



Bulletin #05-19

Thursday, June 2, 2005

REALITY BITES

As the House Appropriations leaders deliberate on their version of the budget, it becomes clear that certain elements of a revenue package must be included if the House budget will avoid drastic cuts and if counties will receive any relief from the burden of Medicaid costs.

- The half-cent sales tax enacted as a temporary measure in 2001 must be allowed to continue, at least through the 2005-07 biennium.
- A substantial increase in the cigarette tax must be part of the revenue package.

The Association, at our Legislative Goals Conference in January, adopted positions on both these revenue options. With respect to the sales tax, we pledged support for “legislation to allow counties to assume the one-half cent state sales tax **if it is allowed to expire on July 1, 2005.**”

The **reality** is that if there is not sufficient support to continue the tax as a state tax, there is unlikely to be support for its continuation as a local option tax. **So, we must support extension of the state tax.**

The Association also pledged – as a legislative goal – support for “an increase in the tobacco tax to fund programs that decrease tobacco dependence in children, **and to provide state funds for a reduction in the county Medicaid share.**” The Senate budget included a 35 cent (from 5 cents to 40 cents) increase in the per-pack cigarette tax, effective in 2005-06.

The **reality** is that a 5 cent increase in the cigarette tax would generate sufficient resources to freeze the county share of Medicaid costs at close-to-current levels, and the **reality** is that county officials must support a substantial cigarette tax increase if counties are to have any chance at relief from the increasingly onerous Medicaid burden.

CROSSOVER CONFUSION

With the push to move legislation from one chamber of the General Assembly to the other, a flood of bills were considered this week – many of them of importance to county officials. Many of these bills, specifically the actions that were taken on the bills, are reported below. In a number of instances, these bills were amended or rewritten; sometimes for the better, sometimes for the worse, or sometimes without material effect. We have monitored these bills and the changes, but have not yet had a chance to explain those changes. **Those who wish details of the bills as they have changed many wish to obtain updated copies through the [General Assembly's Web site](#) or through the Printed Bills Office at (919) 733-5648.** Association staff is, of course, always available to provide information.

**CRIMINAL JUSTICE, LAW ENFORCEMENT
AND EMERGENCY MANAGEMENT
Updates**

H1261 **“Amending the laws regulating wireless telephone service.”** Rep. Alice Underhill (Craven). ([Bulletin #13](#), April 21, 2005). This bill was favorably reported in the House on May 24. It was approved on second and third reading May 26 and has been referred to the Senate Commerce Committee.

**ENVIRONMENT
Updates**

H1281 **“To grant counties the authority to make special assessments for noxious weed control projects in rivers and lakes and to grant certain counties the authority to define Noxious Weed Control Service Districts.”** Rep. Lucy Allen (Franklin). ([Bulletin #13](#), April 21, 2005; [Bulletin #18](#), May 26, 2005). This bill was approved by the House on second reading May 26 and on third reading May 31. It has been referred to the Senate Committee on Agriculture and Environment.

S1114 **“To provide additional authority for local governments that administer approved local environmental programs, and to provide additional incentives for local governments to request the authority to administer all or a portion of certain environmental programs.”** Sen. Charles Albertson (Duplin). ([Bulletin #10](#), March 31, 2005). This bill was reported favorably in the Senate on May 31 and was re-referred to the Senate Finance Committee.

**GENERAL GOVERNMENT
Updates**

H635 **“To require at least one public comment period per month at a regular meeting of a local board of education, county board of commissioners, or municipal governing board.”** Rep. Earl Jones (Guilford). ([Bulletin #08](#), March 18, 2005; [Bulletin #17](#), May 19, 2005). This bill was approved by the House on second and third reading May 26. It has been referred to the Senate Committee on State and Local Government.

H1305 **“Requiring cities to file certified charters and boundary maps and counties to file certified boundary and township maps with the Secretary of State.”** Rep. Lucy Allen (Franklin). ([Bulletin #13](#), April 21, 2005; [Bulletin #18](#), May 26, 2005). This bill was approved by the House on second and third reading May 26. It has been referred to the Senate Committee on State and Local Government.

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). ([Bulletin #14](#), April 28, 2005). This bill was favorably reported in the House on May 31. It was approved on second and third reading June 1.

S856 **“Regarding access to a public record that is also a trial preparation record.”** Sen. Dan Clodfelter (Mecklenburg). ([Bulletin #10](#), March 31, 2005). This bill was favorably reported in the Senate on May 31. It was approved on second and third reading June 1.

S932 **“To protect confidential information on public agencies and subdivisions.”** Sen. Dan Clodfelter (Mecklenburg). ([Bulletin #10](#), March 31, 2005). This bill was favorably reported in the Senate on May 31. It was approved on second and third reading June 1.

S1143 **“To restore immunity protection to municipalities and counties and their officers and employees when performing duties in furtherance of public safety and when performing activities related to building inspections.”** Sen. Fletcher Hartsell (Cabarrus). ([Bulletin #11](#), April 7, 2005). This bill was favorably reported in the Senate on May 31. It was approved on second and third reading June 1.

PLANNING, LAND USE AND DEVELOPMENT Updates

H1469 **“Granting public utilities immediate access to certain public rights-of-way.”** Rep. Drew Saunders (Mecklenburg). ([Bulletin #14](#), April 28, 2005). This bill was approved on second and third reading May 26. It has been referred to the Senate Commerce Committee.

S518 **“To clarify and make technical changes to city and county planning statutes.”** Sen. Dan Clodfelter (Mecklenburg). ([Bulletin #09](#), March 18, 2005). This bill was favorably reported in the Senate on May 26. It was approved on second and third reading May 31.

S814 **“To modernize and simplify city and county planning and land-use management statutes.”** Sen. Dan Clodfelter (Mecklenburg). ([Bulletin #10](#), March 31, 2005). This bill was favorably reported in the Senate on May 31. It was approved on second and third reading June 1.

TAXATION AND FINANCE Updates

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). ([Bulletin #08](#), March 18, 2005). This bill was approved by the Senate on second and third reading May 25.

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