



Bulletin #09-03

Thursday, February 12, 2009

## FOOD FOR THOUGHT

*General Assembly Director of Bill Drafting Gerry Cohen recently blogged that the number of bills filed typically drops during harsh economic times. For example, in the 1991-92 biennium, bill filings dropped more than 32 percent from the 1989-90 biennium, and 2001-02 biennium filings were off by 3 percent from the previous biennium. Filings were also more than 32 percent off at the start of the Great Depression. So far in 2009 that trend is not holding true: Through 10 legislative days, 313 bills have been introduced, up from 247 at this same time in 2007 and 302 in 2005.*

## CANVASS REVERSES AVERY COUNTY LAND TRANSFER TAX RESULT

Reporting problems in two precincts caused the unofficial results in Avery County's Feb. 3 land transfer tax referendum to be reported incorrectly. According to Avery County Elections Director Sheila Ollis, a heavy snowfall that blanketed the county on the day of the election prevented precinct officials from bringing the voting equipment back to the elections department that evening. As a result, the precinct officials were forced to phone in their unofficial results. According to Ollis, when this happened, the numbers in two precincts were either reported incorrectly or recorded incorrectly at the Board of Elections. What was originally reported as a 25-vote victory for the measure turned into a 35-vote defeat after the errors were corrected and the provisional ballots were verified, Ollis said.

## NEW DEVELOPMENT MORATORIA BILL SURFACES

A bill that would prohibit a county or city from imposing a building moratoria while it develops or revises a development ordinance, such as an Adequate Public Facilities Ordinance, has been introduced in the Senate. **S117**, Clarifying Development Moratoria Authority, is sponsored by Sen. David Hoyle (Gastonia). A similar bill was introduced in 2007 and passed the Senate but did not advance out of committee in the House.

## CONGESTION RELIEF BILL CONTAINS LOCAL-OPTION SALES TAXES

Companion bills in the House and Senate (**S151/H148** – Congestion Relief/Intermodal Transportation Fund) have been filed to address the state's public transportation needs. Among the bills' components is a local-option sales tax for counties to address public transportation needs. The bill allows Wake, Durham, Orange, Forsyth and Guilford to hold a referendum on a half-cent sales tax for public transportation. The tax can only be levied by a county if approved by the voters in its county and if the board of commissioners and the relevant local transportation authority – Triangle Transit Authority or Piedmont Authority for Regional Transportation (PART) – have adopted a financial plan for the proceeds. The bill also allows Alamance, Davidson, Davie, Randolph, Rockingham, Surry, Stokes and Yadkin counties, which are also members of PART, to hold referendums on a quarter-cent sales tax for public transportation. The referendums must pass in each county before it can be adopted by a Board of Commissioners. A similar bill filed last year allowed for counties to hold simultaneous referendums, and if the total vote from all the counties was favorable, each of the counties could then enact the sales tax, regardless of whether or not the referendum passed in its individual county. The bill also gives any other county the authority to hold a referendum on a quarter-cent sales tax for public transportation. The bills represent the recommendations of the 21<sup>st</sup> Century Transportation Committee, which has been studying the state's long-term transportation needs for the past two years.

## BILL IMPOSES INTERCONNECTIVITY FOR WATER, WASTEWATER SYSTEMS

A bill that would give state authorities the ability to require local governments to interconnect planned water or wastewater systems has been filed in the Senate. **S101**, Interconnection of Public Water Systems, allows the Department of Health and Human Services to require interconnection with municipal, county or regional water systems, either within a county or between counties, if "necessary to promote public health, protect the environment, or ensure compliance with drinking water rules." It also prohibits local governments from constructing a new water

system or altering an existing water system unless the local government has conducted an analysis to determine that the "proposed construction or alteration is appropriate." The bill also allows the Environmental Management Commission similar authority when issuing a wastewater permit and creates new requirements for the permitting of a new or expanded municipal or non-municipal waste system. Similar bills have been filed in recent sessions, but the effects of the lingering drought and a slew of struggling municipal water systems may give this effort more support.

### 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](http://www.ncacc.org/legislation/about.html) for updates on key legislation, including the bills listed below.

---

**Bill: HB59**

**Sponsors:** Allen, L. (D49)

**Title:** FRANKLIN COUNTY/911 FUND USES

**Status:** 02/05/2009 – House Committee On Rules, Calendar, and Operations of the House

**Comments:** This bill would expand how Franklin County can spend the money it receives from the 911 Fund. The bill would allow the county to use the money to "lease or purchase of an additional communications tower, a multisite simulcast system, microwave connectivity between the sites, site monitoring and alarm system, and grounding and lightning protection." Currently, counties can only spend revenue from the 911 Fund for the "lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and database provisioning, addressing, and nonrecurring costs of establishing a 911 system." The Association has a legislative goal to allow greater flexibility in the use of 911 funds.

---

**Bill: HB63**

**Sponsors:** Grady (R15); Tucker (D4); Cleveland (R14)

**Title:** MODIFY ONSLOW COUNTY SALES TAX DISTRIBUTION

**Status:** 02/05/2009 – House Committee On Rules, Calendar, and Operations of the House

**Comments:** This bill would create a third way for Onslow County to divide sales tax revenue with its municipalities. The "Combined Method" would allow for the "net proceeds of the tax collected in a taxing county shall be distributed to that county and to the municipalities in the county by using both the per capita and the ad valorem methods with neither method being used to distribute less than forty percent (40%) of the net proceeds of the tax."

---

**Bill: HB81**

**Sponsors:** Cleveland (R14)

**Title:** NOTICE OF SPECIAL/EMERGENCY MEETINGS

**Status:** 02/09/2009 – House Committee On Rules, Calendar, and Operations of the House

**Comments:** This bill adds e-mail to the list of ways in which a local government can notify the media or others who have requested notification regarding the scheduling of an unscheduled meeting or an emergency meeting of a governing body. For unscheduled meetings, it also requires a governing body to post the notification on the door of the building or in an area otherwise accessible to the public in the building where the meeting will be held if that building is typically closed during the 48-hour period prior to the meeting. The bill requires public bodies that have Web sites to post their regular meeting schedule on the Web site and to post any notices of special meetings on its Web site if the Web site is maintained "by one or more of its employees."

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