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Bulletin #09-16

Thursday, May 14, 2009

## A MAD DASH TO THE DEADLINE

Today's crossover deadline has made for long, frenzied days and packed meeting rooms this week. The deadline marks the date on which bills not impacting the state budget must pass the originating chamber in order to be considered for the 2009-10 biennium. The House, which worked past 10:30 p.m. on Wednesday, convened at 9:30 a.m. today with a whopping 82 bills on the calendar, a day after hearing roughly 70 bills on the floor. The Senate considered roughly 60 bills Wednesday during a session that began at 10 a.m. and wrapped up around 7:30 p.m., with committee meetings during a recess. Despite the deadline, legislators have other avenues – such as amendments or provisions in other legislation – available to keep alive some of the issues that they want considered. The Association remains vigilant in tracking these issues, especially ones that could prove detrimental to counties, to make sure they do not reappear.

## IT'S THE HOUSE'S TURN TO SING THE BUDGET BLUES

Amidst the flurry that marks crossover week, House Appropriations Subcommittee members received on Wednesday their biennium spending – or, perhaps more appropriately, cutting – targets to initiate House budget development. April's abysmal revenue collections report has given House budget writers \$1.5 billion less to work with than that contained in either the Governor's or Senate's budget proposals. All told, the State's 2009-10 continuation budget will need to be about \$5 billion below normal spending on existing programs. No House revenue plan would mean \$2 billion in cuts.

Appropriations subcommittees were scheduled to meet Thursday morning to publically review and discuss spending targets and budget development schedules, but given the lengthy House floor calendar, all other meetings were cancelled. While earlier plans called for a wrap-up of the House budget proposal by Memorial Day, now all signs now point to a mid-June plan.

## SMOKING SMOKED OUT IN PUBLIC BARS, RESTAURANTS

The House on Wednesday concurred with Senate changes to H2, "Prohibit Smoking in Certain Public Places," effectively banning all smoking in public bars and restaurants. Furthermore, [H2](#) authorizes local governments to enact more restrictive smoking bans in all public places, defined as an enclosed area to which the public is invited or permitted. County boards of commissioners must sign off by ordinance on any local health board action specifying more restrictive smoking policies. Enforcement of administrative penalties for state and local smoking restrictions falls to the local health director.

## CONCERNS OVER 'CUSTODY' OF INVOLUNTARY COMMITMENTS ARE EASED

Our hats off to Rep. Verla Insko, a former Orange County commissioner and legislative leader in righting state mental health reform efforts. After hearing county concerns regarding [H243](#), Rep. Insko convened a working group of stakeholders to hammer out an agreement to clarify involuntary commitment practices.

[H1188](#), a bill that would have originally required gubernatorial appointment of one-third of local mental health board members and subjected appointment of area mental health directors and single and multi-county directors to DHHS secretarial approval, was removed from the House Mental Health Reform Committee's agenda on Tuesday.

## LOCAL GOVERNMENT TORT CLAIMS ACT DIES IN SENATE COMMITTEE

A Senate bill that would increase personnel and insurance costs for counties by waiving immunity for local governments in all liability cases, allowing cases to be tried by a jury, and broadly redefining proprietary functions to widen the net of services for which local governments can be held liable will not cross over to the House. Bill sponsor Sen. Tony Rand (Cumberland) pulled [S1026](#) from the Judiciary I Committee on Tuesday after failing to generate adequate support for the bill. But [H1476](#), a bill sponsored by Rep. Rick Glazier (also of Cumberland) that passed the House on May 6, has great effects on the doctrine of governmental immunity and could become an eligible vehicle for Sen. Rand's legislation. Under current law, counties can choose to waive their governmental immunity through the purchase of liability insurance.

## BILL AUTHORIZING HEALTH INSURANCE BENEFITS FOR FORMER COUNTY OFFICIALS CHECKS OUT IN SENATE

The Senate today approved legislation to authorize all counties – except those participating in the State Health Plan – to provide health insurance benefits to former officials and employees who are not receiving retirement benefits. [S468](#), sponsored by Sen. Floyd McKissick (Durham), was given second and third reading approval after being amended to require that those retirees receiving the benefit would be required to pay the health insurance premium.

## 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:** [H1263](#)

**Sponsors:** Alexander, K. (D107); Mackey (D99)

**Title:** KEEP RECORDINGS OF CLOSED SESSIONS

**Status:** 04/09/2009 – House Committee On Local Government II

**Comments:** Members of the Local Government II Committee discussed but took no action on this bill on May 13, sealing its fate for the biennium. The bill would have required cities or counties with populations of at least 50,000 to record audio of closed sessions. The recording could be withheld as long as the release of the recording would frustrate the purpose of the closed session. Currently, the law requires all local governments to keep a record of any closed session, but does not require sound to be recorded.

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**Bill:** [S1004](#)

**Sponsor:** Hoyle (D43)

**Title:** LEVEL PLAYING FIELD/CITIES/SERVICE PROVIDERS

**Related:** 2009:HB1252

**Status:** 05/11/2009 – Passed in the Senate

**Comments:** The Senate passed the bill following its conversion into legislation authorizing a study of local government owned and operated communications systems in the Commerce Committee. In its original form, the bill would have financially prohibited local governments from providing high-speed Internet services.

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**Bill:** [S1027](#)

**Sponsor:** Rand (D19)

**Title:** ZONING CHANGE/PROPERTY OWNER NOTICE

**Status:** 05/13/2009 – Passed in the Senate

**Comments:** A committee substitute of this bill that passed the Senate on May 13 alleviates the NCACC's concerns by exempting counties from the notification provisions of the bill.

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