



Bulletin #14-06

Friday, June 20, 2014

Despite lack of budget activity, signs pointing to adjournment

The General Assembly is beginning to show signs that it is moving toward adjournment. The number of committee meetings each day has increased, committees are meeting both before and after session on some days, and we are hearing talk of committees shutting down soon. In addition, bills that normally sit for a day or two after receiving committee approval are being heard on the chamber floors on the same day. All bills are being sent by “special messenger” after passage, which is a more rapid means of delivery to the opposite chamber, and supplemental calendars are common.

However, there are indications of discord that could derail this push toward finishing business. The House and Senate budgets contain great differences in the amount and source of teacher pay, and it took the Senate two days to name conferees for budget negotiations after voting not to concur with the House budget. Normally, these actions are simultaneous and the other chamber is notified immediately so negotiations may begin. In addition, the House and Senate are promoting vastly different plans for Medicaid reform, although on Thursday, the House and Gov. Pat McCrory moved a little closer to the Senate position when they agreed to a proposal the Senate has been pushing on how providers are paid. The progress, or lack thereof, in the coming week will give everyone a good indication how much longer they will remain in Raleigh.

Jail dormitory standards bill sent to Governor

[S463](#) (Minimum Jail Dormitory Standards) is on its way to the Governor after the Senate accepted minor changes approved by the House last week. The bill accomplishes the NCACC goal to reduce detention center space requirements for all counties. It passed its final reading by unanimous vote in the Senate on June 17. The bill has been ratified and now awaits the Governor's signature.

Back-up PSAP bill moves forward in Senate

The Senate unanimously approved [S797](#) (911 Board/Back-up PSAP) on June 17. This bill would require each PSAP to have a plan and alternate means for taking 911 calls when they cannot be received and processed by the primary PSAP. While on the Senate floor, the bill was amended to explicitly state that it does not require a PSAP to construct an alternative facility to serve as a back-up. The bill is now in the House, where it is expected to move forward.

House, Senate have varied approaches to regulatory reform

The theme of “regulatory reform” we saw last session has continued into the short session, with a number of new proposals appearing in various bills bearing that label. The Senate passed a single bill, [S734](#) (Regulatory Reform Act of 2014), a couple of weeks ago, but the House has so far chosen not to hear it. Instead, the House has taken the approach of dividing regulatory reform into two pieces – environmental issues and everything else.

While not including some provisions in the Senate bill, the House at the same time has added new items in [S493](#) (Regulatory Reform Act). One of the most concerning creates new civil violations in the form of willful misconduct, gross negligence, and gross incompetence for local code officials. Section 2.22 of the bill takes potential actions by code officials that would normally be addressed by standard supervisory action or by disciplinary procedures by the Code Officials Qualification Board and establishes an avenue for action by the court system.

Other provisions in this bill remove the ability for residents to petition against zoning changes by repealing the protest petition statute, increase requirements on technicians performing euthanasia on animals, require the governing boards of the largest municipalities in the state to file Statements of Economic Interest with their local clerks (this could easily be expanded to include counties), and adds notification requirements for local governments that exchange right-of-way dedications for density transfer credits.

Various environmental issues have been placed in [S38](#) (Amend Environmental Laws). Several of the issues from interim legislative committees are included, along with multiple on-site wastewater program changes. At this point, nothing of great concern to counties is in the bill.

Bill to limit prohibitions on manufactured homes revised

Legislation introduced last year would limit a county's ability to prohibit individual manufactured homes in neighborhoods zoned for single-family residential use, except in historic districts. The House passed [H769](#) (Zoning/Limit Manufactured Home Restrictions), but the Senate took no action. The bill sponsor, former Buncombe County commissioner Rep. Nathan Ramsey, expressed strong interest in moving his bill this session and approached the Association about language changes to make the bill less objectionable.

NCACC members provided input on the issue. New language in the bill makes exceptions to allow counties to prohibit manufactured homes in areas heavily dependent on tourism, not to exceed 10 percent of the county land area. It has passed the Senate State and Local Government committee and will next be heard in the Senate Commerce committee. We thank Rep. Ramsey for working with the association to improve the language in his bill.

Bills of Interest

Bill: HB1043

Sponsors: Arp (R69); Hager (R112)

Title: PREQUALIFICATION UPDATE

Comments: This bill would require a local government using contractor prequalification to adopt a prequalification policy and assessment tool. Prequalification may only be used for construction at risk, design-build, and public-private partnership projects. H1043 would define prequalification standards to be uniform, consistent and transparent, and a local policy must allow all eligible contractors meeting the standards to be prequalified. The bill would prohibit limiting prequalification only to those contractors who have previously been awarded a contract by the bidding entity. Of particular note, the bill establishes a Blue Ribbon Commission to Study Building and Infrastructure Needs of the State through 2025. The committee's charge would include studying the needs of counties for water and sewer and schools. It would study a priority process within each category and the feasibility of a fund with a dedicated revenue stream. The committee would also explore funding options for meeting anticipated capital needs until 2025. The revised bill passed the Senate on June 19.

Bill: SB78

Sponsor: Hartsell (R36)

Title: LAW ENFORCEMENT AND DA PRIVACY/TAX WEBSITES

Comments: This bill requires each county to create a process by which law enforcement officers and district attorneys may request the removal of personal, identifying information from tax records made available to the public on an internet website. A House Judiciary Committee amended the bill to include various other non-elected public officials and to require removal from all websites maintained by the county, including the Register of Deeds website. The bill passed favorably out of the committee, but it has not yet been reported out to the House floor.

Bill: SB793

Sponsors: Tillman (R29); Cook (R1)

Title: CHARTER SCHOOL MODIFICATIONS

Comments: This bill would make several changes to the charter school laws, including a provision that would allow a charter school to ask for additional information from the LEA regarding the transfer of the per pupil share of the local current expense. The bill passed the Senate June 17 and was sent to the House, where it has been referred to the Education Committee and was

scheduled to be heard June 19.

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

