



Bulletin #05-08

Friday, March 18, 2005

GOOD BILLS

[H132](#), a bill to relieve counties of the burden of the cost of Medicaid services, was discussed in the House Health Committee this week. Introduced by Rep. Edd Nye (Bladen), the bill would cap county Medicaid costs at current year levels, would begin phasing out county participation in Medicaid service payments and would target for specific relief those counties with disproportionately high concentrations of Medicaid-eligible citizens. A number of county commissioners attended the committee meeting to lend support to the bill. [H149](#), a similar bill designed to provide counties relief from the Medicaid mandate, is scheduled for discussion by the Health Committee next week. [H149](#) was introduced by Rep. Julia Howard (Davie).

BAD BILLS

Among the most important advocacy functions in which the Association is involved are efforts to protect counties' revenue base and local autonomous decision-making. Two proposals - - one introduced separately in each house of the General Assembly - - are designed to negatively affect local revenues and local decision making. [S508](#) and [H648](#), described below, would reduce county tax revenues by exempting assessed tax value of properties that are partially developed but unsold by developers. Though Article 12 of Chapter 105 of our General Statutes includes pages and pages of exceptions and exemptions, G.S. 105-283 states as a general principal that property is to be "appraised or valued at its true value in money." How much will this loophole cost counties? We do not know... yet.

[H635](#), also described below, is an effort to legislatively dictate how local governments (cities, towns, counties and school boards) conduct their meetings. It would require a 30 minute "public comment period" at the beginning of every regular meeting. Maybe we should ask for the same privilege in front of state boards and commissions . . . or before every session of the House or Senate.

BLANK BILLS

Of over 1500 bills introduced or filed for introduction thus far, somewhere around one-third to one-half have been introduced as "blank" bills; i.e. bills filed with titles (however unspecific) but no substantive provisions. No one seems to be able to account for the unusually large numbers of blank bills. It may simply be because of a backlog in the Bill Drafting Office or because legislators are forced to comply with bill introduction deadlines before their bills are ready.

Whether intentional or not, the result of this process is to shortcut the normal process for review and analysis of the legislation. When these blank bills suddenly acquire substance, it will be when they are presented as committee substitute proposals in committee. Whether there is an opportunity to review these new substantive provisions before they are presented, or within a reasonable time thereafter, will be of a matter of chance or willingness on the part of the introducers. We will be on the lookout for surprises, but will be playing “catch-up.”

BILLS OF INTEREST

CORRECTIONS AND LAW ENFORCEMENT

Introductions

[S529](#) “**To create a uniform system for the regulation of private and public animal shelters.**” Sen. Dan Clodfelter (Mecklenburg). This bill would expand the statutory definition of animal shelter in the Animal Welfare Act to include facilities owned by counties and other local governments and facilities under contract with local governments. The Board of Agriculture would be required to adopt standards relating to care of animals and relating to euthanasia of animals. Only methods of euthanasia approved by a listed group of organizations could be used.

GENERAL GOVERNMENT

Updates

[H399](#) “**To allow counties with no incorporated municipalities to exercise most municipal functions.**” Rep. Bill Owens (Pasquotank). This bill was favorably reported in the House March 16 and was re-referred to the House Finance Committee.

Introductions

[H635](#) “**To require a public comment period during each regular meeting of a local board of education, county board of commissioners, or municipal governing board.**” Rep. Earl Jones (Guilford). This bill would require a 30 minute comment period at regular meetings of the governments listed in the title. It was referred to the House Ways and Means Committee.

PLANNING, DEVELOPMENT AND LAND USE

Introductions

[S518](#) **“To clarify and make technical changes to city and county planning statutes.”** Sen. Dan Clodfelter (Mecklenburg). This bill would allow a city or county to combine land-use ordinances into a single, unified ordinance, to simplify alternate notice provision for large-scale rezoning by reducing from 4 to 2 the number of times the half-page newspaper advertisement must be published. The bill would amend G. S. 153A-344 and -345 to strengthen the role of Boards of Adjustment or Planning Boards. Changes to a zoning ordinance would have to be submitted to the Planning Board. The Board of Adjustment could still be the Board of Commissioners, but the bill would spell out situations in which a member could not participate “in a manner that would violate affected persons’ constitutional rights to an impartial decision maker.” The bill was not immediately referred to committee.

TAXATION AND FINANCE

Introductions

[S508](#) **“To exempt from property tax the increase in value of real property held for sale by a builder, to the extent the increase attributable to subdivision or improvements by the builder.”** Sen. Walter Dalton (Rutherford), Rep. Tim Moore (Cleveland). Each of these identical bills would exclude from the property tax base any increase in the value of real property owned by a builder attributable to subdividing or improving the property, as long as the builder holds the property but for no more than five years. **The result would be taxation of this property at less than fair market value.** Assessors would be required to appraise the unsold portion of a subdivided tract as land acreage rather than as lots. **S508** was not immediately assigned to a committee. **H648** was referred to the House Finance Committee.

[S551](#) **“To allow buyout payments to count towards the one thousand dollar gross income requirement for agriculture land for present-use value tax exemptions.”** Sen. Don East (Surry). This bill would allow federal tobacco buyout payments to count as income to meet the income threshold required under the present-use value system. The bill was referred to the Senate Finance Committee.

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