

## The Daily Bulletin: 2016-12-15

### PUBLIC/HOUSE BILLS

H 2 (2016 Extra 3) [DISASTER RECOVERY ACT OF 2016](#). Filed Dec 13 2016, *AN ACT TO ENACT THE DISASTER RECOVERY ACT OF 2016*.

AN ACT TO ENACT THE DISASTER RECOVERY ACT OF 2016. Enacted December 15, 2016. Effective December 15, 2016, except as otherwise provided.

**Intro. by Dollar, McGrady, J. Bell, Dixon.**

[APPROP](#)

[View summary](#)

[Business and Commerce, Courts/Judiciary, Motor Vehicle, Development, Land Use and Housing, Building and Construction, Property and Housing, Government, Budget/Appropriations, Public Safety, State Government, Local Government](#)

H 6 (2016 Extra 4) [INDEPENDENT STATE CIO](#). Filed Dec 14 2016, *AN ACT TO ESTABLISH THE DEPARTMENT OF INFORMATION TECHNOLOGY AS AN INDEPENDENT AGENCY AND MAKE THE STATE CHIEF INFORMATION OFFICER AN INDEPENDENT EXECUTIVE OFFICER SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY*.

Amends GS 143B-6, which establishes principal state departments (cabinet agencies), to remove the Department of Information Technology (department) as a principal state department under the direction and control of the Governor and establishes the department as an executive branch agency operating independently from the Governor and General Assembly.

Amends GS 143B-1320(a)(18), making the State Chief Information Officer (CIO) an independent officer and not a member of the Governor's cabinet.

Amends GS 143B-1322(a) repealing the Governor's authority to appoint the CIO and vesting appointment authority in the Lieutenant Governor subject to confirmation by the General Assembly, and requiring the Lieutenant Governor to submit the nomination to the General Assembly by May 1st in the year of appointment; establishes the CIO's term as five years beginning on July 1, 2017. Makes other technical and conforming changes.

Amends GS 143B-1342 repealing the Governor's role in the dispute resolution process involving departmental decisions to deny or suspend information technology projects and vesting the CIO with the sole authority to render dispute resolution determinations.

Amends GS 143B-1335 to make technical and conforming changes.

Provides that the current CIO shall continue to serve in this position on an interim basis until June 30, 2017.

**Intro. by Saine.**

[GS 143B](#)

[View summary](#)

[Government, State Agencies, Department of Information Technology](#)

H10 (2016 Extra 4) [CLARIFY FUNDING ELIGIBILITY/CHARTER SCHOOLS](#). Filed Dec 14 2016, *AN ACT TO CLARIFY THE ELIGIBILITY OF CHARTER SCHOOLS FOR CERTAIN STATE FUNDING TO IMPROVE OR MAINTAIN ROADS, DRIVEWAYS, ENTRANCES, AND PARKING FACILITIES USED BY SCHOOL BUSES FOR TRANSPORTING STUDENTS AND TO MAKE OTHER CHANGES TO STATE LAW CONCERNING REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS.*

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

Deletes previous revisions to GS 136-18(17) regarding the Department of Transportation's (DOT) requirement to maintain roads leading from the state-maintained public roads to all public schools and school buildings. Instead, makes the subsection applicable to the improvements located on school sites. Places final project design approval with DOT, and caps the projects costs at \$60,000. Defines public school and public charter school. Clarifies that the subsection does not preclude DOT from entering into an agreement with the school where the school makes the improvements and DOT reimburses the school for the costs incurred, including design fees and costs of right-of-way easements.

**Intro. by Torbett, Stam.**

[GS 136, GS 160A](#)

[View summary](#)

[Education, Elementary and Secondary Education, Government, State Agencies, Department of Transportation](#)

H 17 (2016 Extra 4) [MODIFY CERTAIN APPTS/EMPLOYMENT](#). Filed Dec 14 2016, *AN ACT TO CLARIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S ROLE AS THE ADMINISTRATIVE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION, TO CHANGE THE APPOINTMENTS PROCESS FOR THE BOARDS OF TRUSTEES FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS, AND TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS.*

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

Amends GS 115C-11 to no longer require that the Superintendent of Public Instruction provide staff to the State Board of Education through the Department of Public Instruction. Makes conforming changes to GS 115C-21.

Amends GS 126-5 to make a clarifying change.

Amends GS 115C-218 to remove the requirement that the Chair of the State Board of Education appoint a member of the State Board to serve as a nonvoting member of the North Carolina Charter Schools Advisory Board.

Adds a new section to the act transferring the Center for Safer Schools to the Department of Public Instruction, Division of Safe and Healthy Schools Support, effective December 15, 2016. Enacts new GS 115C-105.55 creating a 25-member Task Force for Safer Schools (Task Force) within the Department of Public Instruction. Sets out the membership of the Task Force, including three at-large members appointed by the Governor. Requires the Governor to appoint a Chair and a Vice-Chair. Sets membership terms at four years. Gives the Governor the authority to remove any member of the Task Force for misfeasance, malfeasance, or nonfeasance. Sets out the Task Force's duties, including serving as an advisory board to the Center for Safer Schools and to assist the Center for Safer Schools in collecting and disseminating information on recommended best practices and community needs related to creating safer schools.

Deletes Section 40 of the act, which required the Office of State Human Resources to begin the implementation phase of the Statewide Compensation System Project no later than December 31, 2016. Makes conforming changes to the act's long title.

**Intro. by Lewis, Bryan, Horn, Ross.**

[GS 115C, GS 116, GS 126, GS 143, GS 143A, GS 143B](#)

[View summary](#)

[Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, UNC System, Department of Public Instruction, State Government, Executive, State Personnel](#)

H 17 (2016 Extra 4) [MODIFY CERTAIN APPTS/EMPLOYMENT](#). Filed Dec 14 2016, *AN ACT TO CLARIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S ROLE AS THE ADMINISTRATIVE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION, TO CHANGE THE APPOINTMENTS PROCESS FOR THE BOARDS OF TRUSTEES FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS, AND TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS.*

House amendments make the following changes to the 2nd edition.

Amendment #1 makes conforming and technical changes.

Amendment #2 qualifies that the power of the Superintendent of Public Instruction to administer funds appropriated for the operation of the Department of Public Instruction vested by GS 115C-21 must be in accordance with all needed rules and regulations adopted by the State Board of Education.

Amendment #3 amends the proposed changes to GS 115C-21 to set out that the internal auditor and staff serving the State Board of Education cannot be under the control and management of the Superintendent of Public Instruction. Makes conforming changes to subsection (a) and clarifying changes to proposed subsection (i).

**Intro. by Lewis, Bryan, Horn, Ross.**

[GS 115C, GS 116, GS 126, GS 143, GS 143A, GS 143B](#)

[Education, Elementary and Secondary Education, Higher Education, Government, State Agencies, UNC System, Department of Public Instruction, State Government, Executive, State Personnel](#)

[View summary](#)

H 22 (2016 Extra 4) [CONFIRM ADAM CONRAD/SPECIAL SUPERIOR CT JUDGE](#). Filed Dec 15 2016, *A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ADAM MATTHEW CONRAD AS A SPECIAL SUPERIOR COURT JUDGE.*

As title indicates.

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

[JOINT RES](#)

[Courts/Judiciary, Court System](#)

[View summary](#)

H 23 (2016 Extra 4) [CONFIRM ANDREW HEATH/SPECIAL SUPERIOR CT](#). Filed Dec 15 2016, *A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ANDREW HEATH AS A SPECIAL SUPERIOR COURT JUDGE.*

As title indicates.

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

[JOINT RES](#)

[Courts/Judiciary, Court System](#)

[View summary](#)

## **PUBLIC/SENATE BILLS**

S4 (2016 Extra 4) [BI-PARTISAN ETHICS, ELECTIONS & COURT REFORM](#). Filed Dec 14 2016, *AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL*

*ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS.*

Senate committee amendment makes the following change to the 1st edition.

Adds to the proposed changes to GS 97-77 relating to the Industrial Commission (Commission) to provide that no member who has served less than one year on the Commission may be designated to act as chairman by the Governor.

**Intro. by Rucho, Rabon, Tucker.**

[GS 1A, GS 7A, GS 58, GS 97, GS 120, GS 120C, GS 138A, GS 138B, GS 163](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Government, Elections, Ethics and Lobbying, General Assembly, State Agencies, State Board of Elections](#)

S 4 (2016 Extra 4) [BI-PARTISAN ETHICS, ELECTIONS & COURT REFORM](#). Filed Dec 14 2016, *AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS.*

Senate committee substitute to the 3rd edition (correction: 1st edition) engrosses the committee amendment from the Appropriations Committee, which is summarized in the previous digest.

**Intro. by Rucho, Rabon, Tucker.**

[GS 1A, GS 7A, GS 58, GS 97, GS 120, GS 120C, GS 138A, GS 138B, GS 163](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Government, Elections, Ethics and Lobbying, General Assembly, State Agencies, State Board of Elections](#)

S 4 (2016 Extra 4) [BI-PARTISAN ETHICS, ELECTIONS & COURT REFORM](#). Filed Dec 14 2016, *AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS.*

Senate amendment makes the following change to the 2nd edition.

Makes the changes to GS 97-77 that are effective when the act becomes law applicable to the first appointment made to fill a vacancy existing as of the date that the act becomes law.

Adds that the changes to GS 97-77(a1) are effective on the earlier of December 31, 2016, or upon the filing of a vacancy pursuant to subsection (a) of the act that amends the same statute.

**Intro. by Rucho, Rabon, Tucker.**

[GS 1A, GS 7A, GS 58, GS 97, GS 120, GS 120C, GS 138A, GS 138B, GS 163](#)

[View summary](#)

[Courts/Judiciary, Civil, Civil Procedure, Government, Elections, Ethics and Lobbying, General Assembly, State](#)

S 4 (2016 Extra 4) [BI-PARTISAN ETHICS, ELECTIONS & COURT REFORM](#). Filed Dec 14 2016, *AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS.*

House committee substitute makes the following changes to the 3rd edition.

Amends Section 19 of the act to direct as follows. Prohibits the Bipartisan State Board of Elections and Ethics Enforcement from administering or enforcing Part 1, Part 3, or Part 6 of Article 8 of GS Chapter 138B and directs that the Secretary of State maintains authority to administer and enforce Articles 2, 4, and 8 of GS Chapter 120C (concerning lobbying registration and reporting), as those Articles existed on January 1, 2017, until October 1, 2017. Provides that the transfer of appropriations and resources of the lobbying registration and enforcement functions become effective October 1, 2017. Provides that amendments to GS 163-30 (County boards of elections; appointments; terms of office; qualifications; vacancies; oath of office; instructional meetings) and GS 163-31 (Meetings of county boards of elections; quorum; minutes) become effective July 1, 2017. Provides that amendments to GS 163-278.22(7) (requiring State Board to conclude all investigations no later than one year from the start of the investigation) becomes effective January 1, 2017, and applies to investigations initiated on or after that date.

Amends GS 97-77, concerning the Industrial Commission, to set the term of the one member designated by the Governor to act as vice-chairman to four years, beginning December 30, 2016. Additionally provides that the Governor is to designate a new vice-chairman from the remainder of the commissioners in the event of a vacancy of the vice-chairman, who will serve the remainder of the four-year term.

**Intro. by Rucho, Rabon, Tucker.**

[GS 1A](#), [GS 7A](#), [GS 58](#), [GS 97](#), [GS 120](#), [GS 120C](#), [GS 138A](#), [GS 138B](#), [GS 163](#)

[View summary](#)

[Courts/Judiciary](#), [Civil](#), [Civil Procedure](#), [Government](#), [Elections](#), [Ethics and Lobbying](#), [General Assembly](#), [State Agencies](#), [State Board of Elections](#)

S 6 (2016 Extra 4) [CONFIRM ANDREW HEATH/SPECIAL SUPERIOR CT](#). Filed Dec 14 2016, *A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ANDREW HEATH AS A SPECIAL SUPERIOR COURT JUDGE.*

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

Amends the second whereas clause to clarify that the special superior court judgeship vacancy occurred due to the confirmation of the Honorable Gregory McGuire to another judicial appointment (previously, due to the resignation of the Honorable Gregory McGuire on July 1, 2016).

**Intro. by Rucho.**

[JOINT RES](#)

[View summary](#)

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

S 7 (2016 Extra 4) [CONFIRM ADAM CONRAD/SPECIAL SUPERIOR CT JUDGE](#). Filed Dec 14 2016, *A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ADAM MATTHEW CONRAD AS A SPECIAL SUPERIOR COURT JUDGE.*

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

Amends the second whereas clause to clarify that the special superior court judgeship vacancy occurred due to the retirement (previously, the resignation) of the Honorable James Gale on October 1, 2016.

**Intro. by Rucho.**

JOINT RES

[View summary](#)

[Courts/Judiciary, Court System](#)

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 2: DISASTER RECOVERY ACT OF 2016.**

*Signed by Gov. 12/15/2016*

*Ch. SL 2016-124*

#### **H 10: CLARIFY FUNDING ELIGIBILITY/CHARTER SCHOOLS.**

*House: Reptd Fav*

*House: Re-ref Com On Appropriations*

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Added to Calendar*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

#### **H 12: SCHOOL CALENDAR FLEX/CC.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Withdrawn From Cal*

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

#### **H 13: CLASS SIZE REQUIREMENT CHANGES.**

*House: Reptd Fav*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 12/16/2016*

*House: Placed On Cal For 12/16/2016*

#### **H 17: MODIFY CERTAIN APPTS/EMPLOYMENT.**

*House: Serial Referral To Finance Stricken*

*House: Reptd Fav Com Substitute*

*House: Cal Pursuant Rule 36(b)*

*House: Placed On Cal For 12/15/2016*

*House: Added to Calendar*

*House: Amend Adopted A2*

*House: Amend Adopted A3*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

#### **H 22: CONFIRM ADAM CONRAD/SPECIAL SUPERIOR CT JUDGE.**

*House: Reptd Fav. For Introduction*

*House: Filed*  
*House: Passed 1st Reading*  
*House: Ref To Com On Judiciary I*  
*House: Reptd Fav*  
*House: Cal Pursuant Rule 36(b)*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Special Message Sent To Senate*

**H 23: CONFIRM ANDREW HEATH/SPECIAL SUPERIOR CT.**

*House: Reptd Fav. For Introduction*  
*House: Filed*  
*House: Passed 1st Reading*  
*House: Ref To Com On Judiciary I*  
*House: Reptd Fav*  
*House: Cal Pursuant Rule 36(b)*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Special Message Sent To Senate*

**S 4: BI-PARTISAN ETHICS, ELECTIONS & COURT REFORM.**

*Senate: Reptd Fav As Amended, Unengrossed*  
*Senate: Re-ref Com On Finance*  
*Senate: Reptd Fav Com Substitute*  
*Senate: Com Substitute Adopted*  
*Senate: Placed on Today's Calendar*  
*Senate: Amend Adopted A1*  
*Senate: Passed 2nd Reading*  
*Senate: Passed 3rd Reading*  
*Engrossed*  
*Senate: Special Message Sent To House*  
*House: Special Message Received From Senate*  
*House: Ref to the Com on Elections, if favorable, Finance*  
*House: Reptd Fav Com Substitute*  
*House: Re-ref Com On Finance*

**S 6: CONFIRM ANDREW HEATH/SPECIAL SUPERIOR CT.**

*Senate: Reptd Fav Com Substitute*  
*Senate: Com Substitute Adopted*  
*Senate: Placed on Today's Calendar*  
*Senate: Passed 2nd Reading*  
*Senate: Passed 3rd Reading*  
*Senate: Special Message Sent To House*  
*House: Special Message Received From Senate*  
*House: Passed 1st Reading*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Ordered Enrolled*

**S 7: CONFIRM ADAM CONRAD/SPECIAL SUPERIOR CT JUDGE.**

*Senate: Reptd Fav Com Substitute*

*Senate: Com Substitute Adopted*  
*Senate: Placed on Today's Calendar*  
*Senate: Passed 2nd Reading*  
*Senate: Passed 3rd Reading*  
*Senate: Special Message Sent To House*  
*House: Special Message Received From Senate*  
*House: Passed 1st Reading*  
*House: Added to Calendar*  
*House: Passed 2nd Reading*  
*House: Passed 3rd Reading*  
*House: Ordered Enrolled*

**No local actions on bills**

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