



Bulletin #13-10
Friday, April 5, 2013

COUNTY LEGISLATIVE GOALS MID-SESSION UPDATE

With only 12 more weeks until the Legislature's unofficial, targeted adjournment date of late June, the General Assembly is approaching the mid-point of the 2013 Long Session. The session has been marked by a fairly rapid pace. While the headlines have been dominated by issues like voter ID, gun control and even the possibility of state funds for the NFL's Carolina Panthers, many bills have been filed to advance county legislative priorities, and much more action has taken place behind the scenes.

In January, the NCACC adopted 60 goals for the current two-year legislative session, 48 offensive and 12 defensive. County advocates, with support from others in the association and the active engagement of county commissioners from across the state, have been hard at work crafting approaches to accomplish your goals. So far, bills have been filed, including Gov. Pat McCrory's budget proposal, to further 19 of our 48 offensive goals. In addition, a couple of goals that did not need a legislative fix have already been resolved or have administrative fixes in the works. In many instances, NCACC is taking the lead, but in some cases our interests align with the interests of other stakeholders. In those cases, we are supporting the efforts of various associations or state agencies. Each situation is different, depending on the subject matter, bill sponsor, committee assignment, budget situation, stakeholders involved ... you get the idea! But we are approaching all circumstances with flexibility, creativity, and teamwork, both among ourselves and with others involved in each issue. Please let us know if you have any questions about the status of any of the county legislative priorities.

The Association spends a lot of its energy playing defense. Of the dozen goals that could be considered defensive in nature (i.e. trying to stop something negative from occurring), we feel comfortable that nothing major is happening on any of those fronts, including our No. 1 priority of keeping counties out of road construction funding. No legislator has given any indication that a change in how the state funds highways and secondary roads to include counties in the road construction funding mix is being considered. Bills have been introduced to repeal the combined DMV registration/renewal program, but the bills have not advanced, and the Tag and Tax Together program is already mailing out its first combined renewal notices for vehicles whose registration expires in the month of July.

BILL TO REQUIRE COUNTIES TO ADVANCE COURT COSTS

A bill scheduled to be heard next week in the House Judiciary Subcommittee A would require counties and municipalities to advance all court costs and fees except for civil process fees. The bill would authorize the Administrative Office of the Courts (AOC) to withhold from facilities fees due the county the amount of any court fees and costs not paid by the county within 30 days of filing an action. Under current law, counties and municipalities are not required to advance facilities fees, General Court of Justice fees, or miscellaneous fees in child support and child abuse actions brought by the department of social services. Furthermore, under a special provision enacted in 2011, counties are exempt from paying the costs of filing motions and issuing alias and pluries summons in child support cases. This special provision, however, is set to expire June 30. [H343](#) (Courts/Procedure and Fee Amendments) is sponsored by Rep. Rena Turner (Iredell) and was requested by the Administrative Office of the Courts. Sen. Shirley Randleman (Wilkes) is sponsoring a companion bill, [S385](#), in the Senate. NCACC is working with AOC and the bill sponsors to try to minimize the impact to counties and to codify the 2011 exemption so that it becomes permanent.

BILLS FILED ADDRESSING PUBLIC RECORDS, PUBLIC NOTICE

Two bills were filed this week that recognize the costs of public records. H504 (Local Electronic Notice) would accomplish a county legislative goal to allow public notices to be posted electronically on a county's website instead of requiring them to be placed in a newspaper. The bi-partisan bill is sponsored by Reps. Chuck McGrady (Henderson), Paul Stam (Wake), Darren Jackson (Wake) and Jon Hardister (Guilford) as a local bill that would impact only Buncombe, Guilford, Henderson, Mecklenburg, Mitchell, Perquimans, Stanly, Surry, and Wake counties and the municipalities located within

those counties. The NCACC estimates that if this policy were adopted statewide, it could save counties hundreds of thousands of taxpayer dollars per year in costly newspaper advertisements while also extending the reach of public notice by making them available 24 hours a day, seven days a week on the county website as opposed to random placements in newspapers. [S617](#) (Public Records/Minimal Cost Recovery) would allow governments greater leeway to recoup the costs incurred when complying with time-consuming, massive public records requests by allowing the government to collect payment for "the personnel costs associated with the amount of time spent reproducing the record or information, which shall be computed based upon the minimum wage in this State in effect under Article 2A of Chapter 95 of the General Statutes." Currently, counties may only charge for any direct costs, such as the costs for the paper used to comply with a public records request. The bill is an attempt to respond to concerns from some counties when they are faced with a request for a significant amount of public records that may take several staff members many hours to produce. The bill is sponsored by Sen. Tommy Tucker, a former Union County Commissioner.

SENATE BILL WOULD REMOVE SCHOOL'S ABILITY TO SUE COUNTIES FOR FUNDING ADEQUACY

A Senate bill filed this week that would remove the school boards' authority to sue counties through the dispute resolution process and would explicitly give county commissioners "the sole authority to determine the adequacy of county funds provided for the operating and capital expenses of a local school administrative unit." [S674](#) (Prohibit costly local government litigation) would give commissioners the final say when determining how much to fund public schools, much like their authority to determine adequacy of funding for all other county services and responsibilities. The bill is sponsored by Sens. Warren Daniel (Burke), Ralph Hise (Mitchell) and Harry Brown (Onslow).

COUNTIES SEEKING VOLUNTARY OPTIONAL AUTHORITY OVER SCHOOL CONSTRUCTION

A county legislative goal to seek greater input in school construction issues is generating a lot of discussion at the General Assembly. In March, [S236](#) (Counties Responsible for School Construction) was filed by Sens. Neal Hunt (Wake), Tom Apodaca (Henderson) and Pete Brunstetter (Forsyth). This bill would give to counties **the option to decide if and how deeply they want to get involved in school construction issues** such as land acquisition, construction management, and repairs or renovations. The bill does not mandate any change in the current setup under which school boards make these decisions. Instead, it does give counties the option of deciding if they would like to become more involved in determining how and when county school construction funds are spent. In January, counties adopted a legislative goal to give counties the option to decide if they would like to have control over the siting, acquisition of land and building and/or maintaining of public school facilities since counties are the entity that actually pays for the school facilities.

HOUSE BILL TO REQUIRE DSS CRIMINAL BACKGROUND CHECKS HITS SNAG ON FLOOR

[H392](#) (Share Arrest Warrant Status/Public Assistance) was pulled from the House floor on Wednesday after a number of legislators questioned the new and unfunded cost implications and workload requirements on county governments. The bill would require county DSS agencies to conduct a criminal background check on each applicant and recipient of Food Stamps and TANF. The criminal records check would determine whether any felony warrants were outstanding, and if so, the offender would be denied service, and the DSS agency would be required to share the client's information with local law enforcement.

It was unclear whether a full-blown criminal background check would be required, costing anywhere from \$25 to \$40 per investigative action. With 800,000 food stamp households alone, and a twice yearly renewal process, counties could be facing annual fee expenses exceeding \$60 million. NCACC staff met with House policy staff and the bill sponsor to request further work on the bill to mitigate this expense and new manual workload functions. Specifically, any criminal check fees should be waived if this new eligibility requirement goes forward, and any new process should be imbedded in the state's new NCFast automation system to provide electronic matching of records. NCFast has just become operational in all counties and is being used for all food stamp caseload functions, including a free automatic check of the state's felony records for substance abuse felons.

SENATE BILL FILING DEADLINE RESULTS IN FLURRY OF ACTIVITY

It wasn't difficult to figure out that a deadline of some sorts passed this week. On Tuesday, 145 bills were filed in the Senate, which was the bill filing deadline for Senators to file public bills and resolutions. The House's deadline to fill non-appropriations public bills is Wednesday, April 10, meaning it will be Representatives' turn next week to crank out the bills.

Bills of Interest

The Association maintains a [section on its website](#) to track bills of interest to county officials. For past editions of the

Legislative Bulletin, visit the NCACC's Legislative Bulletin Blog at <http://www.ncacc.org/Blog.aspx?CID=3>.

Bill: [S575](#)

Sponsors: Tucker (R35)

Title: COUNTIES MAY FUND CHARTER SCHOOL CAPITAL

Position: Oppose

Comments: This bill would authorize counties to spend up to \$250,000 per year per charter school for the capital needs of each charter school within its county. Counties currently do not have the authority to spend funds on charter school capital needs, and counties are not seeking this authority.

Bill: [S580](#)

Sponsors: Tarte (R41)

Title: EXPEDITE CLEANUP OF ORPHAN LANDFILL SITES

Comments: This bill instructs DENR to establish "a public-private partnership for cleanup of pre-1983 landfills" in an effort to expedite the remediation of these sites.

Bill: [S588](#)

Sponsors: Hartsell (R36)

Title: DISTRIBUTION OF LOTTERY PROCEEDS

Position: Oppose

Comments: This bill would eliminate the county share of lottery funds for school construction needs. Instead, 90 percent of lottery proceeds would be distributed directly to LEAs, based on the point of sale of lottery tickets. The remaining 10 percent would continue to go towards college scholarships for needy students. Excess lottery funds would also be distributed directly to the school administrative units.

Bill: [S619](#)

Sponsors: McKissick (D20)

Title: STUDY/WATER QUALITY COST SHARE

Comments: The bill establishes an 18-member Legislative Study Commission on Water Quality Cost Share, which would include one member appointed by the NCACC. The commission would "study the costs and benefits of improving water quality in reservoirs, rivers, and other water resources shared by local governments" by examining "water quality issues for local governments located both upstream and downstream from water resources, the wastewater treatment standards that local governments both upstream and downstream must meet, the cost of complying with water quality and wastewater treatment standards, and the benefits received by local governments by complying with those standards." The commission would also consider alternatives for rates, treatment programs and technology for water quality and wastewater treatment. The report and legislative recommendations would be due prior to the 2014 Long Session.

Bill: [S703](#)

Sponsors: Newton (R11); Jackson (R10); Brock (R34)

Title: LIMIT LOCAL REGULATION OF OUTDOOR SMOKING

Comments: This bill would keep a local government from adopting an ordinance that restricts or prohibits smoking on local government grounds if the ordinance is more restrictive than state law.

- Johanna Reese, Government Relations Director
- David F. Thompson, Executive Director



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