



The Daily Bulletin: 2018-08-24

PUBLIC/HOUSE BILLS

H1 (2018 Extra 2) [HOUSE RULES - 2018 2ND EXTRA SESSION](#). Filed Aug 24 2018, *A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 2018 SECOND EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.*

Adopts the permanent rules of the 2017 Regular Session of the House of Representatives as the permanent rules of the 2018 Second Extra Session with the following changes.

Amends Rule 1 to set the House to convene at 10:00 a.m. on the next legislative day when the House adjourns without having fixed an hour for reconvening.

Provides that the membership of 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 consists of those who were appointed during the Regular Session and other members as the Speaker may appoint at the beginning of the Second Extra Session and that the committee chairs are those appointed by the Speaker during the Regular Session.

Establishes the standing committees of the House as: Rules, Calendar, and Operations of the House; Ethics; Judiciary I; Judiciary II; Judiciary III; Judiciary IV; Finance; and Appropriations.

Requires that bills and resolutions be introduced by submitting the bill or resolution to the Principal Clerk's Office.

Limits resolutions that may be introduced or considered to a resolution adjourning the session.

Limits bills that may be introduced or considered to those proposing amendments to the North Carolina Constitution.

Exempts adjournment resolutions and constitutional amendment bills from Rule 31.1 (concerning deadlines on introduction and receipt of bills, prohibiting blank bills, and imposing the 15-bill limit).

Allows a resolution or bill to be placed on the calendar without being referred to a committee and on the same legislative day of its introduction or receipt from the Senate.

Allows a bill reported favorably by a committee or received for concurrence to be placed on the favorable calendar on the same day it is reported and does not require a proposed committee substitute to be distributed electronically to committee members before it is considered by the committee.

Provides that the first reading and reference to a standing committee of a House bill occurs on the legislative day of its introduction and that the first reading and reference to a committee of a Senate bill occurs on the legislative day of its receipt on messages from the Senate. Requires the Speaker to give notice at each subsequent reading whether it is the second or third reading. Allows a bill to be read more than once on the same day, unless it is governed by Section 23 of Article II of the NC Constitution.

Allows a conference report to be placed on the calendar for the legislative day on which the report is received.

Allows any member who wants to cosponsor an introduced bill or resolution to do so on the day during which the bill or resolution was first read and referred, but only while the House has possession of the bill or resolution.

Intro. by Lewis.

[HOUSE RES](#)

[View summary](#)

[Government, General Assembly](#)

H2 (2018 Extra 2) [ADJOURN 2018 2ND EXTRA SESSION SINE DIE](#). Filed Aug 24 2018, *A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2018 SECOND EXTRA SESSION.*

Provides that when the House of Representatives and Senate adjourn the 2018 Second Extra Session on Monday, August 27, 2018, they are adjourned sine die.

Intro. by Lewis.

[JOINT RES](#)

[View summary](#)

[Government, General Assembly](#)

H3 (2018 Extra 2) [NONPARTISAN JUDICIAL MERIT COMMISSION](#). Filed Aug 24 2018, *AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR NONPARTISAN JUDICIAL MERIT COMMISSIONS FOR THE NOMINATION AND RECOMMENDATION OF NOMINEES WHEN FILLING VACANCIES IN THE OFFICE OF JUSTICE OR JUDGE OF THE GENERAL COURT OF JUSTICE AND TO MAKE OTHER CONFORMING CHANGES TO THE CONSTITUTION.*

Subject to approval by voters at the statewide general election in November 2018, amends Article IV of the North Carolina Constitution as follows.

Adds new Section 23 to Article IV of the North Carolina Constitution concerning the process for filling judicial vacancies, which provides as follows. Allows judicial appointees to hold the appointed office until the next election following the first election for members of the General Assembly held after the appointment. Requires the Chief Justice to make an appointment to fill a vacancy occurring on or after the sixtieth day before the next election for members of the General Assembly when the term would expire on December 31 of that same year. Requires that vacancies in the office of Justice or Judge of the General Court of Justice be filled through a process where individuals are nominated on merit by the people of the state to a nine-member nonpartisan judicial merit commission that will evaluate nominees on whether the nominee is qualified. The evaluations are presented to the General Assembly, which will recommend to the Governor, for each vacancy, at least two of the nominees deemed qualified by the commission. The Governor is required to appoint, within 10 days after the nominees are presented, the nominee the Governor deems best qualified to serve. Requires the commission to consist of no more than nine members whose appointments are to be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly. Requires the General Assembly to provide for the establishment of local merit commissions for the nomination of judges of the Superior and District Court with appointments to the commissions allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly. Prohibits allocating a majority of appointments to a commission to the Chief Justice of the Supreme Court, the Governor, or the General Assembly.

Provides that if the Governor does not make an appointment within 10 days, the General Assembly must hold a joint session and elect an appointee to fill the vacancy. If the General Assembly has adjourned sine die or for more than 30 days, gives the Chief Justice the authority to appoint a qualified individual to fill the vacancy if: (1) the vacancy occurs during the period of adjournment, (2) the General Assembly adjourned without presenting nominees to the Governor or failed to elect a nominee, or (3) the Governor failed to appoint a recommended nominee.

Amends Section 10 of Article IV as follows. Makes conforming deletion of the provision requiring District Court judge vacancies to be filled for the unexpired term in a manner prescribed by law. Makes organizational changes.

Amends Section 18 of Article IV by adding that vacancies in the office of District Attorney must be filled by appointment of the Governor and the appointees hold the office until the next election for General Assembly members that is held more than 60 days after the vacancy occurs, when elections must be held to fill the offices. If the unexpired term in which the vacancy occurred expires on the first day of January succeeding the next election of General Assembly members, the Governor must appoint to fill that vacancy for the unexpired term of the office.

Makes a conforming repeal of Section 19 of Article IV, which required that all vacancies occurring in the offices provided for by Article IV to be filled by appointment of the Governor, with appointees holding the office for the specified time.

Note: The language of this bill, as described above, is identical to the language in SL 2018-118. The following provisions differ from SL 2018-118.

Amends Subsection (5) of Section 22 of Article II by adding to the proposed language that the following types of bills that are not eligible for consideration by the Governor and must not contain any other matter: (1) bills recommending a nominee or nominees to fill a vacancy in the office of Justice and Judge of the General Court of Justice or (2) bills electing a nominee or nominees to fill a vacancy in the office of Justice or Judge of the General Court of Justice.

Sets out the ballot question as for or against “Constitutional amendment to change the process for filling judicial vacancies that occur between judicial elections from a process in which the Governor has sole appointment power to a process in which the people of the State nominate individuals to fill vacancies by way of a commission comprised of appointees made by the judicial, executive, and legislative branches charged with making recommendations to the legislature as to which nominees are deemed qualified; then the legislature will recommend nominees to the Governor via legislative action not subject to gubernatorial veto; and the Governor will appoint judges from among these nominees.”

Intro. by Lewis.

CONST

[View summary](#)

Constitution, Courts/Judiciary, Court System, Government, Elections

H3 (2018 Extra 2) [NONPARTISAN JUDICIAL MERIT COMMISSIONS](#). Filed Aug 24 2018, *AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR NONPARTISAN JUDICIAL MERIT COMMISSIONS FOR THE NOMINATION AND RECOMMENDATION OF NOMINEES WHEN FILLING VACANCIES IN THE OFFICE OF JUSTICE OR JUDGE OF THE GENERAL COURT OF JUSTICE AND TO MAKE OTHER CONFORMING CHANGES TO THE CONSTITUTION.*

House amendment #2 amends the question to be placed on the ballot regarding the proposed amendments to Articles II and IV of the Constitution, specifying that the legislature will recommend at least two nominees (previously, did not specify the number of nominees) to the Governor from among which the Governor will appoint to fill a judicial vacancy.

Intro. by Lewis.

CONST

[View summary](#)

Constitution, Courts/Judiciary, Court System, Government, Elections

H4 (2018 Extra 2) [BIPARTISAN BOARD OF ETHICS AND ELECTIONS](#). Filed Aug 24 2018, *AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH A BIPARTISAN BOARD OF ETHICS AND ELECTIONS ENFORCEMENT.*

Subject to approval by voters at the statewide general election in November of 2018, makes the following changes to Article VI of the North Carolina Constitution.

Enacts new Section 11 establishing the Bipartisan State Board of Ethics and Elections Enforcement (Board) to administer ethics and election laws. Places the Board within the Executive Branch for administrative purposes only. The Board consists of eight members who are qualified voters of the state, serving four-year terms, with no more than four members registered with the same political affiliation. Requires appointments to be made by the Governor as follows: (1) four members upon the recommendation of the leader of each of the two Senate political party caucuses with the most members, but prohibits appointing more than two members from the recommendations of each leader and (2) four members upon the recommendation of the leader of each of the two House of Representatives political party caucuses with the most members, but prohibits appointing more than two members from the recommendations of each leader. Requires the General Assembly to enact laws on how appointments are to be made if the Governor does not appoint a member within 10 days of receiving recommendations.

The ballot question is to be for or against “Constitutional amendment to establish an eight-member Bipartisan Board of Ethics and Elections Enforcement in the Constitution to administer ethics and elections law.”

If approved, the amendment is effective March 1, 2019.

Note: the above provisions are similar in scope to Section 1 of SL 2018-117; however, this bill does not contain changes to Article I, Section 6 (Separation of Powers); Article II, Section 20 (Powers of the General Assembly); or Article III, Section 5, of the North Carolina Constitution.

Intro. by Lewis.

CONST

[View summary](#)

[Constitution, Government, Elections, Ethics and Lobbying](#)

H5 (2018 Extra 2) [ELECTION NOTICE & EXTRA SESSION REQUIREMENTS](#). Filed Aug 24 2018, *AN ACT TO AMEND THE ELECTION LAWS OF THE STATE TO INCREASE THE AMOUNT OF NOTICE GIVEN BY THE COUNTY BOARD OF ELECTIONS FOR AN ELECTION, TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO INCREASE THE NUMBER OF MEMBERS OF THE GENERAL ASSEMBLY REQUIRED TO SUBMIT WRITTEN REQUESTS TO CONVENE AN EXTRA SESSION OF THE GENERAL ASSEMBLY, AND TO REQUIRE ADVANCED NOTICE OF THE EXTRA SESSION.*

Amends GS 163A-769 to require county boards of elections to give 30 (currently, 20) days' notice of a primary or general or special election prior to the close of registration. Makes conforming and clarifying changes.

Subject to approval by voters at the statewide general election in November of 2018, amends Section 11 of Article II of the North Carolina Constitution to require signatures from three-fourths (was, three-fifths) of the members of both the Senate and House of Representatives before the President of the Senate and the Speaker of the House can convene the General Assembly in extra session. Adds that the date of the convening of the extra session can be no earlier than 10 days from the required joint proclamation; makes an exception for the case of an emergency that threatens the public health or safety or economic well-being of the state. Requires that citizens be provided of notice of the joint proclamation within one day by publication of the joint proclamation. If approved, effective upon certification and applies to extra sessions convened on or after that date.

Intro. by W. Richardson.

CONST, GS 163A

[View summary](#)

[Government, Elections, General Assembly](#)

PUBLIC/SENATE BILLS

S1 (2018 Extra 2) [SENATE RULES - 2018 2ND EXTRA SESSION](#). Filed Aug 24 2018, *A SENATE RESOLUTION ADOPTING THE PERMANENT RULES OF THE SENATE FOR THE 2018 SECOND EXTRA SESSION OF THE GENERAL ASSEMBLY.*

Adopts the permanent rules of the 2017 Regular Session as the permanent rules of the 2018 Second Extra Session with the following changes.

Limits the standing committees to the Senate Select Committee on Elections and the Rules and Operations of the Senate, to be comprised of the members appointed during the 2017 Regular Session.

Requires introduced bills to include on the e-jacket the title of the document and the name of the Senator or Senators presenting it. Requires the Principal Clerk of the Senate to receive, number, and present each bill to the Senate for first reading on the day it is filed.

Limits resolutions that may be introduced or considered in the Senate to those establishing the rules governing the Second Extra Session and adjourning the Second Extra Session sine die.

Limits the bills, parts of bills, or amendments to bills that may be introduced or considered in the Senate to those proposing amendments to the North Carolina Constitution.

Requires all bills introduced and all House bills received upon a message from the House of Representatives, upon presentation to the Senate, to be read in the regular order of business by their number and title, constituting first reading of the bill on the day on which they are received.

Requires all bills reported by committee to be placed before the Senate for second reading and immediate consideration upon passage.

Provides that if any committee recommends adoption of an amendment or committee substitute of a bill or resolution, the amendment or committee substitute is considered adopted upon the reading of the committee report. Allows the bill or resolution, as amended, or its adopted committee substitute to be placed on the calendar for the same legislative day or re-referred if the bill or resolution was serially referred.

Requires that when a bill or resolution has passed its second reading, it be placed on the calendar for immediate consideration on its third reading, unless prohibited by Section 23 of Article II of the North Carolina Constitution.

Provides that when the House has adopted an amendment or a committee substitute for a Senate bill and the bill has been returned for concurrence, the Senate may concur on the same legislative day.

Intro. by Rabon.

[SENATE RES](#)

[View summary](#)

[Government, General Assembly](#)

S2 (2018 Extra 2) [REPEAL LITERACY REQUIREMENT/CONST. AMENDMENT](#). Filed Aug 24 2018, *AN ACT TO REPEAL THE LITERACY REQUIREMENT TO REGISTER TO VOTE CONTAINED IN SECTION 4 OF ARTICLE VI OF THE NORTH CAROLINA CONSTITUTION.*

Subject to voter approval at the statewide election in November 2018, repeals Section 4 of Article VI of the North Carolina Constitution, which requires every person registering to vote to be able to read and write any section of the Constitution in the English language. If approved, effective upon certification.

Intro. by Clark.

[CONST](#)

[View summary](#)

[Constitution, Government, Elections](#)

S3 (2018 Extra 2) [MODIFY CONSTITUTIONAL TAX RATE CAPS](#). Filed Aug 24 2018, *AN ACT TO REPEAL THE PROPOSED CONSTITUTIONAL AMENDMENT MODIFYING THE MAXIMUM TAX RATE ON INCOMES AND TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT THE MAXIMUM STATE SALES AND USE TAX RATE, NOT INCLUDING AUTHORIZED LOCAL SALES AND USE TAXES AND NOT INCLUDING OTHER TAXES IMPOSED BY THE STATE, CANNOT EXCEED SIX PERCENT.*

Subject to approval by voters at the statewide election to be held in November 2018, adds a new subsection to Section 2 of Article V of the North Carolina Constitution capping the state sales and use tax rate at 6%. Specifies the cap applies only to net taxable sales or gross receipts and does not include other state or local taxes. Sets out the ballot question. Requires the Bipartisan State Board of Elections and Ethics Enforcement to certify the amendment to the Secretary of State if the vote is favorable. The amendment is effective upon certification and applies to sales occurring on or after that date.

Repeals SL 2018-119, which, subject to voter approval at the statewide election to be held in November 2018, amends Section 2 of Article V of the North Carolina Constitution by capping the income tax rate at 7% (currently, capped at 10%).

Intro. by Clark.

[CONST](#)

[View summary](#)

[Constitution, Government, Tax](#)

ACTIONS ON BILLS**PUBLIC BILLS****H 1: HOUSE RULES - 2018 2ND EXTRA SESSION.**

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Amend Failed A1

House: Adopted

H 2: ADJOURN 2018 2ND EXTRA SESSION SINE DIE.

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

House: Special Message Sent To Senate

H 3: NONPARTISAN JUDICIAL MERIT COMMISSION.

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Amend Failed A1

House: Amend Adopted A2

House: Amend Failed A3

H 4: BIPARTISAN BOARD OF ETHICS AND ELECTIONS.

House: Filed

House: Passed 1st Reading

House: Added to Calendar

House: Amend Failed A1

House: Passed 2nd Reading

House: Passed 3rd Reading

House: Special Message Sent To Senate

H 5: ELECTION NOTICE & EXTRA SESSION REQUIREMENTS.

House: Filed

House: Passed 1st Reading

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

S 1: SENATE RULES - 2018 2ND EXTRA SESSION.

Senate: Filed

Senate: Passed 1st Reading

Senate: Placed on Today's Calendar

Senate: Adopted

S 2: REPEAL LITERACY REQUIREMENT/CONST. AMENDMENT.

Senate: Filed

No local actions on bills

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