



Bulletin #04-09

Thursday, July 1, 2004

BUDGET NEGOTIATIONS CONTINUE

Negotiations between House and Senate budget conferees continued this week as the 2003-2004 fiscal year ended. Legislators were expected to return to their districts over the long holiday weekend and conclude budget deliberations in the coming week. We shall see. Watch this space.

GOOD NEWS...

The House Finance Committee voted July 1 to approve and send to the floor a proposal to compensate poor counties when other governments purchase or condemn lands for wetlands mitigation. [S933](#), introduced by Sen. Cecil Hargett (Onslow), has already been approved by the Senate. On Thursday morning, Rep. William Wainwright (Craven), sponsor of an identical House bill, explained the proposal to the committee. **Approval of this legislation would accomplish a goal adopted by the Association at our Legislative Goals Conference in January 2003.**

A proposal to increase Service of Process Fees moved closer to final legislative approval this week. [H918](#), introduced by Rep. Wayne Goodwin (Richmond), had been approved by the House in July 2003. It was approved by the Senate on third reading June 22 and sent to the House for concurrence in a technical amendment changing the effective date. A House vote on concurrence is scheduled for July 1. **Passage of this bill would accomplish a goal adopted by the Association at our Legislative Goals Conference in January 2003.**

... AND BAD NEWS

Following House approval of the Senate version, a proposal to strip cities and counties of a tool to phase out signs that are inconsistent with local land use ordinances has been ratified and sent to the governor for signature. [H429](#), introduced by Rep. Bill Culpepper (Chowan), was approved by the Senate last week. The House voted to concur in Senate changes June 29. The bill would prevent the use of "amortization" to phase out unwanted billboards over time.

Legislation to grant preferential tax status to non-profit entities owning apartment complexes near universities was approved by the House Finance Committee this week. [S277](#), introduced by Sen. Tony Rand (Cumberland), had been approved by the Senate in May 2003. The bill would grant a property tax exemption retroactively to 2001 and would make the retroactive repeal of a tax a valid defense when a taxpayer challenges collection of a tax on property.

A bill to ban video poker was rewritten and approved by the House Finance Committee this week. [S6](#), introduced by Sen. Charles Albertson (Duplin), was approved by the Senate in April 2003. The Senate version

would have prohibited video poker machines. The bill was rewritten by the House committee to require video gaming machines to be equipped with record keeping elements, to require registration with the Alcohol Law Enforcement Agency (rather than with local sheriffs) and to impose a \$5,000 excise tax per machine for possession of an illegal video gaming machine. **Association representatives spoke in support of the original bill which would have accomplished an Association Legislative Goal.**

BILLS OF INTEREST

CORRECTIONS AND LAW ENFORCEMENT

Updates

[H918](#) “**To increase the fee for service of process in civil cases and to earmark the increase to ensure timely service of process.**” Rep. Wayne Goodwin (Richmond). (Bulletin [#03-12](#), April 17, 2003; Bulletin [#03-16](#), May 15, 003; Bulletin [#03-26](#), July 24, 2003). This bill was favorably reported in the Senate on June 24. It had been approved by the House near the end of the 2003 Regular Session. The bill was approved by the Senate on second reading June 28 and on third reading June 29. It was returned to the House for concurrence with a vote scheduled for July 1 on the House floor.

[H1665](#) “**To require the dispositional hearing of a juvenile who is in residential treatment be held in the county in which the juvenile is receiving treatment and to appropriate funds.**” Rep. Philip Frye (Avery). (Bulletin [#04-05](#), June 3, 2004). This bill was favorably reported in the House on June 29. As rewritten, the bill provides that a dispositional hearing could be held in a district other than where the juvenile is in residential treatment or foster care if the judge finds that the transfer would serve the ends of justice or would be in the best interests of the child.

GENERAL GOVERNMENT

Updates

[S1159](#) “**To modify the membership of the Advisory Commission on Military Affairs.**” Sen. Cecil Hargett (Onslow). (Bulletin [#04-02](#), May 13, 2004; Bulletin [#04-07](#), June 17, 2004). This bill was approved by the House on second and third reading June 23.

PERSONNEL

Updates

[S1312](#) “**To authorize participation in 457 plans by local governmental employees.**” Sen. Katie Dorsett (Guilford). (Bulletin [#04-06](#), June 10, 2004). This bill was favorably reported in the House on June 23 and was re-referred to the House Rules Committee.

PLANNING, DEVELOPMENT AND LAND USE Updates

[H429](#) “To require local governments to pay monetary compensation for removal of lawfully erected off-premises outdoor advertising signs and to authorize local governments to enter into relocation and reconstruction agreements with owners of nonconforming off-premises outdoor advertising signs.” Rep. Bill Culpepper (Chowan). (Bulletin [#03-08](#), March 20, 2003; Bulletin [#03-11](#), April 10, 2003; Bulletin [#03-12](#), April 17, 2003; Bulletin [#04-01](#), May 6, 2004; Bulletin [#04-08](#), June 24, 2004). This bill was approved by the Senate on second and third reading June 24. The House voted to concur in the Senate version of the bill June 29 and it has been sent to the governor for signature.

[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; Bulletin [#04-07](#), June 17, 2004; Bulletin [#04-08](#), June 24, 2004). The House Finance Committee voted to give this bill a favorable report July 1.

[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; Bulletin [#04-07](#), June 17, 2004). This bill was approved by the House on second and third reading June 23. It has been sent to the governor for signature.

TAXATION AND FINANCE Updates

[H1420](#) “To extend to local governments acting jointly the same setoff debt collection procedures currently allowed to local governments acting alone.” Rep. Stephen LaRoque (Lenoir). (Bulletin [#04-03](#), May 20, 2004; Bulletin [#04-05](#), June 3, 2004). This bill was favorably reported in the Senate on June 24.

[S277](#) “To exempt from property tax educational property held by a nonprofit entity for a public or private university or community college located in North Carolina.” Sen. Tony Rand (Cumberland). (Bulletin [#03-06](#), March 6, 2003; Bulletin [#03-16](#), May 15, 2003; Bulletin [#03-17](#), May 22, 2003). This bill was favorably reported by the House Finance Committee on June 29.

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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.