



Bulletin #04-11

Friday, July 16, 2004

ADJOURNMENT SOON

Presiding officers in both Houses of the General Assembly announced Thursday their intent to conclude the 2004 session this weekend. Legislators and others expected to receive the report of the House and Senate conferees on the budget. Other controversial issues still being discussed are proposals to alter the public school calendar and to override Gov. Mike Easley's veto of a bill to protect the billboard industry or to reach a compromise (see below). In addition, the Senate approved and sent to the House a "technical corrections bill." A compendium "study bill" is also expected to be presented.

During sessions in both chambers Thursday, legislators were told to anticipate Saturday sessions with the possibility of sessions on Sunday.

HOUSE OVERRIDES GOVERNOR'S VETO

With no debate, the House voted July 12 to override Gov. Easley's veto of legislation to prohibit local "amortization" to compensate owners of off-premises billboards that do not conform to land use ordinances. The governor's veto message, announced Friday, July 9, declared simply "the (compensation) formula provided in this legislation is unfair and overly burdensome to city and county governments and the taxpayers they represent."

As required by Article II, Section 22 of the North Carolina Constitution, the veto message was read into the record in the House, where the bill (**House Bill 429**) originated. Without discussion or debate, the House voted overwhelmingly to override the veto (a three-fifths vote is required) and sent the bill and the veto message to the Senate. As of Friday morning the Senate had not voted, prompting discussions of a possible compromise more acceptable to local government representatives.

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, 2003; Bulletin #03-26, July 24, 2003; Bulletin #04-09, July 1, 2004; Bulletin #04-10, July 8, 2004). This bill has been approved by both the House and Senate and awaits the governor's signature.

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.” Rep. Philip Frye (Avery). (Bulletin #04-05, June 3, 2004; Bulletin #04-09, July 1, 2004; Bulletin #04-10, July 8, 2004). This bill was favorably reported in the Senate on July 15.

S6 “To strengthen the law enforcement statutes pertaining to video gaming machines by providing that machines be equipped with a hand count feature; to provide that video gaming machines shall have a unique serial number that shall be permanently affixed to the machine; to provide for the annual registration of video gaming machines with the Alcohol Law Enforcement Division of the Department of Crime Control and Public Safety (Division); to require every owner of a video gaming machine to pay a three hundred dollar fee per machine to the Division for use in enforcing certain gaming statutes; to permit registered machines to be warehoused; to provide that any person who knowingly owns a machine that violates G.S. 14-306.1(a)(1) is guilty of a Class G felony; and to levy an excise tax on illegal video gaming machines of five thousand dollars per machine.” Sen. Charles Albertson (Duplin). (Bulletin #03-03, February 13, 2004; Bulletin #03-13, April 24, 2003; Bulletin #03-14, May 1, 2003; Bulletin #04-09, July 1, 2004). After being favorably reported by the House Appropriations Committee, this bill was re-referred to the House Rules Committee on July 9. It was reported without prejudice July 12. The bill was approved on second reading July 13 and on third reading July 14. It has been returned to the Senate for concurrence in the revised House version.

PERSONNEL Updates

S1312 “To authorize participation in 457 plans by local governmental employees.” Sen. Katie Dorsett (Guilford). (Bulletin #04-06, June 10, 2004; Bulletin #04-09, July 1, 2004; Bulletin #04-10, July 8, 2004). The House approved this bill on second and third reading July 8. The Senate voted to concur in House changes the next day. The bill has been sent to the governor for signature.

H1513 “To increase the maximum death benefit payable from the Local Governmental Employees’ Retirement System.” Rep. Larry Bell (Sampson). (Bulletin #04-04, May 20, 2004; Bulletin #04-06, June 10, 2004; Bulletin #04-10, July 8, 2004). This bill, approved by the House last week, was favorably reported in the Senate on July 8 and approved on second and third reading the following day. It has been sent to the governor for signature.

H1624 “To increase the contributory death benefit for retired members of the Teachers’ and State Employees’ Retirement System, the Local Governmental Employees’ Retirement System, the Legislative Retirement System, and the Consolidated Judicial Retirement System.” Rep. Larry Bell (Sampson). (Bulletin #04-04, May 27, 2004; Bulletin #04-10, July 8, 2004). This bill, approved by the House last week, was favorably reported in the Senate on July 8 and approved on second and third reading the next day. It has been sent to the governor for signature.

**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; Bulletin #04-07, June 17, 2004; Bulletin #04-08, June 24, 2004; Bulletin #04-09, July 1, 2004; Bulletin #04-10, July 8, 2004). This bill was approved by the House on second and third reading July 8. It has been sent to the governor for signature. **Enactment of this proposal accomplishes an Association Legislative Goal.**
- 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; Bulletin #04-07, June 17, 2004). This bill was favorably reported in the House on July 13 and approved on second and third reading July 15. It has been sent to the governor for signature.
- 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; Bulletin #04-09, July 1, 2004). After being signed by the governor, this bill has been enacted as **SL 2004-75**.

**PUBLIC EDUCATION
Updates**

- H1464** “To reduce by ten the number of noninstructional teacher workdays; to provide that public schools shall open no sooner than August 25 and close no later than June 10 except in year-round schools or in schools in local school administrative units that have been closed eight days per year during any four of the last ten years because of severe weather conditions, energy shortages, power failures, or other emergency situations; to ensure that teachers are paid in August; to provide that local Boards of Education schedule five noninstructional teacher workdays at the beginning of the school year and at the end of each academic quarter, and that these days are protected for teachers to complete instructional and classroom administrative duties; to provide that noninstructional teacher workdays may continue to be designated as days on which teachers with accumulated vacation leave may take that leave and to require at least two of those days that are scheduled by the school’s principal to be designated as days on which teachers with accumulated vacation leave may take that leave; to allow any of the noninstructional teacher workdays that are scheduled by the school’s principal to be designated as make-up days for days missed due to inclement weather; to define “year-round school” as having a school calendar that covers at least eleven calendar months; to provide that the reduction in teacher workdays does not reduce the annual rate of pay for teachers and other employees; to provide that nothing in this act shall be construed as changing the pay cycle for non-certified employees; to provide that nothing in this act requires the General Assembly to appropriate funds for its implementation or requires local school administrative units to expend additional funds for its implementation; to provide that this act applies to schools beginning with the 2005-2006 school year; to provide that the act applies in all one hundred counties and in all local school administrative units; and to provide that the act is effective when it becomes law.” Rep. Connie Wilson (Mecklenburg). (Bulletin #04-03, May 20, 2004). This bill was favorably reported in the House on July 1. It was approved in second reading

July 13 and on third reading the next day. The bill was referred to the Senate Committee on Education and Higher Education, which voted July 15 to favorably report the bill with a minor change.

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 #03-04, May 20, 2004; Bulletin #04-05, June 3, 2004; Bulletin #04-09, July 1, 2004; Bulletin #04-10, July 8, 2004). This bill was withdrawn from committee and placed on the House calendar for concurrence in Senate changes July 12. The House voted to concur with Senate changes July 13. The bill has been sent to the governor for signature.

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