

The Daily Bulletin: 2016-03-23

PUBLIC/HOUSE BILLS

H 1 (2016 Extra 2) [HOUSE PERMANENT RULES - SECOND EXTRA SESSION](#). Filed Mar 23 2016, *A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 2016 SECOND EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES*.

Adopts the permanent rules of the 2015 Regular Session of the House of Representatives as the permanent rules of the 2016 Second Extra Session, with the following changes: (1) sets 10:00 am as the presumptive next day reconvening time after adjournment; (2) provides that the Committee on Rules, Calendar, and Operations of the House, the Ethics Committee, the Judiciary I, II, III, and IV Committees, the Finance Committee, and the Appropriations Committee will be comprised of the members appointed during the Regular Session and other members as the Speaker of the House (Speaker) appoints at the beginning of the Second Extra Session; (3) provides that the standing committees of the House for the Second Extra Session will be (a) Rules, Calendar, and Operations of the House; (b) Ethics; (c) Judiciary I-IV; (d) Finance; and (e) Appropriations; (4) requires all bills or resolutions to be introduced through submittal to the Principal Clerk's Office; (5) provides that only resolutions that adjourn the Second Extra Session sine die or bills providing for single-sex multiple occupancy bathroom and changing facilities and statewide consistency in regulation of employment and public accommodations can be introduced or considered during the Second Extra Session; (6) provides for streamlined bill consideration for the introduction and consideration of bills and resolutions, including exempting bills from Rule 31.1, concerning introduction and receipt of bills, blank bills, bill limits, and single subject requirements; allowing bills to be placed on the calendar without referral by the Speaker to committee and on the same day they are introduced or received from the Senate; (7) allows bills that have been reported favorably by a committee to be placed on the favorable calendar the same day they are reported; (8) allows proposed committee substitutes to be considered in committee without previously being distributed electronically to members; (9) provides that bills can be referred to the Appropriations or Finance Committees with unengrossed amendments; (10) allows same-day receipt and calendaring of conference reports and co-sponsoring of bills or resolutions only during the day which they are first read and referred, while in the possession of the House; and (11) allows votes to be taken to override a gubernatorial veto on a House or Senate bill on the same legislative day of notice of its placement on the calendar.

Intro. by Lewis.

[HOUSE RES](#)

[View summary](#)

H 2 (2016 Extra 2) [PUBLIC FACILITIES PRIVACY & SECURITY ACT](#). Filed Mar 23 2016, *AN ACT TO PROVIDE FOR SINGLE-SEX MULTIPLE OCCUPANCY BATHROOM AND CHANGING FACILITIES IN SCHOOLS AND PUBLIC AGENCIES AND TO CREATE STATEWIDE CONSISTENCY IN REGULATION OF EMPLOYMENT AND PUBLIC ACCOMMODATIONS*.

House amendment #3 expands exceptions to new GS 143-760, allowing access to multiple-occupancy bathroom or changing facilities by members of the opposite sex when that person is a child under the age of seven and is accompanied by a caretaker.

House amendment #4 expands exceptions to new GS 95-25.1(c)(2) to include all economic development incentives awarded under GS 143B (exception was limited to incentives awarded under Part 2H of Article 10 of GS 143B, the One North Carolina fund). Also clarifies that prohibition against city and county regulations on contractors' employment and

accommodations practices as a condition of bidding does not apply when otherwise required or allowed by state law (was, only when required by state law).

Intro. by Bishop, Stam, Howard, Steinburg.

GS 95, GS 115C, GS 143, GS 153A, GS 160A

[View summary](#)

Business and Commerce, Education, Government, State Agencies, Local Government

H 2 (2016 Extra 2) **PUBLIC FACILITIES PRIVACY & SECURITY ACT**. Filed Mar 23 2016, *AN ACT TO PROVIDE FOR SINGLE-SEX MULTIPLE OCCUPANCY BATHROOM AND CHANGING FACILITIES IN SCHOOLS AND PUBLIC AGENCIES AND TO CREATE STATEWIDE CONSISTENCY IN REGULATION OF EMPLOYMENT AND PUBLIC ACCOMMODATIONS.*

Includes “whereas” clauses citing various sections of the North Carolina Constitution directing the General Assembly to give cities and counties powers and duties deemed advisable by the General Assembly and prohibiting local acts regulating labor, trade, mining, or manufacturing.

Section 1.1 of the bill amends GS 115C-47 to add a new subdivision (63) requiring local boards of education to establish single-sex multiple occupancy bathroom and changing facilities for students under the requirements of a new GS 115C-521.2

Section 1.2 of the bill amends GS Chapter 115C by adding a new section 115C-521.2 requiring local school boards establish in all public schools single-sex multiple occupancy bathroom and changing facilities for students based on their biological sex. Subsection (a) defines three terms: (1) *biological sex* is defined as being male or female as stated on a person’s birth certificate; (2) *multiple occupancy bathroom or changing facility* is defined as a facility used by more than one person where students may be in various states of undress, such as restrooms, locker rooms, or showers; and (3) *single-occupancy bathroom or changing facility* is a bathroom or changing facility used only by one person at a time. Subsection (b) mandates all local boards of education to require all multiple occupancy bathroom or changing facilities used by students be designated for and used by students based on their biological sex. Subsection (c) authorizes local boards of education to provide accommodations such as single occupancy bathrooms due to special circumstances, but prohibits an accommodation that would allow a student to use a multiple-occupancy bathroom or changing facility for the opposite sex. Subsection (d) sets out seven exceptions to the statute which would allow access to multiple-occupancy bathroom or changing facilities by members of the opposite sex for the following purposes: (1) custodial; (2) maintenance or inspection; (3) medical assistance; (4) employees, authorized volunteers, or the student's parent or caregiver accompanying a student needing assistance; (5) other assistance in using the facility; (6) accompanying a person other than a student needing assistance; and (7) when the bathroom or changing facility has been temporarily designated for use by that person’s biological sex.

Section 1.3 of the bill amends GS 143 by adding a new Article 81 requiring public agencies to establish single-sex multiple occupancy bathroom and changing facilities for use by persons based on their biological sex. The new GS 143-760 defines five terms in subsection (a): (1) *biological sex* is defined as being male or female as stated on a person’s birth certificate; (2) *executive branch agency* is defined as all agencies, boards, offices, departments and institutions of the executive branch, including the University and Community College system; (3) *multiple occupancy bathroom or changing facility* is defined as a facility used by more than one person where persons may be in various states of undress, such as restrooms, locker rooms, or showers; (4) *public agency* is defined as executive branch agencies, Council of State agencies, units of local government and public authorities as defined in the local government budget and fiscal control act (GS 159-7(b)(15), (10)), local boards of education, the judicial and legislative branches, and any other political subdivisions of the state; and (5) *single occupancy bathroom or changing facility* is defined as a facility defined or designated to be used by only one person at a time. Subsection (b) directs all public agencies to require all multiple occupancy bathroom or changing facilities be designated for and used by persons based on their biological sex. Subsection (c) authorizes public agencies to provide accommodations such as single-occupancy bathrooms due to

special circumstances, but prohibits an accommodation that would allow a person to use a multiple-occupancy bathroom or changing facility for the opposite sex. Subsection (d) sets out five exceptions to the statute which would allow access to multiple-occupancy bathroom or changing facilities by members of the opposite sex for the following purposes: (1) custodial, (2) maintenance or inspection, (3) medical assistance, (4) accompanying a person needing assistance, and (5) when a facility has been temporarily designated for use by that person's biological sex.

Section 2.1 of the bill amends GS 95-25.1 by adding a new subsection (c), which provides that the North Carolina Wage and Hour Act preempts and supersedes any ordinance, regulation, resolution, or policy adopted by a unit of local government or political subdivision of the state that regulates or imposes requirements on employers relating to employee compensation. Examples of such local measures include those pertaining to wage levels and payments, hours of labor, benefits, leave, or minors in the work place. Exempts the following from the above legislation: (1) local government regulation, compensation, or control of its own employees; (2) economic development incentives awarded under the One North Carolina Fund (Part 2H of Article 1 of Chapter 134B) and the Local Development Act of 1925 (Article 1 of Chapter 158); (3) requirements of federal community development block grants; and (4) city and county community development programs under GS 160A-456 and GS 153A-376.

Section 2.2 of the bill amends GS 153A-449(a) to prohibit a county from requiring a private contractor to abide by any regulations or controls on the contractor's employment practices or mandating or prohibiting the contractor's provision of goods, services, or accommodations to any member of the public as a condition of bidding on a contract or submitting a proposal under a qualifications based selection solicitation unless otherwise required by state law. Deletes language that previously provided that a county could not require a private contractor to comply with any restriction that it could also not impose on all employees in the county.

Section 2.3 of the bill amends GS 160A-20.1(a) to prohibit a city from requiring a private contractor to abide by any regulations or controls on the contractor's employment practices or mandating or prohibiting the contractor's provision of goods, services, or accommodations to any member of the public as a condition of bidding on a contract or submitting a proposal under a qualifications based selection solicitation unless otherwise required by state law. Deletes language that previously provided that a city could not require a private contractor to comply with any restriction that it could also not impose on all employees in the city.

Section 3.1 of the bill amends GS 143-422.2 by adding a new subsection (c) under which the Equal Employment Practices Act (Article 49A of Chapter 143) preempts and supersedes any ordinance, regulation, resolution, or policy adopted by a unit of local government or political subdivision of the state that regulate or impose requirements on employers relating to regulating discriminatory practices in employment except when those regulations apply to personnel employed by the local government or political subdivision's not otherwise in conflict with state law. Makes conforming and organizational changes. Section 3.2 of the bill amends GS 143-422.3 adding language that provides that the Equal Employment Practices Act (Article 49A of Chapter 143) and the above new subsection (c) does not create a statutory or common law private right of action.

Section 3.3 of the bill amends GS 143 by creating a new Article 49B, the Equal Access to Public Accommodations Act (Act). The Act declares that the public policy of the state is to protect the rights of all individuals to enjoy public accommodations without being discriminated against on the basis of race, religion, color, national origin, or biological sex, and provides that complying with the requirements to establish multiple- or single-occupancy bathrooms or changing facilities according to biological sex does not constitute discrimination. Adds further language that provides that this Act and other General Statutes preempt and supersede any ordinance, regulation, resolution, or policy adopted by a unit of local government or political subdivision of the state that regulates or imposes requirements relating to discriminatory practices in places of public accommodation. The new GS 143-422.12 specified that the definition of public accommodation under GS 168A-3(8) applies to the article; under GS 168A-3(8), places of public accommodation include any place, facility, store, other establishment, hotel, or motel which supplies goods or services on the premises to the public or which solicits or accepts the patronage or trade of any person. The definition of places of public accommodation does not include private clubs or other establishments not actually open to the public. The new GS 143-13 authorizes the Human Relations Commission in the Department of Administration to receive, investigate, and

conciliate complaints of discrimination in public accommodations, and provides that no statutory or common law private right of action is created by the Article.

Section 4 of the bill includes a severability clause.

Section 5 of the bill makes the bill effective when it becomes law and applies to all ordinances, resolutions, regulations, or policies adopted or amended on or after that date, and to any contract entered into on or after that date. Sections 2.1, 2.2, 2.3, 3.1, 3.2, and 3.3 preempt and supersede all ordinances, resolutions, regulations, or policies adopted prior to the act's effective date, making all such ordinances, resolutions, regulations, or policies null and void as of the effective date of the act.

Intro. by Bishop, Stam, Howard, Steinburg.

[GS 95, GS 115C, GS 143, GS 153A, GS 160A](#)

[View summary](#)

[Business and Commerce, Education, Government, State Agencies, Local Government](#)

H 3 (2016 Extra 2) [ADJOURN 2016 SECOND EXTRA SESSION](#). Filed Mar 23 2016, *A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2016 SECOND EXTRA SESSION*.

Provides that when the House of Representatives and Senate adjourn the 2016 Second Extra Session on March 23, 2016, they stand adjourned sine die.

Intro. by Lewis.

[JOINT RES](#)

[View summary](#)

[Government, General Assembly](#)

PUBLIC/SENATE BILLS

S 1 (2016 Extra 2) [SENATE PERMANENT RULES - SECOND EXTRA SESSION](#). Filed Mar 23 2016, *A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE 2016 SECOND EXTRA SESSION OF THE GENERAL ASSEMBLY*.

Adopts the permanent rules of the 2015 Regular Session as the rules governing the 2016 Second Extra Session with the following changes: (1) limits the standing committees to Judiciary II and Rules and Operations of the Senate, both of which are comprised of the members appointed to those committees during the 2015 Regular Session; (2) sets out requirements for introduced bills, including setting out allowable content for resolutions and limiting introduction and consideration of bills and amendments to those that provide for single-sex multiple occupancy bathroom and changing facilities and to create statewide consistency in regulation of employment and public accommodations; (3) sets out the process governing first reading and referral of bills to committee; (4) requires all bills reported by committee to be given second reading and immediate consideration upon passage; (5) provides that committee amendments or committee substitutes that are recommended by committee are considered adopted when the committee report is read and any amended bill or resolution or adopted committee substitute may be placed on the calendar for the same legislative day and the original bill or resolution will lie on the table; (6) requires a bill that passes second reading to be placed on the calendar for immediate consideration on its third reading unless it is prohibited by the North Carolina Constitution; and (7) allows same day concurrence with House amendments to and committee substitute for Senate bills.

Intro. by Apodaca.

[SENATE RES](#)

ACTIONS ON BILLS

PUBLIC BILLS

H 1: HOUSE PERMANENT RULES - SECOND EXTRA SESSION.

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Adopted

H 2: PUBLIC FACILITIES PRIVACY & SECURITY ACT.

House: Filed

House: Passed 1st Reading

House: Ref To Com On Judiciary IV

House: Reptd Fav

House: Cal Pursuant Rule 36(b)

House: Added to Calendar

House: Amend Tabled A1

House: Amend Failed A2

House: Amend Adopted A3

House: Amend Adopted A4

House: Passed 2nd Reading

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 Judiciary II

Senate: Reptd Fav

Senate: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

Ratified

Pres. To Gov. 3/23/2016

H 3: ADJOURN 2016 SECOND EXTRA SESSION.

House: Filed

House: Passed 1st Reading

House: Added to Calendar

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: Placed on Today's Calendar

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

Ratified

Ch. Res 2016-2

S 1: SENATE PERMANENT RULES - SECOND EXTRA SESSION.

Senate: Filed

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Adopted

No local actions on bills

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