

2016 Ex. Sess. 4

**HOUSE
RULES, CALENDAR,
AND OPERATIONS**

MINUTES

House Committee on Rules, Calendar, and Operations of the House
Thursday, December 15, 2016 at 12:30 PM
Room 544 of the Legislative Office Building

MINUTES

The House Committee on Rules, Calendar, and Operations of the House met at 12:30 PM on December 15, 2016 in Room 544 of the Legislative Office Building. Representatives J. Bell, Blust, Boles, Bumgardner, Burr, Carney, Cotham, Daughtry, Davis, Floyd, Fraley, Goodman, L. Hall, Hanes, Hastings, Jackson, L. Johnson, Lewis, Reives, Saine, Stam, Stevens, Szoka, Tine, Torbett, and Wray attended.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

HB 17 was brought before the committee by leave of the committee.

Amendment H17-ARQ-2[v.2] by Rep. Stam was submitted to the body and was adopted.

Amendment H17-ARK-2[v.1] by Rep. Stam was submitted to the body and was adopted.

Amendment H17-ATC-2[V.1] by Rep. Stam was submitted to the body and was adopted.

Amendment H17-ARO-2[v.2] by Rep. Stevens was submitted to the body and was adopted.

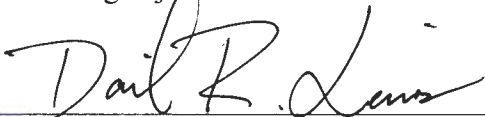
Rep. Stam moved that HB 17 be given a favorable motion, unfavorable to the original and that the amendments be rolled into a new PCS and that staff be given the authority to make changes to the Proposed Committee Substitute. The motion was adopted.

Rep. Burr moves that the HJR to confirm Adam Matthew Conrad as a Special Superior Court Judge be introduced by the Committee on Rules, Calendar, and Operations of the House. Rep. Stevens Seconded. The motion was adopted.

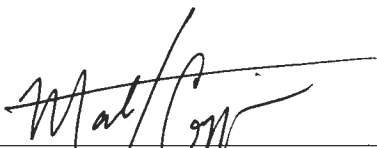
Rep. Burr moves that the HJR to confirm Andrew Heath as a Special Superior Court Judge be introduced by the Committee on Rules, Calendar, and Operations of the House. Rep. Stevens Seconded. The motion was adopted.

The committee recessed at 12:36PM

The meeting adjourned at 2:24PM.



Representative David R. Lewis, Chair
Presiding



Mark Coggins, Committee Clerk



12:34 Recess

Burr - HJR Adam Conrad

1 - HJR Andrew Heath

Stevens - second

✓

12:36

10:21

H17

H17 - ARQ - 2 [v.2] ✓

H17 - ARI - 2 [v.1] ✓

H17 - ATC - 2 [v.1] ✓

H17 - ARO - 2 [v.2] ✓

Amendment rolled into
new PCS

2:24

Hydro
142

3,961,352

4,624,564

4,445,361

2:15

~~2:24~~

Source

Bell
Floyd

Recomm

Stevens
Szoka

Corrected #3: Room Change

**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2016 FOURTH EXTRA SESSION**

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Thursday, December 15, 2016

TIME: 12:30 PM

LOCATION: 544 LOB

The following bills will be considered:

BILL NO.	SHORT TITLE	SPONSOR
HB 17	Modify Certain Appts/Employment.	Representative Lewis Representative Bryan Representative Horn Representative Ross

Respectfully,

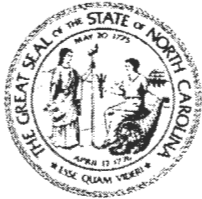
Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:19 PM on Friday, March 31, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)





HOUSE BILL 17: Modify Certain Appts/Employment.

2015-2016 General Assembly

Committee:	House Rules, Calendar, and Operations of the House. If favorable, re-refer to Finance	Date:	December 15, 2016
Introduced by:	Reps. Lewis, Bryan, Horn, Ross	Prepared by:	Committee Counsel
Analysis of:	PCS to First Edition H17-CSTG-1[v.3]		

OVERVIEW: *House Bill 17 makes various changes to the laws pertaining to the Superintendent of Public Instruction; the appointments process for the boards of trustees for the constituent institutions of The University of North Carolina; the appointments of heads of principal State departments; and implements the Statewide Classification and Compensation System.*

The Proposed Committee Substitute removes Part IV which addresses the Statewide Classification and Compensation System.

PART I. CLARIFY ROLES/DPI/SBE

SECTIONS 1 and 31.

CURRENT LAW: G.S. 115C-11 sets forth the organization and internal procedures of the State Board of Education (SBE), including the process of advisory appointments.

BILL ANALYSIS: Section 1:

- Authorizes the Superintendent of Public Instruction (Superintendent) instead of the Governor to appoint the student advisors and local superintendent advisor to the SBE.
- Adds an additional provision to require the Superintendent to provide technical assistance and administrative assistance, including staff, to the SBE through the Department of Public Instruction (DPI).

Section 31 provides that the current advisors in these positions can serve the remainder of their terms.

SECTION 2.

CURRENT LAW: G.S. 115C-12 provides for the general powers and duties of the SBE.

BILL ANALYSIS: This section adds language to clarify that the Superintendent, through DPI, must administer all needed rules and regulations adopted by the SBE.

SECTION 3.

CURRENT LAW: G.S. 115C-19 describes the Superintendent's role as the chief administrative officer of the SBE. It describes the Superintendent's role to manage "on a day-to-day basis the administration of the free public school system, subject to the direction, control, and approval of the State Board" and carry out the duties of the Superintendent "subject to the direction, control, and approval of the State Board of Education."

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578

House PCS 17

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BILL ANALYSIS: This section removes language subordinating the Superintendent to the SBE, and instead adds language that the Superintendent is an elected officer and Council of State member and is the administrative head of DPI.

SECTION 4.

CURRENT LAW: G.S. 115C-21 describes the powers and duties of the Superintendent. It states that these powers and duties are "[s]ubject to the direction, control, and approval of the State Board of Education."

BILL ANALYSIS: This section does the following:

- Removes any references to the Superintendent's powers and duties being subject to the SBE.
- Adds authority to the State Superintendent to administer DPI's funds and enter contracts for the operation of DPI.
- Establishes that all staff of DPI, including those supporting the SBE, are under the management of the Superintendent.
- Provides that the Superintendent, rather than SBE, will administer any special funds within DPI which were received as grants from nongovernmental sources in accordance with G.S. 115C-410.
- Adds new language that all matters related to providing staff services and support to the SBE, including implementation of federal programs on behalf of the SBE, are under the direction and control of the Superintendent.
- Specifies that as secretary to the SBE, the Superintendent must administer funds appropriated for the operations of the SBE and for aid to local school administrative units.

SECTION 5.

CURRENT LAW: G.S. 115C-408 covers the funds under control of the SBE, and provides that the SBE is charged with the "general supervision and administration of the educational funds" other than those specifically provided in the State Constitution and local funds.

BILL ANALYSIS: This section adds that the Superintendent shall administer any available educational funds through DPI in accordance with all rules and regulations adopted by the SBE.

SECTION 6.

CURRENT LAW: Under Section 5 of Article IX of the State Constitution, the SBE must supervise and administer the educational funds provided for the support of the public school system and it must make all needed rules and regulations regarding those funds, subject to the laws enacted by the General Assembly. G.S. 115C-410 allows the SBE to accept gifts and grants and other forms of voluntary contributions and use those monies or reallocate those monies to the local school administrative units.

BILL ANALYSIS: This section amends the statute to provide that the SBE is authorized to adopt all needed rules and regulations for the creation and administration of special funds within DPI to manage any funds received as grants from nongovernmental sources in support of public education. It then provides that, in accordance with the SBE's rules and regulations, the Superintendent is authorized to create and administer such special funds, to accept gifts and grants, and use those gifts and grants or reallocate those funds to the local school administrative units.

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SECTION 7.

CURRENT LAW: G.S. 126-5(d) describes the positions that can be exempted from the North Carolina Human Resources Act (NCHRA).

BILL ANALYSIS: Section 8 amends G.S. 126-5(d) as follows:

- Decreases from 1500 to 300 the number of positions the Governor may designate as exempt throughout the Cabinet departments and offices.
- Removes the Office of State Budget and Management and the Office of State Human Resources from the list of cabinet departments and offices with exempt positions designated under this subsection.
- Increases the number of positions the Secretary of State, the Auditor, the Treasurer, the Attorney General, the Commissioner of Agriculture, the Commissioner of Insurance, and the Labor Commissioner may designate as exempt to:
 - 25 exempt policymaking positions, or 2% of the total number of full-time positions, whichever is greater, and
 - 25 exempt managerial positions, or 2% of the total number of full-time positions in the department, whichever is greater.
- Increases the number of positions the State Board of Education may designate as exempt to:
 - 70 exempt policymaking positions, or 2% of the total number of full-time positions, whichever is greater, and
 - 70 exempt managerial positions, or 2% of the total number of full-time positions in the department, whichever is greater.
- Provides that if a position designated as exempt from the NCHRA under this subsection is changed to subject to the NCHRA and the employee occupying the position has been continuously employed in a permanent position for the immediate 12 preceding months, the employee is deemed a career State employee, as defined in G.S.126-1.1(a), upon the effective date of the change in designation.

This section becomes effective when it becomes law.

SECTION 8.

CURRENT LAW: G.S. 126-5(d) describes the positions that can be exempted from the North Carolina Human Resources Act. It provides that the SBE may designate certain positions as exempt in DPI.

BILL ANALYSIS: Section 8 provides that the Superintendent will designate exempt positions, rather than the SBE, beginning January 1, 2017.

SECTION 9.

CURRENT LAW: G.S. 143-745 provides the definitions applicable to State agency internal auditing programs. The SBE is designated as the head of DPI.

BILL ANALYSIS: This section changes the designation of the head of DPI from the SBE to the Superintendent.

SECTIONS 10-12.

CURRENT LAW: Article 5 of Chapter 143A of the General Statutes creates DPI and provides that the head of DPI is the SBE.

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BILL ANALYSIS: These sections provide that the Superintendent will be the head of DPI and have all the powers and duties conferred by the Constitution, the various statutes, and delegated to the Superintendent by the Governor and SBE.

SECTION 13.

CURRENT LAW: G.S. 14-234 generally prohibits public officers and employees who are involved in the making or administration of a contract from deriving a direct benefit from the contract. Subsection (d6) of that statute exempts employment contracts between the SBE and its chief executive officer.

BILL ANALYSIS: This section repeals subsection (d6).

SECTIONS 14-15.

CURRENT LAW: The Achievement School District (ASD) is under the administration of the SBE and the ASD Superintendent Selection Advisory Committee makes recommendations to the SBE on the appointment of a superintendent of the ASD. The SBE makes the final selection of the ASD superintendent who serves at the pleasure of the SBE.

BILL ANALYSIS: These sections place the ASD under the administration of the SBE and the Superintendent. In addition, the ASD Superintendent Selection Advisory Committee is repealed. The Superintendent would select the ASD superintendent who would serve at the pleasure of the Superintendent. The salary of the ASD superintendent would be established by the Superintendent rather than the SBE and reporting would be directly to the Superintendent as well.

SECTION 16.

CURRENT LAW: G.S. 115C-150.11 provides that the SBE is the sole governing agency for the School for the Blind and the Schools for the Deaf.

BILL ANALYSIS: This section clarifies that the Superintendent, through DPI, is responsible for the administration, appointment of staff, and oversight of these schools.

SECTIONS 17-18 and 32.

CURRENT LAW: Sections 17-18 address the charter school statutes and membership on the North Carolina Charter Schools Advisory Board (Advisory Board) and civil liability regarding the acts and omissions of charter schools. The Governor currently appoints 3 members of the Advisory Board, including the chair. These sections also set forth the administrative control of the Office of Charter Schools.

BILL ANALYSIS: Sections 17-18 remove the Governor's appointing authority to the Advisory Board and gives the House of Representatives, the Senate, and the SBE each 1 additional member to appoint.

The Advisory Board would annually elect the chair of the Advisory Board from among its membership.

These sections remove language that provide that the Office of Charter Schools would be "subject to the supervision, direction, and control" of the SBE. The executive director would be appointed by the Superintendent who would also set the salary. The executive director of the Office of Charter Schools would report to and serve at the pleasure of the Superintendent rather than the SBE.

Finally, these sections add the Superintendent to the list of entities that are protected from any civil liability for any acts or omissions of a charter school.

Section 32 provides that the current members of the Advisory Board can serve the remainder of their terms.

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SECTIONS 19-23 and 26-27.

CURRENT LAW and BILL ANALYSIS: These sections make conforming changes to add the Superintendent to the list of entities that cannot be held liable for negligence for actions in the following areas: criminal history checks, personnel evaluations, and use of reasonable force.

SECTION 24.

BILL ANALYSIS: This section would provide that the School Planning Division is a part of DPI rather than the SBE.

SECTION 25.

CURRENT LAW and BILL ANALYSIS: The SBE is authorized to manage and operate a system of insurance for public school property. This section places the Superintendent in charge of the system of insurance for public school property, which is to be done in accordance with rules and regulations adopted by the SBE. The Superintendent is to employ the personnel rather than the SBE.

SECTION 28.

BILL ANALYSIS: This section changes the 2015 Appropriations Act by providing that DPI must implement budget reductions and provide an organizational chart rather than the SBE. The Superintendent would not need approval from the SBE to make position reductions but must still follow any rules and regulations from the SBE relating to funds and programs administered by DPI that could be impacted by funding reductions.

SECTION 29.

BILL ANALYSIS: The SBE must revise any rules and regulations to comply with this legislation by May 15, 2017.

SECTION 30.

BILL ANALYSIS: This section requires DPI to review State laws, rules, and regulations to ensure compliance with the intent of this legislation and to report to the General Assembly by April 15, 2017 on the results of its review.

EFFECTIVE DATE: Sections 1-6 and Sections 8-32 become effective January 1, 2017. The remainder of this Part becomes effective when it becomes law.

PART II. MODIFY APPOINTMENT OF UNC BOARDS OF TRUSTEES

SECTIONS 35-37.

CURRENT LAW: The board of trustees of the constituent institutions of The University of North Carolina are composed of 13 individuals: 8 appointed by the Board of Governors, 4 appointed by the Governor, and the president of the student government. The Board of Trustees for the North Carolina School of Science and Mathematics (NCSSM) is composed of 30 individuals, including 2 members appointed by the General Assembly upon the recommendation of the Speaker of the House, 2 members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate, and 2 members appointed by the Governor.

BILL ANALYSIS: Section 35 would eliminate appointments by the Governor to the constituent institution boards of trustees and require that the General Assembly appoint 4 members to each board, with 2 members recommended by the Speaker of the House of Representatives, and 2 members recommended by the President Pro Tempore of the Senate.

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Section 36 would also eliminate appointments by the Governor to the NCSSM board of trustees and require that the General Assembly appoint 6 members to each board, with 3 members recommended by the Speaker of the House of Representatives, and 3 members recommended by the President Pro Tempore of the Senate.

Members holding office as of the effective date of the bill would complete their term. Vacancies originally appointed by the Governor would be filled by joint recommendation of the Speaker of the House of Representatives and the President Pro Tempore of the Senate.

EFFECTIVE DATE: This Part would become effective when it becomes law and applies to terms expiring January 15, 2017, and thereafter.

PART III. SENATE CONFIRMATION OF CABINET APPOINTEES

SECTIONS 38-39.

CURRENT LAW: G.S. 143B-9 provides that the head of each principal State department that is not popularly elected is appointed by the Governor and serve at the Governor's pleasure. These departments are established in G.S. 143B-6 as follows: Department of Natural and Cultural Resources, Department of Health and Human Services, Department of Revenue, Department of Public Safety, Department of Environmental Quality, Department of Transportation, Department of Administration, Department of Commerce, Community Colleges System Office, Department of Information Technology, and the Department of Military and Veterans Affairs.

The North Carolina Constitution provides in Article III, Sec. 5(8) that the Governor shall "nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for."

BILL ANALYSIS: This section would require the Governor to notify the Senate of the name of each person nominated to be the head of a principal State department, and the appointment would be subject to the advice and consent of the Senate unless one of the following occurs:

- The senatorial advice and consent is expressly waived by an enactment of the General Assembly.
- A vacancy occurs when the General Assembly is not in regular session. Any person appointed when the General Assembly is not in regular session may serve without senatorial advice and consent for no longer than the earlier of the following:
 - The date the Senate adopts a simple resolution specifically disapproving the person appointed.
 - The date the General Assembly adjourns by joint resolution for a period of longer than 30 days without adoption by the Senate of a simple resolution approving that person.

EFFECTIVE DATE: This Part would become effective when it becomes law.

GENERAL ASSEMBLY OF NORTH CAROLINA
FOURTH EXTRA SESSION 2016

H

D

HOUSE BILL 17
PROPOSED COMMITTEE SUBSTITUTE H17-CSTG-1 [v.3]

12/14/2016 08:53:28 PM

Short Title: Modify Certain Appts/Employment.

(Public)

Sponsors:

Referred to:

December 14, 2016

A BILL TO BE ENTITLED

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, AND TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS.

The General Assembly of North Carolina enacts:

PART I. CLARIFY ROLES/DPI/SBE

SECTION 1. G.S. 115C-11 reads as rewritten:

"§ 115C-11. Organization and internal procedures of Board.

...

(a1) Student advisors. – The ~~Governor~~Superintendent of Public Instruction is hereby authorized to appoint two high school students who are enrolled in the public schools of North Carolina as advisors to the State Board of Education. The student advisors shall participate in State Board deliberations in an advisory capacity only. The State Board may, in its discretion, exclude the student advisors from executive sessions.

~~The Governor shall make initial appointments of student advisors to the State Board as follows:~~

- (1) ~~One high school junior shall be appointed for a two year term beginning September 1, 1986, and expiring June 14, 1988; and~~
- (2) ~~One high school senior shall be appointed for a one year term beginning September 1, 1986, and expiring June 14, 1987. When an initial or subsequent term expires, the Governor~~The Superintendent of Public Instruction shall appoint a stagger the appointments of the two student advisors so that a high school junior for is serving in the first year of a two-year term and a high school senior is serving in the second year of a two-year term simultaneously. The appointment of a high school junior shall be made beginning June 15 of that each year. If a student advisor is no longer enrolled in the public schools of North Carolina or if a vacancy otherwise occurs, the GovernorSuperintendent of Public Instruction shall appoint a student advisor for the remainder of the unexpired term.

Student advisors shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

...



(a3) ~~Governor~~Superintendent of Public Instruction shall appoint a superintendent of a local school administrative unit as an advisor to the State Board of Education. The superintendent advisor shall serve for a term of one year. The superintendent advisor shall participate in State Board deliberations and committee meetings in an advisory capacity only. The State Board may, in its discretion, exclude the superintendent advisor from executive sessions.

In the event that a superintendent advisor ceases to be a superintendent in a local school administrative unit, the position of superintendent advisor shall be deemed vacant. In the event that a vacancy occurs in the position for whatever reason, the ~~Governor~~Superintendent of Public Instruction shall appoint a superintendent advisor for the remainder of the unexpired term. The superintendent advisor to the State Board shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

...
(i) Administrative Assistance. – The Superintendent of Public Instruction shall provide technical assistance and administrative assistance, including staff, to the State Board of Education through the Department of Public Instruction."

SECTION 2. G.S. 115C-12 reads as rewritten:

"§ 115C-12. Powers and duties of the Board generally.

The general supervision and administration of the free public school system shall be vested in the State Board of Education. The State Board of Education shall establish ~~policy~~all needed rules and regulations for the system of free public schools, subject to laws enacted by the General Assembly. In accordance with Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction, as an elected officer and Council of State member, shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction. The powers and duties of the State Board of Education are defined as follows:

...."

SECTION 3. G.S. 115C-19 reads as rewritten:

"§ 115C-19. Chief administrative officer of the State Board of Education.

As provided in Article IX, Sec. 4(2) of the North Carolina Constitution, the Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education. ~~As secretary and chief administrative officer of the State Board of Education, the Superintendent manages on a day-to-day basis the administration of the free public school system, subject to the direction, control, and approval of the State Board. Subject to the direction, control, and approval of the State Board of Education, the Superintendent of Public Instruction~~As provided in Sections 7 and 8 of Article III of the North Carolina Constitution, the Superintendent of Public Instruction shall be an elected officer and Council of State member and shall carry out the duties prescribed under ~~G.S. 115C-21~~.G.S. 115C-21 as the administrative head of the Department of Public Instruction. The Superintendent of Public Instruction shall administer all needed rules and regulations adopted by the State Board of Education through the Department of Public Instruction."

SECTION 4. G.S. 115C-21 reads as rewritten:

"§ 115C-21. Powers and duties generally.

(a) ~~Administrative Duties. – Subject to the direction, control, and approval of the State Board of Education, it~~It shall be the duty of the Superintendent of Public Instruction:

(1) To organize and establish a Department of Public Instruction which shall include ~~such~~ divisions and departments as ~~the State Board considers necessary~~ for supervision and administration of the public school system~~system~~, to administer the funds appropriated for the operation of the Department of Public Instruction, and to enter into contracts for the operations of the Department of Public Instruction. All appointments of administrative and supervisory

- 1 personnel to the staff of the Department of Public Instruction ~~are subject to the~~
2 ~~approval of the State Board of Education, which~~ Instruction, including staff
3 serving the State Board of Education, shall be under the control and
4 management of the Superintendent of Public Instruction who may terminate
5 these appointments for cause in conformity with Chapter 126 of the General
6 Statutes, the North Carolina Human Resources Act.
- 7 (2) To keep the public informed as to the problems and needs of the public schools
8 by constant contact with all school administrators and teachers, by personal
9 appearance at public gatherings, and by information furnished to the press of
10 the State.
- 11 (3) To report biennially to the Governor 30 days prior to each regular session of the
12 General Assembly, such report to include information and statistics of the
13 public schools, with recommendations for their improvement and for changes in
14 the school law.
- 15 (4) To have printed and distributed such educational bulletins as are necessary for
16 the professional improvement of teachers and for the cultivation of public
17 sentiment for public education, and to have printed all forms necessary and
18 proper for the administration of the Department of Public Instruction.
- 19 (5) To ~~manage~~ have under his or her direction and control, all these matters
20 relating to the direct supervision and administration of the public school system
21 that the State Board delegates to the Superintendent of Public
22 Instruction system.
- 23 (6) To create ~~and administer~~ special fund funds within the Department of Public
24 Instruction to manage funds received as grants from nongovernmental sources
25 in support of public education. ~~Effective July 1, 1995, this special fund is~~
26 ~~transferred to the State Board of Education and shall be administered by the~~
27 ~~State Board of Education~~ in accordance with G.S. 115C-410.
- 28 (7) Repealed by Session Laws 1995, c. 72, s. 2.
- 29 (8) To administer through the Department of Public Instruction, all needed rules
30 and regulations established by the State Board of Education.
- 31 (9) To have under his or her direction and control all matters relating to provision
32 of staff services and support to the State Board of Education, including
33 implementation of federal programs on behalf of the State Board.
- 34 (b) Duties as Secretary to the State Board of Education. – ~~Subject to the direction, control,~~
35 ~~and approval of the State Board of Education,~~ As secretary to the State Board of Education, it shall
36 be the duty of the Superintendent of Public Instruction:
- 37 (4) ~~To administer through the Department of Public Instruction, the instructional~~
38 ~~policies established by the Board.~~
- 39 (1a) Repealed by Session Laws 1995, c. 72, s. 2.
- 40 (1b) To administer funds appropriated for the operations of the State Board of
41 Education and for aid to local school administrative units.
- 42 (2) To keep the Board informed regarding developments in the field of public
43 education.
- 44 (3) To make recommendations to the Board with regard to the problems and needs
45 of education in North Carolina.
- 46 (4) To make available to the public schools a continuous program of
47 comprehensive supervisory services.
- 48 (5) To collect and organize information regarding the public schools, on the basis
49 of which he or she shall furnish the Board such tabulations and reports as may
50 be required by the Board.

- (6) To communicate to the public school administrators all information and instructions regarding ~~instructional policies and procedures~~ needed rules and regulations adopted by the Board.
- (7) To have custody of the official seal of the Board and to attest all deeds, leases, or written contracts executed in the name of the Board. All deeds of conveyance, leases, and contracts affecting real estate, title to which is held by the Board, and all contracts of the Board required to be in writing and under seal, shall be executed in the name of the Board by the chairman and attested by the secretary; and proof of the execution, if required or desired, may be had as provided by law for the proof of corporate instruments.
- (8) To attend all meetings of the Board and to keep the minutes of the proceedings of the Board in a well-bound and suitable book, which minutes shall be approved by the Board prior to its adjournment; and, as soon thereafter as possible, to furnish to each member of the Board a copy of said minutes.
- (9) To perform such other duties as may be necessary and appropriate for the Superintendent of Public Instruction in the role as secretary to the Board ~~may assign to him from time to time. Board.~~

SECTION 5. G.S. 115C-408(a) reads as rewritten:

"(a) It is the policy of the State of North Carolina to create a public school system that graduates good citizens with the skills demanded in the marketplace, and the skills necessary to cope with contemporary society, using State, local and other funds in the most cost-effective manner. The Board shall have general supervision and administration of the educational funds provided by the State and federal governments, except those mentioned in Section 7 of Article IX of the State Constitution, and also excepting such local funds as may be provided by a county, city, or district. The Superintendent of Public Instruction shall administer any available educational funds through the Department of Public Instruction in accordance with all needed rules and regulations adopted by the State Board of Education."

SECTION 6. G.S. 115C-410 reads as rewritten:

"§ 115C-410. Power to accept gifts and grants.

The Board is authorized to adopt all needed rules and regulations related to the creation and administration of special funds within the Department of Public Instruction to manage any funds received as grants from nongovernmental sources in support of public education. In accordance with the State Board's rules and regulations, the Superintendent of Public Instruction is authorized to create and administer such special funds and to accept, receive, use, or reallocate to local school administrative units any gifts, donations, grants, devises, or other forms of voluntary contributions."

SECTION 7. G.S. 126-5(d) reads as rewritten:

- "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this Chapter, which is known as the North Carolina Human Resources Act, the Governor may designate a total of ~~4,500~~ 300 exempt positions throughout the following departments and offices:
- a. Department of Administration.
 - b. Department of Commerce.
 - c. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
 - d. Department of Public Safety.
 - e. Department of Natural and Cultural Resources.
 - f. Department of Health and Human Services.
 - g. Department of Environmental Quality.
 - h. Department of Revenue.
 - i. Department of Transportation.

- j. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
- k. Department of Information Technology.
- ~~l. Office of State Budget and Management.~~
- ~~m. Office of State Human Resources.~~
- n. Department of Military and Veterans Affairs.

(2) Exempt Positions in Council of State Departments and Offices. – The Secretary of State, the Auditor, the Treasurer, the Attorney General, the Commissioner of Agriculture, the Commissioner of Insurance, and the Labor Commissioner may designate exempt positions. The State Board of Education may designate exempt positions in the Department of Public Instruction. The number of exempt policymaking positions in each department headed by an elected department head listed above in this ~~sub-subdivision~~ sub-subdivision, other than the Department of Public Instruction, shall be limited to ~~20– 25~~ 20– 25 exempt policymaking positions or ~~one– two percent (1%)~~ (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt managerial positions shall be limited to ~~20– 25~~ 20– 25 positions or ~~one– two percent (1%)~~ (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt policymaking positions designated by the State Board of Education shall be limited to 70 exempt policymaking positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt managerial positions designated by the State Board of Education shall be limited to 70 exempt managerial positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater.

....
(2c) Change in Exempt Position Designation. – If the status of a position designated exempt pursuant to this subsection is changed and the position is made subject to the provisions of this Chapter, an employee occupying the position who has been continuously employed in a permanent position for the immediate 12 preceding months, shall be deemed a career State employee as defined by G.S. 126-1.1(a) upon the effective date of the change in designation.

...."

SECTION 8. G.S. 126-5(d), as amended by Section 7 of this act, reads as rewritten:

- "(d) (1) Exempt Positions in Cabinet Department. – Subject to the provisions of this Chapter, which is known as the North Carolina Human Resources Act, the Governor may designate a total of 300 exempt positions throughout the following departments and offices:
- a. Department of Administration.
 - b. Department of Commerce.
 - c. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
 - d. Department of Public Safety.
 - e. Department of Natural and Cultural Resources.
 - f. Department of Health and Human Services.
 - g. Department of Environmental Quality.
 - h. Department of Revenue.
 - i. Department of Transportation.
 - j. Repealed by Session Laws 2012-83, s. 7, effective June 26, 2012, and by Session Laws 2012-142, s. 25.2E(a), effective January 1, 2013.
 - k. Department of Information Technology.

1. Repealed.
- m. Repealed.
- n. Department of Military and Veterans Affairs.
- (2) Exempt Positions in Council of State Departments and Offices. – The Secretary of State, the Auditor, the Treasurer, the Attorney General, the Superintendent of Public Instruction, the Commissioner of Agriculture, the Commissioner of Insurance, and the Labor Commissioner may designate exempt positions. ~~The State Board of Education may designate exempt positions in the Department of Public Instruction.~~ The number of exempt policymaking positions in each department headed by an elected department head listed above in this ~~sub-subdivision, other than the Department of Public Instruction, sub-subdivision~~ shall be limited to 25 exempt policymaking positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt managerial positions shall be limited to 25 positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt policymaking positions designated by the ~~State Board of Education~~ Superintendent of Public Instruction shall be limited to 70 exempt policymaking positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater. The number of exempt managerial positions designated by the ~~State Board of Education~~ Superintendent of Public Instruction shall be limited to 70 exempt managerial positions or two percent (2%) of the total number of full-time positions in the department, whichever is greater.
- (2a) Designation of Additional Positions. – The ~~Governor~~, Governor or elected department head, ~~or State Board of Education head~~ may request that additional positions be designated as exempt. The request shall be made by sending a list of exempt positions that exceed the limit imposed by this subsection to the Speaker of the North Carolina House of Representatives and the President of the North Carolina Senate. A copy of the list also shall be sent to the Director of the Office of State Human Resources. The General Assembly may authorize all, or part of, the additional positions to be designated as exempt positions. If the General Assembly is in session when the list is submitted and does not act within 30 days after the list is submitted, the list shall be deemed approved by the General Assembly, and the positions shall be designated as exempt positions. If the General Assembly is not in session when the list is submitted, the 30-day period shall not begin to run until the next date that the General Assembly convenes or reconvenes, other than for a special session called for a specific purpose not involving the approval of the list of additional positions to be designated as exempt positions; the policymaking positions shall not be designated as exempt during the interim.
- (2b) Designation of Liaison Positions. – Liaisons to the Collaboration for Prosperity Zones set out in G.S. 143B-28.1 for the Departments of Commerce, Environmental Quality, and Transportation are designated as exempt.
- (2c) Changes in Exempt Position Designation. – If the status of a position designated exempt pursuant to this subsection is changed and the position is made subject to the provisions of this Chapter, an employee occupying the position who has been continuously employed in a permanent position for the immediate 12 preceding months, shall be deemed a career State employee as defined by G.S. 126-1.1(a) upon the effective date of the change in designation.
- (3) Letter. – These positions shall be designated in a letter to the Director of the Office of State Human Resources, the Speaker of the House of Representatives,

and the President of the Senate by July 1 of the year in which the oath of office is administered to each Governor unless the provisions of subsection (d)(4) apply.

(4) Vacancies. – In the event of a vacancy in the Office of Governor or in the office of a member of the Council of State, the person who succeeds to or is appointed or elected to fill the unexpired term shall make such designations in a letter to the Director of the Office of State Human Resources, the Speaker of the House of Representatives, and the President of the Senate within 180 days after the oath of office is administered to that person. ~~In the event of a vacancy in the Office of Governor, the State Board of Education shall make these designations in a letter to the Director of the Office of State Human Resources, the Speaker of the House of Representatives, and the President of the Senate within 180 days after the oath of office is administered to the Governor.~~

(5) Creation, Transfer, or Reorganization. – ~~The Governor, Governor or~~ elected department head, ~~or State Board of Education head~~ may designate as exempt a position that is created or transferred to a different department, or is located in a department in which reorganization has occurred, after October 1 of the year in which the oath of office is administered to the Governor. The designation must be made in a letter to the Director of the Office of State Human Resources, the Speaker of the North Carolina House of Representatives, and the President of the North Carolina Senate within 180 days after such position is created, transferred, or in which reorganization has occurred.

(6) Reversal. – Subsequent to the designation of a position as an exempt position as hereinabove provided, the status of the position may be reversed and made subject to the provisions of this Chapter by the ~~Governor, Governor or~~ by an elected department head, ~~or by the State Board of Education head~~ in a letter to the Director of the Office of State Human Resources, the Speaker of the North Carolina House of Representatives, and the President of the North Carolina Senate.

(7) Hearing Officers. – Except for deputy commissioners appointed pursuant to G.S. 97-79 and as otherwise specifically provided by this section, no employee, by whatever title, whose primary duties include the power to conduct hearings, take evidence, and enter a decision based on findings of fact and conclusions of law based on statutes and legal precedents shall be designated as exempt. This subdivision shall apply beginning July 1, 1985, and no list submitted after that date shall designate as exempt any employee described in this subdivision."

SECTION 9. G.S. 143-745(a)(1) reads as rewritten:

"(1) "Agency head" means the Governor, a Council of State member, a cabinet secretary, the President of The University of North Carolina, the President of the Community College System, the State Controller, and other independent appointed officers with authority over a State agency. ~~The agency head for the Department of Public Instruction shall be the State Board of Education.~~"

SECTION 10. G.S. 143A-44.1 reads as rewritten:

"§ 143A-44.1. Creation.

There is hereby created a Department of Public Instruction. The head of the Department of Public Instruction is the ~~State Board of Education. Any provision of G.S. 143A-9 to the contrary notwithstanding, the appointment of the State Board of Education shall be as prescribed in Article IX, Section (4)(1) of the Constitution.~~ Superintendent of Public Instruction."

SECTION 11. G.S. 143A-44.2 is repealed.

SECTION 12. G.S. 143A-44.3 reads as rewritten:

"§ 143A-44.3. Superintendent of Public Instruction; creation; transfer of powers and duties.

1 The office of the Superintendent of Public Instruction, as provided for by Article III, Section 7
2 of the Constitution, and the Department of Public Instruction are transferred to the Department of
3 Public Instruction. The Superintendent of Public Instruction shall be the Secretary and Chief
4 Administrative Officer of the State Board of Education, and shall have all powers and duties
5 conferred by this Chapter and the Constitution, delegated to him or her by the Governor and by the
6 State Board of Education, and conferred by Chapter 115C of the General Statutes, Statutes and the
7 laws of this State."

8 **SECTION 13.** G.S. 14-234(d6) is repealed.

9 **SECTION 14.** G.S. 115C-75.5(4) reads as rewritten:

10 "(4) ASD Superintendent. – The superintendent of the ASD appointed by the State
11 Board of Education Superintendent of Public Instruction in accordance with
12 G.S. 115C-75.6(b)."

13 **SECTION 15.** G.S. 115C-75.6 reads as rewritten:

14 **"§ 115C-75.6. Achievement School District.**

15 (a) There is established the Achievement School District (ASD) under the administration
16 of the State Board of ~~Education~~ Education and the Superintendent of Public Instruction. The ASD
17 shall assume the supervision, management, and operation of elementary schools that have been
18 selected as achievement schools pursuant to this Article.

19 (b) ~~An ASD Superintendent Selection Advisory Committee shall be established to make a~~
20 ~~recommendation to the State Board of Education on appointment of a superintendent to serve as~~
21 ~~the executive officer of the ASD. The Committee shall ensure that the individual recommended~~
22 ~~has qualifications consistent with G.S. 115C-271(a). The Lieutenant Governor shall serve as chair~~
23 ~~of the Committee and shall appoint the following additional members:~~

24 (1) ~~Three members of the State Board of Education.~~

25 (2) ~~One teacher or retired teacher.~~

26 (3) ~~One principal or retired principal.~~

27 (4) ~~One superintendent or retired superintendent.~~

28 (5) ~~One parent of a student currently enrolled in a low-performing school, as~~
29 ~~defined in G.S. 115C-105.37.~~

30 (c) ~~The State Board of Education~~ Superintendent of Public Instruction ~~shall consider the~~
31 ~~recommendation of the ASD Superintendent Selection Advisory Committee and shall appoint a~~
32 ~~superintendent to serve as the executive officer of the ASD. The ASD Superintendent shall serve~~
33 ~~at the pleasure of the State Board of Education~~ Superintendent of Public Instruction at a salary
34 established by the ~~State Board of Education~~ Superintendent of Public Instruction within the funds
35 appropriated for this purpose. The ASD Superintendent shall have qualifications consistent with
36 G.S. 115C-271(a) and report directly to the ~~State Board of Education~~ Superintendent of Public
37 Instruction.

38 (d) By January 15 annually, the State Board of ~~Education~~ Education, Superintendent of
39 Public Instruction, and the ASD Superintendent shall report to the Joint Legislative Education
40 Oversight Committee on all aspects of operation of ASD, including the selection of achievement
41 schools and their progress."

42 **SECTION 16.** G.S. 115C-150.11 reads as rewritten:

43 **"§ 115C-150.11. State Board of Education as governing agency.**

44 The State Board of Education shall be the sole governing agency for the Governor Morehead
45 School for the Blind, the Eastern North Carolina School for the Deaf, and the North Carolina
46 School for the Deaf. The ~~Department~~ Superintendent of Public Instruction through the Department
47 of Public Instruction shall be responsible for the ~~administration~~ administration, including
48 appointment of staff, and oversight of a school governed by this Article."

49 **SECTION 17.** G.S. 115C-218 reads as rewritten:

50 **"§ 115C-218. Purpose of charter schools; establishment of North Carolina Charter Schools**
51 **Advisory Board and North Carolina Office of Charter Schools.**

- 1 ...
2 (b) North Carolina Charter Schools Advisory Board. –
3 (1) Advisory Board. – There is created the North Carolina Charter Schools
4 Advisory Board, hereinafter referred to in this Article as the Advisory Board.
5 The Advisory Board shall be located administratively within the Department of
6 Public Instruction and shall report to the State Board of Education.
7 (2) Membership. – The State Superintendent of Public Instruction, or the
8 Superintendent's designee, shall be the secretary of the Advisory Board and a
9 nonvoting member. The Chair of the State Board of Education shall appoint a
10 member of the State Board to serve as a nonvoting member of the Advisory
11 Board. The Advisory Board shall consist of the following 11 voting members:
12 a. ~~Three members appointed by the Governor, including the chair of the~~
13 ~~Advisory Board.~~
14 b. ~~Three~~Four members appointed by the General Assembly upon the
15 recommendation of the President Pro Tempore of the Senate, in
16 accordance with G.S. 120-121.
17 c. ~~Three~~Four members appointed by the General Assembly upon the
18 recommendation of the Speaker of the House of Representatives, in
19 accordance with G.S. 120-121.
20 d. ~~One member~~Two members appointed by the State Board of Education
21 who ~~is~~are not a ~~current member~~members of the State Board of
22 Education and who ~~is~~are charter school ~~advocate~~advocates in North
23 Carolina.
24 e. The Lieutenant Governor or the Lieutenant Governor's designee.
25 (3) Covered board. – The Advisory Board shall be treated as a board for purposes
26 of Chapter 138A of the General Statutes.
27 (4) Qualifications of members. – Members appointed to the Advisory Board shall
28 collectively possess strong experience and expertise in public and nonprofit
29 governance, management and finance, assessment, curriculum and instruction,
30 public charter schools, and public education law. All appointed members of the
31 Advisory Board shall have demonstrated an understanding of and a
32 commitment to charter schools as a strategy for strengthening public education.
33 (5) Terms of office and vacancy appointments. – Appointed members shall serve
34 four-year terms of office beginning on July 1. No appointed member shall serve
35 more than eight consecutive years. Vacancy appointments shall be made by the
36 appointing authority for the remainder of the term of office.
37 (6) Presiding officers and quorum. – The Advisory Board shall annually elect a
38 chair and a vice-chair from among its membership. The chair shall preside over
39 the Advisory Board's meetings. In the absence of the chair, the vice-chair shall
40 preside over the Advisory Board's meetings. A majority of the Advisory Board
41 constitutes a quorum.
42 (7) Presiding officers and quorum. – Meetings. – Meetings of the Advisory Board
43 shall be held upon the call of the chair or the vice-chair with the approval of the
44 chair.
45 (8) Expenses. – Members of the Advisory Board shall be reimbursed for travel and
46 subsistence expenses at the rates allowed to State officers and employees by
47 G.S. 138-6(a).
48 (9) Removal. – Any appointed member of the Advisory Board may be removed by
49 a vote of at least two-thirds of the members of the Advisory Board at any duly
50 held meeting for any cause that renders the member incapable or unfit to
51 discharge the duties of the office.

- 1 (10) Powers and duties. – The Advisory Board shall have the following duties:
2 a. To make recommendations to the State Board of Education on the
3 adoption of rules regarding all aspects of charter school operation,
4 including time lines, standards, and criteria for acceptance and approval
5 of applications, monitoring of charter schools, and grounds for
6 revocation of charters.
7 b. To review applications and make recommendations to the State Board
8 for final approval of charter applications.
9 c. To make recommendations to the State Board on actions regarding a
10 charter school, including renewals of charters, nonrenewals of charters,
11 and revocations of charters.
12 d. To undertake any other duties and responsibilities as assigned by the
13 State Board.
- 14 (11) Duties of the chair of the Advisory Board. – In addition to any other duties
15 prescribed in this Article, the chair of the Advisory Board, or the chair's
16 designee, shall advocate for the recommendations of the Advisory Board at
17 meetings of the State Board upon the request of the State Board.
- 18 (c) North Carolina Office of Charter Schools. –
19 (1) Establishment of the North Carolina Office of Charter Schools. – There is
20 established the North Carolina Office of Charter Schools, hereinafter referred to
21 in this Article as the Office of Charter Schools. The Office of Charter Schools
22 shall be administratively located in the Department of Public Instruction,
23 ~~subject to the supervision, direction, and control of the State Board of~~
24 ~~Education.~~ Instruction. The Office of Charter Schools shall consist of an
25 executive director appointed by the ~~State Board of Education~~ Superintendent of
26 Public Instruction and such other professional, administrative, technical, and
27 clerical personnel as may be necessary to assist the Office of Charter Schools in
28 carrying out its powers and duties.
- 29 (2) Executive Director. – The Executive Director shall report to and serve at the
30 pleasure of the ~~State Board of Education~~ Superintendent of Public Instruction at
31 a salary established by the ~~State Board~~ Superintendent within the funds
32 appropriated for this purpose. The duties of the Executive Director shall include
33 presenting the recommendations of the Advisory Board at meetings of the State
34 Board upon the request of the State Board.
- 35 (3) Powers and duties. – The Office of Charter Schools shall have the following
36 powers and duties:
37 a. Serve as staff to the Advisory Board and fulfill any task and duties
38 assigned to it by the Advisory Board.
39 b. Provide technical assistance and guidance to charter schools operating
40 within the State.
41 c. Provide technical assistance and guidance to nonprofit corporations
42 seeking to operate charter schools within the State.
43 d. Provide or arrange for training for charter schools that have received
44 preliminary approval from the State Board.
45 e. Assist approved charter schools and charter schools seeking approval
46 from the State Board in coordinating services with the Department of
47 Public Instruction.
48 f. Other duties as assigned by the ~~State Board~~ Superintendent of Public
49 Instruction.

- (4) Agency cooperation. – All State agencies and departments shall cooperate with the Office of Charter Schools in carrying out its powers and duties as necessary in accordance with this Article."

SECTION 18. G.S. 115C-218.20(b) reads as rewritten:

"(b) No civil liability shall attach to the State Board of Education, the Superintendent of Public Instruction, or to any of their members or employees, individually or collectively, for any acts or omissions of the charter school."

SECTION 19. G.S. 115C-238.73(g) reads as rewritten:

"(g) There shall be no liability for negligence on the part of the board of directors, or its employees, or the State Board of Education, the Superintendent of Public Instruction, or ~~its~~ any of their members or employees, individually or collectively, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

SECTION 20. G.S. 115C-332(g) reads as rewritten:

"(g) There shall be no liability for negligence on the part of a local board of education, or its employees, or the State Board of Education, the Superintendent of Public Instruction, or ~~its~~ any of their members or employees, individually or collectively, arising from any act taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Chapter 31 of Chapter 143 of the General Statutes."

SECTION 21. G.S. 115C-333(e) reads as rewritten:

"(e) Civil Immunity. – There shall be no liability for negligence on the part of the State Board of ~~Education~~ Education, the Superintendent of Public Instruction, or a local board of education, or their members or employees, individually or collectively, arising from any action taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

SECTION 22. G.S. 115C-333.1(g) reads as rewritten:

"(g) Civil Immunity. – There shall be no liability for negligence on the part of the State Board of ~~Education~~ Education, the Superintendent of Public Instruction, or a local board of education, or their members or employees, individually or collectively, arising from any action taken or omission by any of them in carrying out the provisions of this section. The immunity established by this subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be actionable. The immunity established by this subsection shall be deemed to have been waived to the extent of indemnification by insurance, indemnification under Articles 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

1 **SECTION 23.** G.S. 115C-390.3(c) reads as rewritten:

2 "(c) Notwithstanding any other law, no ~~officer~~officer, member, or employee of the State
3 Board of ~~Education~~Education, the Superintendent of Public Instruction, or of a local board of
4 ~~education~~education, individually or collectively, shall be civilly liable for using reasonable force
5 in conformity with State law, State or local rules, or State or local policies regarding the control,
6 discipline, suspension, and expulsion of students. Furthermore, the burden of proof is on the
7 claimant to show that the amount of force used was not reasonable."

8 **SECTION 24.** G.S. 115C-521 reads as rewritten:

9 **"§ 115C-521. Erection of school buildings.**

10 ...

11 (b) It shall be the duty of the local boards of education ~~of the several local school~~
12 ~~administrative school units of the State~~ to make provisions for the public school term by providing
13 adequate school buildings equipped with suitable school furniture and apparatus. The needs and
14 the cost of those buildings, equipment, and apparatus, shall be presented each year when the
15 school budget is submitted to the respective tax-levying authorities. The boards of commissioners
16 shall be given a reasonable time to provide the funds which they, upon investigation, shall find to
17 be necessary for providing their respective units with buildings suitably equipped, and it shall be
18 the duty of the several boards of county commissioners to provide funds for the same.

19 Upon determination by a local board of education that the existing permanent school building
20 does not have sufficient classrooms to house the pupil enrollment anticipated for the school, the
21 local board of education may acquire and use as temporary classrooms for the operation of the
22 school, relocatable or mobile classroom units, whether built on the lot or not, which units and
23 method of use shall meet the approval of the School Planning Division of the ~~State Board of~~
24 ~~Education~~Department of Public Instruction, and which units shall comply with all applicable
25 requirements of the North Carolina State Building Code and of the local building and electrical
26 codes applicable to the area in which the school is located. These units shall also be anchored in a
27 manner required to assure their structural safety in severe weather. The acquisition and installation
28 of these units shall be subject in all respects to the provisions of Chapter 143 of the General
29 Statutes. The provisions of Chapter 87, Article 1, of the General Statutes, shall not apply to
30 persons, firms or corporations engaged in the sale or furnishing to local boards of education and
31 the delivery and installation upon school sites of classroom trailers as a single building unit or of
32 relocatable or mobile classrooms delivered in less than four units or sections.

33 ...

34 (f) A local board of education may use prototype designs from the clearinghouse
35 established under subsection (e) of this section that is a previously approved and constructed
36 project by the School Planning Division of the ~~State Board of Education~~Department of Public
37 Instruction and other appropriate review agencies. The local board of education may contract with
38 the architect of record to make changes and upgrades as necessary for regulatory approval.

39 "

40 **SECTION 25.** G.S. 115C-535 reads as rewritten:

41 **"§ 115C-535. Authority and rules for organization of system.**

42 The ~~State Board of Education~~Superintendent of Public Instruction is hereby authorized,
43 directed and empowered to establish a division to manage and operate a system of insurance for
44 public school ~~property~~property in accordance with all needed rules and regulations adopted by the
45 State Board of Education. The Board shall adopt such rules and regulations as, in its discretion,
46 may be necessary to provide all details inherent in the insurance of public school property. The
47 ~~Board~~Superintendent of Public Instruction shall employ a director, safety inspectors, engineers
48 and other personnel with suitable training and experience, which in ~~it~~his or her opinion is
49 necessary to insure and protect effectively public school property, and ~~it~~he or she shall fix their
50 compensation consistent with the ~~approval~~policies of the ~~Personnel~~State Human Resources
51 Commission."

1 **SECTION 26.** G.S. 116-239.12(g) reads as rewritten:

2 "(g) There shall be no liability for negligence on the part of the board of trustees, or its
3 employees, or the State Board of ~~Education~~Education, the Superintendent of Public Instruction, or
4 ~~its members or employees, individually or collectively,~~ arising from any act taken or omission
5 by any of them in carrying out the provisions of this section. The immunity established by this
6 subsection shall not extend to gross negligence, wanton conduct, or intentional wrongdoing that
7 would otherwise be actionable. The immunity established by this subsection shall be deemed to
8 have been waived to the extent of indemnification by insurance, indemnification under Articles
9 31A and 31B of Chapter 143 of the General Statutes, and to the extent sovereign immunity is
10 waived under the Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General
11 Statutes."

12 **SECTION 27.** G.S. 143B-146.16(g) reads as rewritten:

13 "(g) There shall be no liability for negligence on the part of the Secretary, the Department
14 of Health and Human Services or its employees, a residential school or its employees, or the State
15 Board of ~~Education~~Education, Superintendent of Public Instruction, or its members or
16 employees, individually or collectively, arising from any act taken or omission by any of them in
17 carrying out the provisions of this section. The immunity established by this subsection shall not
18 extend to gross negligence, wanton conduct, or intentional wrongdoing that would otherwise be
19 actionable. The immunity established by this subsection shall be deemed to have been waived to
20 the extent of indemnification by insurance, indemnification under Articles 31A and 31B of
21 Chapter 143 of the General Statutes, and to the extent sovereign immunity is waived under the
22 Tort Claims Act, as set forth in Article 31 of Chapter 143 of the General Statutes."

23 **SECTION 28.** Section 8.37 of S.L. 2015-241, as amended by Section 8.30 of S.L.
24 2016-94, reads as rewritten:

25 **"BUDGET REDUCTIONS/DEPARTMENT OF PUBLIC INSTRUCTION**

26 **"SECTION 8.37.(a)** Notwithstanding G.S. 143C-6-4, the ~~State Board of Education~~
27 Department of Public Instruction may, after consultation with the Office of State Budget and
28 Management and the Fiscal Research Division, reorganize the Department of Public Instruction, if
29 necessary, to implement the budget reductions for the 2015-2017 fiscal biennium. Consultation
30 shall occur prior to requesting budgetary and personnel changes through the budget revision
31 process. The ~~State Board~~Department of Public Instruction shall provide a current organization
32 chart for the Department of Public Instruction in the consultation process and shall report to the
33 Joint Legislative Commission on Governmental Operations on any reorganization.

34 **"SECTION 8.37.(b)** In implementing budget reductions for the 2015-2017 fiscal biennium,
35 the ~~State Board of Education~~Department of Public Instruction shall make no reduction to funding
36 or positions for (i) the North Carolina Center for Advancement of Teaching and (ii) the Eastern
37 North Carolina School for the Deaf, the North Carolina School for the Deaf, and the Governor
38 Morehead School, except that the ~~State Board~~Superintendent of Public Instruction may, in its
39 discretion, reduce positions at these institutions that have been vacant for more than 16 months.
40 The ~~State Board~~Department of Public Instruction shall also make no reduction in funding to any of
41 the following entities:

- 42 (1) Communities in Schools of North Carolina, Inc.
- 43 (2) Teach For America, Inc.
- 44 (3) Beginnings for Parents of Children who are Deaf or Hard of Hearing, Inc.

45 **"SECTION 8.37.(c)** In implementing budget reductions for the 2016-2017 fiscal year, the
46 Department of Public Instruction shall do all of the following:

- 47 (1) In addition to the prohibition on a reduction to funding and positions for the
48 items listed in subsection (b) of this section, the Department shall make no
49 transfers from or reduction to funding or positions for the following:
 - 50 a. The Excellent Public Schools Act, Read to Achieve Program, initially
51 established under Section 7A.1 of S.L. 2012-142.

- b. The North Carolina School Connectivity Program.
- (2) The Department shall transfer the sum of fifty thousand dollars (\$50,000) to the Office of Administrative Hearings to be allocated to the Rules Review Commission, created by G.S. 143B-30.1, to pay for any litigation costs incurred in the defense of *North Carolina State Board of Education v. The State of North Carolina and The Rules Review Commission*, Wake County Superior Court, File No. 14 CVS 14791 (filed November 7, 2014). These funds shall not revert at the end of the 2016-2017 fiscal year but shall remain available during the 2017-2018 fiscal year for expenditure in accordance with the provisions of this subdivision."

SECTION 29. By May 15, 2017, the State Board of Education shall revise, as necessary, any of its rules and regulations to comply with the provisions of this Part.

SECTION 30. The Department of Public Instruction shall review all State laws and rules and regulations governing the public school system to ensure compliance with the intent of this Part to restore authority to the Superintendent of Public Instruction as the administrative head of the Department of Public Instruction and the Superintendent's role in the direct supervision of the public school system. By April 15, 2017, the Department of Public Instruction shall report to the 2017 General Assembly on the results of its review, including any recommended legislation.

SECTION 31. Notwithstanding G.S. 115C-11, as amended by this act, the current student advisor and the local superintendent advisor members serving on the State Board of Education as of the effective date of this Part shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy occurs prior to the expiration of a term, the student advisor and local superintendent advisor members on the State Board shall be appointed by the Superintendent of Public Instruction in accordance with G.S. 115C-11, as amended by this act.

SECTION 32. Notwithstanding G.S. 115C-218, as amended by this act, the current members serving on the North Carolina Charter Schools Advisory Board as of the effective date of this Part shall serve the remainder of their terms. Thereafter, as terms expire, or when a vacancy occurs prior to the expiration of a term, the members on the North Carolina Charter Schools Advisory Board shall be appointed in accordance with G.S. 115C-218, as amended by this act. If a vacancy occurs in a seat appointed by the Governor, the State Board of Education shall fill that vacancy for the remainder of that term. Upon expiration of that term, the member shall be appointed in accordance with G.S. 115C-218.

SECTION 33. Sections 1 through 6 and Sections 8 through 32 of this Part become effective January 1, 2017. The remainder of this Part is effective when it becomes law.

PART II. MODIFY APPOINTMENT OF UNC BOARDS OF TRUSTEES

SECTION 35. G.S. 116-31 reads as rewritten:

"§ 116-31. Membership of the boards of trustees.

(a) ~~All persons who, as of June 30, 1972, are serving as trustees of the regional universities and of the North Carolina School of the Arts, redesignated effective August 1, 2008, as the "University of North Carolina School of the Arts," except those who may have been elected to the Board of Governors, shall continue to serve for one year beginning July 1, 1972, and the terms of all such trustees shall continue for the period of one year.~~

(b) Effective July 1, 1972, a separate board of trustees shall be created for each of the following institutions: North Carolina State University at Raleigh, the University of North Carolina at Asheville, the University of North Carolina at Chapel Hill, the University of North Carolina at Charlotte, the University of North Carolina at Greensboro, and the University of North Carolina at Wilmington. ~~For the period commencing July 1, 1972, and ending June 30, 1973, each such board shall be constituted as follows:~~

- (1) ~~Twelve or more persons elected prior to July 1, 1972, by and from the membership of the Board of Trustees of the University of North Carolina, and~~

(2) ~~The president of the student government of the institution, ex officio.~~
(e) ~~If any vacancy should occur in any board of trustees during the year beginning July 1, 1972, the Governor may appoint a person to serve for the balance of the year.~~
(d) Except as provided in G.S. 116-65, effective July 1, 1973, each of the 16 institutions of higher education set out in G.S. 116-2(4) shall have board of trustees composed of 13 persons chosen as follows:

(1) Eight elected by the Board of ~~Governors~~, Governors.

(2) ~~Four appointed by the Governor, and~~

(2a) Four members appointed by the General Assembly under G.S. 120-121, two of whom shall be appointed upon the recommendation of the President Pro Tempore of the Senate and two of whom shall be appointed upon the recommendation of the Speaker of the House of Representatives.

(3) The president of the student government ex officio.

The Board of Trustees of the North Carolina School of Science and Mathematics shall be established in accordance with G.S. 116-233.

(e) ~~From and after July 1, 1973, the~~ The term of office of all trustees, except the ex officio member, shall be four years, commencing on July 1 of odd-numbered years. In every odd-numbered year the Board of Governors shall elect four persons to each board of trustees and the ~~Governor-General Assembly~~ shall appoint ~~two persons~~ one person upon the recommendation of the President Pro Tempore of the Senate and one person upon the recommendation of the Speaker of the House of Representatives to each such board.

(g) ~~From and after July 1, 1973, any~~ Any person who has served two full four-year terms in succession as a member of a board of trustees shall, for a period of one year, be ineligible for election or appointment to the same board but may be elected or appointed to the board of another institution.

(h) No member of the General Assembly or officer or employee of the State, The University of North Carolina, or any constituent institution shall be eligible for election or appointment as a trustee. No spouse of a member of the General Assembly, or of an officer or employee of a constituent institution may be a trustee of that constituent institution. Any trustee who is elected or appointed to the General Assembly or who becomes an officer or employee of the State, The University of North Carolina, or any constituent institution or whose spouse is elected or appointed to the General Assembly or becomes an officer or employee of that constituent institution shall be deemed thereupon to resign from his or her membership on the board of trustees.

(i) No person may serve simultaneously as a member of a board of trustees and as a member of the Board of Governors. Any trustee who is elected or appointed to the Board of Governors shall be deemed to resign as a trustee effective as of the date that his or her term commences as a member of the Board of Governors.

(j) ~~From and after July 1, 1973, whenever~~ Whenever any vacancy shall occur in the membership of a board of trustees among those appointed by the ~~Governor-General Assembly~~, it shall be the duty of the secretary of the board to inform the ~~Governor-General Assembly~~ of the existence of such vacancy, and the ~~Governor~~ shall appoint a person to fill the unexpired term, vacancy shall be filled as provided in G.S. 120-122, and whenever any vacancy shall occur among those elected by the Board of Governors, it shall be the duty of the secretary of the board to inform the Board of Governors of the existence of the vacancy, and the Board of Governors shall elect a person to fill the unexpired term. Whenever a member shall fail, for any reason other than ill health or service in the interest of the State or nation, to be present for three successive regular meetings of a board of trustees, his or her place as a member shall be deemed vacant."

SECTION 36. G.S. 116-233 reads as rewritten:

"§ 116-233. Board of Trustees; appointment; terms of office.

(a) Notwithstanding the provisions of G.S. 116-31(d), there shall be a Board of Trustees of the School, which shall consist of up to 30 members as follows:

- (1) Thirteen members who shall be appointed by the Board of Governors of The University of North Carolina, one from each congressional district.
- (2) Four members without regard to residency who shall be appointed by the Board of Governors of The University of North Carolina.
- (3) Three members, ex officio, who shall be the chief academic officers, respectively, of constituent institutions. The Board of Governors shall in 1985 and quadrennially thereafter designate the three constituent institutions whose chief academic officers shall so serve, such designations to expire on June 30, 1989, and quadrennially thereafter.
- (4) The chief academic officer of a college or university in North Carolina other than a constituent institution, ex officio. The Board of Governors shall designate in 1985 and quadrennially thereafter which college or university whose chief academic officer shall so serve, such designation to expire on June 30, 1989, and quadrennially thereafter.
- (5) ~~Two~~ Three members appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121.
- (6) ~~Two~~ Three members appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.
- ~~(7) Two members appointed by the Governor.~~
- (8) The president of the student government, ex officio, who shall be a nonvoting member.
- (9) Up to two additional nonvoting members selected at the discretion of the chancellor and the Board of Trustees, with terms expiring June 30 of each year.

(b) Appointed members of the Board of Trustees shall be selected for their interest in and commitment to public education and to the purposes of the School, and they shall be charged with the responsibility of serving the interests of the whole State. In appointing members, the objective shall be to obtain the services of the best qualified persons, taking into consideration the desirability of diversity of membership, including men and women, representatives of different races, and members of different political parties.

(c) No member of the General Assembly or officer or employee of the State, the School, The University of North Carolina, or of any constituent institution of The University of North Carolina, shall be eligible to be appointed to the Board of Trustees except as specified under subdivision (3) of subsection (a) of this section. No spouse of a member of the General Assembly, or of an officer or employee of the school may be a member of the Board of Trustees. Any appointed trustee who is elected or appointed to the General Assembly or who becomes an officer or employee of the State, except as specified under subdivision (3) of subsection (a) of this section, or whose spouse is elected or appointed to the General Assembly or becomes such an officer or employee of the School, shall be deemed thereupon to resign from his or her membership on the Board of Trustees. This subsection does not apply to ex officio members.

(d) Members appointed under subdivisions (1) or (2) of subsection (a) of this section shall serve staggered four-year terms expiring June 30 of odd numbered years.

(d1) Only an ex officio member shall be eligible to serve more than two successive terms.

(d2) Any vacancy in the membership of the Board of Trustees appointed under G.S. 116-233(a)(1) or (2) shall be reported promptly by the Secretary of the Board of Trustees to the Board of Governors of The University of North Carolina, which shall fill any such vacancy by appointment of a replacement member to serve for the balance of the unexpired term. Any vacancy in members appointed under G.S. 116-233(a)(5) or (6) shall be filled in accordance with

1 G.S. 120-122. Any vacancy in members appointed under G.S. 116-233(a)(7) shall be filled by the
2 Governor for the remainder of the unexpired term. Reapportionment of congressional districts
3 does not affect the right of any member to complete the term for which the member was
4 appointed.

5 (e) Of the initial members appointed under ~~G.S. 116-233(a)(5)~~, G.S. 116-233(a)(5) in
6 1985, one member shall serve a term to expire June 30, 1987, and one member shall serve a term
7 to expire June 30, 1989. Subsequent appointments shall be for four-year terms. The initial
8 members appointed under ~~G.S. 116-233(a)(6)~~, G.S. 116-233(a)(6) in 1985 shall be appointed for
9 terms to expire June 30, 1987. Subsequent appointments shall be for two-year terms. ~~The initial~~
10 ~~members appointed under G.S. 116-233(a)(7) shall be appointed for terms to expire January 15,~~
11 ~~1989. Successors shall be appointed for four-year terms.~~ terms until January 15, 2017, at which
12 point subsequent appointments shall be for four-year terms.

13 (e1) The initial members appointed under G.S. 116-233(a)(5) and (6) in 2017, and
14 successors of those members shall serve four-year terms.

15 (f) Whenever an appointed member of the Board of Trustees shall fail, for any reason
16 other than ill health or service in the interest of the State or nation, to be present at three successive
17 regular meetings of the Board, his or her place as a member of the Board shall be deemed vacant."

18 **SECTION 37.** This Part is effective when it becomes law and applies to (i) vacancy
19 appointments made on or after that date and (ii) appointments to fill terms expiring January 15,
20 2017, and thereafter. A vacancy by any board member appointed by the Governor to any board
21 affected by this Part shall be filled by joint recommendation of the Speaker of the House of
22 Representatives and the President Pro Tempore of the Senate, as provided in G.S. 120-121. The
23 terms of members holding office as of the effective date of this Part shall not be affected.

24 25 **PART III. SENATE CONFIRMATION OF CABINET APPOINTEES**

26 **SECTION 38.** G.S. 143B-9 reads as rewritten:

27 **"§ 143B-9. Appointment of officers and employees.**

28 (a) The head of each principal State department, except those departments headed by
29 popularly elected officers, shall be appointed by the Governor and serve at ~~his~~ the Governor's
30 pleasure. The salary of the head of each of the principal State departments shall be set by the
31 Governor, and the salary of elected officials shall be as provided by law.

32 For each head of each principal State department covered by this subsection, the Governor
33 shall notify the President of the Senate of the name of each person to be appointed, and the
34 appointment shall be subject to senatorial advice and consent in conformance with Section 5(8) of
35 Article III of the North Carolina Constitution unless (i) the senatorial advice and consent is
36 expressly waived by an enactment of the General Assembly or (ii) a vacancy occurs when the
37 General Assembly is not in regular session. Any person appointed to fill a vacancy when the
38 General Assembly is not in regular session may serve without senatorial advice and consent for no
39 longer than the earlier of the following:

40 (1) The date on which the Senate adopts a simple resolution that specifically
41 disapproves the person appointed.

42 (2) The date on which the General Assembly shall adjourn pursuant to a joint
43 resolution for a period longer than 30 days without the Senate adopting a simple
44 resolution specifically approving the person appointed.

45 (b) The head of a principal State department shall appoint a chief deputy or chief assistant,
46 and such chief deputy or chief assistant shall not be subject to the North Carolina Human
47 Resources Act. The salary of such chief deputy or chief assistant shall be set by the Governor.
48 Unless otherwise provided for in the Executive Organization Act of 1973, and subject to the
49 provisions of the ~~Personnel-Human Resources~~ Act, the head of each principal State department
50 shall designate the administrative head of each transferred agency and all employees of each
51 division, section, or other unit of the principal State department."

1 **SECTION 39.** This Part is effective when it becomes law.
2

3 **PART IV. SEVERABILITY CLAUSE AND EFFECTIVE DATE**

4 **SECTION 42.** If any provision of this act or its application is held invalid, the
5 invalidity does not affect other provisions or applications of this act that can be given effect
6 without the invalid provisions or application, and to this end, the provisions of this act are
7 severable.

8 **SECTION 43.** Except as otherwise provided, this act is effective when it becomes
9 law.



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 17

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H17-ARQ-2 [v.2]

Page 1 of 1

Amends Title [NO]
H17-CSTG-1 [v.3]

Date _____, 2016

Representative Stam

Moves to amend the bill on page 2, line 15, by rewriting the line to read:

"technical assistance and administrative assistance, but not including staff, to the State Board of Education"; and

on page 3, line 2, by rewriting the line to read:

"approval of the State Board of Education, which Instruction, but not including staff";

And on page 3, lines 31-33, by rewriting those lines to read:

"(9) To have under his or her direction and control all matters relating to the support of the State Board of Education, including implementation of federal programs on behalf of the State Board."

SIGNED _____

Stam
Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* H 1 7 - A R Q - 2 - V - 2 *

2011





**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 17**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H17-ARI-2 [v.1]

Page 1 of 3

Amends Title [YES]
H17-CSTG-1

Date _____, 2016

Stam
Representative ~~Saine~~

1 moves to amend the bill on page 1, lines 5 through 7, by rewriting those lines to read:

2
3 "THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, TO
4 ESTABLISH TASK FORCE FOR SAFER SCHOOLS, AND TO MODIFY THE
5 APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS."
6

7 and on page 18, line 3, by rewriting that line to read:
8

9 **"PART IV. ESTABLISH TASK FORCE FOR SAFER SCHOOLS; TRANSFER CENTER
10 FOR SAFER SCHOOLS**

11 **SECTION 41.1.(a)** Effective December 15, 2016, the Center for Safer Schools is hereby moved
12 to the Department of Public Instruction, Division of Safe and Healthy Schools Support. This
13 transfer shall have all of the elements of a Type I transfer, as defined in G.S. 143A-6.

14 **SECTION 41.1.(b)** Article 8C of Chapter 115C of the General Statutes is amended by adding two
15 new sections to read:

16 **"§ 115C-105.55. Establish Task Force for Safer Schools.**

17 (a) Task Force Established. – There is hereby created the Task Force for Safer Schools
18 within the North Carolina Department of Public Instruction.

19 (b) Membership. – The Task Force shall consist of 25 members. The composition of the
20 Task Force shall include all of the following:

- 21 (1) The Secretary of the Department of Public Safety or the Secretary's
22 designee.
23 (2) The Secretary of the Department of Health and Human Services or the
24 Secretary's designee.
25 (3) A member of the State Board of Education appointed by the Governor;
26 (4) Two local school board members appointed by the Chair of the State
27 Board of Education.
28 (5) A representative from the North Carolina Department of Public Safety
29 Division of Emergency Management appointed by the Secretary of the
30 Department of Public Safety.
31 (6) A representative from the North Carolina Justice Academy appointed by
32 the Attorney General.



* H 1 7 - A R I - 2 - V - 1 *

NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 17

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H17-ARI-2 [v.1]

Page 2 of 3

- (7) A member of the Governor's Crime Commission appointed by the Governor.
- (8) Two local law enforcement officers appointed by the Governor.
- (9) Two public school administrators appointed by the Chair of the State Board of Education.
- (10) A public school teacher appointed by the Chair of the State Board of Education.
- (11) A public school psychologist appointed by the Governor.
- (12) A public school resource officer appointed by the Governor.
- (13) Two high school students currently enrolled at public high schools appointed by the Governor.
- (14) A parent of a currently enrolled public school student appointed by the Governor.
- (15) A juvenile justice professional appointed by the Governor.
- (16) A North Carolina licensed social worker appointed by the Governor.
- (17) A North Carolina licensed school counselor appointed by the Governor.
- (18) An expert in gang intervention and prevention in schools appointed by the Governor.
- (19) Three at-large members appointed by the Governor;

(c) Appointment of Chair and Vice-Chair. – The Governor shall appoint a Chair and Vice-Chair from among the membership of the Task Force. The Chair and Vice-Chair shall serve at the pleasure of the Governor.

(d) Terms; vacancies. – Effective December 1, 2016, all members shall be appointed for a term of four years. Members may be reappointed to successive terms. Any appointment to fill a vacancy on the Task Force created by the resignation dismissal, death, disability or disqualification of a member shall be for the balance of the unexpired term.

(e) Removal. – The Governor shall have the authority to remove any member of the Task Force for misfeasance, malfeasance, or nonfeasance, pursuant to the provisions of G.S. 143B-13.

(f) Per diem, etc. – Members of the Task Force may receive necessary per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate.

"§ 115C-105.56. Task Force for Safer Schools; powers and duties.

The Task Force shall have all of the following duties:

- (1) To serve as an advisory board to the Center for Safer Schools.
- (2) To provide guidance and recommendations to the Governor, Superintendent of Public Instruction, and the General Assembly to improve statewide policy to enhance statewide and local capacities to create safer schools.
- (3) To encourage interagency collaboration among State and local government agencies to achieve effective policies and streamline efforts to create safer schools.
- (4) To Assist the Center for Safer Schools in collecting and disseminating information on recommended best practices and community needs related to creating safer schools in North Carolina.

**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 17**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H17-ARI-2 [v.1]

Page 3 of 3

(5) Other duties as assigned by the State Board of Education."

PART V. SEVERABILITY CLAUSE AND EFFECTIVE DATE"

SIGNED Stan
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 17

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H17-ATC-2 [v.1]

Page 1 of 1

Amends Title [NO]
H17-CSTG-1[v3]

Date _____, 2016

Representative Stam

1 moves to amend the bill on page 9, lines 9-11, by rewriting those lines to read:
2

3
4
5

"nonvoting member. ~~The Chair of the State Board of Education shall appoint a~~
~~member of the State Board to serve as a nonvoting member of the Advisory~~
~~Board.~~ The Advisory Board shall consist of the following 11 voting members:".

SIGNED _____

Stam
Amendment Sponsor

SIGNED _____

Committee Chair if Senate Committee Amendment

ADOPTED _____

FAILED _____

TABLED _____



* H 1 7 - A T C - 2 - V - 1 *



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 17

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H17-ARO-2 [v.2]

Page 1 of 1

Amends Title [NO]
H17-CSTG-1

Date _____, 2016

Representative

1 moves to amend the bill on page 5, lines 27-28, by rewriting the lines to read:
2

3
4
5
6
7

"(2c) Changes in Cabinet Department Exempt Position Designation. – If the status of
a position designated exempt pursuant to subsection (d)(1) of this section is
changed and the position is made subject".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____



* H 1 7 - A R O - 2 - V - 2 *

GENERAL ASSEMBLY OF NORTH CAROLINA
FOURTH EXTRA SESSION 2016

H

D

HOUSE JOINT RESOLUTION DRHJR30017-LG-3B (12/14)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

1 A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ADAM MATTHEW
2 CONRAD AS A SPECIAL SUPERIOR COURT JUDGE.

3 Whereas, under the provisions of G.S. 7A-45.1(a9) and (a10), as special superior court
4 judgeships become vacant, the Governor shall submit the names of his nominees for those
5 judgeships to the General Assembly for confirmation by ratified joint resolution; and

6 Whereas, a vacancy has occurred due to the retirement of the Honorable James Gale;
7 and

8 Whereas, the Governor has submitted to the presiding officers of the House of
9 Representatives and the Senate the name of his nominee, Adam Matthew Conrad, for a term as a
10 special superior court judge; Now, therefore,

11 Be it resolved by the House of Representatives, the Senate concurring:

12 **SECTION 1.** The General Assembly confirms the appointment of Adam Matthew
13 Conrad of Mecklenburg County as a special superior court judge, whose term of office shall
14 commence on the date of the appointment by the Governor and whose term of office shall end five
15 years from the date of appointment.

16 **SECTION 2.** This resolution is effective upon ratification.





GENERAL ASSEMBLY OF NORTH CAROLINA
FOURTH EXTRA SESSION 2016

H

D

HOUSE JOINT RESOLUTION DRHJR30019-LG-2C (12/14)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

1 A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ANDREW HEATH
2 AS A SPECIAL SUPERIOR COURT JUDGE.

3 Whereas, under the provisions of G.S. 7A-45.1(a10), as special superior court
4 judgeships become vacant, the Governor shall submit the names of his nominees for those
5 judgeships to the General Assembly for confirmation by ratified joint resolution; and

6 Whereas, a vacancy has occurred due to the confirmation of the Honorable Gregory
7 McGuire to another judicial appointment; and

8 Whereas, the Governor has submitted to the presiding officers of the House of
9 Representatives and the Senate the name of his nominee, Andrew Heath, for a term as a special
10 superior court judge; Now, therefore,

11 Be it resolved by the House of Representatives, the Senate concurring:

12 **SECTION 1.** The General Assembly confirms the appointment of Andrew Heath of
13 Wake County as a special superior court judge, whose term of office shall commence on the date
14 of the appointment by the Governor and whose term of office shall end five years from the date of
15 appointment.

16 **SECTION 2.** This resolution is effective upon ratification.



* D R H J R 3 0 0 1 9 - L G - 2 C *



**NORTH CAROLINA GENERAL ASSEMBLY
HOUSE OF REPRESENTATIVES**

**RULES, CALENDAR, AND OPERATIONS OF THE HOUSE COMMITTEE REPORT
Representative David R. Lewis, Chair**

FAVORABLE COM SUB , UNFAVORABLE ORIGINAL BILL

HB 17

Modify Certain Appts/Employment.

Draft Number: H17-PCS30018-TG-1

Serial Referral: **FINANCE**

Recommended Referral: None

Long Title Amended: Yes

Floor Manager: Lewis

TOTAL REPORTED: 1



★ C M R S - V - 1 ★



Rules

12-15-16

Date _____

[illegible]



Rules

12-15-16

Date _____

FIRM OR AGENCY AND ADDRESS

Adam Pidlum

NcABN

Matt Ellinwood

NCSC

W. W. B. 1907

Rank

2/20

1750



Rules

12-15-2016

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

FIRM OR AGENCY AND ADDRESS

~~Brian F. Simmons~~

~~NICHOL BURR~~

~~Ardis walking~~



VISITOR REGISTRATION SHEET

*Rules**12-15-2016*

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

LAURA PURYEAR	WALK WEST
Jaz Tunnell	Duke Energy
David Ferrell	VB
Robhamme	PCA
Kara Weishaar	SA
Elizabeth Robinson	NORMA
Lisa Martin	Cap-Adv.
Sarah Hardin	NICEL
Tim Minin	WC Home Builders
John Th...	TDC
Paul Shorman	NCFB



VISITOR REGISTRATION SHEET

Rules

12-15-2016

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Isabel
Villa-Gracia

NC REALTORS

Cady Thomas

Focus Carolina

Laurie Anon

Walk West

Jyfon

NCAEC



VISITOR REGISTRATION SHEET

Ruber

Name of Committee

12-15-2016

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Kris Nordstrom	NCTJ C
Joe Killman	NC Policy Watch
Michael Hauser	TH CG
John [Signature]	MWC
Harry Kaplan	MWC
Zane Stilwell	TSG
Adam Prodenne	NCSA
Michael Ryan	KHY
Aedis Watkins	SEANC
Amanda Fielli	SEANC
Cassie Gavin	Serra Club



VISITOR REGISTRATION SHEET

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Penny Guffi	SOG
DAN ZACHARY	Citizen of North Carolina
Caroline Miller	AMGA
Amy Howell	2117 Hillside Dr Raleigh, NC
Jason Garrett	1513 Edgeside Ct. Raleigh, NC 27609
BRETCHEN GARRETT	"
Matt Ellinwood	NCJC
Rochelle Sparks	CFSA
Julie Perkins	Perkins Law
Rachel Beale	DPI/SBE
Mark Bibbs	LLPC



VISITOR REGISTRATION SHEET

Rules

Name of Committee

12-15-2016

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Marge Froman

NCAE

Ida Bullard

Pittsboro NC

ASANDRA HOCKSTRA

NCA CC

Sue Ann Forest

NCMS

Morgan Gramann

NLAH

Matt Gross

NC Child

Joan Weber

SBE

Hayden Bauguess

FSP

Amanda Donovan

TSS

Carann Huie

MVA

Leanne Winn

NCSPA

Rand McN

Public



VISITOR REGISTRATION SHEET

Rules

Name of Committee

12-15-2016

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Pat Miller

NC Dem Party

Chip Kathan

Nelson Mullin

Kelli Kuma

Duke Energy

Grant Godwin

Citizen



VISITOR REGISTRATION SHEET

RULES

12-15-2016

Name of Committee

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Caroline Thomas	NCDEQ
Lindalyn Kakadelis	3201 Archdale Dr NCEd Strategies - Charlotte, NC 28210
PAUL NORCROSS	7 DEERLEBS FOUNDATION
Dub Clary	NCSP
Terry Stoops	John Locke Foundation
Mark Swann	None
[Signature]	MISC
Jon Stem	NCA
Brian FitzSimmons	Citizens of NC
Dustin Ingalls	People of NC
Darita Morant	OSHR



VISITOR REGISTRATION SHEET

Rules

Name of Committee

12-15-2016

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

Maryant Duke	OSHP / DMVA
Martha Jenkins	DAK R
Kathy Paulus	Dulce Energy
Sarah Collins	NCLM
Elena Ceberio	Citizens
Tony Quararoi	"
Tony Rabon	AT
Ziggy Pless	AT 3+
Lee Tenger	NCAPCS
Susan Clayton	NCDP
Paul Bar	Bone ASSD.



VISITOR REGISTRATION SHEET

Rules

Name of Committee



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NAME

FIRM OR AGENCY AND ADDRESS

Joseph Burleson	Citizen
Ashly M. - 	Citizen 
Mary Shuping	NCCCS
Jonathan Kappeler	UNC GA
Sc Stahl	NSU
M. Jillian D. Titman	MWCLLC
Steven Mange	NCRLA
Tom West	NCICU
Brooks Percy Pearson	SERC
Matthew Starr	Riverkeeper



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FIRM OR AGENCY AND ADDRESS

Maggie Ashill

SELC

DAN CRAWFORD

NCLCV

+ Justin Chiswick-Sayer

SCSJ

Joke Sipe

NC FPC

Andy Brandon

NC DPS

Valerie Arendt

NASW-NC

Monty Cogan

NMRS

Drew Moretz

UNC GA

Haley Ritts

NC GA

Rhonda Todd

DOA

Patsy Keever

NCDP Chair



**NORTH CAROLINA HOUSE OF REPRESENTATIVES
COMMITTEE MEETING NOTICE
AND
BILL SPONSOR NOTIFICATION
2016 FOURTH EXTRA SESSION**

You are hereby notified that the **House Committee on Rules, Calendar, and Operations of the House** will meet as follows:

DAY & DATE: Friday, December 16, 2016

TIME: 2:16 PM

LOCATION: 1224

COMMENTS: Resolution to confirm Ms. Yolanda Stith to serve on the North Carolina Industrial Commission

Respectfully,

Representative David R. Lewis, Chair

I hereby certify this notice was filed by the committee assistant at the following offices at 5:30 PM on Friday, March 31, 2017.

____ Principal Clerk
____ Reading Clerk – House Chamber

Mark Coggins (Committee Assistant)



House Committee on Rules, Calendar, and Operations of the House
Friday, December 16, 2016 at 2:16 PM
Room 1224

MINUTES

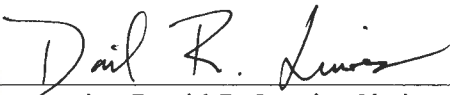
The House Committee on Rules, Calendar, and Operations of the House met at 2:16 PM on December 16, 2016 in Room 1224. Representatives J. Bell, Blust, Boles, Bumgardner, Burr, Carney, Cotham, Daughtry, Davis, Floyd, Fraley, Goodman, L. Hall, Hanes, Hastings, Jackson, L. Johnson, Lewis, Reives, Saine, Stam, Stevens, Szoka, Tine, Torbett, and Wray attended.

Representative David R. Lewis, Chair, presided.

The following bills were considered:

Rep. Burr moves that the HJR to confirm Yolanda Stith as a member of the Industrial Commission be introduced by the Committee on Rules, Calendar, and Operations of the House. Rep. Stevens Seconded. The motion was adopted.

The meeting adjourned at 2:20.



Representative David R. Lewis, Chair
Presiding



Mark Coggins, Committee Clerk



Steff → Kristen Harris
Jeff Cherry
Davis

Bell Motion Passe

2:05

LRC

Sen. Jackson
Savings Reserve Acct.

→

Bell

Carney

Davis

Saine

Lewis

Brown

Lowe

Barringer

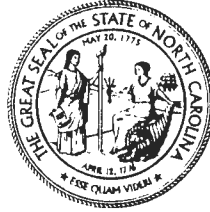
Blue

Bell motion passes

Sen. Barringer
Homeless Youth

→ Carney, Lowe, Brown

Lowe ~~scribble~~ motion passes



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

PAT McCrORY
GOVERNOR

December 15, 2016

The Honorable Tim Moore
Speaker of the House
2304 Legislative Building
Raleigh, North Carolina 27601-1096

Dear Speaker Moore:

I am pleased to recommend Ms. Yolanda Stith to serve on the North Carolina Industrial Commission replacing Commissioner William Daughtridge for a term beginning immediately, and hereby submit her name for confirmation by the General Assembly pursuant to North Carolina General Statute §97-77. Ms. Stith's experience and knowledge will be a tremendous asset to the workings of the Commission. I am grateful for her willingness to serve the citizens of North Carolina in this role.

Enclosed, you will find biographical information for Ms. Stith. Please feel free to contact my staff for any additional information.

Sincerely,


Pat McCrory

Cc: Ms. Denise Weeks



YOLANDA STITH

Durham, NC • 919-740-3763 • yksthith@nc.rr.com

ACCOMPLISHED LEADER

Senior executive with proven success creating and leading organizations with an emphasis on financial management and accomplishing strategically planned goals. Expertise in finding, developing, and mentoring talent to build a deep and capable team. Demonstrate creativity and insight necessary to drive engagement and achieve goals. Considerable experience working with and cultivating relationships with leaders in both the public and private sector. A persuasive and passionate communicator with excellent interpersonal and multidisciplinary project skills.

KEY SKILLS AND ABILITIES

Executive Leadership	Public Policy & Lobbying	Contract Management
Financial Analysis & Reporting	Business Development	Project Management
Communications & Public Relations	Strategic Planning & Research	Talent Acquisition
Corporate & Financial Governance	Strategic Partnership Development	Event Planning
Budgeting & Resource Management	Vendor Relations	Staff Development & Training

HIGHLIGHTED ACCOMPLISHMENTS

- Increased overall revenue for North Carolina Association of Long Term Care Facilities (NCALTC) by approximately 20%
- Increased vendor financial support for NCALTC by over 20%
- Increased member engagement with and event participation for NCALTC by approximately 20%
- Increased membership levels for NCALTC by 10%
- Recognized as 2016 Woman of the Year by Spectacular Magazine for Community Service Category

EXECUTIVE EXPERTISE

Demonstrate leadership, communication, and vision throughout organization as senior executive charged with aligning day-to-day functions to organizational objectives and identified mission. Ensure organization is properly staffed and trained to execute at an optimal level through delegation and empowerment of individual performance. Serve as an ambassador within and outside the organization to articulate mission, values, and future direction.

- Outline long term strategy and tactical initiatives to most effectively achieve organizational goals
- Leverage external presence and relationships to identify and act upon new opportunities
- Expand revenue generating and fundraising activities to support program operations
- Offer clear direction to subordinates necessary to implement projects, programs, and individual tactical elements
- Deepen and refine all aspects of communication and branding, including digital marketing and external relations
- Recruit, hire, retain, and evaluate highly skilled unit managers to ensure the organization has requisite leaderships
- Regularly liaise and network with members, legislators, regulatory authorities, and other like-minded organizations
- Research and analyze organizational gaps and internal capabilities to guide partnership and development efforts
- Develop and enforce budgets and financial controls for departments and individual projects or programs
- Analyze research findings, project timelines, milestones, and financial metrics to evaluate overall performance
- Research and negotiate favorable contracts with vendors to facilitate a competitive and reliable supply chain

continued



RECENT EMPLOYMENT

North Carolina Association of Long Term Care Facilities, Raleigh, NC

2014-Present

Executive Director

- Oversee day-to-day operations, fiscal management, personnel management, strategic planning, government affairs, and public relations functions; collaborate with President to manage long-term planning, membership, and personnel matters
- Develop budgets to maximize impact of Association goals and strategies while ensuring process controls, accounting standards, and financial prudence to safeguard the integrity of financial resources
- Research policy, laws, and activities affecting the long term services and support industry to develop future strategy
- Negotiate with state agencies for activities and regulations affecting the Association or its members to ensure equitable policy and fair reimbursement
- Strategize with Association lobbyists to develop communication plans; consult with Association attorney on legal matters
- Liaise with government agencies, monitor legislation, and attend hearings or meetings to protect the Association's interests
- Develop, plan, and coordinate semiannual conferences to raise awareness of the Association and its mission
- Inform membership of key information and events through personal contact, e-mail, telephone, newsletters, and publications
- Report to the Board of Directors on all matters requiring their attention or review

Capitol Access Inc., Durham, NC

2010-2014

President & Lobbyist

- Worked closely with corporations, organizations, and individuals with interest in matters before the NC General Assembly
- Cultivated established relationships with members of the NC General Assembly to advocate on clients' behalf
- Attended meetings with front line management and/or board members as needed; prepared detailed monthly client briefs
- Reviewed proposed legislation or changes to advise clients; analyzed complex and sensitive intergovernmental issues
- Assisted clients with developing strategic plans and obtaining legislative agendas
- Collaborated with executives, support staff, and board members to implement strategies that promoted or defeated legislation
- Prospected for, negotiated with, secured business with, and fostered long term relationships with prospects and clients

PRIOR EXPERIENCE

Progress Energy, Raleigh, NC	Senior Business Financial Analyst	2007-2010
21st Century Community Learning Center, Durham, NC	Site Manager	2005-2007
Windsor Academy, Durham, NC	Assistant Director	1994-2001
Great American Insurance Company, Raleigh, NC	Commercial Property & Casualty Underwriter	1998-1999
Crum & Forster Commercial Insurance, Durham, NC	Senior Commercial Property & Casualty Underwriter	1995-1998
Crum & Forster Commercial Insurance, Durham, NC	Commercial Property & Casualty Underwriter	1990-1995

EDUCATION & TRAINING

Bachelor of Business Administration in Finance, North Carolina Central University

RECOGNITION & PROFESSIONAL AFFILIATION

Member NC State Board of Community Colleges

Past Member, Progress Energy Diversity Committee and Women in Networking Group

Present Chapter President (Two Terms), Alpha Zeta Omega Chapter of Alpha Kappa Sorority

VISITOR REGISTRATION SHEET

Rukes

Name of Committee

12/16/16

Date

VISITORS: PLEASE SIGN IN BELOW AND RETURN TO COMMITTEE CLERK

NAME

FIRM OR AGENCY AND ADDRESS

1. David A. D. Bryan	SSD
Del HHH	SSD
Joe Tunnell	Duke Energy
Paul Baul	NCDR
Tom West	NCICU
Caroline Miller	AMGA
Rhonda Toda	DOA
Perry Buff	SOB
M Binker	WRAL
Jimmy Bronghor	Gov Office
Caroline Daly	Govs office

