



Bulletin #09-02

Thursday, February 5, 2009

FOOD FOR THOUGHT

According to a Feb. 3 presentation by Dr. Barry Boardman of the General Assembly's Fiscal Research Division, the state's revenues were lagging projections by 6.6% through December. He noted that in the budget crisis during the 2001-02 fiscal year, the state's revenues were lagging by about 6% through the end of March, and then dropped to more than 10% in April after the income tax returns were due.

AVERY COUNTY VOTERS APPROVE LAND TRANSFER TAX

Avery County voters have unofficially approved a land transfer tax option. In a special election Feb. 2, the measure passed by a narrow margin. The Avery County Board of Elections will not certify the results until next Tuesday, after it has processed any provisional ballots.

The Board of Commissioners unanimously adopted a resolution in support of the measure and specified that the proceeds of the land transfer tax would be used for school capital needs. Avery County becomes the first county to see the land transfer tax option passed by voters since the General Assembly in 2007 granted counties the authority to levy either the 0.4 percent land transfer tax or a quarter-cent sales tax if approved by the voters. Eight counties have succeeded in passing the sales tax.

CHANGES TO ANIMAL EUTHANASIA LAWS CONSIDERED

Two bills have been filed in the House that would restrict how counties can euthanize unwanted or dangerous animals in county animal shelters. H6 (Davie's Law/Humane Euthanasia in Shelters) would eliminate a county's ability to use "carbon monoxide or any other gas" as a method of euthanasia and would require shelters to dismantle any facility or equipment used for that purpose. In addition, counties could no longer use "any substance that acts as a neuromuscular blocking agent" such as succinylcholine chloride, curare, or carariform mixtures. H27 (Regulate Euthanasia of Animals) implements similar restrictions, although it does allow a county animal shelter to use carbon monoxide or other gas to euthanize a wild animal if it is dangerous to try to give the animal a lethal injection.

SENATE ANNOUNCES COMMITTEE ASSIGNMENTS

Sen. Marc Basnight announced the Senate committee assignments Feb. 4, naming Linda Garrou (D-Forsyth); Charlie Albertson (D-Duplin), A.B. Swindell (D-Nash) and Charlie Dannelly (D-Mecklenburg) as co-chairs of the Appropriations Committee. Sen. Garrou is the only holdover from last session, as former co-chairs Kay Hagan (U.S. Senate) and Walter Dalton (Lieutenant Governor) left the General Assembly to seek different offices. Dannelly and Albertson both served as Vice Chairs on the same committee in 2007-08. Sens. David Hoyle (D-Gaston), Dan Clodfelter (D-Mecklenburg) and Clark Jenkins (D-Edgecombe) were named Co-Chairs of the Senate Finance Committee. Speaker of the House Joe Hackney has yet to announce his committee assignments.

BILL DEADLINES SET

The House and Senate have set their deadlines for local bills. For the House, local bills must be submitted to the bill drafting division by 4 p.m. on Wednesday, March 18. The bill must be filed in the House by 3 p.m. on Wednesday, April 1. For the Senate, local bills must be in bill drafting by 3 p.m. on Tuesday, March 3, and must be filed in the Senate by 3 p.m. on Wednesday, March 11.

Public bills must be submitted to the House by Thursday, March 26, and must be filed in the House by 3 p.m. on Wednesday, April 8. Appropriations and Finance bills must be to bill drafting by April 22 and filed in the House by May 6. In the Senate, public bills must be filed by Friday, March 13, and must be filed in the Senate by Wednesday, March 25.

While the Association does not advocate on behalf of local legislation, we know how important these bills are. We can provide information for you on the status of any local bills in which you have an interest on an informal basis. Let us know if we can help you in this way.

BILLS OF INTEREST

The Association has created a section on its Web site to track bills of interest to county officials. Visit www.ncacc.org/legislation/about.html for updates on key legislation, including the bills listed below.

Bill: HB2

Sponsors: Weiss (D35); Holliman (D81); Barnhart (R82); Glazier (D45)

Title: PROHIBIT SMOKING IN PUBLIC & WORK PLACES

Status: 01/29/2009 – House Committee On Rules, Calendar, and Operations of the House

Comments: House Bill 2 would amend Article 23, Chapter 130A to prohibit smoking in all public places and places of employment, defined as those enclosed spaces that invite or permit the public or that employees use. H2 would also authorize local governments to adopt local laws governing smoking that are more restrictive than state law. Local health departments must enforce the article's provisions and rules to implement the article. Local health directors would be authorized to impose certain administrative penalties on owners, managers, or operators of public places and places of employment who violate the Article's provisions, but these violations are not punishable as criminal violations.

Bill: SB25

Sponsors: Brunstetter (R31)

Title: HORTON INDEPENDENT REDISTRICTING COMM

Status: 02/03/2009 – Senate Committee On Judiciary I

Comments: This bill would take from the General Assembly the power to draw legislative districts and create an independent 11-person committee to draw the districts. The committee would consist of four members affiliated with the largest political party in the state, four members affiliated with the second-largest political party in the state, and three members not affiliated with either of the two largest political parties. The commission would be required to develop plans for revising Senate and House and U.S. House districts by Oct. 1 of the year following each decennial census. In addition, the commission could be asked to develop districting plans for local governing bodies if requested by the governing board of the unit or a court. The voters of North Carolina would have to approve an amendment to the state's constitution before the redistricting commission could be created.

Bill: SB32

Sponsors: Snow (D50)

Title: EMPLOYERS MUST USE FEDERAL E-VERIFY PROGRAM

Status: 02/04/2009 – Filed in the Senate

Comments: This bill would require all cities and counties to "register and participate in the federal work authorization program to verify work authorization information of all new employees." In addition, it would require all companies and firms who wish to contract with cities and counties to do the same.

Bill: SB44

Sponsors: Kinnaird (D23)

Title: APPEALS OF QUASI-JUDICIAL LAND-USE DECISIONS

Status: 02/04/2009 – Senate Committee On Judiciary II

Comments: This bill would dramatically alter the appeals process for land-use decisions by local governments.

James B. Blackburn, III, General Counsel
David F. Thompson, Executive Director