



Bulletin #05-14

Thursday, April 28, 2005

WAITING FOR BUDGET

With legislative activity increasing in intensity as the crossover deadline approaches, members of the General Assembly and others await the arrival of a Senate budget proposal that is expected to include deep cuts in education and other human services programs. With details still sketchy, Appropriations subcommittees have completed their work and presented reports to those who chair the full Senate Appropriations Committee. The full committee is expected to consider the Senate version of the budget within the next two weeks.

CRIMINAL JUSTICE, LAW ENFORCEMENT AND EMERGENCY MANAGEMENT Introductions

H1402 “To provide fairness in medical charges for county prisoners.” Rep. Winkie Wilkins (Person). **This bill, if enacted, would accomplish an Association Legislative Goal.** It would provide that health care providers may not charge or be entitled to compensation for treating a prisoner an amount greater than that provided in the fee schedule adopted by the Industrial Commission under the Workers’ Compensation Act. The bill was referred to the House Health Committee.

H1504 “To standardize the investigation and discipline of law enforcement officers and to provide for judicial review of disciplinary actions.” Rep. Grier Martin (Wake). This bill would, if a state or local government employer (including any county), considers matters that could reasonably lead to dismissal, demotion, suspension or transfer for punitive reasons of, or any disciplinary action against, a law enforcement officer, it must provide minimum procedures before imposition of disciplinary action. Officers would be entitled to: (1) a hearing before a fair and impartial board or hearing officer; (2) representation at the officer’s expense; (3) examination of witnesses testifying against the officer; (4) right to call witnesses and present evidence; and (5) a recording of all meetings. This bill was referred to the House Judiciary Committee No. 4.

ENVIRONMENT Introductions

H1465 “To prohibit the disposal of clean wood waste, electronic devices, motor vehicle oil filters, plastic bottles, and wooden pallets in landfills.” Rep. Joe Hackney (Orange). This bill would add to the list of items that could not be disposed of in landfills. It would also add statutory language to authorize any city or county to request a waiver of the new prohibitions. The bill was referred to the House Committee on Environment and Natural Resources.

H1532 “**To codify and make permanent the Swine Farm Animal Waste Management System Performance Standards that the General Assembly enacted in 1998 and to phase out the use of the lagoon and spray field animal waste management system for swine farms.**” Rep. Carolyn Justice (Pender). This bill would codify temporary measures enacted over the last seven years and would provide simply that the Department of Environment and Natural Resources could not issue or modify a permit authorizing the construction, operation or expansion of an animal waste management system that employs a lagoon as the primary treatment method and spray field application as the method of disposal. The bill would grandfather any nonconforming animal waste management system serving a swine farm if the permit was issued before Sept. 1, 2005, for a period of 10 years after the date the waste management was first permitted, or until Sept. 1, 2010, whichever is later. The bill was referred to the House Committee on Environment and Natural Resources.

GENERAL GOVERNMENT Updates

S737 “**Authorizing criminal records checks for county governments.**” Sen. Tony Rand (Cumberland). (**Bulletin #09**, March 24, 2005). This bill was approved by the Senate on second and third reading April 14 and has been referred to the House Judiciary Committee No. 4.

Introductions

H1482 “**To exempt from the law governing smoking restrictions local departments of social services and the buildings and grounds where they are located.**” Rep. Garland Pierce (Scotland). This bill would exempt Health and Social Services facilities from laws requiring the designation of smoking areas in local government buildings. The bill was referred to the House Health Committee.

H1547 “**To amend the public contracts law to require prequalification of bidders for public building contracts and to ensure prompt payment to building subcontractors under public contracts.**” Rep. Earline Parmon (Forsyth). This bill would enact new GS 143-128(f2) to require public entities to pre-qualify all bidders of construction projects to public bid laws contained in Article 8 of Chapter 143 of the General Statutes. It would direct the Department of Administration (DOA) to adopt rules to address quality, performance, time specified in the bids for performance of the contract, the cost of construction oversight, time for completion, capacity to perform, and history of payment and nonpayment to subcontractors and suppliers; as well as a uniform prequalification form. The bill would require all parties in a public entity construction contract (including the public entity, the architect, the construction manager, the contractors, and the first-tier and lower-tier contractors) to agree in all contracts that any dispute concerning nonpayment under any subcontract will be subject to binding arbitration. It would provide that upon the filing of a notice of nonpayment, the State Construction Office or an agency designated by a non-state entity must appoint an arbitrator and schedule a hearing on the matter within 30 days of the receipt of the notice. It would also restrict payment by a public entity to any prime contractor or a construction manager-at-risk by providing that if any subcontractor working under any prime contractor (regardless of the subcontractor’s tier) files a notice with the public entity claiming that the sub has not received payment from the prime or the prime’s subs for work performed by the filing sub, the public entity may pay to the prime contractor only a portion of the future amount due. The public entity could only pay the portion of the amount due that exceeds the amount of the payment claimed by the sub. Payment withheld could be released to the prime contractor only after the prime and sub had agreed or when ordered to do so by an arbitrator. The bill was referred to the House Judiciary Committee No. 4.

PERSONNEL Introductions

H1459 **“To establish a public safety employer-employee cooperation act.”** Rep. Martha Alexander (Mecklenburg). This bill would create a new chapter in the General Statutes giving public safety officers (law enforcement officers, firefighters and emergency medical services personnel) the right to form and joint associations or labor organizations that do not include management or supervisory employees. It would allow public safety officer associations that represent more than half of the public safety officers in an agency or department to advocate on behalf of their members concerning the terms and conditions of their members’ employment and to take other action on behalf of their members. The bill was referred to the House Rules Committee.

H1497 **“To include elected officials in the local governmental employees’ retirement system.”** Rep. John Rhodes (Mecklenburg). This bill would amend the definition of “employee” in the Local Governmental Employees’ Retirement System to include elected officials. The bill was referred to the House Committee on Pensions and Retirement.

PLANNING, LAND USE AND DEVELOPMENT Introductions

H1469 **“Granting public utilities immediate access to certain public rights-of-way.”** Rep. Drew Saunders (Mecklenburg). This bill would provide that when a map or plat of a subdivision reflects the dedication of a public street or other public right-of-way, the street or right-of-way is immediately available for use by a public utility to install, maintain and operate lines, cables or facilities providing service to the public. The bill was referred to the House Committee on Public Utilities.

TAXATION AND FINANCE Introductions

H1471 **“To require the tax collector to send a property tax bill and to expand tax collectors’ waiver authority.”** Rep. Bill McGee (Forsyth). This bill would authorize a tax collector to waive interest and fees assessed against a taxpayer when the taxpayer demonstrates that the interest and fees were imposed due to an error by the tax collector or assessor. The bill was referred to the House Finance Committee.

H1549 **“To amend property tax collections on mobile homes.”** Rep. Harold Brubaker (Randolph). This bill would amend laws relating to collecting taxes on mobile homes to: (1) clarify that repossessing agents of mobile homes must, before taking possession of a home, obtain a tax permit and either pay all property taxes due or prove that no property taxes are due on the home; (2) clarify that a tax permit exemption for manufacturers and retailers applies only to the initial movement of a new home to the purchaser’s premises; (3) provide that a tax permit is valid for 30 days but not beyond December 31 of the year in which issued; (4) require that the repossessing agent pay property taxes on the mobile home before a new title may be issued; (5) expand the current Class 3 misdemeanor for failure to obtain a tax permit to include failure to pay taxes; and (6) expand the current Class 3 misdemeanor for a manufacturer or retailer to aid and abet defeating the mobile homes tax provisions to include any person who aids and abets. It would also provide that the lien for taxes on a mobile home that is listed for tax purposes as personal property attaches to the mobile home and to

all real property of the taxpayer, provide remedies against repossessing agents of mobile homes and require a local jurisdiction to require the presentation of a tax permit before permitting the set-up or installation of a manufactured home other than a new manufactured home. The bill was referred to the House Finance Committee.

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