



## The Daily Bulletin: 2019-10-28

### PUBLIC/SENATE BILLS

S 144 (2019-2020) [ALLOW IN-STATE TUITION/ATHLETIC SCHOLARSHIPS. \(NEW\)](#) Filed Feb 26 2019, *AN ACT TO AUTHORIZE CONSTITUENT INSTITUTIONS TO CONSIDER RECIPIENTS OF FULL ATHLETIC SCHOLARSHIPS AS RESIDENTS OF NORTH CAROLINA.*

House amendment #1 to the 3rd edition makes the following changes. Further amends GS 116-143.6, concerning full scholarship students' residency status at UNC constituent institutions, by adding a new subsection deeming a change in residency status under the statute to have no effect on the financial aid amount a student can receive as determined by the Free Application for Federal Student Aid (FASFA).

**Intro. by Hise.**

GS 116

[View summary](#)

**Education, Higher Education, Government, State Agencies, UNC System**

S 522 (2019-2020) [LOW-PERF. SCHOOLS/ADV. TEACHING ROLES. \(NEW\)](#) Filed Apr 2 2019, *AN ACT TO ALIGN THE SELECTION OF INNOVATIVE SCHOOLS WITH THOSE IDENTIFIED BY THE STATE BOARD OF EDUCATION FOR COMPREHENSIVE SUPPORT AND IMPROVEMENT, TO EXPAND OPTIONS FOR THE INNOVATIVE SCHOOL DISTRICT, TO REQUIRE LOCAL BOARDS OF EDUCATION TO INFORM BOARDS OF COUNTY COMMISSIONERS OF ACADEMIC PROGRESS, TO REQUIRE FURTHER STUDY OF REFORMS FOR ASSISTANCE TO LOW-PERFORMING SCHOOLS, TO ELIMINATE THE CAP ON LOCAL BOARDS OF EDUCATION THAT CAN PARTICIPATE IN THE ADVANCED TEACHING ROLES PILOT PROGRAM, AND TO EXEMPT ADVANCED TEACHING ROLES SCHOOLS FROM CLASS SIZE REQUIREMENTS.*

Conference report makes the following changes to the 6th edition.

Makes organizationAL changes by adding Parts and changing sections numbers of existing provisions.

Part I.

Amends the definition of *qualifying school* in GS 115C-75.5, as it applies to Article 7A of GS Chapter 115C, North Carolina Innovative School District and Innovation Zones. Now defines *qualifying school* as a school with a school performance score in the lowest-performing 5% of all schools meeting the following: (1) receives funds under Part A of Title I of the Elementary and Secondary Education Act of 1965; (2) is governed by a local board of education subject to Article 7A; and is not an alternative school, a cooperative innovative high school, a school that was in its first or second year of operation in the previous school year, or a *newcomers school* (defined as a school in which at least 90% of its students are enrolled for no more than one year on the basis of their status as recently arrived English language learners).

Amends GS 115C-75.7 by making the following changes to the process for analyzing and evaluating the performance of qualifying schools, upon which the selection of schools is based. Requires that in the first school year in which a school has been identified as a qualifying school based on data from the previous school year, the school must be placed on the ISD qualifying list (previously did not require the use of data from the previous school year). Adds that a school stays on the ISD warning list until it is either no longer a qualifying school or is transferred to the ISD. Limits instances in which the local board of education must hold a public hearing to when a qualifying school is in its first year on the warning list. Adds that when a qualifying school that was on the warning list during the previous school year, the local board of education is required to notify parents of students enrolled in the qualifying school of the school's status, potential impacts of the designation, plans for improvement of the school, and any additional information deemed necessary by the local board of education. Further amends

the statute by amending the selection process to require that a school be selected as an innovative school beginning with the next school year if (1) the school was on the ISD warning list in the previous school year; (2) the school remains a qualifying school in the current school year based on data from the previous school year; and (3) the school is one of the lowest five schools that met both of the above criteria, as measured by school performance scores (was, if the school remains a qualifying school in the school year following the year it was placed on the warning list and is one of the lowest five qualifying school on the warning list, as measured by school performance scores, the school will be selected as an innovative school beginning with the next school year).

No longer requires the State Board of Education to select the lowest scoring qualifying school in the state identified based on the school performance score calculated from data for the 2018-19 school year to become an innovative school in the 2020-21 school year.

Amends Section 8 of SL 2016-110, as amended, to remove the provision that allowed the State Board of Education to select up to five qualifying schools to transfer to the ISD beginning with the 2018-19 school year and required five qualifying schools to be selected for transfer to the ISD by the 2020-21 school year.

Deletes the act's provisions that made changes related to residency licenses. Deletes the changes to GS 115C-270.20(a)(4a), which amended the criteria for in-state licensees to receive a limited license, by requiring the individual to have been issued an IPL or RL and having failed to fulfill the examination requirements after three years of licensure. Deletes the provision deeming individuals with a lateral entry license to have met GS 115C-270.20(a)(4a) upon meeting specified criteria. Deletes changes to Section 1.2 of SL 2019-71, which granted an extension until June 30, 2020, for elementary education or special education general curriculum teachers with an IPL, lateral entry license, or residency license that is set to expire June 30, 2019, due to failure to fulfill licensure examination requirements, effective June 30, 2019. Deletes changes to Section 1.3 of SL 2019-71, which added that GS 115C-270.15(c) applies to individuals holding an IPL on or after the date that act became law. Deletes the changes to Section 6 of SL 2019-71, which made SL 2019-71 apply beginning with the eighteenth day following the date that act became law.

#### Part II.

Amends Section 8.7(c) of SL 2016-94, as amended, to no longer require the State Board to select a maximum of 10 local school administrative units that met the specified criteria to participate in the pilot program to develop advanced teaching roles and organizational models that link teacher performance and professional growth to salary increases in selected local school administrative units for classroom teachers.

Repeals Section 7.15(a) and (b) of SL 2017-57, which repealed Section 8.7(i) of SL 2016-94 and allowed local school administrative units approved by the State Board of Education to participate in the teacher compensation models and advanced teaching roles pilot program to allow a certain number of schools that were identified in their proposals to exceed individual class size requirements in kindergarten through third grade for the duration of the pilot program ending with the 2019-2020 school year, as specified. Reenacts Section 8.7(i) of SL 2016-94, which allows local school administrative units receiving grants under this program to exceed the maximum class size requirements for kindergarten through third grade.

Provides that if H 966, 2019 Appropriations Act, becomes law, then the provisions described above are repealed.

#### Part III.

Makes conforming and clarifying changes to the effective date.

Amends the act's short and long titles.

**Intro. by Tillman.**

**STUDY, GS 115C**

[View summary](#)

**Education, Elementary and Secondary Education,  
Government, State Agencies, State Board of Education**

S 683 (2019-2020) **COMBAT ABSENTEE BALLOT FRAUD**. Filed Jun 28 2019, *AN ACT TO AMEND THE LAWS GOVERNING MAIL-IN ABSENTEE BALLOTS; TO RESTORE THE LAST SATURDAY OF EARLY ONE-STOP VOTING; TO EXTEND THE TIME BY*

*WHICH COUNTY BOARDS OF ELECTION NEED TO REPLACE DIRECT RECORD ELECTRONIC VOTING EQUIPMENT UNDER CERTAIN CONDITIONS; TO AUTHORIZE A COUNTY TO TEST NEW VOTING EQUIPMENT DURING A SIMULATED ELECTION; AND TO MAKE APPROPRIATIONS FOR CURRENT OPERATIONS OF THE STATE BOARD OF ELECTIONS, CONSISTENT WITH HOUSE BILL 966 OF THE 2019 REGULAR SESSION.*

Conference report makes the following changes to the 6th edition.

Makes organizational changes to the act by adding in Parts and renumbering existing sections.

#### Part I.

Instead of amending statutes in GS Chapter 163A, which has been recodified, amends the corresponding statutes in GS Chapter 163. Makes corresponding corrections to statutory cross-references and makes technical change throughout to change references to the State Board of Elections to State Board. Makes the following additional changes.

Amends GS 163-228 (was, GS 163A-1306) as follows. Requires that the official register of absentee requests, applications, and ballots issued, be confidential and not a public record until the opening of the voting place, at which time the register constitutes a public record. Requires that the official register (was, each register) be opened to the inspection of any registered voter of the county within 60 days before and 30 days after an election in which absentee ballots were authorized, or at any other time when good and sufficient reason may be assigned for its inspection. Clarifies that the State Board must require the county board of elections to transmit information in the official register and the required list to the State Board. Adds that the State Board or a county board of elections must inform the voter of the status of that voter's request for mail-in absentee ballots upon inquiry of the voter or the voter's near relative or verifiable legal guardian.

Amends GS 163-230.1 (was, GS 163A-1308), to require the packet that the county board of elections sends to a voter who submits a request form for an absentee application and absentee ballot, to also include a clear statement of the requirement for a photocopy of identification or an affidavit with the returned ballot. Also requires that such a statement be included in the packet given to a voter requesting an absentee ballot due to sickness or physical disability. Adds that each container-return envelope returned to the county board with application and voted ballots under the statute be accompanied by a photocopy of identification or an affidavit. Adds that the State Board must adopt rules to provide for the forms of identification that must be included with the returned application and voted ballots and sets out minimum requirements for those rules.

Amends GS 163-230.2 (was, GS 163A-1309) to require that the request form for an absentee ballot require one of the following: (1) the number of the applicant's NC drivers license; (2) the number of the applicant's special identification card for nonoperators; or (3) the last four digits of the applicant's Social Security number (was, required the identification required in accordance with State Board rules). Deletes proposed changes to subsection (f) and now requires the State Board to adopt rules for the enforcement of this statute, removing existing provisions requiring the rules to provide for the form of identification that must be included with the written request for an absentee ballot.

Adds that the State Board must issue absentee application and ballots to any voter who has submitted a valid request for absentee ballots before the effective date of this act for elections held in 2019 and 2020.

Amends GS 163-237 (was, GS 163A-1317) by adding that it is a Class G felony to steal, release, or possess the official register of absentee request for mail-in absentee ballots before the opening of the voting place, for a purpose other than the conduct of business at the county board of elections.

Requires the State Board to adopt emergency rules for the implementation of Part I. Specifies that this does not require any rule making if not otherwise required by law.

#### Part II.

Amends GS 163-227.2 (was, GS 163A-1300) to provide that no earlier than the third Thursday before an election, in which absentee ballots are authorized, in which a voter seeks to vote and not later than 3:00 p.m. on the last Saturday (was, 2:00 p.m.) before that election, the voter must appear in person only at the office of the county board of elections. Requires a county board of elections to conduct onestop voting on the last Saturday before the election until 3:00 p.m. (was, 2:00 p.m.). Makes additional clarifying changes.

Amends GS 163-227.6 (was, GS 163A-1303) to require that sites approved for one-stop voting be open on each week day during the required period from 8:00 a.m. to 7:30 p.m. (was, 7:00 a.m. to 7:00 p.m.) and requires all one-stop sites to be open

on the last Saturday before the election for the specified hours for that last Saturday (was, only applicable to county boards of elections that opened one-stop sites on Saturdays).

#### Part III.

Deletes the previous provision about allowing a county board of elections to use a direct record electronic voting system and instead provides the following.

Allows the State Board of Elections to authorize a county board of elections to use a direct record electronic (DRE) voting system in any election prior to July 1, 2020, provided the State Board determines the following conditions are satisfied: (1) the county board of elections submits a hardship request to the State Board to use a DRE voting system in an election or elections prior to July 1, 2020, and provides documentation that replacement of the machines before July 1, 2020, would create an undue hardship for the county; (2) the county board of elections provides sufficient information for the State Board to conclude that the use of the DRE voting system will not jeopardize the security of the election or elections; and (3) the county board of elections has begun the process and time line for replacing the DRE voting system and provides documentation to the State Board regarding the time line for that process and specifically the time of the required testing. Expires August 1, 2020.

#### Part IV.

Makes the provisions concerning testing new voting equipment in GS 163-165.9 (was, GS 163A-1117) effective when the act becomes law (was, applicable to the purchase of any voting system tested before December 31, 2020).

No longer amends GS 163A-1303(c)(3), changing the established hours for one-stop voting sites to 8:30 a.m. to 6:30 p.m. (which was to become effective January 1, 2020, and expire August 1, 2020).

No longer amends GS 163A-1310(b), concerning the transmission of absentee ballots to county boards of elections, to allow for mail or courier transmission to be at the State Board of Elections (BOE)'s expense (which was to become effective January 1, 2020, and expire December 31, 2020). Eliminates the companion appropriations provisions.

No longer amends Section 3.11 of SL 2018-13, which amended SL 2013-281 concerning decertification of certain direct record electronic (DRE) voting systems.

#### Part V.

Adds new Part V as follows.

States that the act's appropriations are for maximum amounts necessary for services and purposes of the State Board of Elections (BOE) pursuant to the State Budget Act. Requires any savings to revert to the appropriate fund at the end of each fiscal year, except as otherwise provided by law.

Appropriates from the General Fund for the BOE budget for the 2019-21 fiscal biennium \$7,989,301 and \$6,878,220 for the 2019-20 and 2020-21 fiscal years.

Deems state funds appropriated for each year of the 2019-21 fiscal biennium up to the specified amounts for all BOE budget codes listed in the Governor's Recommended Budget and the identified Budget Support Document, as adjusted in this act, and departmental receipts up to the amounts needed to implement the legislatively mandated salary increases and employee benefit increases provided in the act for each year of the fiscal biennium. Provides for overrealized receipts. Restricts expenditures to those legislatively authorized.

Authorizes BOE to spend, subject to the Director of the Budget's approval, grants awarded subsequent to the act that (1) are less than \$2.5 million, (2) do not require State matching funds, and (3) will not be used for a capital project. Requires BOE to report receipt of these funds to the specified NCGA committee within 30 days of receipt. Prohibits any further expenditures without approval of the Director of Budget and consultation with the specified NCGA committee. Directs the Office of State Budget and Management (OSBM) to work with BOE to budget grant awards as specified, including employing additional time-limited State personnel. Explicitly prohibits BOE from accepting a grant not anticipated by the act if acceptance would obligate the State to make future expenditures.

Of the funds appropriated to BOE from the General Fund, directs that \$1,610,252 for the 2019-20 fiscal year and \$499,171 for the 2020-21 fiscal year be allocated in specified amounts for specified purposes, including establishing user support specialist positions, implementing new voter ID requirements, adjusting the salary of a personnel position, and adjusting the base budget.

Of the funds appropriated to the BOE from the General Fund, requires reduction by \$454,248 for both the 2019-20 and 2020-21 fiscal years in order to eliminate a vacant position and reduce personal services budget for positions, as specified.

Adjusts the funds appropriated to BOE Special Fund for the modernization of the Statewide Elections Information Management System, now providing for \$3 million on a nonrecurring basis in each fiscal year.

Mandates that BOE meet the required personal service reduction by eliminating positions for each year of the biennium. Requires BOE to report to the specified NCGA committees and division by December 1, 2019, and December 1, 2020, on actions taken, with the specified required content.

Requires BOE to designate one of its current full-time employee positions as Agency General Counsel upon consultation with the Office of State Human Resources and OSBM.

Reenacts and incorporates the provisions of GS Chapter 143C, the State Budget Act.

Provides for parameters and application of the BOE biennial budget provided and adjusted by the act. Establishes that the legislative budget supersedes the budget certified by the Director of the Budget in the event line-items conflict.

Repeals Sections 25.1 and 25.2 of HB 966 (Appropriations Act of 2019) if that act becomes law.

Specifies that SL 2019-209 and any other enactments affecting the State budget during the 2019 Regular Session remain effective except where expressly repealed or amended.

Defines the scope of the act to funds appropriated for and activities occurring during the 2019-21 fiscal biennium unless clearly indicated otherwise.

Clarifies the effect of the act's headings.

Includes a severability clause.

Provides that the above provisions of new Part V are effective July 1, 2019.

Part VI.

Enacts new GS 163-182.12A requiring the State Board to produce a report that summarizes the post-election audit, to be submitted to the specified NCGA committees within 10 business days of the date the audit is completed.

Makes conforming changes to the act's long title.

**Intro. by Daniel, McKissick, Hise.**

[APPROP, UNCODIFIED, GS 20, GS 163](#)

[View summary](#)

[Courts/Judiciary, Motor Vehicle, Criminal Justice, Criminal Law and Procedure, Government, Budget/Appropriations, Elections, State Agencies, State Board of Elections, Local Government](#)

S 690 (2019-2020) [MODIFICATIONS TO 2019 APPOINTMENTS BILL](#). Filed Aug 13 2019, *AN ACT TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2019 APPOINTMENTS BILLS AND TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.*

AN ACT TO MAKE MODIFICATIONS TO APPOINTMENTS MADE IN THE 2019 APPOINTMENTS BILLS AND TO APPOINT PERSONS TO VARIOUS PUBLIC OFFICES UPON THE RECOMMENDATION OF THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE SPEAKER OF THE HOUSE OF REPRESENTATIVES. SL 2019-233. Enacted October 28, 2019. Effective October 28, 2019.

**Intro. by Rabon.**

[UNCODIFIED](#)

[View summary](#)

**Business and Commerce, Education, Government, General Assembly, State Government, Executive, Health and Human Services**

## ACTIONS ON BILLS

### PUBLIC BILLS

#### **H 200: VARIOUS EDUCATION CHANGES (NEW)**

*Senate: Withdrawn From Com*

*Senate: Ref To Com On Finance*

#### **H 231: UNC & COMM. COLL. PAY/RETIREE BONUS. (NEW)**

*Senate: Regular Message Sent To House*

*House: Regular Message Received For Concurrence in S Com Sub*

#### **H 377: TEACHER STEP ACT. (NEW)**

*Senate: Regular Message Sent To House*

*House: Regular Message Received For Concurrence in S Com Sub*

#### **H 398: INFO. TECH. BUDGET/2019-2021 FISCAL BIENNIUM. (NEW)**

*Senate: Regular Message Received From House*

*Senate: Passed 1st Reading*

*Senate: Ref To Com On Appropriations/Base Budget*

#### **H 399: EXTEND TAX CREDITS/OTHER FINANCE CHANGES. (NEW)**

*House: Ratified*

#### **H 555: MEDICAID TRANSFORMATION IMPLEMENTATION. (NEW)**

*Senate: Withdrawn From Com*

*Senate: Placed On Cal For 10/30/2019*

#### **H 813: HOWARD HUNTER, JR., EASTERN CRIME LAB.**

*Senate: Withdrawn From Com*

*Senate: Re-ref Com On Finance*

#### **H 959: EXEMPT CEMETERY PROPERTY.**

*House: Withdrawn From Cal*

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

#### **H 966: 2019 APPROPRIATIONS ACT.**

*Senate: Withdrawn From Com*

*Senate: Placed On Cal For 10/29/2019*

#### **S 144: ALLOW IN-STATE TUITION/ATHLETIC SCHOLARSHIPS. (NEW)**

*House: Amend Adopted A1*

*House: Amend Failed A2*

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**S 315: NORTH CAROLINA FARM ACT OF 2019.***House: Withdrawn From Cal**House: Cal Pursuant Rule 36(b)**Senate: Conf Report Adopted***S 432: BIRTH CENTER & PHARM BENEFITS MGR. LICENSURE (NEW).***Senate: Regular Message Received For Concurrence in H Com Sub**Senate: Ref To Com On Rules and Operations of the Senate**Senate: Withdrawn From Com**Senate: Placed On Cal For 10/29/2019***S 522: LOW-PERF. SCHOOLS/ADV. TEACHING ROLES. (NEW)***Senate: Conf Com Reported**Senate: Placed On Cal For 10/29/2019**House: Conf Com Reported**House: Cal Pursuant Rule 44(d)**House: Placed On Cal For 10/29/2019***S 553: REGULATORY REFORM ACT OF 2019.***Senate: Withdrawn From Cal**Senate: Placed On Cal For 10/30/2019***S 683: COMBAT ABSENTEE BALLOT FRAUD.***Senate: Conf Com Reported**Senate: Placed On Cal For 10/29/2019**House: Conf Com Reported**House: Cal Pursuant Rule 44(d)**House: Placed On Cal For 10/29/2019***S 690: MODIFICATIONS TO 2019 APPOINTMENTS BILL.***Senate: Ratified**Senate: Ch. SL 2019-233***No local actions on bills****© 2019 School of Government The University of North Carolina at Chapel Hill**

This work is copyrighted and subject to "fair use" as permitted by federal copyright law. No portion of this publication may be reproduced or transmitted in any form or by any means without the express written permission of the publisher. Distribution by third parties is prohibited. Prohibited distribution includes, but is not limited to, posting, e-mailing, faxing, archiving in a public database, installing on intranets or servers, and redistributing via a computer network or in printed form. Unauthorized use or reproduction may result in legal action against the unauthorized user.

[Print Version](#)