

## The Daily Bulletin: 2018-06-05

### PUBLIC/HOUSE BILLS

H 414 (2017-2018) [SWAIN COUNTY/OFFICIAL FLY FISHING MUSEUM \(NEW\)](#). Filed Mar 21 2017, *AN ACT DESIGNATING SWAIN COUNTY AS THE HOME TO THE FLY FISHING MUSEUM OF THE SOUTHERN APPALACHIANS AND THE NORTH CAROLINA OUTDOOR FESTIVAL HELD IN MONTGOMERY COUNTY AS THE OFFICIAL NORTH CAROLINA OUTDOOR FESTIVAL.*

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

Changes the act's long title and adds several whereas clauses concerning the North Carolina Outdoor Festival held in Montgomery County.

Enacts GS 145-50, adopting the North Carolina Outdoor Festival held in Montgomery County as the official outdoor festival of the State of North Carolina.

**Intro. by Clappitt.**

[Montgomery, Swain, GS 145](#)

[View summary](#)

[Environment, Aquaculture and Fisheries,](#)  
[Environment/Natural Resources, Government, Cultural](#)  
[Resources and Museums](#)

H 613 (2017-2018) [TRANSFER CERTAIN STATE PROPERTY. \(NEW\)](#) Filed Apr 5 2017, *AN ACT TO CONVEY CERTAIN REAL PROPERTY TO GRANVILLE COUNTY TO BE USED AS A CEMETERY AND TO CONVEY CERTAIN REAL PROPERTY TO BLADEN COUNTY TO BE USED AS A DRIVER TRAINING FACILITY FOR FIRST RESPONDERS.*

Senate committee substitute makes the following changes to 2nd edition. Changes short title to "Transfer Certain State Property." Changes title to *AN ACT TO CONVEY CERTAIN REAL PROPERTY TO GRANVILLE COUNTY TO BE USED AS A CEMETERY AND TO CONVEY CERTAIN REAL PROPERTY TO BLADEN COUNTY TO BE USED AS A DRIVER TRAINING FACILITY FOR FIRST RESPONDERS.*

Adds clarifying Part I, II, and III headers.

Adds new Sections 5-8, conveying for \$1 from the State of North Carolina to the Bladen County Board of Commissioners (Commissioners) all the rights, titles, and interests in approximately 109 acres of specified land. This property is subject to a reversionary interest reserved by the State, and is conveyed to the Commissioners only for as long as it is used as a driver training facility. The State conveys this property without warranty. All costs associated with the conveyance are to be borne by Bladen County. Declares this conveyance exempt from the provisions of GS Chapter 146, Article 7.

Makes the entire act effective July 1, 2018 (was, Part I was effective July 1, 2017).

**Intro. by Yarborough.**

[UNCODIFIED, Bladen, Granville](#)

[View summary](#)

[Government, Public Safety, Health and Human Services,](#)  
[Health, Public Health, Transportation](#)

H 965 (2017-2018) [NATIONAL AND STATE MOTTOS IN SCHOOLS ACT.](#) Filed May 17 2018, *AN ACT TO REQUIRE DISPLAY OF THE NATIONAL MOTTO AND THE STATE MOTTO IN PUBLIC SCHOOLS.*

House committee substitute makes the following changes to the 1st edition.

Amends the proposed changes to GS 115C-47(29a) and GS 115C-218.80, requiring the display of the national and state mottos in at least one prominent location of each public and charter school in the state. Specifies that the English translation of the state motto is to be displayed, and specifies that the display of each motto must also designate the motto as the national or state motto. Adds to the existing requirement for public and charter schools to provide age-appropriate instruction on the meaning and historical origins of the flag and Pledge of Allegiance to now require the provision of age-appropriate instruction on the meaning and historical origins of the US and state flags, mottos, and the Pledge of Allegiance. Makes conforming, organizational, and technical changes to the statutes. Additionally, deletes the proposed conforming changes to GS 115C-47(29c).

Amends GS 116-69.1 and GS 116-325 to make identical changes as those made to GS 115C-47 and GS 115C-218.80 by the act to require the North Carolina School of the Arts and the North Carolina School of Science and Math to display the national and state mottos in at least one prominent location of each school, and require each school to provide age-appropriate instruction on the meaning and historical origins of the US and state flags, mottos, and the Pledge of Allegiance. Makes conforming, organizational and technical changes to the statutes.

Decreases the appropriation to the Department of Public Instruction for the 2018-19 fiscal year to implement the act from \$100,000 to \$25,000.

Adds that the act applies beginning December 1, 2018 (was, beginning with the 2018-19 school year).

**Intro. by Bert Jones, Johnson, Arp, Shepard.**

[APPROP, GS 115C, GS 116](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, Budget/Appropriations, State Agencies, UNC System, Department of Public Instruction](#)

H 982 (2017-2018) [IDD DATA SHARING/LONGITUDINAL DATA SYSTEM](#). Filed May 22 2018, *AN ACT TO DIRECT THE GOVERNMENT DATA ANALYTICS CENTER TO ESTABLISH A TASK FORCE TO STUDY THE COLLECTION AND USE OF DATA ON EDUCATION AND EMPLOYMENT OUTCOMES FOR INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES THROUGH THE NORTH CAROLINA LONGITUDINAL DATA SYSTEM, AS RECOMMENDED BY THE LEGISLATIVE RESEARCH COMMISSION COMMITTEE ON INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.*

House committee substitute amends the 2nd edition, requiring the task force established by the Government Data Analytics Center pursuant to the act also consider in its study recommending that the General Assembly require measurability assessments done in accordance with GS Chapter 143E for any proposed or existing program relating to education and employment outcomes for individuals with intellectual and developmental disabilities.

**Intro. by Bradford, Dollar, Lambeth, Sauls.**

[STUDY](#)

[View summary](#)

[Education, Employment and Retirement, Health and Human Services, Health](#)

H 986 (2017-2018) [REVISE CURSIVE AND MULTIPLICATION REPORT](#). Filed May 22 2018, *AN ACT TO CLARIFY AND MAKE PERMANENT THE REPORTING REQUIREMENT ON CURSIVE WRITING AND MULTIPLICATION TABLES; AND TO REQUIRE STUDENTS WHO SCORE A LEVEL FIVE ON MATH END-OF-YEAR TESTS TO BE PLACED IN ADVANCED MATH CLASSES THE FOLLOWING YEAR.*

House committee substitute makes the following changes to 1st edition. Enacts new section GS 115C-81.36, requiring local boards of education to offer advanced courses in mathematics for grades three and higher when practicable. Requires that any student who scores a level five or higher on the end-of-grade or end-of-course mathematics test be enrolled in an advanced

mathematics course for their next mathematics course, if available. Requires seventh grade students who score a five to be enrolled in high school level mathematics in the eighth grade. Forbids removing any such student from the advanced or high school level mathematics course unless a parent or guardian gives written consent. Applies beginning in the 2018-19 school year. Makes conforming changes to the act's long title.

**Intro. by Hurley, Elmore, Horn, Johnson.**

**GS 115C**

[View summary](#)

**Education, Elementary and Secondary Education**

H 1010 (2017-2018) [BUILD NC BOND ACT](#). Filed May 24 2018, *AN ACT TO ENACT THE BUILD NC BOND ACT OF 2018*.

House committee substitute makes the following changes to 1st edition. Changes the long title by deleting *AS RECOMMENDED BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION PLANNING AND LONG TERM FUNDING SOLUTIONS*.

Sets out legislative intent of the statute, which is to maintain the integrity of the Strategic Transportation Investments Act (STI). Adds the following provisions. Prohibits the bond proceeds from being treated as revenue. Makes debt service subject to the distribution formula in GS 136-189.11. Requires that funds to be used for the Regional Impact Projects tier be allocated within 2% by population of Distribution Regions and used for Regional Impact Projects. Requires funds to be used for the Division Need Projects tier be allocated within 2% of an equal share to each of the Department divisions and used for Division Need Projects. Provides that the formula variance in GS 136-189.11(e) only applies to the debt service. Provides that nothing in the Build NC Bond Act of 2018 prevents the issuance of other bonds or special indebtedness for highway or transportation purposes.

Amends GS 142-82(2a), changing the definition of *Build NC Bonds* to remove the requirement to measure compliance with the two requirements of the provision in successive periods of 10 fiscal years each. No specific time frame is provided. Amends GS 142-97(2)(a) to forbid the State Treasurer from issuing Build NC Bonds if the Department of Transportation's average month-end cash balance for the first three months of the prior year is \$1 billion or less. Previously, issuance was not allowed if the Department's average combined month-end cash balance was 20% or less of the total expenditures from the Highway Fund and the Highway Trust Fund for the previous fiscal year. Amends GS 142-97(8), exempting Build NC Bonds from the entirety of GS 142-83, which allows the State to incur special indebtedness for funding capital projects only if (a) the General Assembly enacts legislation setting a cap on the maximum amount of special indebtedness and (b) the sum of all special indebtedness authorized by the legislation after January 1, 2013, does not exceed 25% of the bond indebtedness of the State supported by the General Fund that was authorized after January, 1, 2013. Previously the statute only exempted Build NC Bonds from subsection (b) of GS 142-83.

Makes other clarifying changes.

Act is now effective January 1, 2019, and expires December 31, 2028.

**Intro. by Torbett, Iler, Presnell, Shepard.**

**GS 142**

[View summary](#)

**Government, State Agencies, Department of State Treasurer, Department of Transportation, Transportation**

H 1029 (2017-2018) [DOT/DMV LEGISLATIVE REQUESTS](#). Filed May 29 2018, *AN ACT TO MAKE CHANGES TO THE TRANSPORTATION LAWS OF THE STATE*.

House committee substitute makes the following changes to the 1st edition.

Changes the act's long title.

Adds new Part III providing the following.

Enacts a new subsection to GS 20-79.4(b), creating an "Order of the Eastern Star Prince Hall Affiliated" registration plate. Establishes a special plate fee of \$20 and adds new subsection to GS 20-81.12 requiring \$10 of that amount be transferred quarterly to the Grand Chapter Order of the Eastern Star, PHA. Authorizes the Revisor of Statutes to reorganize the special registration plates listed in GS 20-79.4(b). Effective February 1, 2019.

Reenacts GS 20-63(b1)(47) and GS 20-79.4(b)(g) as they existed immediately before their expiration to authorize the Division of Motor Vehicles (Division) to produce and issue an Alpha Phi Alpha Fraternity special registration plate. Reenacts and modifies the expired provisions regarding the Alpha Phi Alpha Fraternity special registration plate set out in subsections (a1) and (b) of GS 20-79.7 and subsection (b39) of GS 20-81.12, establishing a special plate fee of \$30 and requiring that \$20 of that amount be transferred quarterly to the Education Consortium of North Carolina Inc. (previously, to the Association of North Carolina Alphas Educational Foundation) for scholarships for the benefit of African American males attending accredited North Carolina colleges and universities. Further amends GS 20-81.12(b39), as reenacted, eliminating the requirement that the Division must receive at least 300 applications for the special plate before it can be developed. Effective February 1, 2019.

Further amends GS 20-79.7, increasing the special registration plate fee for the Wildlife Resources plate from \$20 to \$30, and requiring that \$20 instead of \$10 of that amount be transferred quarterly to the Wildlife Conservation Account as specified in GS 20-81.12(b3).

Further amends GS 20-79.7, setting the special registration plate fee for the International Association of Fire Fighters special registration at \$20, and requiring that \$10 of that amount be transferred quarterly to the Professional Firefighters of North Carolina Charitable Fund in accordance with GS 20-81.12. Makes conforming changes.

Adds new Part IV providing the following.

Modifies GS 20-37.16, which exempts from the commercial drivers license (CDL) requirements certain classes of vehicles. Provides an exemption from the CDL requirements for any vehicle when used as firefighting or emergency equipment for the purpose of preserving life or property or to execute governmental functions (previously, to execute emergency governmental functions). Specifies that governmental functions include but are not limited to necessary maintenance, training, or required operation for official business of the department.

Repeals GS 20-190.2, which required the Department of Transportation to erect signs on highways entering the state that indicate highways are patrolled by unmarked police vehicles.

Makes conforming changes to renumber Parts of the act.

**Intro. by Torbett, Iler.**

[GS 18B](#), [GS 20](#), [GS 93E](#), [GS 136](#)

[View summary](#)

[Alcoholic Beverage Control](#), [Courts/Judiciary](#), [Motor Vehicle](#), [Government](#), [State Agencies](#), [Department of Transportation](#), [Transportation](#)

## PUBLIC/SENATE BILLS

S 15 (2017-2018) [ISD AND LOCAL BOARD CONTRACTING CHANGES \(NEW\)](#). Filed Jan 26 2017, *AN ACT TO MODIFY THE INNOVATIVE SCHOOL DISTRICT STATUTES; AND TO ALLOW LOCAL BOARDS OF EDUCATION TO CONTRACT WITH THE SPOUSE OF THE SUPERINTENDENT OF THE LOCAL SCHOOL ADMINISTRATIVE UNIT IN CERTAIN CITIES AND COUNTIES.*

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

Deletes the previous provisions. Changes the act's long and short titles, and now provides the following.

Part I

Amends GS 115C-75.5(5), which defines a *qualifying school* as it applies to Innovative School Districts (ISDs) as a low-performing school that meets one of two criteria. Modifies the first qualifying criteria, which requires the school having earned

an overall school performance score in the lowest 5% of all schools in the prior school year and having met three additional requirements. Eliminates the third requirement from the first qualifying criteria, which required that one of the models established in GS 115C-105.37B for continually low-performing schools had not been adopted for that school for the immediate prior school year.

Amends GS 115C-75.7, providing that the limitation that the State Board of Education (State Board), upon recommendation of the ISD Superintendent, can select no more than five qualifying elementary schools to transfer to the IDS as innovative schools applies through the 2019-20 school year. Provides that, beginning with the 2021-22 school year, the ISD Superintendent can recommend up to two additional qualifying schools per school year for State Board approval so long as schools that have been in the ISD for three or more school years have earned a grade of C or higher under GS 115C-12(9)c1. Requires the State Board to select the prospective innovative schools no later than November 15 (was, December 15) pursuant to the selection process described in subsection (b). Requires a local board of education that chooses to close a school rather than transfer the school into the ISD, upon notification by the ISD Superintendent of selection by the State Board of the qualifying school as a prospective innovative school, to submit a plan to the State Board that outlines the impact of closure, including information addressing the reassignment of students and staff, school bus travel time, and alternative enrollment options for students. Requires the local board to adopt a resolution by December 15 (was, February 1) consenting to transfer of the selected qualifying school to the ISD or closing that school.

Amends GS 115C-75.9, concerning facility and capital expenditures in the management of innovative schools. Establishes that the innovative school operator has first priority in use of the facility and capital expenditures at the school (was, has first priority in the use of the facility) for any purpose related to the operation of the innovative school. Adds to the definition of *facility and capital expenditures* any existing IT network, hardware, computers, instructional technology, phones, and related cabling. Further amends the statute, modifying subsection (f) to require the innovative school operator and the local board of education to finalize the authorized memorandum of understanding for alternate arrangements that address facility and capital expenditures, transportation services, or services for children with disabilities within 45 days (was, 30 days) of the initial request by the innovative school operator. Makes conforming change to direct the State Board to resolve any issues in dispute if the parties have not completed the memorandum of understanding within 45 days (was, 30 days). Adds new requirement to subsection (h), requiring the innovative operator to obtain input and approval of the ISD Superintendent in selecting and hiring the school principal for the innovative school. Adds a new provision permitting a teacher employed with career status under GS 115C-325 and assigned to a school transferred to the ISD who accepts employment at that ISD school to return to the local school administrative unit with career status upon the end of employment at the ISD school.

Amends GS 115C-75.13, permitting a low-performing school in an innovation zone to become an innovative school if that low-performing school does not exceed expected growth in the last two years of the five consecutive years in the innovation zone (currently, this is mandatory).

## Part II

Amends GS 14-234, which prohibits public officers and employees from benefiting from public contracts, to except from the prohibition employment contracts between a local board of education and the spouse of the superintendent of a county administrative unit located in a county having a population of 65,000 or fewer according to the most recent official federal census or of a city local school administrative unit located in whole or in part in a city having a population of 15,000 or fewer according to the most recent official federal census.

**Intro. by J. Davis, Tillman.**

GS 14, GS 115C

[View summary](#)

**Courts/Judiciary, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Employment and Retirement, Government, State Agencies, Department of Public Instruction, State Board of Education**

*CERTIFICATE OF TITLE MAY TRANSFER TITLE TO THE MOTOR VEHICLE AND TO MAKE OTHER CHANGES TO LAWS AFFECTING MOTOR VEHICLE DEALERS.*

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

Amends GS 20-52.1(d) and GS 20-72(b), providing that when a motor vehicle's statement of origin or existing certificate of title is unavailable, a motor vehicle dealer may transfer the title by submitting to the Division of Motor Vehicles (Division) a sworn statement signed by the dealer principal or manager that to the best of the signatory's knowledge all prior liens on the vehicle that are reasonably ascertainable have been paid. Indemnifies the dealer owner or manager who is not a signatory from a criminal violation if that person did not have actual knowledge of the falsity of the sworn certification. Indemnifies the Division from legal action arising from such a sworn statement.

Amends GS 20-58(b), indemnifying the dealer owner or manager who is not a signatory on a filed instrument creating a security interest in a motor vehicle from a criminal violation if that person did not have actual knowledge of the falsity of the sworn certification. Makes other clarifying changes. Allows filing a notarized copy of an instrument creating and evidencing a security interest when a manufacturer's statement of origin or an existing certificate of title was (1) not delivered to the dealer or (2) was lost or misplaced before the dealer sells or transfers the vehicle (was, only when the statement or title was unavailable).

Replaces proposed new section GS 20-72.1, governing transfer of ownership when a certificate of title is unavailable with the following. Requires the dealer to deliver the manufacturer's statement of origin or certificate of title to the Division within 20 days of receipt of the title, but no later than 60 days following the sale or transfer of the vehicle or the creation of a security interest. Requires dealer to provide notice to purchaser that purchaser may be entitled to liquidated damages if the dealer fails to deliver the manufacturer's statement of origin or certificate of title to the Division in accordance with this subsection. If the vehicle is a used motor vehicle, the dealer must apply to the Division for a duplicate title within five working days of the date of sale or transfer. If the vehicle is new, the dealer must request a new statement of origin from the applicable manufacturer within five working days of the date of sale or transfer. If the dealer fails to deliver the statement of origin or title within 60 days the purchaser may seek liquidated damages from the dealer, without having to rescind the purchase.

Amends GS 20-79.1(h), defining the circumstances when a vehicle's statement of origin or title is unavailable for the purposes of temporary license plates, being when they were not delivered to the dealer or when they were lost or misplaced.

Directs the Division, in consultation with the North Carolina Automobile Dealers Association, Inc., to study the impact of the above amendments on Division process and procedures, along with recommended statutory changes and methods to ensure consumer protection in the motor vehicle transfer process. Findings are to be reported by December 31, 2020. This section effective when it becomes law. The above sections effective January 1, 2019.

Amends GS 20-79.02(g), extending the amount of time when dealers are required to display LD license plates on service loaner vehicles to January 1, 2021 (was, 2019).

Extends SL 2015-232 Sections 1.4(b) and 1.1(b), concerning franchised motor vehicle dealer vehicles, to December 31, 2020.

Amends GS 20-79.1(d), requiring a dealer to mail the application and fees for temporary license plates to the Division within 20 days of issuance of the temporary plate (was, 10 working days). No longer requires a contract for sale to be rescinded in writing before delivery of the application and fee is no longer necessary.

Amends GS 20-183.4C, requiring a new vehicle to be inspected before it is delivered to a purchaser at retail in the state (currently, requires inspection before it is sold at retail in the state).

Amends GS 105-562 and GS 105-570, limiting the application of any tax or tax increase levied under Article 51 (Regional Transit Authority Registration Tax) or Article 52 (County Vehicle Registration Tax) to motor vehicles sold or leased by a motor vehicle dealer on or after the effective date of the tax or tax increase, regardless of the date of submission of a title or registration application for the vehicle to the Division. Exempts a motor vehicle sale or lease from a tax or tax increase levied under Article 51 or 52 if the sale or lease was made prior to the effective date of the tax or tax increase. Applies to any tax or tax increase with an effective date on or after the date the act becomes law.

Amends GS 20-4.02, which requires the Division to adjust certain fees and rates quadrennially beginning July 1, 2020. Adds a new provision establishing that any adjustment to fees or rates under the statute applicable to a motor vehicle sold or leased by a motor vehicle dealer apply only to a sale or lease made on or after the effective date of the fee or rate adjustment, regardless

of the date of submission of a title and registration application for the motor vehicle with the Division. Exempts motor vehicle sales or leases from adjustments to fees or rates under the statute if the sale or lease was made prior to the effective date of the fee or rate adjustment.

**Intro. by B. Jackson.**

[STUDY, GS 20, GS 105](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, State Agencies, Department of Transportation, Tax, Transportation](#)

S 412 (2017-2018) [ABANDONED VEHICLES/CHARITIES \(NEW\)](#). Filed Mar 28 2017, *AN ACT TO PROVIDE A PROCESS FOR USED MOTOR VEHICLE DEALERS TO DISPOSE OF ABANDONED VEHICLES RECEIVED FROM CHARITABLE ORGANIZATIONS.*

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

Deletes the previous provisions. Changes the act's long and short titles, and now provides the following.

Enacts GS 20-109.3, detailing requirements for when a charitable 501(c)(3) organization requests a licensed used motor vehicle dealer, whose primary business is the sale of salvage vehicles on behalf of insurers or charitable organizations, to take possession of a donated vehicle currently titled in the state but the title is not provided to the dealer at the time of donation or within 10 days of the donation. Requires the dealer to send notice to the last registered owner and any reasonably ascertainable lienholders of the vehicle informing the owner or lienholder of the vehicle's donation, and include the current location of the vehicle, the name of the charitable organization to which the vehicle was donated, and the name of the vehicle donor. Also requires the notice to inform the owner or lienholder of their right to object to the donation within 30 days from the date of notice and reclaim the vehicle from the dealer at no charge by providing proof of ownership. Requires the notice be sent by certified mail or another commercially available service providing proof of delivery to the address on record with the Division of Motor Vehicles (DMV). Deems any claim to the vehicle by the owner or lienholder to be abandoned upon failure to object to the donation and pick up the vehicle within 30 days, and transfers title to the vehicle to the charitable organization by the owner, deeming the lien extinguished. Provides for the charitable organization or the dealer acting on its behalf to apply for duplicate title with transfer upon payment of applicable fees, accompanied by a copy of the written donation statement, the required notice to the owner or lienholder, proof of delivery of the notice, and proof of the power of attorney if the dealer is executing the application on behalf of the charitable organization. Requires the DMV to issue a title to the donated vehicle in the name of the charitable organization and mail the title, free and clear of liens, to the dealer possessing the vehicle upon receipt of an application for duplicate title with transfer as specified. Allows for the dealer to file a special proceeding to obtain an order allowing a vehicle or vehicles to be sold if the required notice is not received or returned as undeliverable. Provides for a court order authorizing the sale of a donated vehicle as salvage that is not currently titled in the state, does not appear in the DMV's records, or the owner or lienholder are not otherwise ascertainable for any reason, and requires the DMV to issue a salvage branded title to the person who purchases the vehicle at a subsequent sale. Makes it a Class 2 misdemeanor for any person to provide false information to the DMV in conjunction with the sale of a charity vehicle or otherwise violating the statute with the intent to defraud any person. Provides immunity to the DMV for the issuance of a title pursuant to the statute and for any damages arising from the transfer or subsequent operation of any vehicle titled or sold pursuant to the statute.

Amends GS 20-75, adding to the existing exemptions from registration and title requirements a charitable 501(c)(3) organization when the vehicle was donated to the charitable organization solely for purposes of resale by the charitable organization. Also adds that applicable charitable organizations can assign or transfer title or interest in the vehicle by executing a reassignment and warranty of title on the reverse of the certificate of title as specified in existing language for other exempt dealers and insurance companies.

Amends GS 20-286, excepting from the term *motor vehicle dealer* or *dealer* applicable to Article 12, Motor Vehicle Dealers and Manufacturers Licensing Law, any charitable 501(c)(3) organization where the vehicle was donated to the charitable organization solely for purposes of resale by the charitable organization. Amends GS 20-294 to include new GS 20-109.3 to those statutes for which a violation may be grounds for the DMV to deny, suspend, place on probation, or revoke a motor vehicle dealer or manufacturer license.

Amends GS 105-187.6 to exempt from highway use tax certificates of title issued as the result of a transfer of a motor vehicle to a charitable 501(c)(3) organization where the vehicle was donated to the charitable organization solely for purposes of resale by the charitable organization.

**Intro. by B. Jackson.**

[GS 20, GS 105](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Government, Tax, Nonprofits, Transportation](#)

S 462 (2017-2018) [CHANGE NAME OF UNC GENERAL ADMINISTRATION. \(NEW\)](#) Filed Mar 29 2017, *AN ACT TO CHANGE THE NAME OF THE UNIVERSITY OF NORTH CAROLINA GENERAL ADMINISTRATION TO THE UNIVERSITY OF NORTH CAROLINA SYSTEM OFFICE.*

House committee substitute makes the following changes to the 1st edition.

Deletes all provisions of the 1st edition and replaces it with the following.

Changes the name of the UNC General Administration to the UNC System Office throughout statutes in the following General Statute Chapters: 116, 116D, 127B, 143, and 147 and directs that the statutes are amended further by making the substitution wherever it is needed.

Specifies that all statutory and other legal authority, powers, duties, functions, records, personnel, property, and unexpended balances of appropriations or other funds of UNC General Administration remain those of the UNC System Office.

Provides that nothing in the act requires the immediate replacement of any stationary, other supplies, or any emblems or other symbols used by the UNC System Office as they existed before the enactment of the act.

Effective July 1, 2018.

Makes conforming changes to the act's titles.

**Intro. by Barefoot, Curtis, Daniel.**

[GS 116, GS 116D, GS 127B, GS 143, GS 147](#)

[View summary](#)

[Government, State Agencies, UNC System](#)

S 711 (2017-2018) [NC FARM ACT OF 2018.](#) Filed May 16 2018, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS.*

Senate committee substitute makes the following changes to the 1st edition.

Deletes the contents of the previous edition and instead provides the following.

Section 1

Repeals Article 44 of GS Chapter 106 (Unfair Practices by Handlers of Fruits and Vegetables) and enacts Article 44A of GS Chapter 106, titled Fruit and Vegetable Handlers Registration Act. Sets out defined terms applicable to new Article 44A.

Requires a handler to register with the Department of Agriculture and Consumer Services (DACS) prior to conducting business in the state. Defines *handler* to mean any person in the business of buying, receiving, selling, exchanging, negotiating, processing for resale, or soliciting the sale, resale, exchange, or transfer of any fruits and vegetables purchased from a North Carolina farmer, received on consignment from a North Carolina farmer, or received to be handled on net return basis from a North Carolina farmer. Provides that the registration is free of cost. Details the required registration information required of handlers to submit to DACS. Requires handlers to update DACS within 60 days of any change in the registration information, and requires handlers to annually update DACS by February 1 of the annual volume, in dollar amount, of fruits and vegetables handled by the handler in North Carolina. Makes information collected under Article 44A confidential.



Exempts from the provisions of Article 44A: (1) a farmer or group of farmers in the sale of fruits and vegetables they produced themselves; (2) a handler who pays at the time of purchase with US cash or a cash equivalent; (3) a restaurant; and (4) a retailer that sells fruits and vegetables to end-use consumers through retail establishments or food stands operated by the company, its affiliates, or subsidiaries.

Allows the Board of Agriculture to adopt rules to implement Article 44A.

Authorizes the Commissioner of Agriculture to assess a civil penalty for violation of Article 44A or rules adopted thereunder not to exceed \$100 per violation. Adds that civil penalties for failure to register or provide updated information as required can only be issued after a 15-calendar-day notice has been provided to the handler and the handler subsequently fails to remedy the deficiency within 15 days. Further authorizes the Commissioner of Agriculture to apply for a temporary and/or permanent injunction, issued without bond, restraining any person from violating or continuing to violate any provision of Article 44A or any rule adopted thereunder.

Effective January 1, 2019, and applies to handlers conducting business in the State on or after that date.

## Section 2

Amends GS 106-24.1, establishing that all information generated by any federal agency received pursuant to GS Chapter 106 that is confidential under federal law must be held confidential by DACS and its employees, unless confidentiality is waived by the federal agency (previously, more specifically applied to information received pursuant to Article 1, Part 5, of GS Chapter 106 concerning cooperation between the Department, the US Department of Agriculture, and County Commissioners; also previously did not provide for agency waiver).

## Section 3

Amends GS 66-28, exempting DACS's promotion of Got to Be NC from the general prohibition against governmental units selling merchandise or services.

## Section 4

Amends the definitions set out in GS 106-568.51 that are applicable to Article 50E of GS Chapter 106 regarding industrial hemp. Adds the term *verified propagule* and defines the term to mean a seed or clone from an industrial hemp plant from which THC concentration samples have been tested by a qualified laboratory and confirmed as having a delta-9 tetrahydrocannabinol concentration less than that adopted by federal law in the Controlled Substances Act (21 USC 801, et seq.). Modifies the term *hemp products* to include all products made from verified propagules for cultivation if the seed originates from industrial hemp varieties. Makes conforming change to delete the term *certified seed*.

## Section 5

Amends the following statutes concerning forestry to refer to the Commissioner of Agriculture instead of the Secretary of DACS: (1) GS 106-980, GS 106-981, and GS 106-982 (concerning the formation, organization, and directors of private limited dividend corporations created and approved by the Commissioner to finance and carry out projects for the protection and development of forests); (2) GS 106-1003 (concerning the deposit of receipts of all monies paid to the Commissioner for forestry services rendered under Article 82 with the State treasury); and (3) GS 106-1012(2) (defining *approved practices* under the Forest Development Act to mean silvicultural practices approved by the Commissioner for the purposes specified).

## Section 6

Directs DACS to immediately develop an enforcement plan to enforce the US Food and Drug Administration (FDA)'s standard of identity for milk, defined in 21 CFR 131.110 and the Pasteurized Milk Ordinance, as adopted by the North Carolina Administrative Code, to prohibit the sale of plant-based products mislabeled as milk. Defines *milk* to mean the lacteal secretion, practically free from colostrum, obtained by the complete milking of one or more healthy hooved mammals. Provides that hooved mammals include but are not limited to cattle, water buffalo, sheep, goats, yaks, llamas, alpacas, camels, deer, reindeer, moose, horses, and donkeys. Requires DACS to begin implementation of its enforcement plan no later than 90 days after the effective date of the act. Requires the plan to include notification of DACS's intent to embargo all mislabeled products offered for sale in the state. Requires all plant-based products displayed for sale in the state to be labeled in accordance with the FDA's standard of identity for milk and the Pasteurized Milk Ordinance no later than January 1, 2019.

## Section 7

Amends GS 120-150, establishing that a quorum of the Agriculture and Forestry Awareness Study Commission is nine members.

#### Section 8

Directs the Agriculture and Forestry Awareness Study Commission (Commission) to study (1) requiring holders of unused rights-of-way and utility easements to offer the easements to the underlying property owners for fair market value and (2) the advisability of excluding property enrolled in present use value taxation from rural fire protection district and county service district taxes. Requires the Commission to complete the studies and report its findings and recommendations to the General Assembly by January 1, 2019.

#### Section 9

Amends GS 106-741 to mandate that all counties require land records to include some form of notice to alert persons searching the title of a tract that the tract is located within one-half mile of a poultry, swine, or dairy qualifying farm, within 600 feet of any other qualifying farm, or within one-half mile of a voluntary agricultural district (currently, authorizes any county with a computerized land records system to require notice of proximity as described).

#### Section 10

Amends GS 106-700, which establishes the purpose of Article 57 is to reduce the loss to the state of its agricultural and forestry resources by limiting circumstances under which an agricultural or forestry operation can be deemed to be a nuisance. Modifies the existing policy language to state the finding that when there are changed conditions in the locality near agricultural and forestry areas, including other land uses that extend into agricultural and forestry areas, agricultural and forestry operations often become the subject of nuisance suits (currently, the finding does not concern changed conditions in the locality near agricultural and forestry areas).

Amends GS 106-701, which establishes that an agricultural and forestry operation does not constitute a nuisance by any changed conditions in or about the locality outside of the operation after the operation has been in operation for more than one year so long as the operation was not a nuisance at the time the operation began. Adds language defining the term *changed conditions* to include, but not be limited to, a change in ownership, occupancy, or the use of the property that is affected by the alleged nuisance. Establishes a presumption that activities conducted by an agricultural or forestry operation are presumed not to be a nuisance unless the plaintiff shows by clear and convincing evidence that the operation has not been managed in a manner consistent with: (1) generally accepted practices, methods, or procedures that are routinely used by other agricultural and forestry operations in the region and (2) applicable laws and regulations. Eliminates the exemptions for a nuisance that results from the negligent or improper operation of any agricultural or forestry operation or its appurtenances from the statute's provisions or those existing or later adopted local nuisance ordinances voided by the statute.

#### Section 11

Directs the Utilities Commission to adopt rules to establish reasonable limitations on the amount by which a natural gas local distribution company can increase its margin revenues in an agreement between the natural gas local distribution company and a customer that provides for cost recovery in connection with the construction of facilities and extension of natural gas service to a property used for bona fide farm purposes, in the event that actual construction costs exceed the estimated construction costs provided in the agreement. Requires the Utilities Commission to adopt the rules no later than October 1, 2018.

#### Section 12

Amends GS 139-7.2, modifying the continuing education requirements for soil and water conservation district supervisors to require all district supervisors to complete a minimum of six hours of training per term of service (currently, requires a minimum of six hours of training annually).

Amends GS 105-164.13, establishing a sales and use tax exemption for the sales of items listed in GS 105-164.13E purchased by a qualifying farmer for use in a zoo operated by a qualifying farmer. GS 105-164.13E exempts from sales and use tax specified tangible personal property, digital property, and services that are purchased by a qualifying farmer and used by the farmer for farming operation purposes. Adds that income from zoo operations are excluded for purposes of the income requirement for a qualifying farmer, as defined in existing GS 105-164.13E(a) (requiring at least \$10,000 farming operation average income or \$10,000 farming operation income preceding taxable year). Effective retroactively to January 1, 2011, and applies to purchases made on or after that date. Provides for an opportunity to apply to the Department of Revenue on or

before January 1, 2019, for a refund of any excess tax paid to the extent the refund is the result of the change in law as enacted. Bars a request for a refund after January 1, 2019, and establishes that the excessive or erroneous collections provisions of GS 105-164.11 do not apply.

#### Section 14

Amends GS 105-317.1 concerning the appraisal of personal property. Adds descriptors to each existing subsection. Adds new subsection providing for the uniform appraisal of farm equipment, allowing the appraiser to use any of the nine appraisal elements listed in subsection (a) of the statute and requiring the appraiser to consider relevant taxpayer information required in subsection (b). Directs the Department of Revenue to publish and make available on its website a depreciation schedule for farm equipment to assist counties that use the cost approach to appraise this equipment. Requires counties that use a cost approach method to appraise farm equipment using the published depreciation schedule. Effective for taxes imposed for taxable years beginning on or after July 1, 2019.

#### Section 15

Amends GS 105-278.2(a) regarding the burial property tax exemption. Specifies that no property exemption application is required under GS 105-282.1 for burial property exempt under the subsection. Prohibits a county from denying the exemption to a taxpayer that lacks a survey or plat detailing the exempt property.

#### Section 16

Provides a severability clause.

**Intro. by B. Jackson, Cook, Sanderson.**

[STUDY, GS 66, GS 105, GS 106, GS 120, GS 139](#)

[View summary](#)

**[Agriculture, Business and Commerce, Government, State Agencies, Department of Agriculture and Consumer Services, Department of Commerce, Department of Revenue, Tax, Health and Human Services, Health, Public Health, Public Enterprises and Utilities](#)**

S 711 (2017-2018) [NC FARM ACT OF 2018](#). Filed May 16 2018, *AN ACT TO MAKE VARIOUS CHANGES TO THE AGRICULTURAL LAWS*.

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

Adds new Section 15.1. Enacts GS 153A-212.5, permitting intergovernmental law enforcement mutual aid agreements (agreement) between a law enforcement agency and an out-of-state law enforcement agency or officer to aid in enforcing state laws within the jurisdiction of the requesting law enforcement agency for maintaining security and safety for an international equestrian event. Defines *law enforcement agency*, *out-of-state law enforcement agency*, and *out-of-state law enforcement officer*. Requires the agreement to be in writing and address: (1) standards of conduct for out-of-state officers; (2) training requirements; (3) reimbursement of costs and expenses for supplies, equipment, facilities, personnel, services, and similar items if furnished, lent, or exchanged as part of the agreement; (4) protocols for processing claims made against or by the out-of-state law enforcement officer; and (5) approval of the governing body if the law enforcement agency is a sheriff or municipal police force. Allows the scope of the agreement to be comprised of (1) allowing out-of-state officers to work temporarily with officers of the requesting agency; (2) furnishing, lending, or exchanging supplies, equipment, facilities, personnel, and services; and (3) reciprocal law enforcement mutual aid and assistance between agencies. Grants out-of-state officers working with a requesting agency the same jurisdiction, powers, rights, privileges, and immunities as the officers of the requesting agency, and subjects the out-of-state officers to the lawful operational commands of the requesting agency. Deems out-of-state officers sworn in the officers' home jurisdiction to have met the certification requirements of North Carolina for purposes of being sworn in as a law enforcement officer with the requesting agency under the agreement. Additionally, permits out-of-state officers to hold dual offices in accordance with an agreement pursuant to the statute. Specifies that the statute does not reduce the jurisdiction or authority of state law enforcement officers.

Enacts GS 90-187.3A, requiring the State Board of Veterinary Medicine to issue a license to practice veterinary medicine in North Carolina to a nonresident veterinarian validly licensed in another state, territory, or district of the United States or foreign country who submits an application for licensure and pays the application fee authorized in GS 90-186(6)(e). Limits the validity of a license issued under the new statute to treatment of a horse previously in the care of the nonresident veterinarian.

Sets Section 15.1 of the act to expire October 1, 2018.

**Intro. by B. Jackson, Cook, Sanderson.**

STUDY, GS 66, GS 90, GS 105, GS 106, GS 120, GS 139, GS 153A

[View summary](#)

**Agriculture, Business and Commerce, Occupational Licensing, Government, Public Safety, State Agencies, Department of Agriculture and Consumer Services, Department of Commerce, Department of Revenue, Tax, Local Government, Health and Human Services, Health, Public Health, Public Enterprises and Utilities**

S 727 (2017-2018) **RAPE EVIDENCE COLLECTION KIT TRACKING ACT**. Filed May 21 2018, *AN ACT TO CREATE THE STATEWIDE SEXUAL ASSAULT EVIDENCE COLLECTION KIT TRACKING SYSTEM AND TO REQUIRE TESTING OF PREVIOUSLY UNTESTED SEXUAL ASSAULT EVIDENCE COLLECTION KITS, AS RECOMMENDED BY THE JOINT LEGISLATIVE OVERSIGHT COMMITTEE ON JUSTICE AND PUBLIC SAFETY.*

Senate committee substitute amends the 1st edition to direct the working group convened by the Department of Public Safety (DPS) pursuant to the act to make findings and recommendations to the Secretary of DPS and the Director of the State Crime Laboratory regarding the development of protocols, rules, and guidelines for the Statewide Sexual Assault Evidence Collection Kit Tracking System created by proposed GS 114-65(a). As previously provided, the Secretary of DPS must submit the working group's findings and recommendations to the Joint Legislative Oversight Committee on Justice and Public Safety by December 1, 2018.

**Intro. by Randleman, Sanderson.**

GS 114, GS 143B

[View summary](#)

**Courts/Judiciary, Evidence, Government, Public Safety, State Agencies, Department of Public Safety**

S 757 (2017-2018) **VARIOUS COURT DISTRICTS CHANGES (NEW)**. Filed May 28 2018, *AN ACT TO MAKE VARIOUS CHANGES TO THE SUPERIOR COURT DISTRICTS, DISTRICT COURT DISTRICTS, AND PROSECUTORIAL DISTRICTS.*

House amendment #2 makes the following changes to the 4th edition, as amended.

Further amends the implementation provisions for the proposed changes in GS 7A-41, as amended by Amendment #1, requiring superior court judge elections to be held in 2018 and every eight years thereafter for District 5B, consisting of part of New Hanover County (previous Amendment #1 required elections to be held in 2020 and every eight years thereafter for District 5B). Additionally, requires superior court judge elections to be held in 2024 and every eight years thereafter for District 5C, consisting of part of New Hanover County (previously, required elections to be held in 2018 and every eight years thereafter for District 5C).

**Intro. by Bishop, Tarte.**

Mecklenburg, New Hanover, Pender, Wake, GS 7A

[View summary](#)

**Courts/Judiciary, Court System**

S 758 (2017-2018) [BUILD NC BOND ACT OF 2018](#). Filed May 29 2018, *AN ACT TO ENACT THE BUILD NC BOND ACT OF 2018*.

Senate committee substitute makes the following changes to 1st edition. Amends GS 142-97(2)(a), which forbids the State Treasurer from issuing Build NC Bonds if the Department of Transportation's average month-end cash balance for the first three months in the prior calendar year is \$1 billion or less, by removing reference to GS 143C-6-11(f), which requires the Department of Transportation to maintain a cash balance at the end of each month of 7.5% of the total appropriations for the current fiscal year from the Highway Fund. Amends GS 142-97(8), exempting Build NC Bonds from the entirety of GS 142-83, which allows the State to incur special indebtedness for funding capital projects only if (a) the General Assembly enacts legislation setting a cap on the maximum amount of special indebtedness and (b) the sum of all special indebtedness authorized by the legislation after January 1, 2013, does not exceed 25% of the bond indebtedness of the State supported by the General Fund that was authorized after January 1, 2013. Previously the statute only exempted Build NC Bonds from subsection (b) of GS 142-83.

**Intro. by Rabon, Harrington, J. Davis.**

[GS 142](#)

[View summary](#)

[Government, State Agencies, Department of State Treasurer, Department of Transportation](#)

S 768 (2017-2018) [PEOPLE FIRST LANGUAGE 2018](#). Filed May 29 2018, *AN ACT TO UPDATE THE GENERAL STATUTES OF NORTH CAROLINA WITH PEOPLE FIRST LANGUAGE BY CHANGING THE PHRASE "MENTAL RETARDATION" TO "INTELLECTUAL DISABILITY" IN CERTAIN SECTIONS AND TO MAKE OTHER PEOPLE FIRST LANGUAGE AMENDMENTS AND TECHNICAL AMENDMENTS IN THOSE SECTIONS, AS RECOMMENDED BY THE GENERAL STATUTES COMMISSION*.

Senate committee substitute makes the following changes to the 1st edition.

Amends GS 168A-3, which contains the definitions used in GS Chapter 168A to define *physical or mental impairment*, in addition to the existing definition, to include any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability (previously did not include psychological disorder and emotional or mental illness).

**Intro. by Barringer, Harrington, Krawiec.**

[GS 1, GS 7B, GS 8C, GS 14, GS 15, GS 15A, GS 35A, GS 58, GS 62, GS 90, GS 110, GS 115, GS 130A, GS 143, GS 143B, GS 153A, GS 159, GS 168, GS 168A](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Evidence, Criminal Justice, Criminal Law and Procedure, Education, Elementary and Secondary Education, Government, Local Government, Health and Human Services, Health, Mental Health, Social Services, Child Welfare](#)

S 806 (2017-2018) [UP MINIMUM WAGE WITH COLA/CONST. AMENDMENT](#). Filed Jun 5 2018, *AN ACT AMENDING THE NORTH CAROLINA CONSTITUTION TO SET THE STATE MINIMUM WAGE*.

Part I

Subject to voter approval at the November 6, 2018, general election, adds new Section 38 to Article I of the Constitution requiring employers to pay employees no less than the minimum wage for all hours worked in the state and establishing the minimum wage to be \$8.80 per hour six months after the amendment's enactment with an increase on January 1 of successive years by the increase in cost of living. Effective December 1, 2018.

Subject to voter approval as described above, new Section 38 more specifically entitles citizens to a minimum wage sufficient to provide a decent and healthy life for them and their families, that protects their employers from unfair low-wage competition, and that does not force them to rely on taxpayer-funded public services. Requires the Department of Labor to annually adjust the minimum wage on September 30, beginning the year the amendment is enacted, to reflect any increase in the consumer price index, CPI-U, or its successor index as calculated by the US Department of Labor. Requires each adjusted minimum wage rate to be published and effective on the following January 1. Specifies that employers can credit toward satisfaction of the minimum wage tips up to the amount of the allowable FLSA tip credit in 2003 for eligible tipped employees. Makes it unlawful for an employer or other party to discriminate or take adverse action against any person in retaliation for exercising rights protected by the amendment, which include the right to file a complaint or inform any person about any party's alleged noncompliance and the right to inform any person of his or her potential rights and assist him or her in asserting those rights. Establishes that a prevailing party in a civil action against an employer or person violating the amendment must recover the full amount of any back wages unlawfully withheld plus liquidated damages and reasonable attorneys' fees and costs, in addition to any appropriate legal or equitable relief. Further, subjects any employer or person found in willful violation to a \$1,000 fine for each violation. Authorizes the Attorney General or other official designated by the General Assembly to bring a civil action to enforce the amendment. Establishes a statute of limitations of four years, or five years in the case of willful violations. Permits claims under the amendment to be brought as a class action. Allows the General Assembly to establish additional remedies or fines for violations, raise the minimum wage rate, reduce the tip credit, or extend coverage of the amendment by statute, but clarifies that implementation legislation is not necessary to enforce this amendment. Authorizes the General Assembly or the Department of Labor to adopt appropriate implementation measures. Adds that case law, administrative interpretations, and other guiding standards developed under the federal Fair Labor Standards Act guide the construction of the amendment and any implementing statutes or regulations. Includes a severability clause.

#### Part II

Subject to voter approval of new Section 38 of Article I of the Constitution, makes conforming changes to GS 95-25.3, conforming the minimum wage to that as described in new Section 38 of the Constitution and providing for the annual cost of living increase beginning on January 1, 2019. Directs the Commissioner of Labor to calculate the indexed minimum wage rate to the nearest cent.

**Intro. by Waddell, Smith, Lowe.**

CONST, GS 95

[View summary](#)

[Constitution, Employment and Retirement](#)

### LOCAL/HOUSE BILLS

H 1084 (2017-2018) [HIGH POINT/CITY MANAGER DISPOSE OF EASEMENTS](#). Filed Jun 5 2018, *AN ACT AMENDING THE CHARTER OF THE CITY OF HIGH POINT TO AUTHORIZE THE CITY COUNCIL TO DELEGATE TO THE CITY MANAGER THE AUTHORITY TO DISPOSE OF EASEMENTS THAT ARE NO LONGER NEEDED BY THE CITY.*

Adds a new section to the charter of the City of High Point set forth in SL 1979-501, as amended. Permits the city council to authorize the city manager to dispose of or exchange specified property interests upon terms the city council deems appropriate without obtaining approval for each disposition. Property interests that the city manager may be authorized to dispose of include water, sewer, traffic control, drainage, access, sidewalk, greenway, landscape, or utility easements when the easement is no longer needed by the city.

**Intro. by Faircloth, Hardister, Quick, Brockman.**

Davidson

[View summary](#)

### LOCAL/SENATE BILLS

S 804 (2017-2018) [AUTHORIZE TEACHER-GOV'T EMP'EE HOUSING/BERTIE](#). Filed Jun 5 2018, *AN ACT TO AUTHORIZE THE WINDSOR TOWNSHIP DEVELOPMENT COMMISSION AND BERTIE COUNTY TO COLLABORATE TO PROVIDE AFFORDABLE RENTAL HOUSING UNITS TO TEACHERS AND OTHER GOVERNMENT EMPLOYEES.*

Amends SL 1965-559, Section 2, as amended by SL 1969-456, enacting new Section 2.1, granting the Windsor Township Development Commission (Commission) the authority to acquire and hold title to real and personal property, and to borrow money and incur debt, for public purposes, including the construction and maintaining of affordable rental housing units for employees of Bertie County, Bertie County schools, the Town of Windsor, and State employees residing in Bertie County. Grants the Commission the authority to enter into leases, management agreements, and similar arrangements with Bertie County to manage, lease, and maintain these rental housing units. Grants the Commission the authority to accept grants or donations of money contributed for public purposes.

Grants Bertie County the authority to enter into leases, management agreements, or similar arrangements with the Commission for the County to manage, lease, and maintain these rental housing units. Directs Bertie County to restrict the rental of these units to Bertie County Public Schools teachers and employees, unless units cannot be filled by school employees, in which case units are to be rented to employees of Bertie County, the Town of Windsor, and State employees residing in Bertie County.

Does not exempt these affordable housing units from compliance with applicable building codes and other health and safety regulations. Effective notwithstanding GS 66-58 and GS Chapter 153A and 160A.

**Intro. by Smith.**

[Bertie](#)

[View summary](#)

[Development, Land Use and Housing, Property and Housing, Education, Elementary and Secondary Education](#)

S 805 (2017-2018) [POLK, SALUDA, TRYON OCCUPANCY TAX](#). Filed Jun 5 2018, *AN ACT TO MAKE MODIFICATIONS TO THE ROOM OCCUPANCY TAX AUTHORITY FOR POLK COUNTY AND THE TOWNS OF SALUDA AND TRYON.*

Repeals SL 2017-202, which sets out the occupancy tax for eight districts including Saluda District D.

Repeals SL 2006-148, which sets out the occupancy tax of Tryon and Boiling Springs. Directs that any unencumbered occupancy tax funds at the time of repeal must be expended for the benefit of the Town of Tryon. Directs the Town of Tryon to dissolve the Tryon Tourism Development Authority once all funds have been expended.

Amends SL 1985-969, Section 3, as amended by SL 2001-480, Section 11, SL 2011-170, Section 2.4, and SL 2015-128, Section 4, removing Polk County from the list of counties to which the statute applies, effectively repealing the Polk County occupancy tax. Requires that any unencumbered occupancy tax funds at the time of repeal be expended for the benefit of Polk County.

Creates Polk County District P (the district) as a taxing district. Defines the district's jurisdiction as the unincorporated areas of Polk County, the part of Saluda located in Polk County, and the municipal limits of the town of Tryon. The district is corporate and has the power to carry out provisions of this section. The Polk County Board of Commissioners will serve ex officio as the officers of the governing body of the district and the officers of the county serve as the officers of the governing body of the district. The governing body of the district may levy a room occupancy tax of up to 6%. This tax is in addition to any State or local sales or room occupancy tax. Provides that the tax must be levied, administered, collected, and repealed as provided in GS 153A-155 (uniform provisions for room occupancy taxes) as if the district were a county. Requires the Polk County Tourism Development Authority to use at least two-thirds of the occupancy tax proceeds to promote travel and tourism in the city and the remainder for other tourism-related expenditures.

Directs the Polk County Board of Commissioners to adopt a resolution creating the Polk County District P Tourism Development Authority (Authority). Requires the Authority to consist of six members, consisting of members affiliated with businesses in the district, and members affiliated with promotion of travel and tourism in the district. The Authority is directed to expend the proceeds of the room occupancy tax to promote travel, tourism, and conventions in the district.

Makes other conforming changes to GS 153A-155(g).

Repeal of the Tryon, Boiling Springs, and Polk County occupancy taxes effective on the date that the Polk County District P room occupancy tax is levied, which must be on the first day of a month, and may not be earlier than the second month after the resolution is adopted.

**Intro. by Hise.**

Polk

[View summary](#)

**Government, Tax**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 382: INSURANCE TECHNICAL CORRECTIONS.-AB**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate*

#### **H 414: SWAIN COUNTY/OFFICIAL FLY FISHING MUSEUM (NEW).**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Rules and Operations of the Senate*

#### **H 573: VACANT BUILDING RECEIVERSHIP.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate*

#### **H 577: LSC CRIM. CHECK/FELONIOUS GAMING MACHINES (NEW).**

*House: Conferees Changed*

#### **H 613: TRANSFER CERTAIN STATE PROPERTY. (NEW)**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Rules and Operations of the Senate*

#### **H 619: CLARIFY MOTOR VEHICLE DEALER LAWS.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Commerce and Insurance. If fav, re-ref to Rules and Operations of the Senate*

#### **H 717: JUDICIAL ELECTIONS CHANGES. (NEW)**

*Senate: Reptd Fav*

*Senate: Placed on Today's Calendar*

*Senate: Withdrawn From Cal*

*Senate: Re-ref Com On Rules and Operations of the Senate*

#### **H 931: UNEMPLOYMENT INSURANCE TECHNICAL CHANGES.**

*House: Amend Failed A1*

*House: Passed 2nd Reading*

#### **H 934: THREAT ASSESSMENT TEAMS. (NEW)**

*House: Withdrawn From Com*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/06/2018*



**H 938: VARIOUS SCHOOL SAFETY CHANGES. (NEW)**

*House: Special Message Sent To Senate*

*Senate: Special Message Received From House*

*Senate: Passed 1st Reading*

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

**H 965: NATIONAL AND STATE MOTTOS IN SCHOOLS ACT.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Appropriations*

**H 977: ADMIN. CHANGES RET. SYSTEM/TREASURER - 2018.-AB**

*House: Placed On Cal For 06/06/2018*

**H 982: IDD DATA SHARING/LONGITUDINAL DATA SYSTEM.**

*House: Reptd Fav Com Sub 2*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/06/2018*

**H 985: RETIREMENT TECHNICAL CORRECTIONS ACT OF 2018.-AB**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Special Message Sent To Senate*

*Senate: Special Message Received From House*

*Senate: Passed 1st Reading*

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

**H 986: REVISE CURSIVE AND MULTIPLICATION REPORT.**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 06/06/2018*

**H 1010: BUILD NC BOND ACT.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Appropriations*

*House: Serial Referral To Finance Added*

**H 1029: DOT/DMV LEGISLATIVE REQUESTS.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Finance*

**H 1037: VARIOUS JUDICIAL DISTRICTS CHANGES (NEW).**

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

*House: Special Message Sent To Senate*

*Senate: Special Message Received From House*

*Senate: Passed 1st Reading*

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

**H 1054: UNC CAPITAL PROJECTS.**

*House: Withdrawn From Com*

*House: Re-ref Com On Finance*

**H 1083: SPEAKER'S APPOINTMENTS 2018.**

*House: Passed 1st Reading*

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

**S 15: ISD AND LOCAL BOARD CONTRACTING CHANGES (NEW).**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**S 411: VARIOUS MOTOR VEHICLE LAW REVISIONS.**

*House: Reptd Fav Com Substitute*

*House: Re-ref Com On Judiciary III*

**S 412: ABANDONED VEHICLES/CHARITIES (NEW).**

*House: Reptd Fav Com Substitute*

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

**S 462: CHANGE NAME OF UNC GENERAL ADMINISTRATION. (NEW)**

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

**S 486: THE ELECTIONS SECURITY AND TRANSPARENCY ACT (NEW).**

*House: Special Message Sent To Senate*

*Senate: Special Message Received For Concurrence in H Com Sub*

*Senate: Placed on Today's Calendar*

*Senate: Concurred In H Com Sub*

*Ratified*

*Pres. To Gov. 6/5/2018*

**S 711: NC FARM ACT OF 2018.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Finance*

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Judiciary*

**S 727: RAPE EVIDENCE COLLECTION KIT TRACKING ACT.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*

*Senate: Re-ref Com On Rules and Operations of the Senate*

**S 750: HEALTH-LOCAL CONFINEMENT/PRISON HEALTHCONNEX.**

*Senate: Withdrawn From Com*

*Senate: Re-ref to Health Care. If fav, re-ref to Rules and Operations of the Senate*

**S 757: VARIOUS COURT DISTRICTS CHANGES (NEW).**

*House: Amend Adopted A2*

*House: Amend Failed A3*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

*House: Special Message Sent To Senate*

*Senate: Special Message Received For Concurrence in H Com Sub*

*Senate: Placed on Today's Calendar*

*Senate: Concurred In H Com Sub*

*Ratified*

*Pres. To Gov. 6/5/2018*

**S 758: BUILD NC BOND ACT OF 2018.**

*Senate: Reptd Fav Com Substitute*  
*Senate: Com Substitute Adopted*  
*Senate: Re-ref Com On Transportation*

**S 768: PEOPLE FIRST LANGUAGE 2018.**

*Senate: Reptd Fav Com Substitute*  
*Senate: Com Substitute Adopted*  
*Senate: Re-ref Com On Rules and Operations of the Senate*

**S 806: UP MINIMUM WAGE WITH COLA/CONST. AMENDMENT.**

*Senate: Filed*

**LOCAL BILLS**

**H 514: PERMIT MUNICIPAL CHARTER SCHOOL/CERTAIN TOWNS.**

*Senate: Special Message Sent To House*  
*House: Special Message Received For Concurrence in S Com Sub*  
*House: Cal Pursuant Rule 36(b)*  
*House: Placed On Cal For 06/06/2018*

**H 930: APEX ANNEXATION.**

*House: Special Message Sent To Senate*  
*Senate: Special Message Received From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**H 942: KINSTON DEANNEXATION CORRECTIONS.**

*House: Special Message Sent To Senate*  
*Senate: Special Message Received From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**H 946: MOORESVILLE DEANNEXATION.**

*House: Special Message Sent To Senate*  
*Senate: Special Message Received From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**H 950: CARTHAGE, POLLOCKSVILLE SATELLITE ANNEXATIONS (NEW).**

*House: Special Message Sent To Senate*  
*Senate: Special Message Received From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**H 978: HEMBY BRIDGE/STALLINGS CORPORATE LIMITS.**

*House: Special Message Sent To Senate*  
*Senate: Special Message Received From House*  
*Senate: Passed 1st Reading*  
*Senate: Ref To Com On Rules and Operations of the Senate*

**H 990: ROCKINGHAM CTY/PUBLISH NOTICES ELECTRONICALLY.**

*House: Serial Referral To Rules, Calendar, and Operations of the House Added*

**H 1084: HIGH POINT/CITY MANAGER DISPOSE OF EASEMENTS.**

*House: Filed*

**S 566: WRIGHTSVILLE BEACH/WILMINGTON DEANNEX-ANNEX (NEW).**

*House: Special Message Sent To Senate*

*Senate: Special Message Received For Concurrence in H Com Sub*

**S 740: SCOTLAND CO. REGISTER OF DEEDS TAX CERT.**

*Senate: Reptd Fav*

*Senate: Re-ref Com On Rules and Operations of the Senate*

**S 753: FRANKLIN & WAKE/DAILY DEPOSITS.**

*Senate: Reptd Fav*

*Senate: Re-ref Com On Rules and Operations of the Senate*

**S 803: BALD HEAD ISLAND/NO-WAKE ZONE ENFORCEMENT.**

*Senate: Passed 1st Reading*

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

**S 804: AUTHORIZE TEACHER-GOV'T EMP'EE HOUSING/BERTIE.**

*Senate: Filed*

**S 805: POLK, SALUDA, TRYON OCCUPANCY TAX.**

*Senate: Filed*

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