



Bulletin #04-07

Thursday, June 17, 2004

PROPOSAL WOULD PRE-EMPT LOCAL CONTROL OF WATERCRAFT

Legislation surfaced this week that would pre-empt all local control of personal watercraft on the rivers and lakes of the state. The Senate Transportation Committee approved a rewrite of [H23](#) to **prohibit “units of local government, marine commissions, or local lake authorities” from enacting or enforcing “any law, ordinance, rule, or regulation concerning personal watercraft.”** **H23**, originally introduced by Rep. Jim Crawford (Granville), dealt with the Department of Transportation’s authority to regulate transit safety. It was a recommendation of the Joint Legislative Transportation Oversight Committee and was approved by the House on April 2, 2003.

On Wednesday, the bill was presented in rewritten form to the Senate Transportation Committee and given a favorable report. In its current form, **H23** would amend G.S. 75A-13.3(h) to include the prohibition cited above. The current law specifically states that local governments and Marine or Lake Commissions are authorized to regulate watercraft, so long as they do not weaken state regulations. Regulation of “aspects of personal watercraft operation that are not covered” by the state statute is also currently permitted.

The method used to bring the bill out of committee means that, if approved by the Senate, the bill cannot be amended by the House when it is returned for consideration of the rewritten Senate version. It is scheduled for consideration on the Senate floor Thursday, June 17. **H23 represents an effort to unnecessarily restrict local control of recreational activities on rivers and lakes across the state. We urge county officials to contact legislators – both senators and representatives – and urge defeat of this bill.**

EFFORTS UNDER WAY TO RESTORE FUNDING FOR CHILDREN’S PROGRAMS

Efforts are under way to include in the Senate budget funding for childcare subsidies and for the Health Choice program that was reduced or frozen in the House budget, approved last week. The House budget included an increased appropriation for the Child Care Subsidy of \$2 million. Gov. Easley had proposed an increase of \$12 million. According to the County Social Services Consortium, the state now has about 26,000 children on the wait list for childcare subsidies and the reduction in the appropriation will add 2,000 to the wait list. The consortium also argues that additional funds need to be allocated to the state’s “Health Choice” program to accommodate enrollment growth. The House budget contained no increase in funding for this program and the likely result will be a shift in cost from the state to counties. **County officials are urged to ask Senate budget-makers to restore funding for these programs.**

BILLS OF INTEREST

GENERAL GOVERNMENT

Introductions

[S1159](#) **“To modify the membership of the Advisory Commission on Military Affairs.”** Sen. Cecil Hargett (Onslow). (Bulletin [#04-03](#), May 20, 2004.) This bill, approved by the Senate on second and third reading June 3, has been referred to the House Committee on Military, Veterans and Indian Affairs.

PLANNING, DEVELOPMENT AND LAND USE

Updates

[S933](#) **“To require state and local government agencies that acquire land for wetlands mitigation to reimburse the county in which the land is located for its lost taxes due to the acquisition.”** Sen. Cecil Hargett (Onslow). (Bulletin [#03-11](#), April 10, 2003.) The Senate Finance Committee voted June 16 to give this bill a favorable report. The bill would provide that prior to a local government’s condemnation or other purchase of property for wetlands mitigation, the unit must agree in writing to pay the county where the land is located a sum equal to the amount of property tax that would have accrued to the county for the next 20 years had the land not been acquired. The amount would be calculated using the most recent tax rate set by the county in which the property is located. The requirement would not apply if the land is located within the city or other unit that acquired the property, and would only apply in enterprise Tier One or Tier Two counties. The bill would create the same requirement for state acquisitions, including state acquisitions from a private mitigation banking company. The state provisions would not apply when the land purchased by the state and the wetlands permitted to be lost are in the same county. It would provide for reimbursement by the county of payments made if property acquired by the state is later used to mitigate wetlands permitted to be lost in the same county. Floor debate on **S933** is scheduled for Monday, June 21. **Passage of the bill would accomplish a goal adopted by the Association at our Legislative Goals Conference in January 2003. We urge county officials to express support for this proposal to legislators.**

[S1089](#) **“To authorize the Department of Transportation to receive funds from local governments to advance the construction schedule of tip projects.”** Sen. Clark Jenkins (Edgecombe). (Bulletin [#04-06](#), June 10, 2004.) This bill, approved by the Senate last week, has been referred to the House Transportation Committee.

[S1161](#) **“To require counties and cities near military installations to give a notice of land-use planning changes to the military installations.”** Sen. Cecil Hargett (Onslow). (Bulletin [#04-03](#), May 20, 2004.) This bill was favorably reported in the Senate on June 9 and approved on second and third reading the next day. It has been referred to the House Committee on Military, Veterans and Indian Affairs.

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Note: Legislative bill numbers link to the most recent version of the bill that has action on it on the floor. Subcommittee and other amendments are not included.