

JOURNAL
OF THE
House of Representatives
OF THE
2015
GENERAL ASSEMBLY
OF THE
STATE OF NORTH CAROLINA
FOURTH EXTRA
SESSION 2016



OFFICERS AND MEMBERS
OF THE
HOUSE OF REPRESENTATIVES
2016 FOURTH EXTRA SESSION

Tim Moore, *Speaker* Kings Mountain, Cleveland County
Paul Stam, *Speaker Pro Tempore* Apex, Wake County
Denise G. Weeks, *Principal Clerk* Raleigh, Wake County
Garland Shephard, *Sergeant-at-Arms* Tarboro, Edgecombe County

REPRESENTATIVES

- 1st District: Camden, Chowan, Currituck, Pasquotank (Part),
Perquimans, and Tyrrell.
Bob Steinburg (R) Chowan Edenton
- 2nd District: Granville (Part) and Person.
Larry Yarborough (R) Person Roxboro
- 3rd District: Beaufort (Part), Craven (Part), and Pamlico.
Michael Speciale (R) Craven New Bern
- 4th District: Duplin (Part) and Wayne (Part).
Jimmy Dixon (R) Duplin Mt. Olive
- 5th District: Bertie, Gates, Hertford, and Pasquotank (Part).
Howard J. Hunter, III (D) Hertford Ahoskie
- 6th District: Beaufort (Part), Dare, Hyde, and Washington.
Paul Tine (U) Dare Kitty Hawk
- 7th District: Franklin (Part) and Nash (Part).
Bobbie Richardson (D) Franklin Louisburg
- 8th District: Pitt (Part) and Wilson (Part).
Susan Martin (R) Wilson Wilson
- 9th District: Pitt (Part).
Gregory F. Murphy, MD (R) ... Pitt Greenville

- 10th District: Craven (Part), Greene (Part), Lenoir (Part), and Wayne (Part).
John R. Bell, IV (R)..... Wayne..... Goldsboro
- 11th District: Wake (Part).
Duane Hall (D) Wake..... Raleigh
- 12th District: Craven (Part), Greene (Part), and Lenoir (Part).
George Graham (D) Lenoir..... Kinston
- 13th District: Carteret and Jones.
Pat McElraft (R) Carteret Emerald Isle
- 14th District: Onslow (Part).
George G. Cleveland (R) Onslow..... Jacksonville
- 15th District: Onslow (Part).
Phil Shepard (R) Onslow..... Jacksonville
- 16th District: Onslow (Part) and Pender.
Chris Millis (R)..... Pender Hampstead
- 17th District: Brunswick (Part).
Frank Iler (R) Brunswick Oak Island
- 18th District: Brunswick (Part) and New Hanover (Part).
Susi H. Hamilton (D) New Hanover Wilmington
- 19th District: New Hanover (Part).
Ted Davis, Jr. (R)..... New Hanover Wilmington
- 20th District: New Hanover (Part).
Holly Grange (R) New Hanover Wilmington
- 21st District: Duplin (Part), Sampson (Part), and Wayne (Part).
Larry M. Bell (D)..... Sampson..... Clinton
- 22nd District: Bladen (Part), Johnston (Part), and Sampson (Part).
William D. Brisson (D)..... Bladen..... Dublin
- 23rd District: Edgecombe and Martin.
Shelly Willingham (D) Edgecombe Rocky Mount

- 24th District: Pitt (Part) and Wilson (Part).
Jean Farmer-Butterfield (D)..... Wilson..... Wilson
- 25th District: Franklin (Part) and Nash (Part).
Jeff Collins (R)..... Nash Rocky Mount
- 26th District: Johnston (Part).
N. Leo Daughtry (R)..... Johnston Smithfield
- 27th District: Halifax and Northampton.
Michael H. Wray (D)..... Northampton Gaston
- 28th District: Johnston (Part).
James H. Langdon, Jr. (R) Johnston Angier
- 29th District: Durham (Part).
Larry D. Hall (D)..... Durham Durham
- 30th District: Durham (Part).
Philip A. Lehman (D) Durham Durham
- 31st District: Durham (Part).
Henry M. Michaux, Jr. (D) Durham Durham
- 32nd District: Granville (Part), Vance, and Warren.
Nathan Baskerville (D) Vance Henderson
- 33rd District: Wake (Part).
Rosa U. Gill (D)..... Wake Raleigh
- 34th District: Wake (Part).
Grier Martin (D) Wake Raleigh
- 35th District: Wake (Part).
Chris Malone (R) Wake Wake Forest
- 36th District: Wake (Part).
Nelson Dollar (R) Wake Cary
- 37th District: Wake (Part).
Paul Stam (R)..... Wake Apex
- 38th District: Wake (Part).
Yvonne Lewis Holley (D)..... Wake Raleigh

- 39th District: Wake (Part).
Darren G. Jackson (D) Wake Raleigh
- 40th District: Wake (Part).
Marilyn Avila (R) Wake Raleigh
- 41st District: Wake (Part).
Gale Adcock (D) Wake Cary
- 42nd District: Cumberland (Part).
Marvin W. Lucas (D) Cumberland Spring Lake
- 43rd District: Cumberland (Part).
Elmer Floyd (D) Cumberland Fayetteville
- 44th District: Cumberland (Part).
William O. Richardson (D) Cumberland Fayetteville
- 45th District: Cumberland (Part).
John Szoka (R) Cumberland Fayetteville
- 46th District: Bladen (Part), Columbus, and Robeson (Part).
Ken Waddell (D) Columbus Chadbourn
- 47th District: Robeson (Part).
Charles Graham (D) Robeson Lumberton
- 48th District: Hoke (Part), Richmond (Part), Robeson (Part), and
Scotland (Part).
Garland E. Pierce (D) Scotland Wagram
- 49th District: Wake (Part).
Gary Pendleton, Brig Gen (Ret.) (R) ..Wake Raleigh
- 50th District: Durham (Part) and Orange (Part).
Graig R. Meyer (D) Orange Chapel Hill
- 51st District: Harnett (Part) and Lee (Part).
Brad Salmon (D) Harnett Mamers
- 52nd District: Moore (Part).
James L. Boles, Jr. (R) Moore Southern Pines

- 53rd District: Harnett (Part).
David R. Lewis (R).....HarnettDunn
- 54th District: Chatham and Lee (Part).
Robert T. Reives, II (D).....LeeSanford
- 55th District: Anson and Union (Part).
Mark Brody (R).....UnionMonroe
- 56th District: Orange (Part).
Verla Insko (D).....OrangeChapel Hill
- 57th District: Guilford (Part).
Pricey Harrison (D).....Guilford.....Greensboro
- 58th District: Guilford (Part).
Christopher Sgro (D).....GuilfordGreensboro
- 59th District: Guilford (Part).
Jon Hardister (R).....GuilfordGreensboro
- 60th District: Guilford (Part).
Cecil Brockman (D).....GuilfordHigh Point
- 61st District: Guilford (Part).
John Faircloth (R).....GuilfordHigh Point
- 62nd District: Guilford (Part).
John M. Blust (R).....GuilfordGreensboro
- 63rd District: Alamance (Part).
Stephen M. Ross (R).....Alamance.....Burlington
- 64th District: Alamance (Part).
Dennis Riddell (R).....Alamance.....Snow Camp
- 65th District: Caswell and Rockingham (Part).
Bert Jones (R).....Rockingham.....Reidsville
- 66th District: Hoke (Part), Montgomery (Part), Richmond (Part),
Robeson (Part), and Scotland (Part).
Ken Goodman (D).....Richmond.....Rockingham

- 67th District: Montgomery (Part) and Stanly.
Justin P. Burr (R) Stanly Albemarle
- 68th District: Union (Part).
D. Craig Horn (R) Union Weddington
- 69th District: Union (Part).
Dean Arp (R) Union Monroe
- 70th District: Randolph (Part).
Pat B. Hurley (R) Randolph Asheboro
- 71st District: Forsyth (Part).
Evelyn Terry (D) Forsyth Winston-Salem
- 72nd District: Forsyth (Part).
Edward Hanes, Jr. (D) Forsyth Winston-Salem
- 73rd District: Alexander, Wilkes (Part), and Yadkin.
Lee Zachary (R) Yadkin Yadkinville
- 74th District: Forsyth (Part).
Debra Conrad (R) Forsyth Winston-Salem
- 75th District: Forsyth (Part).
Donny Lambeth (R) Forsyth Winston-Salem
- 76th District: Cabarrus (Part) and Rowan (Part).
Carl Ford (R) Rowan China Grove
- 77th District: Rowan (Part).
Harry Warren (R) Rowan Salisbury
- 78th District: Moore (Part) and Randolph (Part).
Allen McNeill (R) Randolph Asheboro
- 79th District: Davie and Forsyth (Part).
Julia C. Howard (R) Davie Mocksville
- 80th District: Davidson (Part).
Sam Watford (R) Davidson Thomasville

- 81st District: Davidson (Part).
Rayne Brown (R).....Davidson..... Lexington
- 82nd District: Cabarrus (Part).
Larry G. Pittman (R)..... Cabarrus..... Concord
- 83rd District: Cabarrus (Part).
Linda P. Johnson (R) Cabarrus..... Kannapolis
- 84th District: Iredell (Part).
Rena W. Turner (R) Iredell..... Olin
- 85th District: Avery, McDowell, and Mitchell.
Josh Dobson (R) McDowell Nebo
- 86th District: Burke (Part).
Hugh Blackwell (R)..... Burke Valdese
- 87th District: Caldwell.
George S. Robinson (R)..... Caldwell..... Hickory
- 88th District: Mecklenburg (Part).
Rob Bryan (R) Mecklenburg..... Charlotte
- 89th District: Catawba (Part).
Mitchell S. Setzer (R) Catawba Catawba
- 90th District: Surry and Wilkes (Part).
Sarah Stevens (R) Surry Mt. Airy
- 91st District: Rockingham (Part) and Stokes.
Kyle Hall (R) Stokes..... King
- 92nd District: Mecklenburg (Part).
Justin Moore (R)..... Mecklenburg..... Huntersville
- 93rd District: Ashe and Watauga.
Jonathan C. Jordan (R) Ashe..... West Jefferson
- 94th District: Alleghany and Wilkes (Part).
Jeffrey Elmore (R) Wilkes..... North Wilkesboro

- 95th District: Iredell (Part).
John A. Fraley (R) Iredell..... Mooresville
- 96th District: Catawba (Part).
Jay Adams (R) Catawba Hickory
- 97th District: Lincoln.
Jason Saine (R) Lincoln..... Lincolnton
- 98th District: Mecklenburg (Part).
John R. Bradford, III (R) Mecklenburg..... Cornelius
- 99th District: Mecklenburg (Part).
Rodney W. Moore (D) Mecklenburg..... Charlotte
- 100th District: Mecklenburg (Part).
Tricia Ann Cotham (D) Mecklenburg..... Matthews
- 101st District: Mecklenburg (Part).
Beverly M. Earle (D) Mecklenburg..... Charlotte
- 102nd District: Mecklenburg (Part).
Becky Carney (D) Mecklenburg..... Charlotte
- 103rd District: Mecklenburg (Part).
William Brawley (R)..... Mecklenburg..... Matthews
- 104th District: Mecklenburg (Part).
Dan Bishop (R) Mecklenburg..... Charlotte
- 105th District: Mecklenburg (Part).
Scott Stone (R)..... Mecklenburg..... Charlotte
- 106th District: Mecklenburg (Part).
Carla D. Cunningham (D)..... Mecklenburg..... Charlotte
- 107th District: Mecklenburg (Part).
Kelly M. Alexander, Jr. (D) Mecklenburg..... Charlotte
- 108th District: Gaston (Part).
John A. Torbett (R) Gaston..... Stanley
- 109th District: Gaston (Part).
Dana Bumgardner (R)..... Gaston..... Gastonia

- 110th District: Cleveland (Part) and Gaston (Part).
 Kelly E. Hastings (R)..... Gaston..... Cherryville
- 111th District: Cleveland (Part).
 Tim Moore (R)..... Cleveland..... Kings Mountain
- 112th District: Burke (Part) and Rutherford.
 David Rogers (R)..... Rutherford..... Rutherfordton
- 113th District: Henderson (Part), Polk, and Transylvania.
 Chris Whitmire (R)..... Transylvania.....Brevard
- 114th District: Buncombe (Part).
 Susan C. Fisher (D)..... Buncombe..... Asheville
- 115th District: Buncombe (Part).
 John Ager (D)..... Buncombe..... Fairview
- 116th District: Buncombe (Part).
 Brian Turner (D)..... Buncombe..... Asheville
- 117th District: Henderson (Part).
 Chuck McGrady (R)..... Henderson..... Hendersonville
- 118th District: Haywood (Part), Madison, and Yancey.
 Michele D. Presnell (R)..... Yancey.....Burnsville
- 119th District: Haywood (Part), Jackson, and Swain.
 Joe Sam Queen (D)..... Haywood..... Waynesville
- 120th District: Cherokee, Clay, Graham, and Macon.
 Roger West (R)..... Cherokee..... Marble

HOUSE JOURNAL

FOURTH EXTRA SESSION 2016

FIRST DAY

HOUSE OF REPRESENTATIVES
Wednesday, December 14, 2016

In accordance with law, as set forth in the Constitution of the State of North Carolina, and pursuant to the Joint Proclamation issued December 14, 2016, upon the receipt of written request of three-fifths of all the members of the House of Representatives and the Senate, the House of Representatives of the North Carolina General Assembly convenes in Fourth Extra Session at the hour of 2:00 p.m. in the House Chamber of the State Legislative Building in the City of Raleigh, and is called to order by the Speaker.

Prayer is offered by Representative Paul Stam.

The Speaker leads the Body in the Pledge of Allegiance.

Leaves of absence are granted Representatives Earle, Fisher, Lambeth, Langdon, Murphy, Salmon, and Tine for today.

JOINT PROCLAMATION TO CONVENE THE GENERAL ASSEMBLY OF NORTH CAROLINA IN EXTRA SESSION

WHEREAS, Article II, Section 11(2) of the Constitution of North Carolina authorizes and requires the Speaker of the House of Representatives and the President of the Senate to convene the General Assembly in extra session by joint proclamation upon receipt of written requests signed by three-fifths of all members of the House of Representatives and the Senate, and

WHEREAS, the President of the Senate and the Speaker of the House of Representatives have each received written requests from three-fifths of all the members of the House of Representatives and the Senate,

NOW, THEREFORE, the Speaker of the House of Representatives and the President of the Senate do hereby proclaim that the General Assembly of North Carolina shall convene an extra session in the City of Raleigh, North Carolina, in the State Legislative Building at 2:00 o'clock p.m. on Wednesday, December 14, 2016, to consider bills concerning any matters the General Assembly elects to consider.

A copy of the Proclamation shall be delivered to each member of the House of Representatives, and the Senate, and a copy to the Governor of North Carolina and the Secretary of State.

Issued this the 14th day of December, 2016.

S/ Phil Berger
President of the Senate

S/ Tim Moore
Speaker of the House of Representatives

After receiving 73 requests from the House Members to call an Extra Session and after having heard from the Lieutenant Governor that he had received 31 requests, the Lieutenant Governor and the Speaker issued a proclamation calling for this Extra Session. Each Member should have received a copy of this proclamation. These written requests are on file in the Principal Clerk's office and shall be retained there for a period of two years and then forwarded to Archives and History.

QUORUM CALL

In order to establish a quorum, Speaker Moore directs an electronic call of the roll of the Members of the House and the following Representatives are recorded as present:

Speaker Moore; Representatives Adams, Adcock, Ager, Alexander, Arp, Avila, J. Bell, L. Bell, Bishop, Blackwell, Blust, Boles, Bradford, Brawley, Brisson, Brockman, Brody, R. Brown, Bryan, Bumgardner, Burr, Carney, Cleveland, Collins, Conrad, Cotham, Cunningham, Daughtry, Davis, Dixon, Dobson, Dollar, Elmore, Faircloth, Farmer-Butterfield, Floyd, Ford, Fraley, Gill, Goodman, C. Graham, G. Graham, Grange, D. Hall, K. Hall, L. Hall, Hamilton, Hanes, Hardister, Harrison, Hastings, Holley,

December 14, 2016

Horn, Howard, Hunter, Hurley, Iler, Insko, Jackson, L. Johnson, Jones, Jordan, Lehman, Lewis, Lucas, Malone, G. Martin, S. Martin, McElraft, McGrady, McNeill, Meyer, Michaux, Millis, J. Moore, R. Moore, Pierce, Pittman, Presnell, Queen, Reives, B. Richardson, W. Richardson, Riddell, Robinson, Rogers, Ross, Saine, Setzer, Sgro, Shepard, Speciale, Stam, Steinburg, Stevens, Stone, Szoka, Terry, Torbett, B. Turner, R. Turner, Waddell, Warren, Watford, West, Whitmire, Willingham, Wray, Yarborough, and Zachary.

One hundred and eleven Members having answered the call, the Speaker declares a quorum present.

ADOPTION OF PERMANENT RULES

Representative Lewis is recognized and states that he has placed a resolution with the Clerk for consideration by the Body.

The Speaker directs the Clerk to number the resolution and places **H.R. 1, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 2016 FOURTH EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES**, before the Body.

The resolution is adopted, by electronic vote (75-36), and ordered printed.

COMMITTEE ASSIGNMENTS

The Speaker states that all 2015 Committees are activated to meet pursuant to the rules and that the committee memberships are the same as those of the 2015 Regular Session, including recent appointments.

SPECIAL MESSAGE TO THE SENATE

The Speaker directs that a message be sent to the Senate informing that Honorable Body that the 2015 House of Representatives is organized and ready to proceed with the public business for the 2016 Fourth Extra Session.

Pursuant to Article II, Section 18 of the North Carolina Constitution, Representative Jackson submits the following protest:

PROTEST

"I think we can all agree that we don't need to be here after what we did earlier today. It was needed, it was necessary, it was the reason why we came, or at least it's the reason why many of us thought we were coming to

December 14, 2016

Raleigh. It's the holiday season. I would like to publicly thank the Speaker's office and staff who I told I had a very important event last night at my child's school at seven o'clock, a performance that I wanted to make, and the Speaker's office and the Rules Chairman made sure I was able to make it. But I know many of you have family and children back home and you are missing those same things. And the reason is why? I don't believe this session is constitutional. I think we're going to be challenged. I think you're going to see a lot of different *McCrorry v. Berger* challenges. You're going to be looking at the *NCAE v. the General Assembly* lawsuit that was filed after the dues check-off, and all the questions about the second midnight session that came up. But I just want to tell you, take a few minutes just to tell you, this is why people don't trust us. This is why they hate us. This is why politicians have a 10% approval rating because of this right here. Using hurricane relief as a reason to come back to Raleigh to do a lot of things because you lost an election by 10,000 votes. I mean, that's why we're here. We all know what's going to happen next. We've all seen all the things circulated. You may stop, you may not pass that magic line of packing the Supreme Court, but you're going to do a lot of other things.

"For the record, I would note that all 73 names that signed the request for Special Session, from the North Carolina House of Representatives, were dated December 12, which was Monday. The Clerk has just handed me the requests from the 31 Senate members. They were all dated December 13, that was Tuesday. According to the Constitution, Article II, Section 11, under 'Sessions,' that the President of the Senate and the Speaker of the House of Representatives shall convene a Session upon receipt of those things.

"I don't believe that was followed in this case. In fact, you waited until today to do it, made a decision on whether you were even going to do it, even though the Constitution says you shall do it. I would therefore enter a formal protest and would like it noted for the record. "

**North Carolina General Assembly
House of Representatives**

Representative Darren G. Jackson
39th District
1013 Legislative Building
16 W. Jones Street
Raleigh, NC 27601-1096

December 15, 2016

December 14, 2016

Tim Moore, Speaker of the House
Office of the Speaker
Legislative Building, Room 2304
Raleigh, NC 27601

Mr. Speaker,

Yesterday afternoon, it was announced that we would again be called into special assembly immediately upon sine dine from the storm relief special session. On the floor, I somewhat clumsily attempted to raise a constitutional objection to the timing and manner of the special session and to file a formal protest in accordance with our state constitution. You recognized my protest and I believe ruled it out of order.

Under Article 1, Sec. 12. The citizens of this state have "a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the General Assembly for redress of grievances." Noticing and calling a special session within a few hours of each other does not provide adequate time for the citizens to assemble nor to instruct their representatives.

Under Article 2, Sec. 11, special sessions shall be "on legislative call. The President of the Senate and the Speaker of the House of Representatives shall convene the General Assembly in extra session by their joint proclamation upon receipt by the President of the Senate of written requests therefor signed by three-fifths of all the members of the Senate and upon receipt by the Speaker of the House of Representatives of written requests therefor signed by three-fifths of all the members of the House of Representatives." Your public proclamations that no decision was made to have the special session is contrary to the shall. Once the signatures were assembled, there was no choice but to have a session. What you are about to do is monumental. You should go back and get this right. It would only take you a couple of extra days.

Finally, Article 2, Sec. 18 states that "Any member of either house may dissent from and protest against any act or resolve which he may think injurious to the public or to any individual, and have the reasons of his dissent entered on the journal."

It is my wish that this letter be accepted by you and the clerk's office as my formal dissent from all actions being taken in this Fourth Special Session and my constitutional protests against all actions being taken. We are making decisions at great expense to the taxpayers which harm our constitutional checks and balances, unfairly shift the balance of power between the three branches of government and we are doing all this without proper notice and due process for the citizens of the great state of North Carolina.

December 14, 2016

Pursuant to the constitution all members may dissent from and protest against any acts and have the reasons for their dissent entered on the journal. This creates a circumstance that unless we can agree to some sort of continuing objection line of proceeding, that it is my belief that each action I take will first have to be formally dissent from and my objection would have to be noted on the House Journal. I recognize that this has the potential to greatly slow down the pace (which probably is not a bad thing), but if you and our leadership could agree to some sort of stipulation to make this unnecessary, I certainly would agree to participate.

Thank you for taking the time to consider my objections and to have these objections noted on the record. After seeing the legislation that has been introduced, I am sure taxpayers will be paying lawyers for years to come to decide whether the actions you now take are constitutional or not. It is my prayer that what I do by protesting is what is needed legally to make sure the Constitution of our great state is preserved and protected. After all, that is my oath.

S/ Representative Darren G. Jackson, District 39
North Carolina House of Representatives

The following Members request to add their names to Representative Jackson's protest:

Representatives G. Martin, Willingham, Hunter, Reives, Sgro, Meyer, Brockman, W. Richardson, Harrison, Holley, Insko, R. Moore, Hamilton, Cunningham, Gill, Lehman, Carney, Michaux, Lucas, Ager, Terry, G. Graham, Queen, B. Richardson, Adcock, B. Turner, L. Bell, Alexander, Pierce, Floyd, C. Graham, Hanes, Goodman, Cotham, Wray, Farmer-Butterfield, and D. Hall.

Pursuant to Article II, Section 18 of the North Carolina Constitution, Representative L. Hall submits the following protest:

PROTEST

"I think it is pretty obvious that those who were not afforded the opportunity to have any input in whether or not we have this session certainly object to it, and therefore, the citizens of North Carolina we represent who weren't informed and had no opportunity certainly would be in objection to having these actions taken. Representative Jackson already talked about why these type of actions are injurious to our House, to our form of government, and in these troubled times, we seem to be going down the road to continue to dissuade people such that they would not have confidence in us.

December 14, 2016

"I'm not sure if we understand the crisis we're facing. I'm not sure people appreciate how much damage these actions are doing not to the Democratic Party, but to the institution of the House of Representatives and to the State of North Carolina. I would certainly hope, and it seems this train is on the track and people have jumped on whether they really believe it or not, and I guess there's some plausible deniability that people will be able to use when they go home and say 'I just went with the crowd, I didn't have a choice, I didn't do what I thought was right because someone else did something wrong.' I've even heard, and my good friend Nelson Dollar may say well, Democrats did something similar, or at some point in time, some other Democratic or institution somewhere in the world did something similar and so that makes this alright. This ain't right. You can't make it right. The people of North Carolina aren't being treated right. We owe them more. We took the oath, we came in and said the Pledge of Allegiance, and now we've determined we're going to treat them unfairly and nullify their votes in this last election. We will be the authors of our own demise unless we start taking responsibility and taking our oath serious and respecting our voters. I certainly hope as this session goes forward, because it's clear it is, that people take seriously this opposition that's been filed and that you respect the fact that this is not what the citizens of North Carolina voted for in November when they voted for those of you who are returning. And those of you who they voted for two years ago, I'm sure they didn't expect this kind of conduct from you. So I keep my hopes up that we'll do better, and we'll lift this institution back up, but this is certainly a dark day in our record after doing good work on flood relief to now flip the switch and say we're going to do all partisan work because we lost an election. I hope that at the end of this day, some reflection will be done and someone will have enough courage to come forward and say, this madness needs to stop now."

SPECIAL MESSAGE FROM THE SENATE

2015 GENERAL ASSEMBLY FOURTH EXTRA SESSION 2016

Senate Chamber
December 14, 2016

Mr. Speaker:

It is ordered that a message be sent to your honorable body with the information that the Senate is convened, pursuant to the Joint Proclamation issued by the President of the Senate and the Speaker of the House on

December 14, 2016

December 14, 2016, and is now organized and ready to proceed with the public business of the state in Extra Session.

Respectfully,
S/ Sarah Lang
Principal Clerk

On motion of the Speaker, the House recesses, subject to messages from the Senate, re-referral of bills and resolutions, introduction of bills and resolutions, and committee appointments at 2:42 p.m., to reconvene at 5:00 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

VOTE RECONSIDERED

H.R. 1, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 2016 FOURTH EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

Having voted with the prevailing side, Representative Lewis moves that the vote by which the resolution was adopted be reconsidered. The motion carries by electronic vote (98-7).

Representative Lewis offers Amendment No. 1 which is adopted by electronic vote (71-36).

The resolution, as amended, is adopted, by electronic vote (69-38), and is ordered engrossed and printed.

RESPONSE BY SPEAKER MOORE TO THE PROTESTS

"Members, earlier, before we recessed, we had a protest lodged by Representative Jackson and I believe other members of the Democratic Caucus, under Article II, Section 18 regarding the constitutionality of this extra session. After conferring with legal counsel, and of course going back and looking at the process, the Chair would respond as follows:

"First of all, it appears, that Representative Jackson has based his protest on the timing of signatures of members requesting this extra session and the issuance of the Joint Proclamation by the Speaker and the President

of the Senate. For the record, I and the President of the Senate met this morning, or approximately 9:15 in my office. At that time, and for the first time only, I was presented with the signatures of members to request an extra session.

"The House Principal Clerk's Office was given the signatures and they then verified the necessary signatures were in fact in order and the process they go through for that. After the House Principal Clerk's Office verified the signatures, the Joint Proclamation was then printed out, signed by myself and the President of the Senate, the seals of the respective chambers were affixed to the original copies.

"At 11:53 a.m., I announced from the chair we would have an Extra Session convening at 2:00 p.m. today. The Chair has reviewed the gentleman's Protest. The Protest is noted. The Chair would, if the gentleman was asking that it also be treated as a point of order, the Chair, having reviewed it, the Chair rules that the gentleman's point is out of order at that time."

**THE RECEIVING OF PETITIONS, MEMORIALS, AND
PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR
TO THE HOUSE**

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

20301 Mail Service Center • Raleigh, NC 27699-0301

Pat McCrory
Governor

December 14, 2016

Lieutenant Governor Dan Forest
President of the Senate
301 N. Blount Street
Raleigh, NC 27601

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

The Honorable Tim Moore
Speaker of the House
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601

December 14, 2016

Dear Lieutenant Governor Forest, President Pro Tempore Berger and Speaker Moore:

Pursuant to N.C.G.S. § 7A-45.1(a9) and (a10), I hereby nominate, and submit for confirmation, Adam Matthew Conrad of Mecklenburg County to fill the vacancy created by the October 1, 2016 resignation of Special Superior Court Judge James Gale. I have consulted with the Chief Justice, and we are satisfied that Mr. Conrad has the requisite expertise and experience to be a business court judge.

Upon Mr. Conrad's confirmation, I intend to ask Chief Justice Martin to designate him as a business court judge. Mr. Conrad is well qualified for this position by his education and experience, and I am grateful for his willingness to serve the State of North Carolina.

Sincerely,
S/ Pat McCrory
Governor

The letter is referred to the Committee on Judiciary I.

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 Mail Service Center • Raleigh, NC 27699-0301

Pat McCrory
Governor

December 14, 2016

Lieutenant Governor Dan Forest
President of the Senate
301 N. Blount Street
Raleigh, NC 27601

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

The Honorable Tim Moore
Speaker of the House
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601

December 14, 2016

Dear Lieutenant Governor Forest, President Pro Tempore Berger and Speaker Moore:

Pursuant to N.C.G.S. § 7A-45.1(a10), I hereby nominate, and submit for confirmation, Andrew Heath of Wake County to fill the vacancy created by the July 1, 2016 resignation of Special Superior Court Judge Gregory McGuire. My office had previously submitted a nomination for this vacant seat on September 26, 2016, but withdrew the nomination on November 22, 2016.

Mr. Heath is well qualified for this position by his education and experience, and I am grateful for his willingness to serve the State of North Carolina.

Sincerely,
S/ Pat McCrory
Governor

The letter is referred to the Committee on Judiciary I.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced and read the first time:

By Representatives Lewis, Ford, and Setzer:

H.J.R. 2, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2016 FOURTH EXTRA SESSION, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives McGrady and Dixon (Primary Sponsors); Jordan, S. Martin, and Riddell:

H.B. 3, A BILL TO BE ENTITLED AN ACT TO PROVIDE FURTHER REGULATORY RELIEF TO THE CITIZENS OF NORTH CAROLINA, is referred to the Committee on Regulatory Reform.

By Representatives Cotham, Bradford, and J. Moore (Primary Sponsors); Ford and Pittman:

H.B. 4, A BILL TO BE ENTITLED AN ACT DIRECTING THE DEPARTMENT OF TRANSPORTATION TO TERMINATE THE COMPREHENSIVE AGREEMENT FOR THE I-77 HOT LANES PROJECT IN MECKLENBURG AND IREDELL COUNTIES, is referred to the Committee on Transportation and, if favorable, to the Committee on Appropriations.

December 14, 2016

By Representatives S. Martin, J. Moore, and Szoka:

H.B. 5, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE SERVICE AREA FOR COMMUNICATIONS SERVICES PROVIDED BY CERTAIN SERVICE PROVIDERS EXEMPTED FROM CERTAIN REQUIREMENTS OF ARTICLE 16A OF CHAPTER 160A OF THE GENERAL STATUTES, is referred to the Committee on Public Utilities.

By Representatives Saine and Pittman:

H.B. 6, A BILL TO BE ENTITLED AN ACT TO ESTABLISH THE DEPARTMENT OF INFORMATION TECHNOLOGY AS AN INDEPENDENT AGENCY AND MAKE THE STATE CHIEF INFORMATION OFFICER AN INDEPENDENT EXECUTIVE OFFICER SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY, is referred to the Committee on Rules, Calendar, and Operations of the House and, if favorable, to the Committee on Appropriations.

By Representatives Bradford, J. Moore, and Cotham (Primary Sponsors); Ford, Pittman, and Setzer:

H.B. 7, A BILL TO BE ENTITLED AN ACT TO STUDY THE VALIDITY OF THE COMPREHENSIVE AGREEMENT FOR THE I-77 HOT LANES PROJECT IN MECKLENBURG AND IREDELL COUNTIES, is referred to the Committee on Transportation and, if favorable, to the Committee on Appropriations.

By Representatives R. Moore, Hamilton, and Alexander (Primary Sponsors):

H.B. 8, A BILL TO BE ENTITLED AN ACT TO (1) PROHIBIT THE USE OF DISCRIMINATORY PROFILING BY LAW ENFORCEMENT OFFICERS IN THE PERFORMANCE OF THEIR DUTIES; (2) AMEND THE TYPES OF INFORMATION REQUIRED TO BE REPORTED BY CERTAIN LAW ENFORCEMENT AGENCIES CONCERNING TRAFFIC LAW ENFORCEMENT; (3) REQUIRE CERTAIN LAW ENFORCEMENT AGENCIES TO REPORT CERTAIN INFORMATION CONCERNING HOMICIDES; (4) REQUIRE LAW ENFORCEMENT OFFICERS TO RECEIVE ANNUAL EDUCATION AND TRAINING CONCERNING DISCRIMINATORY PROFILING; (5) AUTHORIZE THE USE OF CITIZEN REVIEW BOARDS TO INVESTIGATE OR REVIEW ALLEGATIONS OF CERTAIN POLICE MISCONDUCT; AND (6) REQUIRE THAT CERTAIN TRAINING BE PROVIDED TO MEMBERS OF NEIGHBORHOOD CRIME WATCH PROGRAMS ESTABLISHED BY COUNTIES AND CITIES, is referred to the Committee on Judiciary I and, if favorable, to the Committee on Appropriations.

By Representatives Saine and Jordan (Primary Sponsors); Bradford and J. Moore:

H.B. 9, A BILL TO BE ENTITLED AN ACT TO ESTABLISH STANDARDS OF CARE FOR LARGE COMMERCIAL DOG BREEDING FACILITIES AND TO PROVIDE LAW ENFORCEMENT WITH TOOLS TO ENSURE THAT DOGS AT THOSE FACILITIES ARE TREATED HUMANELY, is referred to the Committee on Judiciary II.

By Representatives Torbett and Stam (Primary Sponsors); Cleveland, Grange, J. Moore, Pittman, Shepard, and Stone:

H.B. 10, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ELIGIBILITY OF CHARTER SCHOOLS FOR CERTAIN STATE FUNDING TO IMPROVE OR MAINTAIN ROADS, DRIVEWAYS, ENTRANCES, AND PARKING FACILITIES USED BY SCHOOL BUSES FOR TRANSPORTING STUDENTS AND TO MAKE OTHER CHANGES TO STATE LAW CONCERNING REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS, is referred to the Committee on Transportation and, if favorable, to the Committee on Appropriations.

By Representative Pendleton:

H.B. 11, A BILL TO BE ENTITLED AN ACT TO REQUIRE THE DEPARTMENT OF TRANSPORTATION TO PROVIDE A REPORT PRIOR TO COMPLETING CERTAIN REDUCTIONS THROUGH REORGANIZATION AND REDUCTIONS IN FORCE, is referred to the Committee on Transportation and, if favorable, to the Committee on Appropriations.

BILL FILING DEADLINE EXTENDED

On motion of the Speaker and without objection, the bill filing deadline is extended from 7:00 p.m. until 7:30 p.m.

On motion of the Speaker and without objection, the bill filing deadline is extended from 7:30 p.m. until 7:35 p.m.

On motion of the Speaker and without objection, the bill filing deadline is extended from 7:30 p.m. until 7:45 p.m.

INTRODUCTION OF BILLS AND RESOLUTIONS

The following are introduced and read the first time:

December 14, 2016

By Representatives L. Johnson, Horn, Elmore, and Blackwell (Primary Sponsors); Cleveland, Ford, K. Hall, Hurley, Jordan, S. Martin, J. Moore, Pittman, Riddell, Setzer, Speciale, R. Turner, and Warren:

H.B. 12, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL BOARDS OF EDUCATION IN ADOPTING SCHOOL OPENING DATES, is referred to the Committee on Education - K-12.

By Representatives L. Johnson, Horn, Elmore, and Blackwell (Primary Sponsors); J. Bell, Boles, Brawley, Cleveland, Ford, K. Hall, S. Martin, McNeill, J. Moore, Pittman, Riddell, Setzer, R. Turner, and Warren:

H.B. 13, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM AVERAGE CLASS SIZE REQUIREMENTS AND INDIVIDUAL CLASS SIZE REQUIREMENTS FOR KINDERGARTEN THROUGH THIRD GRADE, is referred to the Committee on Education - K-12.

By Representative J. Bell:

H.B. 14, A BILL TO BE ENTITLED AN ACT APPROPRIATING FUNDS TO GREENE COUNTY FOR THE PURPOSE OF CONSTRUCTING A PULL-OFF PARKING LOT FOR SCHOOL BUSES ADJACENT TO NOOHEROOKA MONUMENT IN SNOW HILL, NORTH CAROLINA, is referred to the Committee on Appropriations.

By Representatives Jordan, J. Bell, Boles, Brawley, Hastings, Hurley, Malone, S. Martin, McNeill, J. Moore, Setzer, Shepard, Szoka, and R. Turner:

H.B. 15, A BILL TO BE ENTITLED AN ACT DESIGNATING THE TWENTIETH DAY OF DECEMBER OF EACH YEAR AS STATE EMPLOYEES' AND TEACHERS' APPRECIATION DAY, is referred to the Committee on Rules, Calendar, and Operations of the House.

By Representatives Jordan, Setzer, Shepard, and R. Turner:

H.B. 16, A BILL TO BE ENTITLED AN ACT TO APPROPRIATE FUNDS TO PROVIDE A ONE-TIME, HOLIDAY BONUS TO TEACHERS AND STATE EMPLOYEES, is referred to the Committee on Appropriations.

By Representatives Lewis, Bryan, Horn, and Ross (Primary Sponsors):

H.B. 17, 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, TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS, AND TO IMPLEMENT THE STATEWIDE CLASSIFICATION AND COMPENSATION SYSTEM, is referred to the Committee on Rules, Calendar, and Operations of the House and, if favorable, to the Committee on Finance.

By Representative J. Moore:

H.B. 18, A BILL TO BE ENTITLED AN ACT MAKING POST-ARREST PHOTOGRAPHIC IMAGES CONFIDENTIAL AND NOT SUBJECT TO PUBLIC RELEASE UNLESS THE PERSON PHOTOGRAPHED IS CHARGED WITH A FELONY OR THE RELEASE IS REQUIRED TO SECURE THE PUBLIC'S SAFETY, is referred to the Committee on Judiciary III.

By Representative J. Moore:

H.B. 19, A BILL TO BE ENTITLED AN ACT REQUIRING THAT ELECTRIC UTILITIES PROVIDE CERTAIN ACCESS TO CUSTOMER INFORMATION AND MAINTAIN THE CONFIDENTIALITY OF THAT INFORMATION, REQUIRING AN ELECTRIC UTILITY TO PROVIDE STANDARD ELECTRICITY USAGE DATA TO CUSTOMERS AS A COMPONENT OF BASIC SERVICE; REQUIRING AN ELECTRIC UTILITY TO PROVIDE NONSTANDARD ELECTRICITY USAGE DATA TO CUSTOMERS UNDER CERTAIN CIRCUMSTANCES; AUTHORIZING THE UTILITIES COMMISSION TO SET A REASONABLE FEE FOR AN ELECTRIC UTILITY TO PROVIDE NONSTANDARD ELECTRICITY USAGE DATA; AND AUTHORIZING THE DISCLOSURE OF AGGREGATE ELECTRICITY USAGE DATA TO THIRD PARTIES FOR CERTAIN PURPOSES UNDER CERTAIN CIRCUMSTANCES, is referred to the Committee on Public Utilities.

By Representative J. Moore:

H.B. 20, A BILL TO BE ENTITLED AN ACT ESTABLISHING THE COMMUNITY ASSOCIATION MANAGERS LICENSURE ACT AND REQUIRING REGISTRATION OF ALL COMMUNITY ASSOCIATIONS, is referred to the Committee on Judiciary IV.

By Representative J. Moore:

H.B. 21, A BILL TO BE ENTITLED AN ACT TO ALLOCATE FUNDS FOR BIG BROTHERS BIG SISTERS NORTH CAROLINA COLLABORATIVE FROM FUNDS APPROPRIATED TO THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THE COMPETITIVE GRANTS PROCESS FOR NONPROFIT ORGANIZATIONS AND TO EXTEND THE TIME PERIOD BY WHICH THE OFFICE OF STATE BUDGET AND MANAGEMENT MUST RESPOND TO A REQUEST BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO MAINTAIN CERTAIN MEDICAID PROGRAM COMPONENTS, is referred to the Committee on Appropriations.

Representative Lewis moves, seconded by Representative Blackwell, that the House adjourn at 7:50 p.m., subject to re-referral of bills and resolutions, to reconvene Thursday, December 15 at 10:30 a.m.

The motion carries.

No referral of bills to committees having been received, the House stands adjourned at 8:09 p.m.

SECOND DAY

HOUSE OF REPRESENTATIVES
Thursday, December 15, 2016

The House meets at 10:30 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Marilyn Avila.

The Speaker leads the Body in the Pledge of Allegiance.

Representative Jones reports the Journal of December 14 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Cunningham, Earle, Fisher, Lambeth, Langdon, Murphy, Pierce, Tine, and R. Turner for today. Representatives Goodman, Hamilton, Pendleton, and Stevens are excused for a portion of the Session.

December 15, 2016

REPORTS OF STANDING COMMITTEES

The following report from standing committee is presented:

By Representatives Iler, Shepard, and Torbett, Chairs, for the Committee on Transportation:

H.B. 10, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ELIGIBILITY OF CHARTER SCHOOLS FOR CERTAIN STATE FUNDING TO IMPROVE OR MAINTAIN ROADS, DRIVEWAYS, ENTRANCES, AND PARKING FACILITIES USED BY SCHOOL BUSES FOR TRANSPORTING STUDENTS AND TO MAKE OTHER CHANGES TO STATE LAW CONCERNING REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS, with a favorable report, and recommendation that the bill be re-referred to the Committee on Appropriations.

The bill is re-referred to the Committee on Appropriations.

RE-REFERRALS

On motion of the Chair and without objection, the following letters are withdrawn from the Committee on Judiciary I and re-referred to the Committee on Rules, Calendar, and Operations of the House.

**STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR**

20301 Mail Service Center • Raleigh, NC 27699-0301

Pat McCrory
Governor

December 14, 2016

Lieutenant Governor Dan Forest
President of the Senate
301 N. Blount Street
Raleigh, NC 27601

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

December 15, 2016

The Honorable Tim Moore
Speaker of the House
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601

Dear Lieutenant Governor Forest, President Pro Tempore Berger and Speaker Moore:

Pursuant to N.C.G.S. § 7A-45.1(a9) and (a10), I hereby nominate, and submit for confirmation, Adam Matthew Conrad of Mecklenburg County to fill the vacancy created by the October 1, 2016 resignation of Special Superior Court Judge James Gale. I have consulted with the Chief Justice, and we are satisfied that Mr. Conrad has the requisite expertise and experience to be a business court judge.

Upon Mr. Conrad's confirmation, I intend to ask Chief Justice Martin to designate him as a business court judge. Mr. Conrad is well qualified for this position by his education and experience, and I am grateful for his willingness to serve the State of North Carolina.

Sincerely,
S/ Pat McCrory
Governor

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 Mail Service Center • Raleigh, NC 27699-0301

Pat McCrory
Governor

December 14, 2016

Lieutenant Governor Dan Forest
President of the Senate
301 N. Blount Street
Raleigh, NC 27601

The Honorable Phil Berger
President Pro Tempore of the Senate
16 West Jones Street, Room 2008
Raleigh, North Carolina 27601

December 15, 2016

The Honorable Tim Moore
Speaker of the House
16 West Jones Street, Room 2304
Raleigh, North Carolina 27601

Dear Lieutenant Governor Forest, President Pro Tempore Berger and Speaker Moore:

Pursuant to N.C.G.S. § 7A-45.1(a10), I hereby nominate, and submit for confirmation, Andrew Heath of Wake County to fill the vacancy created by the July 1, 2016 resignation of Special Superior Court Judge Gregory McGuire. My office had previously submitted a nomination for this vacant seat on September 26, 2016, but withdrew the nomination on November 22, 2016.

Mr. Heath is well qualified for this position by his education and experience, and I am grateful for his willingness to serve the State of North Carolina.

Sincerely,
S/ Pat McCrory
Governor

SUSPENSION OF RULES

On motion of the Chair, Rule 28(f) is suspended.

On motion of the Speaker, the House recesses, subject to messages from the Senate, receipt and referral of committee reports, re-referral of bills and resolutions, and introduction of bills and resolutions at 10:45 a.m., to reconvene at 12:00 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

RE-REFERRAL

On motion of the Chair, the serial referral for **H.B. 17**, 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

December 15, 2016

FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS, AND TO IMPLEMENT THE STATEWIDE CLASSIFICATION AND COMPENSATION SYSTEM, to the Committee on Finance is stricken.

On motion of the Speaker, the House recesses, subject to messages from the Senate, receipt and referral of committee reports, re-referral of bills and resolutions, and introduction of bills and resolutions at 12:12 p.m., to reconvene at 1:00 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

On motion of the Speaker, the House recesses, subject to messages from the Senate, receipt and referral of committee reports, re-referral of bills and resolutions, and introduction of bills and resolutions at 1:02 p.m., to reconvene at 4:00 p.m.

RECESS

REPORTS OF STANDING COMMITTEES

The following reports from standing committees are presented:

Representative Lewis, Chair, for the Committee on Rules, Calendar, and Operations of the House submits the following resolutions with a favorable report for introduction.

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

Pursuant to Rule 31(a), the resolution is filed, assigned the number **H.J.R. 22**, is read for the first time, and referred to the Committee on Judiciary I.

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

Pursuant to Rule 31(a), the resolution is filed, assigned the number **H.J.R. 23**, is read for the first time, and is referred to the Committee on Judiciary I.

By Representative Lewis, Chair, for the Committee on Rules, Calendar, and Operations of the House:

H.B. 17, 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, TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS, AND TO IMPLEMENT THE STATEWIDE CLASSIFICATION AND COMPENSATION SYSTEM, with a favorable report as to the committee substitute bill, which changes the title, unfavorable as to the original bill.

Pursuant to Rule 36(b), the committee substitute bill is placed on today's Calendar. The original bill is placed on the Unfavorable Calendar.

By Representatives Elmore, Horn, and L. Johnson, Chairs, for the Committee on Education - K-12:

H.B. 12, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL BOARDS OF EDUCATION IN ADOPTING SCHOOL OPENING DATES, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

H.B. 13, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM AVERAGE CLASS SIZE REQUIREMENTS AND INDIVIDUAL CLASS SIZE REQUIREMENTS FOR KINDERGARTEN THROUGH THIRD GRADE, with a favorable report.

Pursuant to Rule 36(b), the bill is placed on the Calendar.

RE-REFERRAL

On motion of Representative Lewis and without objection, **H.B. 12**, A BILL TO BE ENTITLED AN ACT TO PROVIDE ADDITIONAL FLEXIBILITY TO LOCAL BOARDS OF EDUCATION IN ADOPTING SCHOOL OPENING DATES, is withdrawn from the Calendar 36(b) and re-referred to the Committee on Rules, Calendar, and Operations of the House.

The House reconvenes pursuant to recess and is called to order by the Speaker.

REPORTS OF STANDING COMMITTEES

The following reports from standing committees are presented:

By Representative Daughtry, Chair, for the Committee on Judiciary I:

H.J.R. 22, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ADAM MATTHEW CONRAD AS A SPECIAL SUPERIOR COURT JUDGE, with a favorable report.

The resolution is placed on today's Calendar.

H.J.R. 23, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ANDREW HEATH AS A SPECIAL SUPERIOR COURT JUDGE, with a favorable report.

The resolution is placed on today's Calendar.

By Representatives Dollar, L. Johnson, and McGrady, Chairs, for the Committee on Appropriations:

H.B. 10, A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ELIGIBILITY OF CHARTER SCHOOLS FOR CERTAIN STATE FUNDING TO IMPROVE OR MAINTAIN ROADS, DRIVEWAYS, ENTRANCES, AND PARKING FACILITIES USED BY SCHOOL BUSES FOR TRANSPORTING STUDENTS AND TO MAKE OTHER CHANGES TO STATE LAW CONCERNING REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS, with a favorable report as to the committee substitute bill, unfavorable as to the original bill.

The committee substitute bill is placed on today's Calendar. The original bill is placed on the Unfavorable Calendar.

CALENDAR

Action is taken on the following:

H.J.R. 22, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ADAM MATTHEW CONRAD AS A SPECIAL SUPERIOR COURT JUDGE, passes its second reading, by electronic vote (70-32), and is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

H.J.R. 23, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ANDREW HEATH AS A SPECIAL SUPERIOR COURT JUDGE, passes its second reading, by electronic vote (71-32), and is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

H.B. 17 (Committee Substitute), 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, TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS, AND TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS.

REPRESENTATIVE STAM, SPEAKER PRO TEMPORE, PRESIDING.

Representative Bryan offers Amendment No. 1 which is adopted by electronic vote (67-35).

Representative Bryan offers Amendment No. 2 which is adopted by electronic vote (66-36).

SPEAKER MOORE PRESIDING.

Representative Bryan offers Amendment No. 3 which is adopted by electronic vote (69-36).

On motion of the Speaker, the bill is temporarily displaced.

SPECIAL MESSAGES FROM THE SENATE

The following Special Messages are received from the Senate:

S.J.R. 6 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ANDREW HEATH AS A SPECIAL SUPERIOR COURT JUDGE.

The committee substitute resolution is placed on today's Calendar.

S.J.R. 7 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ADAM MATTHEW CONRAD AS A SPECIAL SUPERIOR COURT JUDGE.

The committee substitute resolution is placed on today's Calendar.

S.B. 4 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS, is read the first time and referred to the Committee on Elections and, if favorable, to the Committee on Finance.

BILL PLACED ON CALENDAR

On motion of the Chair and without objection **H.B. 10** (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ELIGIBILITY OF CHARTER SCHOOLS FOR CERTAIN STATE FUNDING TO IMPROVE OR MAINTAIN ROADS, DRIVEWAYS, ENTRANCES, AND PARKING FACILITIES USED BY SCHOOL BUSES FOR TRANSPORTING STUDENTS AND TO MAKE OTHER CHANGES TO STATE LAW CONCERNING REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS, is placed on today's Calendar.

CALENDAR (continued)

H.B. 17 (Committee Substitute), 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, TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS, AND TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS, which was temporarily displaced, is before the Body.

The bill, as amended, passes its second reading, by electronic vote (70-36), and is read a third time.

The bill, as amended, passes its third reading, by electronic vote (70-36), and is ordered engrossed and sent to the Senate by Special Message.

S.J.R. 6 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ANDREW HEATH AS A SPECIAL SUPERIOR COURT JUDGE, passes its second reading, by electronic vote (71-34), and is read a third time.

The resolution passes its third reading and is ordered enrolled.

S.J.R. 7 (Committee Substitute), A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ADAM MATTHEW CONRAD AS A SPECIAL SUPERIOR COURT JUDGE, passes its second reading, by electronic vote (71-34), and is read a third time.

The resolution passes its third reading and is ordered enrolled.

H.B. 10 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CLARIFY THE ELIGIBILITY OF CHARTER SCHOOLS FOR CERTAIN STATE FUNDING TO IMPROVE OR MAINTAIN ROADS, DRIVEWAYS, ENTRANCES, AND PARKING FACILITIES USED BY SCHOOL BUSES FOR TRANSPORTING STUDENTS AND TO MAKE OTHER CHANGES TO STATE LAW CONCERNING REQUIREMENTS FOR ROAD IMPROVEMENTS ADJACENT TO SCHOOLS, passes its second reading, by electronic vote (71-31), and is read a third time.

The bill passes its third reading and is ordered sent to the Senate by Special Message.

On motion of the Speaker, the House recesses, subject to messages from the Senate, receipt and referral of committee reports, and re-referral of bills and resolutions, at 7:19 p.m., to reconvene at 7:45 p.m.

RECESS

The House reconvenes pursuant to recess and is called to order by the Speaker.

WITHDRAWAL OF BILL FROM CALENDAR

On motion of the Chair and without objection, **H.B. 13**, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM AVERAGE CLASS SIZE REQUIREMENTS AND INDIVIDUAL CLASS SIZE REQUIREMENTS FOR KINDERGARTEN THROUGH THIRD GRADE, is withdrawn from the Calendar 36(b) and placed on the Calendar of December 16.

Representative Lewis moves, seconded by Representative W. Richardson, that the House adjourn at 8:15 p.m., subject to messages from the Senate, receipt and referral of committee reports, receipt and referral of conference reports, re-referral of bills and resolutions, and appointment of committee members, to reconvene Friday, December 16 at 9:30 a.m.

The motion carries.

REPORTS OF STANDING COMMITTEES

The following report from standing committee is presented:

By Representatives Jones and Lewis, Chairs, for the Committee on Elections:

S.B. 4 (Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS, with a favorable report as to the House committee substitute bill, unfavorable as to the Senate committee substitute bill, and recommendation that the House committee substitute bill be re-referred to the Committee on Finance.

The House committee substitute bill is re-referred to the Committee on Finance. The Senate committee substitute bill is placed on the Unfavorable Calendar.

The House stands adjourned.

December 15, 2016

THIRD DAY

HOUSE OF REPRESENTATIVES
Friday, December 16, 2016

The House meets at 9:30 a.m. pursuant to adjournment and is called to order by the Speaker.

Prayer is offered by Representative Becky Carney.

The Speaker leads the Body in the Pledge of Allegiance.

Representative Lewis, for the Committee on Rules, Calendar, and Operations of the House, reports the Journal of December 15 has been examined and found correct. Upon his motion, the Journal is approved as written.

Leaves of absence are granted Representatives Alexander, Bradford, Brockman, Cleveland, Cunningham, Earle, Fisher, Gill, Goodman, C. Graham, Hamilton, Insko, Lambeth, Langdon, Millis, R. Moore, Murphy, Queen, Terry, Tine, and R. Turner for today. Representatives Carney and Farmer-Butterfield are excused for a portion of the Session.

ENROLLED BILLS

The following resolutions are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

S.J.R. 6, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ANDREW HEATH AS A SPECIAL SUPERIOR COURT JUDGE. (RESOLUTION 2016-25)

S.J.R. 7, A JOINT RESOLUTION PROVIDING FOR THE CONFIRMATION OF ADAM MATTHEW CONRAD AS A SPECIAL SUPERIOR COURT JUDGE. (RESOLUTION 2016-26)

REPORTS OF STANDING COMMITTEES

The following report from standing committee is presented:

By Representatives Brawley, Saine, Hastings, S. Martin, Setzer, and Szoka, Chairs, for the Committee on Finance:

December 16, 2016

S.B. 4 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS, with a favorable report.

The bill is placed on today's Calendar.

CALENDAR

Action is taken on the following:

S.B. 4 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS.

REPRESENTATIVE DAUGHTRY PRESIDING.

Representative Lewis offers Amendment No. 1 which is adopted by electronic vote (60-27).

Representatives Davis, Speciale, and Stevens request and are granted leave of the House to be recorded as voting "aye". The adjusted vote total is (63-27).

SPEAKER MOORE PRESIDING.

On motion of the Chair, the bill is temporarily displaced.

Representative Horn inquires of the Chair regarding spreading remarks on the Journal and requests the conversations be dismissed and the House return to business.

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Representative Jordan inquires is there anything in our Rules that say that the words spread across the Journal have to have any particular impact or substance or anything of any great importance?

The Speaker states, I don't believe the Rules require that, but it's Rule 11, Members. I just ask that you look at that, on page 112 of your Rules. It's the Reading of Papers. "When there is a call for the reading of the text of a paper which has been presented to the House and there is objection to such reading, the question shall be determined by a majority vote of the members of the House present. Except for protests permitted by the Constitution, no member may have material printed in the Journal until said material has been presented to the House and the printing approved by the House, and said material shall not exceed 1,000 words." So, really, it would appear we may need to get it in writing before we decide; if I'm giving the literal reading.

The Chair is going to rule that both in the case of Mr. Hall's request and in Mr. Blust's request, that both of those matters will be reduced to writing, then submitted to the Chair, and then at that time, the Chair will call for any objections for remarks being spread upon the Journal, and if there is objection, the House will vote. That is the decision of the Chair.

On motion of Representative Blust and without objection, the following remarks are spread upon the Journal.

REMARKS BY REPRESENTATIVE REIVES

"Wow, that was the most amazing misstatement of what I said that you could have possible done. That's an excellent piece of legal work. Let me say it a little more clearly since I wasn't. No, I don't stand behind your statement. I stand behind my statement, that I can't be held responsible for what some man 20 years ago did that called himself a Member of the party I'm affiliated with now. So, if we're clear on that."

On motion of Representative L. Hall and without objection, the following remarks are spread upon the Journal.

REMARKS BY REPRESENTATIVE L. HALL

"I appreciate all the members being in tune to this discussion. I just wanted to clarify a few items that were put out. Of course everyone is entitled to their own opinion but when we get the facts we want to create our own facts. As I mentioned before, it's my position that this session was not properly noticed; therefore, we are here unconstitutionally, and any bills we are dealing with, we're dealing with unconstitutionally. With that said, for the record I will be voting no on this. I want to make sure, though, that

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some information was provided that surrounds this bill. Representative Stam said that back in 1999, that a bill was put forward to do something similar to our Court of Appeals. Of course, he neglected to inform you it was not done in Special Session, was not done in a Session in which there was no notice to the public, and it was not done after the majority had changed. So although that's a fact that something happened in '99, some folks would say it was an irrelevant fact. I want to also reference that as regards the changes to the Board of Elections, a person observing this from the outside might decide that these boards are now set up so that nothing happens. We have a super majority requiring 6 of 8 total and then we have a super majority in order for that Board to make any decisions - 6 people at minimum have to agree. Then we divide the Board in half, so we set up the most likely situation of disagreement, and *viola*, we have a Board that does nothing and whatever is happening is allowed to continue to happen.

"Now, you would wonder, why would we make these changes when Representative Dollar let us know that the Board is currently constituted with Republican majorities, appointed by the Governor throughout the state, function admirably at least at the local levels, and even Representative Burr went on to point out the great service done by citizens and voters in Durham, and the great work done by that elections board in Durham, which is chaired by a Republican. So we got a testimony that there's no problem with our local elections boards, and therefore no reason to do what we are doing to them, especially without notice to the public. And I keep coming back to what the Constitution says: all political power is vested in and derived from the people. If it ain't broken don't fix it. All government of right originates from the people and is founded upon their will only. If it ain't broke don't fix it. And certainly don't try to fix it if you don't let the folks know that you're going to interfere with their process. And it's instituted solely for the good of the whole. We've already seen, especially regarding our elections boards, as was attested to by Representative Dollar - that they are already capable of, and have admirably performed under the current status. So there's no justification, no reason, no study, no public demand, no poll - nothing brought forward to indicate that the public asked for this change. They didn't ask for the session, they didn't ask for the change, yet here we are. So what is the distinguishing factor?

"But we know we had an election that people are unhappy with. And people are unhappy because the Boards of Elections also verified that election. They certified it and did their duty, as Representative Dollar said, but some people still have a problem with that. So let's create the Board of Elections, let's say they are nonpartisan or bipartisan, but let's set them up in a way that they'll be totally ineffective. That is not in the best interest of North Carolinians on any level.

"So I, again, oppose the bill, I think we shouldn't be here. I think the courts have already said that we are constituted unconstitutionally because of the way the districts were drawn. So if you are elected from an unconstitutional district, although technically you might say you are representing people, you know that it has been determined those districts were drawn improperly. Again, at some point in time, we are going to have to give up some of the power to the people we represent. We supposedly work for them. We supposedly respond to their needs. And clearly, especially regarding this board of elections provision, there was no need, there was no request there was no demand. I go back to the statement that Representative Torbett made; at the time I heard it, I was not sure if that was really what he meant, but I take him at his word. And we were in a committee meeting and he said, "The thought of letting the public comment never crossed my mind." And I would say, that should be one of the first things that crosses our minds: what is the public concerned about, what are we doing to help and respond to them, and we should be wary about only responding to ourselves, and getting the impression that the public works for us, as opposed to our duty to work for the public.

"Mr. Speaker, I understand that some folks may have had a problem hearing my comments, so I would ask that they be spread across the journal. I'll be voting against this bill. Thank you. "

CALENDAR (continued)

S.B. 4 (House Committee Substitute), A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS, which was temporarily displaced, is before the Body.

The bill, as amended, passes its second reading, by electronic vote (63-27), and is read a third time.

The bill, as amended, passes its third reading and is ordered engrossed and sent to the Senate for concurrence in the House committee substitute bill by Special Message.

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H.B. 13, A BILL TO BE ENTITLED AN ACT TO MODIFY THE MAXIMUM AVERAGE CLASS SIZE REQUIREMENTS AND INDIVIDUAL CLASS SIZE REQUIREMENTS FOR KINDERGARTEN THROUGH THIRD GRADE, passes its second reading, by electronic vote (66-21), and is read a third time.

The bill passes its third reading and is ordered sent to the Senate by Special Message.

BILL PLACED ON CALENDAR

On motion of the Chair and without objection **H.J.R. 2**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2016 FOURTH EXTRA SESSION, is placed on today's Calendar.

CALENDAR (continued)

H.J.R. 2, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2016 FOURTH EXTRA SESSION, passes its second reading, by electronic vote (66-19), and is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

S.B. 4, AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS.

THE RECEIVING OF PETITIONS, MEMORIALS, AND PAPERS ADDRESSED TO THE GENERAL ASSEMBLY OR TO THE HOUSE

STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR
20301 Mail Service Center • Raleigh, NC 27699-0301

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,
S/ Pat McCrory
Governor

The letter is referred to the Committee on Rules, Calendar, and Operations of the House.

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 4, AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO

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CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS. (S.L. 2016-125)

SPECIAL MESSAGE FROM THE SENATE

The following Special Message is received from the Senate:

H.B. 17 (Senate Committee Substitute), 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, TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS, AND TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS, is returned for concurrence in the Senate committee substitute bill, which changes the title upon concurrence.

The Senate committee substitute bill is placed on today's Calendar.

REPORTS OF STANDING COMMITTEES

The following report from standing committee is presented:

Representative Lewis, Chair, for the Committee on Rules, Calendar, and Operations of the House submits the following resolution with a favorable report for introduction.

A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF YOLANDA STITH TO THE NORTH CAROLINA INDUSTRIAL COMMISSION.

Pursuant to Rule 31(a), the resolution is filed, assigned the number **H.J.R. 24**, and placed on today's Calendar for immediate consideration.

The resolution passes its second reading, by electronic vote (63-19), and is read a third time.

The resolution passes its third reading and is ordered sent to the Senate by Special Message.

CALENDAR (continued)

H.B. 17 (Senate Committee Substitute), 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, TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS, AND TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS.

REPRESENTATIVE STAM, SPEAKER PRO TEMPORE, PRESIDING.

On motion of Representative Lewis, the House concurs in the Senate committee substitute bill, which changes the title, by electronic vote (61-23), and the bill is ordered enrolled and presented to the Governor by Special Message.

ENROLLED BILLS

The following bill is duly ratified and presented to the Governor:

H.B. 17, AN ACT TO CLARIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S ROLE AS THE ADMINISTRATIVE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION, TO CHANGE THE APPOINTMENTS PROCESS FOR THE BOARDS OF TRUSTEES FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS, AND TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS.

The following resolutions are properly enrolled, duly ratified, and sent to the office of the Secretary of State:

H.J.R. 24, A JOINT RESOLUTION TO CONFIRM THE APPOINTMENT OF YOLANDA STITH TO THE NORTH CAROLINA INDUSTRIAL COMMISSION. (RESOLUTION 2016-27)

H.J.R. 2, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2016 FOURTH EXTRA SESSION. (RESOLUTION 2016-28)

CHAPTERED BILLS

The following bill is properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State:

S.B. 4, AN ACT TO CONSOLIDATE THE FUNCTIONS OF ELECTIONS, CAMPAIGN FINANCE, LOBBYING, AND ETHICS UNDER ONE STATE AGENCY BY CREATING THE NORTH CAROLINA BIPARTISAN STATE BOARD OF ELECTIONS AND ETHICS ENFORCEMENT; TO CLARIFY THE GENERAL ASSEMBLY'S AUTHORITY TO CORRECT DEFECTS IDENTIFIED BY A COURT IN APPORTIONMENT OR DISTRICTING PLANS; TO RESTORE PARTISAN ELECTIONS FOR THE NORTH CAROLINA SUPREME COURT AND COURT OF APPEALS; TO MODIFY APPELLATE REVIEW OF CERTAIN CASES; AND TO MODIFY THE TERM FOR INDUSTRIAL COMMISSIONERS. (S.L. 2016-125)

Representative Lewis moves, seconded by Representative J. Bell, pursuant to **H.J.R. 2**, that the House of Representatives, meeting in Fourth Extra Session of the 2015 General Assembly, adjourn *sine die*.

The motion carries.

SPECIAL MESSAGE TO THE SENATE

The Speaker orders a Special Message sent to the Senate informing that Honorable Body that the House of Representatives has concluded the public business for which it was convened and stands ready to adjourn *sine die*.

SPECIAL MESSAGE FROM THE SENATE

2015 GENERAL ASSEMBLY FOURTH EXTRA SESSION 2016

Senate Chamber
December 16, 2016

Mr. Speaker:

It is ordered that a message be sent to your honorable body respectfully advising that the Senate has concluded the business of the 2016 Fourth

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Extra Session of the 2015 General Assembly and, pursuant to **H.J.R. 2 (1st Edition)**, A JOINT RESOLUTION PROVIDING FOR ADJOURNMENT SINE DIE OF THE 2016 FOURTH EXTRA SESSION, stands ready to adjourn *sine die*.

Respectfully,
S/ Sarah Lang
Principal Clerk

The Speaker sounds the gavel and declares the Fourth Extra Session of the 2015 House of Representatives of the North Carolina General Assembly adjourned *sine die* at 3:49 p.m.

Denise G. Weeks
Principal Clerk

ADDENDUM

Pursuant to Article II, Section 22 of the North Carolina Constitution, the following bills are properly enrolled, assigned a chapter number, and presented to the office of the Secretary of State. The dates included in this section represent the date the Acts were signed by the Governor or where indicated became law without the approval of the Governor.

December 20, 2017

H.B. 17, AN ACT TO CLARIFY THE SUPERINTENDENT OF PUBLIC INSTRUCTION'S ROLE AS THE ADMINISTRATIVE HEAD OF THE DEPARTMENT OF PUBLIC INSTRUCTION, TO CHANGE THE APPOINTMENTS PROCESS FOR THE BOARDS OF TRUSTEES FOR THE CONSTITUENT INSTITUTIONS OF THE UNIVERSITY OF NORTH CAROLINA, TO MODIFY THE APPOINTMENT OF HEADS OF PRINCIPAL STATE DEPARTMENTS, AND TO ESTABLISH TASK FORCE FOR SAFER SCHOOLS. (S.L. 2016-126)

Denise G. Weeks
Principal Clerk

December 16, 2016

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H.R. 1, A HOUSE RESOLUTION ADOPTING THE PERMANENT RULES OF THE 2016 FOURTH EXTRA SESSION OF THE NORTH CAROLINA HOUSE OF REPRESENTATIVES.

Be it resolved by the House of Representatives:

SECTION 1. The permanent rules of the 2015 Regular Session of the House of Representatives, with the following amendments, are adopted as the permanent rules of the 2016 Fourth Extra Session:

- (1) **RULE 1** shall read as follows: "**RULE 1. Convening Hour.** The House shall convene each legislative day at the hour fixed by the House. In the event the House adjourns on the preceding legislative day without having fixed an hour for reconvening, the House shall convene on the next legislative day at 10:00 A.M."
- (2) Notwithstanding **RULE 26**, all Committees shall be comprised of the members who were appointed during the Regular Session and other members as the Speaker may appoint at the beginning of the Fourth Extra Session. The Chairs and Vice-Chairs of those committees shall be those who were appointed by the Speaker during the Regular Session; however, the Speaker may fill any vacancies at the beginning of the Fourth Extra Session.
- (3) Notwithstanding **RULE 31(a)**, any bill or resolution shall be introduced by submitting the bill or resolution to the Principal Clerk's Office.
- (4) Notwithstanding **RULES 31 and 31.1**, only resolutions confirming three Gubernatorial appointments, one to the North Carolina Industrial Commission and two Special Superior Court Judges, and adjourning the 2016 Fourth Extra Session sine die may be introduced and considered in the House.
- (5) Notwithstanding **RULE 31.1**, all bills must be introduced not later than 7:00 P.M. on Wednesday, December 14, 2016.
- (5a) **RULE 31.1(i)** does not apply to bills introduced or considered during the 2016 Fourth Extra Session.
- (6) Notwithstanding **RULES 32 and 41**, a resolution or bill may be placed on the calendar without being referred by the Speaker to a committee and on the same legislative day of its introduction or receipt from the Senate.
- (7) Notwithstanding **RULES 36(b) and (b1)**, a bill reported favorably by a committee may be placed on the favorable calendar on the same day it is reported and a proposed committee substitute does not have to be distributed electronically to committee members prior to being considered by the committee.

- (8) Notwithstanding RULE 38(c), a bill may be referred to the Standing Committee on Appropriations or the Standing Committee on Finance with unengrossed amendments.
- (9) Notwithstanding RULE 41:
 - a. The first reading and reference to a standing committee of a House bill shall occur on the legislative day of its introduction. The first reading and reference to a standing committee of a Senate bill shall occur on the legislative day of its receipt on messages from the Senate. The Speaker shall give notice at each subsequent reading whether it is the second or third reading.
 - b. When a bill or resolution has passed its second reading, it shall be placed on the calendar for immediate consideration on its third reading, unless prohibited by Section 23 of Article II of the North Carolina Constitution.
- (10) Notwithstanding RULE 44(d), a conference report may be placed on the calendar for the legislative day on which the report is received.
- (11) Notwithstanding RULE 44.1, all bills shall be sent by special message to the Senate and all ratified bills subject to gubernatorial veto shall be sent by special message to the Governor.
- (12) Notwithstanding RULE 44.2, a vote may be taken on overriding a gubernatorial veto on a House or Senate bill the same legislative day of notice of its placement on the calendar.
- (13) Notwithstanding RULE 59, any member wishing to cosponsor a bill or resolution that has been introduced may do so on the day during which the bill or resolution was first read and referred, but only while the bill or resolution is in the possession of the House.

SECTION 2. This resolution is effective upon adoption.

**FINAL DISPOSITION OF BILLS
IN HOUSE COMMITTEES**

APPROPRIATIONS

- HB 14 GREENE COUNTY FUNDS.
- HB 16 STATE EMPLOYEES' AND TEACHERS' HOLIDAY BONUS.
- HB 21 BIG BROTHERS BIG SISTERS/EXTEND OFFICE OF STATE BUDGET AND MANAGEMENT DEADLINE.

JUDICIARY I

- HB 8 PROHIBIT DISCRIMINATORY PROFILING.

JUDICIARY II

- HB 9 DOG BREEDING STANDARDS/LAW ENFORCEMENT TOOLS.

JUDICIARY III

- HB 18 POST-ARREST PHOTOGRAPHIC IMAGES NOT PUBLIC.

JUDICIARY IV

- HB 20 COMMUNITY ASSOCIATION MANAGERS LICENSING ACT.

PUBLIC UTILITIES

- HB 5 MUNICIPAL BROADBAND SERVICE AREA.
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- HB 6 INDEPENDENT STATE CHIEF INFORMATION OFFICER.
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- HB 15 HONOR STATE EMPLOYEES AND TEACHERS.

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- HB 4 TERMINATE AGREEMENT FOR TOLLING OF I-77.
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- HB 11 DEPARTMENT OF TRANSPORTATION/MORATORIUM ON REDUCTIONS.

PRESENTMENT OF BILLS TO THE GOVERNOR
(Date Enrolling Clerk Delivered to the
Office of the Governor)
2016 FOURTH EXTRA SESSION

BILL NUMBER	DATE DELIVERED	BILL NUMBER	DATE DELIVERED
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INDEX GUIDE

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All bills dealing with funds are indexed under Appropriations. Local legislation is placed under the county it affects.

A list of bills and resolutions introduced by each Representative is found under the Member's name with an asterisk (*) noting that person as the primary sponsor.

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