

The Daily Bulletin: 2016-06-01

PUBLIC/HOUSE BILLS

H 954 (2015-2016) [TERMINATE AGREEMENT FOR TOLLING OF I-77](#). Filed Apr 25 2016, *AN ACT DIRECTING THE DEPARTMENT OF TRANSPORTATION TO TERMINATE THE COMPREHENSIVE AGREEMENT FOR THE I-77 HOT LANES PROJECT IN MECKLENBURG AND IREDELL COUNTIES; CREATING A RESERVE ACCOUNT PROVIDING FOR PAYMENT OF TERMINATION CLAIMS; REDIRECTING REMAINING RESERVE ACCOUNT FUNDS; SUSPENDING SPECIFIED PROJECTS; REMOVING AUTHORIZATION TO CONSTRUCT THE I-77 HOT LANES PROJECT AS A PUBLIC-PRIVATE PARTNERSHIP; AND APPROPRIATING RELATED FUNDS.*

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

Changes the long title.

Amends directive to the Department of Transportation to terminate the Comprehensive Agreement (Agreement) for the I-77 HOT Lanes project (Project) in Mecklenburg and Iredell counties in a manner consistent with the terms of the Comprehensive Agreement, to additionally specify the termination be in a manner pursuant to Section 17.1.1.7 of the Agreement.

Specifies the eight projects to be suspended in Mecklenburg County, notwithstanding Article 14B of GS Chapter 136 (Strategic Prioritization Funding Plan for Transportation Investments), if and to the extent they are related to the I-77 HOT Lanes Comprehensive Agreement project, to be: I-77/Gilead Road Interchange, I-77/NC-73 Interchange, five projects to widen NC-73, project widening US-21, US-21/Gilead Road Interchange, project widening NC-115, Hambright Road Improvements, and Lakeview Road Improvements.

Directs that any State funds resulting from the suspension of the projects, as specified by the act, are to be credited to the reserve account established by the act.

Creates a reserve account within the Highway Trust Fund to be used to pay any damages or other monetary penalties resulting from the termination of the Agreement for the Project in Mecklenburg and Iredell Counties. Requires that, upon resolution of any litigation resulting from the cancellation of the Agreement, or 10 years, whichever is sooner, the funds remaining in the reserve account are to be used by the Department of Transportation to fund the projects suspended by the act, in their Strategic Transportation Investments Act Prioritization 3.0 order. Provides that, if those remaining funds are insufficient to fund any of those suspended projects, those unfunded projects may be resubmitted for prioritization under the Strategic Transportation Investments Act as new projects without prejudice. Establishes that, in the event these funds are deemed unappropriated, the funds are appropriated for the purposes as stated in this section of the act.

Prohibits a project on I-77 in Mecklenburg or Iredell Counties to be constructed as a toll managed land public-private partnership project by the Department of Transportation (DOT) or Turnpike Authority, notwithstanding the provisions of GS 136-18(39), GS 136-18(39a), and GS 136-89.183(a)(2) (statutes granting DOT and the Turnpike Authority power to enter into partnership agreements with public and private entities).

Provides that the act is to have no effect on the provisions or implementation of the Strategic Transportation Investments Act, Article 14B of GS Chapter 136, except as provided in the act.

Provides that all provisions of the act are effective September 1, 2016, except the provisions for appropriation and effective date, which are effective July 1, 2016.

Intro. by Jeter, Hager, Bradford.

APPROP

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**Government, Budget/Appropriations, State Agencies,
Department of Transportation, Transportation**

H 954 (2015-2016) [TERMINATE AGREEMENT FOR TOLLING OF I-77](#). Filed Apr 25 2016, *AN ACT DIRECTING THE DEPARTMENT OF TRANSPORTATION TO TERMINATE THE COMPREHENSIVE AGREEMENT FOR THE I-77 HOT LANES PROJECT IN MECKLENBURG AND IREDELL COUNTIES; CREATING A RESERVE ACCOUNT PROVIDING FOR PAYMENT OF TERMINATION CLAIMS; REDIRECTING REMAINING RESERVE ACCOUNT FUNDS; SUSPENDING SPECIFIED PROJECTS; REMOVING AUTHORIZATION TO CONSTRUCT THE I-77 HOT LANES PROJECT AS A PUBLIC-PRIVATE PARTNERSHIP; AND APPROPRIATING RELATED FUNDS.*

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

Amends Section 3 of the bill, which specifies the eight projects to be suspended in Mecklenburg County, notwithstanding Article 14B of GS Chapter 136 (Strategic Prioritization Funding Plan for Transportation Investments), clarifying that these projects are to be suspended (previously, included qualifying language that projects were only to be suspended if and to the extent they are related to the I-77 HOT Lanes Comprehensive Agreement project).

Intro. by Jeter, Hager, Bradford.

APPROP

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**Government, Budget/Appropriations, State Agencies,
Department of Transportation, Transportation**

H 1030 (2015-2016) [2016 APPROPRIATIONS ACT](#). Filed May 3 2016, *AN ACT TO MODIFY THE CURRENT OPERATIONS AND CAPITAL IMPROVEMENTS APPROPRIATIONS ACT OF 2015 AND TO MAKE OTHER CHANGES IN THE BUDGET OPERATIONS OF THE STATE.*

Senate committee substitute, as amended, makes various changes to the 4th edition. We will not be including a summary of the Appropriations Act. For the content of the bill, please follow the View NCGA Bill Details link. Further information on the budget, including the committee report, can be found on the “News” section of the General Assembly’s website at: <http://www.ncleg.net/gascripts/News/NewsArchive.pl>.

Intro. by Dollar, L. Johnson, Lambeth, McGrady.

APPROP, STUDY, GS 7A, GS 7B, GS 14, GS 17C, GS 18C, GS 20, GS 65, GS 66, GS 75A, GS 90, GS 105, GS 106, GS 108A, GS 108C, GS 113, GS 115C, GS 115D, GS 116, GS 116D, GS 116E, GS 120, GS 122C, GS 124, GS 131D, GS 136, GS 142, GS 143, GS 143B, GS 143C, GS 146, GS 147, GS 148, GS 159G

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**Government, Budget/Appropriations, State Government,
State Personnel, Tax**

H 1080 (2015-2016) [ACHIEVEMENT SCHOOL DISTRICT](#). Filed May 10 2016, *AN ACT TO ESTABLISH THE ACHIEVEMENT SCHOOL DISTRICT.*

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

Changes the long title of the act.

Amends GS 115C-75.5(5) by changing the first criteria which a low-performing school may meet to be a *qualifying school* under Article 7A of GS Chapter 115C. Now, subdivision (a) sets out that the school must have received a school performance score in the lowest 5% of all schools in the prior school year and (1) the school includes all or part of grade kindergarten through fifth, (2) the school did not exceed growth in at least one of the prior three school years and did not meet growth in at least one of the prior three school years, and (3) one of the models established in GS 115C-105.37B for continually low-performing schools had not been adopted for that school for the immediately prior school year.

Amends GS 115C-75.9(h), concerning achievement school employees, to authorize the ASD Superintendent or the Superintendent's designee (previously, did not provide the option for the Superintendent to have a designee) to interview all existing staff members at the qualifying school and review student growth and performance data for those staff members for whom it is available before finalizing staffing recommendations.

Makes technical changes to GS 115C-75.11(a) and (c).

Amends GS 115C-75.12(a)(2) to change the subdivision's descriptor to Nonrenewal of contract based on performance (previously, Closure of achievement school based on performance). Provides that the State Board of Education will not renew the contract of the AS operator (previously, will close the achievement school) and develop a transition plan to return the school to the local school administrative unit if the circumstances, as specified in subdivision (2), are present. Amends GS 115C-75.12(c), requiring the State Board of Education to make all decisions related to contracts for AS operators no later than May 1, by adding an exception for provisions provided in subdivision (5) of subsection (a) of the statute.

Makes clarification to GS 115C-75.6(c) and (d), GS 115C-75.10(b), and GS 115C-75.12(a).

Amends GS 115C-105.37B(a), which sets out the models a local board of education may adopt, in accordance with State Board requirements, if the State Board approves the local board of education's request to reform a school, by changing the third requirement of the principal turnout model provided in subdivision (5) to require consideration by the local board of education of all recommendations of the turnout principal, made in collaboration with the superintendent, with regard to personnel assigned to the school and, to the extent possible, implementation of those recommendations (previously, did not provide for collaboration with the superintendent). Eliminates the requirement of the principal turnout model that required there to be authority for the turnaround principal to select staff assigned to the school. Makes conforming, technical changes to subdivision (5).

Amends GS 115C-105.37B(a1) by reducing the number of of schools statewide that the State Board of Education can authorize to adopt the principal turnaround model from no more than 10 to no more than 5 schools.

Deletes the previous language of Section 5 of the act, concerning evaluation of the Achievement School District, and replaces it with the following. Directs the State Board of Education to contract during the 2016-17 school year with an independent research organization to evaluate the implementation and effectiveness of the Achievement School District in turning around low-achieving schools, innovation zones in turning around low-achieving schools, and principal turnaround models in turning around low-achieving schools, as specified by the act. Requires the independent research organization to report its interim findings to the State Board of Education annually no later than February 15, beginning in 2017, and submit a final report no later than February 15, 2023. Directs the State Board of Education to provide the report of the independent research commission and any recommended legislative changes to the Joint Legislative Education Oversight Committee annually no later than March 1, beginning in 2017 until submission of the final report in 2023.

Directs the State Board of Education to authorize the Charlotte-Mecklenburg (CMS) Board of Education to create an innovation zone among Project LIFT schools and Beacon Initiative schools as provided in GS 115C-75.13. Authorizes the CMS innovation zone to include up to five low-performing schools. Defines *Project LIFT schools* and *Beacon*

Initiative schools as they apply to this directive and authorization.

Directs the State Board of Education to solicit applications for a three-year pilot to authorize two local boards of education to each create an innovation zone, as provided in GS 115C-75.13. Establishes that, notwithstanding GS 115C-75.13, the local board of education cannot be required to transfer a qualifying school to the ASD to be selected for the pilot. Authorizes the two pilot innovation zones to include up to three low-performing schools. Provides that the Board's solicitation of applications is to be no later than November 15, 2016, for a small district innovation zone, to be awarded to a school district with less than 6,000 students, and a medium district innovation zone, to be awarded to a school district with more than 6,001 and less than 20,000 students. Requires the Board to select the two pilot innovation zones no later than January 15, 2017. Requires the two pilot innovation zones to begin operation with the 2017-18 school year and report annually to the Board on the required innovation zone accountability metrics. Requires the Board to report to the Joint Legislative Oversight Committee on the outcomes of the pilot innovation zones by March 15, 2020, and to include recommendations on continuation or expansion of the pilot.

Makes the appropriation of \$400,000 to the Department of Public Instruction (DPI) for 2016-17 fiscal year in recurring funds (previously, did not provide for recurring funds).

Makes new appropriation of \$500,000 from the General Fund to DPI for the 2016-17 fiscal year to contract with an independent research organization to conduct the evaluation required in Section 5 of the act.

Intro. by Bryan, Brockman, Bradford.

APPROP, GS 115C

[View summary](#)

**Education, Elementary and Secondary Education,
Government, Budget/Appropriations, State Agencies,
Department of Public Instruction**

H 1145 (2015-2016) **DISAPPROVE DENTAL EXAMINERS RULE**. Filed Jun 1 2016, *AN ACT TO DISAPPROVE THE GENERAL ANESTHESIA AND SEDATION DEFINITIONS RULE ADOPTED BY THE NORTH CAROLINA BOARD OF DENTAL EXAMINERS*.

Provides that, pursuant to GS 150B-21.3(b1) concerning delayed effective dates of rules, rule 21 NCAC 16Q .0101 (General Anesthesia and Sedation Definitions) as adopted by the NC Board of Dental Examiners on December 12, 2015, and approved by the Rules Review Commission on March 17, 2016, is disapproved.

Specifies 23 additional rules concerning general anesthesia and sedation definitions that were adopted by the NC Board of Dental Examiners on December 12, 2015, and approved by the Rules Review Commission on March 17, 2016, providing that notwithstanding GS 150B-21.3(b1), these rules are disapproved.

Intro. by Jones.

UNCODIFIED

[View summary](#)

**Business and Commerce, Occupational Licensing, Health
and Human Services, Health**

ACTIONS ON BILLS

PUBLIC BILLS

H 357: Chemical Analysis Reports/District Court

Ratified

H 632: STUDENT ONLINE PROTECTION ACT. (NEW)

House: Concurred In S/Com Sub

House: Ordered Enrolled

H 817: ENACT UNIFORM LAW ON ADULT GUARDIANSHIP.

Senate: Withdrawn From Cal

Senate: Placed On Cal For 06/08/2016

H 954: TERMINATE AGREEMENT FOR TOLLING OF I-77.

House: Reptd Com Sub w/o Prejud

House: Re-ref Com On Appropriations

House: Reptd Com Sub w/o Prejud

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/02/2016

H 959: DOT PROPOSED LEGISLATIVE CHANGES.

House: Withdrawn From Cal

House: Placed On Cal For 06/02/2016

H 984: TRANSFER OF DAVIE COUNTY CORRECTIONAL CENTER.

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1018: CONFIRM COMMISSIONER OF BANKS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

H 1030: 2016 APPROPRIATIONS ACT.

Senate: Reptd Fav Com Sub with Unengrossed Amend

Senate: Com Amend Adopted A1

Senate: Com Amend Adopted A2

Senate: Re-ref Com On Finance

Senate: Reptd Fav As Amended, Unengrossed

Senate: Com Amend Adopted A3

Senate: Re-ref Com On Pensions & Retirement and Aging

Senate: Reptd Fav Com Substitute

Senate: Com Substitute Adopted

H 1080: ACHIEVEMENT SCHOOL DISTRICT.

House: Withdrawn From Cal

House: Re-ref Com On Education - K-12

House: Reptd Fav Com Substitute

House: Cal Pursuant Rule 36(b)

House: Placed On Cal For 06/02/2016

H 1137: TREASURER'S 2016 INVESTMENT ADMIN. CHANGES.-AB

House: Passed 2nd Reading

House: Passed 3rd Reading

H 1145: DISAPPROVE DENTAL EXAMINERS RULE.

House: Filed

S 71: COMM'N APPOINTMENT MODIFICATIONS (NEW).

Ratified

S 160: ENHANCE SAFETY & COMMERCE FOR PORTS/INLETS.

House: Withdrawn From Com

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

S 805: FIDUCIARY ACCESS TO DIGITAL ASSETS.

Senate: Regular Message Sent To House

House: Regular Message Received From Senate

Senate: Regular Message Sent To House

S 838: MEDICAID TRANSFORMATION MODIFICATIONS.

Senate: Conf Com Appointed

S 867: PROTECT STUDENTS IN SCHOOLS.

Senate: Passed 2nd Reading

LOCAL BILLS

H 469: SUNSET BEACH/PARKING METER PROCEEDS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

Senate: Ordered Enrolled

S 727: MOORE COUNTY LOCAL SALES TAX USE RESTRICTION (NEW)

Senate: Passed 2nd Reading

S 733: TOWN OF PROCTORVILLE/SEWER FEE COLLECTIONS.

Senate: Passed 2nd Reading

Senate: Passed 3rd Reading

S 852: TOWN OF BAKERSVILLE/DEANNEXATION.

Senate: Passed 2nd Reading

S 874: SANFORD/HARNETT OT.

Senate: Passed 2nd Reading

S 875: TOWN OF SUNSET BEACH/DEANNEXATION.

Senate: Passed 2nd Reading

S 890: ELECTIONS EVERY FOUR YEARS/TOWN OF MARIETTA.

Senate: Passed 1st Reading

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

