

The Daily Bulletin: Wednesday, February 18, 2015

PUBLIC/HOUSE BILLS

H 95 (2015-2016) [TRIBAL ALCOHOLIC BEVERAGE CONTROL](#). Filed Feb 18 2015, *AN ACT TO AUTHORIZE THE EASTERN BAND OF CHEROKEE INDIANS TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION TO ISSUE WINE SHIPPER PERMITS AND COMMERCIAL ABC PERMITS AND TO CLARIFY THAT THE EASTERN BAND OF CHEROKEE INDIANS TRIBAL ALCOHOLIC BEVERAGE CONTROL COMMISSION MAINTAINS EXCLUSIVE AUTHORITY TO ISSUE CERTAIN PERMITS.*

Amends GS 18B-112, Tribal alcoholic beverage control, to provide that the Eastern Band of Cherokee Indians are authorized to issue the specified permits found in GS 18B-603(f) without approval at elections, including, special occasion permits, limited special occasion permits, and certain culinary permits, and in doing so the definitions found in GS 18B-1000 apply. Provides that the Eastern Band of Cherokee Indians are authorized to issue specified wine shipping permits found in GS 18B-1001.1, 1001.2, and 1001.3. Also provides for the issuance of permits for commercial activity as specified and found in GS Chapter 18B, Article 11. Adds language providing that provisions of GS Chapter 18B, Articles 12 and 13 that have not been made applicable to the Eastern Band of Cherokee Indians acts as a bar to engaging in the specified activity by the Eastern Band of Cherokee Indians.

Amends GS 18B-101(14a), concerning the definition of a Tourism ABC establishment, to provide that the Eastern Band of Cherokee Indian's tribal alcoholic beverage control commission maintains the exclusive authority to issue specified permits between Milepost 460 and the southern terminus of the national scenic byway at Milepost 469. Makes conforming changes.

Intro. by West, Hager.

[GS 18B](#)

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[Alcoholic Beverage Control](#)

PUBLIC/SENATE BILLS

S 89 (2015-2016) [DISQUALIFICATION NOTICE/PISTOL SALE PERMIT](#). Filed Feb 18 2015, *AN ACT TO AMEND THE LAW DIRECTING THE CLERK OF COURT TO TRANSMIT CERTAIN DATA RELEVANT TO THE FACTORS THAT DISQUALIFY A PERSON FROM OBTAINING A PERMIT TO PURCHASE OR TRANSFER A HANDGUN.*

Under current law, GS 14-404(c1) directs the clerk of superior court to transmit data relevant to the factors that disqualify a person from getting a permit to purchase or transfer a handgun to the National Instant Criminal Background Check System (NICS). Current law also requires that the relevant data be entered and maintained by the clerks in the Administrative Office of the Courts (AOC) and directs the clerk of superior court to determine which information can be practicably be transmitted to NICS and to transmit that information within 48 hours of making that determination.

Amends this subsection to require that the data be transmitted providing there is a request from NICS for the transmission of the data and that the data can be transmitted in a format acceptable to NICS. Becomes effective January 1, 2016.

Directs the AOC to report its findings and recommendations regarding the effective transmission of the information required under GS 14-401(c1) to NICS, as amended in this act, to the Joint Legislative Oversight Committee on Justice

and Public Safety by October 1, 2015. Requires that the Rules of Recordkeeping be amended to be consistent with the provisions of GS 14-404(c1), as amended in this act.

Except as otherwise indicated, this act becomes effective when it becomes law.

Intro. by Randleman.

GS 14

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**Courts/Judiciary, Court System, Criminal Justice,
Criminal Law and Procedure**

S 90 (2015-2016) **REQUIRED NUMBER OF OPERATING BRAKE LIGHTS**. Filed Feb 18 2015, *AN ACT TO CLARIFY THAT MOTOR VEHICLES MUST HAVE AT LEAST ONE WORKING STOP LAMP ON EACH SIDE OF THE REAR OF THE VEHICLE AND TO MAKE OTHER CLARIFYING CHANGES*.

Amends GS 20-129 to prohibit selling or operating a vehicle, or any motorcycle or motor-driven cycle, manufactured after December 31, 1970, unless it has a stop lamp on each side of the rear of the vehicle. Requires the lamps to emit, reflect, or display a red or amber light visible from no less than 100 feet to the rear, and requires it to be actuated by foot brake. Makes conforming changes to GS 20-129.1 (additional lighting equipment required on certain vehicles).

Intro. by Cook.

GS 20

[View summary](#)

Transportation

S 91 (2015-2016) **SOG PILOT PROJECT STANDARDS**. Filed Feb 18 2015, *AN ACT TO REQUIRE THE SCHOOL OF GOVERNMENT AT THE UNIVERSITY OF NORTH CAROLINA TO COORDINATE A WORKING GROUP CHARGED WITH DEVELOPING STANDARDS FOR STATE AGENCIES TO USE WHEN DESIGNING AND IMPLEMENTING PILOT PROJECTS MANDATED BY THE GENERAL ASSEMBLY, AND TO REQUIRE THE OFFICE OF STATE BUDGET AND MANAGEMENT TO ADOPT RULES IMPLEMENTING THE STANDARDS, AS RECOMMENDED BY THE JOINT LEGISLATIVE PROGRAM EVALUATION OVERSIGHT COMMITTEE*.

Identical to [H 72](#), filed 2/10/15.

Requires the UNC School of Government (SOG) to coordinate a working group to develop standards for state agencies to use in designing and implementing pilot projects required by the General Assembly. Requires the SOG to research existing evaluation standards and identify approaches for designing projects that collect appropriate and adequate data for sound evaluation of pilot projects. Requires the SOG to report on the research findings to the Joint Legislative Program Evaluation Oversight Committee, the Director of the Program Evaluation Division, and the Office of State Budget and Management by December 1, 2015. Requires the working group to include representatives from state agencies and the UNC constituent institutions. Requires a report on the proposed standards to the Joint Legislative Program Evaluation Oversight Committee, the Director of the Program Evaluation Division, and the Office of State Budget and Management by December 1, 2016.

Appropriates \$150,000 for 2015-16 from the General Fund to the SOG to implement the act. Provides that the funds do not revert at the end of 2015-16, but remain available during 2016-17 for expenditure in accordance with the act. Effective July 1, 2015.

Enacts new GS 143-162.3, directing the SOG to coordinate a working group to develop standards for state agencies to use when designing and implementing pilot projects as mandated by the General Assembly. Provides that, at a minimum, proposed standards must offer a range of options for designing evaluations of pilot projects, taking into

account an agency's available resources and time. Requires draft standards to be presented to the Joint Legislative Program Evaluation Oversight Committee and to the Office of State Budget and Management by December 1, 2016. Requires the Office of State Budget and Management to adopt rules to implement the standards and to report to the Joint Legislative Program Evaluation Oversight Committee after adoption of the rules. Requires, unless specifically exempted by law, all departments, agencies, bureaus, divisions, and institutions of the state to conduct and complete pilot projects requested by the General Assembly after June 1, 2017, in accordance with the final standards adopted by the Office of State Budget and Management. Allows the SOG to prepare proposed updates to the standards as necessary. Requires proposed updates to be submitted to the Office of State Budget and Management for review and adoption, and requires the Office to report rule changes to the Joint Legislative Program Evaluation Oversight Committee. Requires the SOG to publish proposed updates on its website at least ninety days before submitting the proposed standards.

Intro. by Hartsell.

APPROP, GS 143

[View summary](#)

Government, Budget/Appropriations, State Agencies, UNC System

S 92 (2015-2016) **CODIFIER OF RULES APPOINTMENT**. Filed Feb 18 2015, *AN ACT TO AUTHORIZE THE CHIEF ADMINISTRATIVE LAW JUDGE TO APPOINT A CODIFIER OF RULES TO SERVE IN THE OFFICE OF ADMINISTRATIVE HEARINGS, AS RECOMMENDED BY THE JOINT LEGISLATIVE ADMINISTRATIVE PROCEDURE OVERSIGHT COMMITTEE.*

Identical to [H 54](#), filed 2/4/15.

Amends GS 7A-760 as the title indicates. Provides that the Codifier of Rules may only be appointed or designated as specified in this section. Sets the salary of the Codifier of Rules at 90 percent of the salary of the Chief Administrative Law Judge (Chief ALJ). Provides that the Codifier of Rules is to receive longevity pay, instead of merit pay and other increment raises, on the same basis as employees who are subject to the North Carolina Human Resources Act (NCHR). Provides that the Chief ALJ is exempt from the NCHR as provided by GS 126-5(c1)(27) (was, GS 126-5(c1)(26)). Edits the caption to replace State Personnel Commission with State Human Resources Commission.

Makes conforming changes to GS 150B-2(1c), which defines *Codifier of Rules*.

Intro. by Hartsell.

GS 7A, GS 150B

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Courts/Judiciary, Court System, Government, APA/Rule Making

S 94 (2015-2016) **EDUCATION SIMPLIFICATION AMENDMENT**. Filed Feb 18 2015, *AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO SIMPLIFY THE MANAGEMENT OF PUBLIC PRIMARY AND SECONDARY EDUCATION BY PROVIDING FOR A SECRETARY OF EDUCATION TO REPLACE THE CURRENT SYSTEM OF A SUPERINTENDENT OF PUBLIC INSTRUCTION AND A STATE BOARD OF EDUCATION.*

Subject to approval by the voters at the statewide election to be held at the time of the North Carolina presidential primary, as provided in GS 163-213.2, repeals Section 4 of Article IX of the state constitution, eliminating the State Board of Education (SBE) and the office of Superintendent. Effective January 1, 2017.

Subject to approval by the voters at the statewide election to be held at the time of the North Carolina presidential

primary, as provided in GS 163-213.2, amends Section 5 of Article IX and Section 7(1) of Article III of the North Carolina Constitution, effective January 1, 2017, to (1) establish the Department of Education (Department) within the Executive Branch; (2) provide that the Governor appoints the head of the Department, the Secretary of Education, in accordance with law subject to confirmation by joint resolution of the General Assembly; (3) direct the General Assembly to provide by law for the filling of vacancies in the position Secretary of Education; and (4) eliminate the SBE and the office of Superintendent of Public Instruction (Superintendent).

Provides that if the constitutional amendments are approved by the qualified voters: the provisions of this act become effective January 1, 2017; the terms of SBE members that expire between certification of the amendment and December 31, 2016, are extended until January 1, 2017; and no general election for Superintendent will take place in 2016.

Intro. by Tillman, Wade, Rabin.

CONST

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[Constitution, Education](#)

LOCAL/HOUSE BILLS

H 94 (2015-2016) [SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS](#). Filed Feb 18 2015, *AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO CERTAIN BOARDS OF EDUCATION IN ADOPTING THEIR SCHOOL CALENDARS*.

Under current law, GS 115C-84.2(d) provides authority to local boards of education to determine the dates for the opening and closing dates for public schools under GS 115C-84.2(a)(1). However, the local boards must comply with specified parameters for the opening and closing dates of public schools as provided in GS 115C-84.2(d). Subsection (d) also provides criteria under which the State Board of Education may waive those requirements upon a showing of good cause by a local board of education.

Amends GS 115C-84.2(d) as the title indicates. Deletes all provisions of subsection (d) except the authorization given to local boards of education to determine the dates for the opening and closing dates for public schools. This act applies only to the Haywood, Madison, and Yancey county's school administrative units, beginning with the 2015-16 school year.

Intro. by Presnell.

Haywood, Madison, Yancey

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[Education, Elementary and Secondary Education](#)

LOCAL/SENATE BILLS

S 93 (2015-2016) [YANCEYVILLE ANNEXATION](#). Filed Feb 18 2015, *AN ACT TO ADD CERTAIN DESCRIBED PROPERTY TO THE CORPORATE LIMITS OF THE TOWN OF YANCEYVILLE*.

Provides for the annexation of specified property to be added to the corporate limits of the Town of Yanceyville.

Effective July 1, 2015.

Intro. by Woodard.

Caswell

[View summary](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 91: HANDICAPPED PARKING LAW REVISIONS.

House: Passed 1st Reading

House: Ref To Com On Transportation

H 92: NONPARTISAN REDISTRICTING COMMISSION.

House: Passed 1st Reading

House: Ref to the Com on Elections, if favorable, Rules, Calendar, and Operations of the House

H 93: ELIMINATE TOLLING ON FERRIES.

House: Passed 1st Reading

House: Ref to the Com on Transportation, if favorable, Appropriations

H 95: TRIBAL ALCOHOLIC BEVERAGE CONTROL.

House: Filed

S 2: MAGISTRATES RECUSAL OF CIVIL CEREMONIES.

Senate: Withdrawn From Com

Senate: Re-ref Com On Judiciary II

S 15: UNEMPLOYMENT INSURANCE LAW CHANGES (NEW)

Senate: Passed 2nd Reading

S 20: IRC UPDATE/MOTOR FUEL CHANGES. (NEW)

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

House: Passed 1st Reading

House: Ref To Com On Finance

House: Serial Referral To Appropriations Added

S 89: DISQUALIFICATION NOTICE/PISTOL SALE PERMIT.

Senate: Filed

S 90: REQUIRED NUMBER OF OPERATING BRAKE LIGHTS.

Senate: Filed

S 91: SOG PILOT PROJECT STANDARDS.

Senate: Filed

S 92: CODIFIER OF RULES APPOINTMENT.

Senate: Filed

S 94: EDUCATION SIMPLIFICATION AMENDMENT.

Senate: Filed

LOCAL BILLS

H 90: SCHOOL CALENDAR FLEX./ROWAN COUNTY.

House: Passed 1st Reading

House: Ref to the Com on Education - K-12, if favorable, Commerce and Job Development

H 94: SCHOOL CALENDAR FLEX./CERTAIN SCHOOL SYSTEMS.

House: Filed

S 93: YANCEYVILLE ANNEXATION.

Senate: Filed

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