



Bulletin #05-09

Thursday, March 24, 2005

SPRING HAS SPRUNG . . . OR SOON WILL

Notwithstanding a cold, wet March, the passage of the vernal equinox – the point where the days become longer than the nights – also marks the point at which the pace of activity in the General Assembly accelerates. Almost 700 bills were introduced in the House and Senate this week. The bills have been introduced (well, most of them) and legislators have about two months to move those bills in order to comply with deadlines for crossing from one house to the other.

At the same time, budget deliberations become more intense, both setting spending priorities and developing a revenue package to meet the state's anticipated shortfall and, perhaps, to fund expansion budget initiatives. If the budget process is to be concluded by the beginning of the fiscal year – or close to it – the first "draft" (the Senate version) should emerge by late April. The process then must produce a second (House) budget followed by a period in which the two are reconciled.

County officials, too, are working to develop budgets, though without the luxury of sliding past the beginning of the fiscal year. As these local budget deliberations move forward, county officials will face new estimates of **Medicaid** costs and the impacts of these costs on budgets across the state. **The emergence of these new calculations should occasion renewed communication between county officials and legislators, of the effects of these steadily increasing mandated expenditures. If we do not tell the story, it will not be told. So, let's tell them.**

BILLS OF INTEREST

CORRECTIONS AND LAW ENFORCEMENT

Introductions

H685 **"To create a uniform system for the regulation of private and public animal shelters."** Rep. Pryor Gibson (Montgomery). 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. The bill is identical to **S529** described in last week's Legislative Bulletin (**Bulletin #05-08**, March 18, 2005). **H685** was referred to the House Agriculture Committee.

GENERAL GOVERNMENT

Introductions

H681 **“To enact the North Carolina Religious Freedom Restoration Act.”** Rep. Russell Capps (Wake). This bill would require that any state or local governmental action that substantially burdens a person’s exercise of religion must be based on a compelling governmental interest and be the least restrictive means of furthering that interest. The bill was referred to the House Judiciary Committee No. 1.

H819 **“Allowing Regional Councils of Government to acquire real property.”** Rep. Drew Saunders (Mecklenburg), Sen. Bill Purcell (Scotland). **Each of these identical bills, if enacted, would accomplish an Association Legislative Goal.** **H819** was referred to the House Committee on Ways and Means. **S773** was referred to the Senate Committee on State and Local Government.

S708 **“Providing public libraries with an exemption from the maintenance of effort requirement for receiving state grants.”** Sen. Philip Berger (Rockingham). This bill would provide that a grant to a local library system from the Aid to Public Libraries Fund could not be terminated or reduced because local funding for the public library has been reduced by the local governing body unless local funding falls below the per capita average budgeted by municipalities and counties. **If enacted, the bill would accomplish an Association Legislative Goal.** The bill was referred to the Senate Education Committee.

S737 **“Authorizing criminal records checks for county governments.”** Sen. Tony Rand (Cumberland). This bill would provide access for counties to criminal histories of potential employees that are made available by the North Carolina Department of Justice. The information would have to be kept confidential. The bill was referred to the Senate Judiciary No. 1 Committee.

HUMAN RESOURCES

Updates

H239 **“To exempt from the law governing smoking restrictions local health departments and the buildings and ground where they are located.”** Rep. William Wainwright (Craven). ([Bulletin #05-05](#), February 24, 2005). This bill was favorably reported in the House on March 16. It was approved on second reading March 17 and on third reading March 22.

PERSONNEL

Introductions

S648 **“To allow law enforcement officers who are members of the Teachers’ and**
H709 **State Employees’ Retirement System or the Local Governmental Employees’ Retirement System and career firefighters and career medical services workers who are members of the Local Governmental Employees’ Retirement System to retire with unreduced benefits after completing 25 years of service.”** Sen. Andrew Brock (Davie), Rep. Julia Howard (Davie). Each of these identical bills would provide the employees described in the title with additional retirement benefits. **S648** was referred to the Senate Pensions and Retirement Committee. **H709** was referred to the House Pensions and Retirement Committee.

S710 **“To enhance the benefits for career firefighters and career rescue squad**
H763 **workers who are members of the Local Governmental Employees’ Retirement System.”** Sen. A.B. Swindell (Nash), Rep. Bill Culpepper (Chowan). Each of these identical bills would extend to firefighters and rescue squad workers the same supplemental retirement income benefits now provided solely to local law enforcement officers. Local government employers would be required to contribute 5 percent of the workers’ monthly pay to individual retirement accounts. **H763** was referred to the House Committee on Pensions and Retirement. **S710** was referred to the Senate Committee on Pensions and Retirement.

PLANNING, DEVELOPMENT AND LAND USE

Introductions

S681 **“To prohibit counties and municipalities from regulating certain forestry and agricultural activities.”** Sen. David Hoyle (Gaston). This bill would prohibit the imposition of any notice, permit or fee requirement or the adoption or maintenance of any ordinance or rule regulating forestry or agricultural activities on forestland or farmland, except that it would not limit the exercise of zoning and planning authority and would not apply to development activities. The bill was referred to the Senate Committee on Agriculture and Environment.

TAXATION AND FINANCE

Introductions

S682 **“To extend to Public Health Authorities the set-off debt collection procedures currently available to counties and cities.”** Sen. Robert Holloman (Hertford). This bill would add public health authorities to the list of agencies that may use the debt setoff collection procedure to collect debts. The bill was referred to the Senate Finance Committee.

H816 **“To provide a property tax exclusion for honorably discharged disabled veterans and their surviving spouses and to reimburse local governments for the resulting revenue loss.”** Rep. Louis Pate (Wayne). Current law allows disabled veterans who receive federal grants for specially adapted housing a \$38,000 property tax homestead exemption. This bill would replace that exemption with a new exclusion. A disabled veteran would qualify even if he does not receive a grant for adapted housing. The value of the exclusion would be the greater of \$48,000 or half the appraised value of the residence, and it would carry over to the surviving spouse until remarriage. The veteran could take either the general homestead exclusion for the disabled or the new disabled veterans’ exclusion, but not both. The bill includes provisions dealing with multiple ownership, proof of eligibility, temporary absence and application requirements. It would require the state to reimburse cities and counties for revenue lost because of the exclusion. The bill was referred to the House Finance Committee.

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