61, concerning duties of district attorneys. Further amends GS 7A-61 to specify that the district attorney has a duty to represent the State in juvenile cases in the superior and district courts in which the juvenile is represented by an attorney. Adds new requirements for the district attorney to provide the Attorney General any case files, records and additional information necessary for the Attorney General to conduct appeals to the Appellate Division for cases from the district attorney's prosecutorial district. Prohibits the Attorney General from delegating to the district attorney or any other entity the duty to represent the State in criminal and juvenile appeals. Effective July 1, 2017. Provides that it is the obligation of the Attorney General to work with each District Attorney to ensure that all criminal appeals delegated on or after July 1, 2017, to a District

Attorney's office is properly returned to the Attorney General's office. Establishes that actions taken by the office of a District Attorney related to a criminal appeal delegated to that office on or after July 1, 2017, is deemed to have been taken with full legal authority to act on behalf of the State.

Amends Part XVII of SL 2017-57 by adding the following. Amends GS 15-1 to provide that for the crimes of deceit and malicious mischief, and the crime of petit larceny where the value of the property does not exceed \$5, and all misdemeanors except malicious misdemeanors, are to be charged (was to be presented or found by the grand jury) within two years after the commission of the crime. Provides that if any pleading (was, any indictment found within that time) is defective so that no judgment can be given, another prosecution may be instituted for the same offense, within one year after the first is abandoned by the State. Effective December 1, 2017.

Also amends GS 8C-1, Rule 702(a1), to allow a witness (who is no longer required to be qualified under (a) of the statute and no longer specifying that proper foundation must be laid) to give expert testimony solely on the issue of impairment and not on the issue of specific alcohol concentration level relating to: (1) the results of a Horizontal Gaze Nystagmus Test when the test is administered in accordance with the person's training by a person who has successfully completed training in HGN; and (2) whether the person was under the influence of one or more impairing substances, and the category of such impairing substances or substances, if the witness holds a current certification as a Drug Recognition Expert, issued by the State Department of Health and Human Services.

Part VI.

Adds the following new provisions.

Amends Section 34.28A of SL 2017-57, extending the date by which the Department of Transportation and the Department of Environmental Quality must report on the cost-benefit analysis of the State providing dredging services versus the State utilizing private contractors to provide dredging services to the Joint Legislative Transportation Oversight Committee and the Joint Legislative Oversight Committee on Agriculture and Natural and Economic Resources from February 1, 2018, to April 1, 2018.

Amends Section 34.29 of SL 2017-57, extending the date by which the Department of Transportation must report its findings on its study of Dredge Manteo to the Joint Legislative Transportation Oversight Committee from December 1, 2018, to April 1, 2018.

Part VII.

Adds the following new provisions.

Amends GS 105-244.4(a), as enacted by SL 2017-204 (Various Changes to the Revenue Laws). Authorizes the Secretary of Revenue to reduce an assessment against a taxpayer who requests relief for State and local sales and use taxes and waive any penalties imposed when the assessment is the result of an audit of the taxpayer by the Department of Revenue (Department) and all five qualifications, as specified, are met. Modifies and adds to the fifth qualification, now setting out three qualifications of which the taxpayer must meet one: (1) the taxpayer received a proposed assessment dated on or before August 15, 2017, did not file a request for review, paid the tax due, and filed a written request with the Secretary on or before December 29, 2017, to request the amount of sales or use taxes be reduced, citing specific reasons; (2) the taxpayer received a proposed assessment dated on or before September 30, 2017, timely filed a request for review, and files a written request with the Secretary on or before December 29, 2017, to request the amount of sales or use taxes be reduced, citing specific reasons; or (3) the taxpayer receives a proposed assessment after September 30, 2017, and timely files a request for review as provided in GS 105-241.11 and files a written request with the Secretary no later than 45 days from the date of the notice of the proposed assessment to request the amount of sales or use taxes be reduced, citing specific reasons. Adds that in the circumstance where the taxpayer received a proposed assessment dated on or before September 30, 2017, timely filed a request for review, and files a written request with the Secretary on or before December 29, 2017, to request the amount of sales or use taxes be reduced, the Department does not need to take further action on the taxpayer's request for review unless the taxpayer states in writing when filing the request for reduction that the reduction does not resolve the taxpayer's objection to the proposed assessment and that the taxpayer wishes to continue the Departmental Review. Effective August 11, 2017.

Makes technical correction to Section 38.8(a) of SL 2017-57. Applies retroactively to sales made on or after July 1, 2017.

Part VIII.

Amends GS 18B-1114.1, as amended, to remove farmers markets from locations at which the holder of an unfortified winery permit, a limited winery permit, a viticulture/enology course authorization, or a wine producer permit may give free tastings or sell wine.

Retains changes made to GS 28A-2B-1 in the previous edition.

Amends GS 28A-21-2, as amended, to no longer require a personal representative or collector to certify in the final account when no estate or inheritance tax return was required to be filed for an estate, including no longer requiring that specified information be listed in such a certification.

Amends GS 31D-5-505, as recodified, to remove references to a limitation of a power of appointment. Requires the Revisor of Statutes to print all explanatory comments of the drafters of the section as deemed appropriate.

Retains changes to GS 36C-5-505 made in the previous edition.

Retains changes made to GS 42A-37 in the previous edition.

Amends GS 57D-1-03, as amended, to make technical changes, effective January 1, 2018.

Retains changes made to GS 90-92(a).

Amends GS 135-7(g)(2), to make a technical correction, effective October 1, 2017.

Retains changes made to GS 143-47.7.

Amends GS 143-138(b4)(2a) to make a technical correction.

Retains changes made to GS 143B-68.

Repeals SL 2006-248 Part XII, which established the House of Representatives Task Force on the Recovery of Costs in Civil Cases.

Repeals SL 2001-145, Section 6A.19(e), which established an advisory committee that includes business and information technology subject matter experts to provide advice and assistance during the evaluation of information technology operations, infrastructure, systems, ongoing projects, and applications within State government.

Makes conforming changes to the act's short and long titles.

Intro. by Barringer.

[APPROP, STUDY, GS 7A, GS 8C, GS 15, GS 18B, GS 28A, GS 31D, GS 36C, GS 42A, GS 57D, GS 90, GS 97, GS 105, GS 114, GS 115C, GS 115D, GS 143, GS 143B, GS 147](#)

[View summary](#)

[Agriculture, Alcoholic Beverage Control, Business and Commerce, Courts/Judiciary, Civil, Civil Law, Evidence, Court System, Criminal Justice, Criminal Law and Procedure, Development, Land Use and Housing, Property and Housing, Education, Employment and Retirement, Environment, Environment/Natural Resources, Government, State Agencies, UNC System, Department of Commerce, Department of Health and Human Services, Tax, Health and Human Services, Health, Public Health, Social Services, Child Welfare, Transportation](#)

S 656 (2017-2018) [ELECTORAL FREEDOM ACT OF 2017](#). Filed Apr 4 2017, *AN ACT TO CHANGE THE DEFINITION OF A "POLITICAL PARTY" BY REDUCING THE NUMBER OF SIGNATURES REQUIRED FOR THE FORMATION OF A NEW POLITICAL PARTY AND FOR UNAFFILIATED CANDIDATES TO OBTAIN BALLOT ACCESS ELIGIBILITY; TO AUTHORIZE ESTABLISHMENT OF POLITICAL PARTIES RECOGNIZED IN A SUBSTANTIAL NUMBER OF STATES IN THE PRIOR PRESIDENTIAL ELECTION; TO*

CHANGE TIMING OF FILING OF PETITIONS; TO REDUCE THE THRESHOLD FOR A SUBSTANTIAL PLURALITY TO THIRTY PERCENT; AND TO ELIMINATE CERTAIN PRIMARIES FOR THE 2018 GENERAL ELECTION.

Conference report makes the following changes to the 4th edition.

Amends GS 163-96 as follows. Amends the definition of political party to include any group of voters that has filed documentation with the State Board of Elections that the group of voters had a candidate nominated by that group on the general election ballot of at least 70% (was, 80%) of the states in the prior Presidential election. Changes the requirements for filing their documentation. No longer specifies that a party recognized under these provisions is eligible to participate only in the presidential preference primary and the election of presidential electors. Makes language in the statute gender neutral.

Amends GS 163-122 to require voters filing a petition to have the voter's name printed on the general election ballot as an unaffiliated candidate for a district office other than General Assembly to file the petition on on before noon on the day of the primary election and requires that the petition be signed by qualified voters of the district equal in number to 1.5% of the total number of registered voters in the district. For General Assembly seats in which the district lies in more than one county, petitions must be filed by noon on the day of the primary election and must be signed by qualified voters of the district equal in number to 4% of the total number of registered voters in the district. Reinstates the current requirement that petitions for county office or a single county legislative district be signed by qualified voters of the county equal in number to 4% (was, 3%) of the total number of registered voters in the county. Makes language gender neutral.

Amends GS 163-296 to require, in cities conducting partisan elections, that any voter seeking to have his or her name printed on the regular municipal election ballot as an unaffiliated candidate file a petition signed by a number of qualified voters of the municipality equal to at least 1.5% (was, 3%) of the whole number of voters qualified to vote in the election.

Adds the following new provisions.

Prohibits holding party primaries for candidates for the following offices in the general election held on November 6, 2018: Justices of the Supreme Court, judges of the Court of Appeals, judges of the superior courts, judges of the district courts, and district attorneys. Requires notice of candidacy for these offices to be filed between noon on June 18, 2018, and noon on June 29, 2018. Sets out the format of the form to be used when filing a notice of candidacy as well as requirements to be met when filing the form. Allows notice of candidacy to be withdrawn at any time before the close of business on the third business day before the date on which the right to file for that office expires. Requires candidates to also file a certificate stating that the individual is registered to vote, specifying the judicial district of residency when the person is running for superior or district court judgeship in a county containing more than one district, and verifying the candidate's party designation or unaffiliated status. Prohibits a person from filing a notice of candidacy for more than one of these offices or group of offices and an office described in GS 163-106(c) (Governor, Lieutenant Governor, all State executive officers, United States Senators, members of the House of Representatives of the United States, district attorneys, state Senators, members of the State House of Representatives, and all county offices) for any one election. Requires in any election in which there are two or more vacancies for the office of justice of the Supreme Court, judge of the Court of Appeals, superior court judge, or district court judge to be filled by nominations, that each candidate file a written statement designating the vacancy to which the candidate seeks election. Requires a person seeking election for a specialized district judgeship to file a written statement designating the specialized judgeship to which the person seeks nomination. Sets out residency requirements for a person filing a notice of candidacy for superior court judge or district court judge. Sets out filing fee requirements. Sets out procedures to be followed when there is an insufficient number of candidates, upon the death or disqualification of a candidate, and failure to withdraw from candidacy. Requires that for the 2018 general election, the State Board of Elections and Ethics Enforcement place elections for the offices elected as provided in this section with other partisan offices. Requires that the order of candidates for those offices be determined as provided in GS 163-165.6(c) (requiring that the order in which candidates appear on a county's official ballots in any (1) primary ballot item, whether the primary is partisan or nonpartisan and (2) in any nonpartisan general election ballot item under Article 25 of GS Chapter 163 shall be determined by the county board of elections using a process designed by the State Board of Elections for random selection. The same random selection process shall be used for all primaries and elections in a calendar year.). Requires that a general election for all candidates seeking office as provided in this section be held on November 6, 2018. The candidate for a single office receiving the highest number of votes is elected and the candidates for a group of offices receiving the highest number of votes, equal in number to the number of positions to be filled, is elected. In the event of a tied vote, the winner is determined by lot. Effective January 1, 2018.

Makes conforming changes to the act's long title.

Intro. by Brock.

GS 163

[View summary](#)

[Courts/Judiciary, Court System, Government, Elections](#)

S 693 (2017-2018) [ADJOURN 2ND RECONVENED VETO SESSION](#). Filed Oct 4 2017, *A JOINT RESOLUTION ADJOURNING THE SECOND SESSION RECONVENED PURSUANT TO THE GOVERNOR'S PROCLAMATION.*

Provides that when the House and Senate adjourn the Second Reconvened 2017 Session of the 2017 General Assembly on the date this resolution is ratified, they stand adjourned to reconvene on Wednesday, October 4, 2018, at 12:00 noon as provided in Section 3.1 of Resolution 2017-12 (Adjournment Resolution), as amended.

Intro. by Rabon.

JOINT RES

[View summary](#)

[Government, General Assembly](#)

S 694 (2017-2018) [FURTHER MODIFICATIONS TO APPOINTMENTS](#). Filed Oct 4 2017, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE FURTHER MODIFICATIONS TO APPOINTMENTS MADE IN THE 2017 APPOINTMENTS BILLS.*

Part I appoints the specified persons to the following boards and commissions upon the recommendation of the President Pro Tempore, effective on the specified dates, with terms expiring as provided: Virginia-North Carolina High-Speed Rail Compact Commission, Ferry Transportation Authority Board of Trustees, and the North Carolina Sheriffs' Education and Training Standards Commission.

Part II appoints the specified persons to the following boards and commissions upon the recommendation of the Speaker, effective on the specified dates, with terms expiring as provided: North Carolina Medical Board, Ferry Transportation Authority Board of Trustees, Domestic Violence Commission, North Carolina Oil and Gas commission, Justus-Warren Heart Disease and Stroke Prevention Task Force, 911 Board, and North Carolina Code Officials Qualifications Board.

Part III makes the following change to previously made appointments. Amends the term for the appointment of Allen Kelly to the North Carolina Code Officials Qualifications Board. Corrects the name of an appointee to the Board of Directors of the North Carolina Institute of Medicine. Changes the term of the appointment of Thomas R. Lawing, Jr., to the North Carolina Real Estate Commission. Changes the term of the appointment of Earl W. Willis, Jr., to the Board of Directors of Roanoke Island Historical Association. Changes the term of the appointment of several appointees to the North Carolina Institute of Medicine Board of Directors. Changes the term of the appointees to the North Carolina Board of Licensing of Soil Scientists. Changes the term of the appointment of Nada C. Lawrimore to the Private Protective Services Board. Corrects the name of an appointee to the North Carolina Board of Dietetics/Nutrition. Changes the term of the appointment of Daniel Locklear to the North Carolina State Commission of Indian Affairs. Changes the term of the appointment of James P. Tobin to the North Carolina Marine Industrial Park Authority. Changes the term of appointees to the Governor's Crime Commission. Changes the term of the appointment of James S. Stewart to the 911 Board. Changes the term of the appointment of Russell E. Williams to the North Carolina State Board of Examiners of Fee-Based Practicing Pastoral Counselors. Corrects the name of an appointee to the North Carolina Teaching Fellows Commission. Extends the appointment of James Womack to the North Carolina Oil and Gas Commission.

Intro. by Rabon.

UNCODIFIED

[View summary](#)

[Business and Commerce, Occupational Licensing, Government, General Assembly, State Agencies, State Government, Executive](#)

S 694 (2017-2018) [FURTHER MODIFICATIONS TO APPOINTMENTS](#). Filed Oct 4 2017, *AN ACT TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND TO MAKE FURTHER MODIFICATIONS TO APPOINTMENTS MADE IN THE 2017 APPOINTMENTS BILLS.*

Senate committee substitute makes the following changes to the 1st edition. Deletes the appointment of Paul Foley to the Human Resources Commission. Corrects the name of an appointee to the North Carolina Real Estate Commission.

Intro. by Rabon.

UNCODIFIED

[View summary](#)

Business and Commerce, Occupational Licensing, Government, General Assembly, State Agencies, State Government, Executive

S 695 (2017-2018) [ADJOURN AUGUST RECONVENED SESSION](#). Filed Oct 4 2017, *A JOINT RESOLUTION ADJOURNING THE SESSION RECONVENED PURSUANT TO SECTION 1.1 OF RESOLUTION 2017-12 AND AMENDING RESOLUTION 2017-12.*

Substantively identical to Senate Bill 690/House Bill 926, which adjourned session on August 4, 2017, and set a reconvening date of August 18, 2017. Adds a section allowing bills considered under the section of the resolution listing the categories of bills that may be considered during the August 18 session to be referred to any committee.

Intro. by Rabon.

JOINT RES

[View summary](#)

Government, General Assembly

LOCAL/SENATE BILLS

S 181 (2017-2018) [ELECTRONIC NOTICE - GUILFORD COUNTY \(NEW\)](#). Filed Mar 6 2017, *AN ACT TO ESTABLISH A PILOT PROGRAM AUTHORIZING CERTAIN LOCAL GOVERNMENTS TO PUBLISH REQUIRED NOTICES ELECTRONICALLY AND TO AUTHORIZE GUILFORD COUNTY TO PUBLISH LEGAL NOTICES VIA THE COUNTY-MAINTAINED WEB SITE FOR A FEE.*

House committee substitute makes the following changes to the 2nd edition.

Changes the act's long and short titles. Deletes all provisions of the previous edition.

Section 1 now provides the following, applicable only to Guilford County or any municipality located wholly or partly in Guilford County.

Enacts GS 153A-52.2, Electronic notice for notices required to be published by the board, authorizing a governing board of a county to adopt an ordinance providing that any notice the board is required by law to publish or advertise, whether under GS 1-597 or GS Chapter 143, Article 8, or any other general law or local act, can be published electronically, as provided, in lieu of or in addition to the required publication or advertisement. Defines *governing board* to mean the body elected or appointed as the board of county commissioners, city council, or county board of elections. Clarifies that the county ordinance can cover all notices required to be published or advertised or a clearly identified category of notices. Requires the governing board to publish specific instructions regarding how to access notices published electronically under the adopted ordinance at least once a month for 12 months in a newspaper having general circulation for that jurisdiction, as provided in GS 1-597 as amended by this act. Details five requirements of any notice published under an ordinance adopted pursuant to this statute, including the requirement that notices and links to all notices on the website must be maintained on the website for at least one year after publication and must be searchable. Establishes that ordinances adopted under the statute cannot supersede any general law or local act that requires notice by mail to certain persons or classes of persons, or the posting of signs on certain property. Sets

out that the ordinance adopted by the governing board can control notice given by any board appointed by the governing board, including the planning board, board of social services, and board of health.

Makes conforming changes to GS 160A-1(7), GS 153A-1(6), and GS 159-1(b)(5) to add electronic notice to the defined term *publish* when an ordinance has been adopted by that governing board. Makes organizational and technical changes.

Makes conforming change to amend GS 163-33 (powers and duties of county board of elections) to authorize the county board to adopt a policy in accordance with GS 153A-52.2 to provide for notices, advertisements, and publications to be given electronically.

Effective December 1, 2017, and applies to notices published on or after that date.

Section 2 now provides the following, applicable only to Guilford County.

Enacts GS 1-602, Publication via county-maintained website, providing that in lieu of publishing in a newspaper, publication of any notice permitted or required by law to be published in a newspaper can be accomplished by contracting with a county that has adopted an ordinance authorizing the county to publish the notice on the county-maintained website. Authorizes the board of commissioners to adopt an ordinance establishing the county website as a central location for publishing or advertising legal notices as long as the county (1) maintains its own website with sufficient staff to maintain the website, (2) has sufficient staff to complete affidavits as needed for all legal notices as required by subsection (d) of the statute, and (3) collects and remits fees in subsections (b) and (c) of the statute.

Details publication fees the county may charge ranging from \$0 to no more than \$450. Provides for a county employee's sworn written statement to be prima facie evidence that the county placed the notice, paper, document, or legal advertisement on its website for the stated period of time, and deems the sworn statement a record of the court and prima facie evidence that the county made the publication available on its website for the stated period of time when filed and certified by the clerk of superior court.

Establishes that when a statute or written instrument stipulates that an advertisement of a sale must be made for a certain number of weeks, publication via the county website in accordance with this statute for the number of weeks so indicated is a sufficient compliance with the requirement. Clarifies that the statute does not require a county to adopt an ordinance authorizing the county to publish notices on a county-maintained website.

Effective December 1, 2017, and applies to notices published on or after that date.

Intro. by Lowe.

[Guilford](#)

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 56: AMEND ENVIRONMENTAL LAWS.

House: Added to Calendar

House: Veto Overridden

Senate: Veto Received from House

Senate: Placed on Today's Calendar

Senate: Veto Overridden

Ch. SL 2017-209

H 307: BOARD CERT. BEHAVIOR ANALYST/AUTISM COVERAGE.

Senate: Withdrawn From Com

Senate: Re-ref to Appropriations/Base Budget. If fav, re-ref to Rules and Operations of the Senate

H 717: JUDICIAL REDISTRICTING & INVESTMENT ACT. (NEW)

House: Reptd Fav Com Sub 2

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

H 928: HONOR ED HOLMES, FORMER LEGISLATOR.

House: Reptd Fav. For Introduction

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Adopted

S 582: BUDGET & AGENCY TECHNICAL CORRECTIONS (NEW).

Senate: Conferees Changed

House: Conf Com Reported

House: Re-ref Com On Appropriations

House: Reptd Fav For Adoption

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/05/2017

S 656: ELECTORAL FREEDOM ACT OF 2017.

Senate: Conf Com Reported

Senate: Placed On Cal For 10/05/2017

House: Conf Com Reported

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

House: Reptd Fav For Adoption

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/05/2017

S 693: ADJOURN 2ND RECONVENED VETO SESSION.

Senate: Filed

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Special Message Sent To House

House: Passed 1st Reading

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Ordered Enrolled

Ratified

Ch. Res 2017-16

House: Special Message Received From Senate

S 694: FURTHER MODIFICATIONS TO APPOINTMENTS.

Senate: Filed

Senate: Passed 1st Reading

Senate: Ref To Com On Rules and Operations of the Senate

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

Senate: Placed on Today's Calendar

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: Ref To Com On Rules, Calendar, and Operations of the House

S 695: ADJOURN AUGUST RECONVENED SESSION.

Senate: Filed

LOCAL BILLS

S 181: ELECTRONIC NOTICE - GUILFORD COUNTY (NEW).

House: Reptd Fav Com Substitute

House: Re-ref Com On Finance

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 10/05/2017

[Print Version](#)