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Bulletin #09-25

Thursday, July 16, 2009

FOOD FOR THOUGHT

When the General Assembly will adjourn is anyone's guess. Since 2003, the latest the Legislature left town was Sept. 2. That occurred in 2005, when lawmakers passed three continuing resolutions before adopting a budget Aug. 11. In 2007, legislators passed a budget July 30 and adjourned Aug. 2. In 2001, the state was mired in budget discord and redistricting. The Legislature adopted a budget Sept. 26, but did not finally adjourn until Dec. 6.

CR SQUARED

The House and Senate finalized work on the second stopgap spending measure on Wednesday to keep state government operating while budget negotiations continue. The Senate's initial version called for an open-ended continuing resolution, but House conferees pushed for a two-week expiration period to spur budget action. **H1504** lowers authorized spending from 85 percent of the 2009 budget to 84 percent and expires July 31. Rumors abound regarding progress on budget negotiations – end of session estimates range from two weeks to two months. While there appears to be general agreement on the spending plan and the amount of new revenues to support the plan (\$990 million), there appears to be little agreement on how those new dollars are to be raised. The Senate is advocating for a restructured sales tax system that broadens the base and lowers the rates; the House favors fewer services subject to sales taxes and recommends a sales tax increase and raising the income tax on upper income brackets.

ANNEXATION BILL DOESN'T COVER ANY NEW GROUND

The General Assembly's Fiscal Research Division released its fiscal notes for H524 (Annexation – Omnibus Changes) on Tuesday. H524 was re-referred to the House Appropriations Committee last week after a motion by Rep. Mickey Michaux (Durham), who is the chair of the Appropriations Committee, for a fiscal note and subsequent appropriation to carry out the requirements under the law. Since Appropriations did not hold any formal meetings, no action was taken on the bill this week.

ETHICS BILL UPDATE

A House bill that would require county commissioners to receive ethics training has been stalled in the Senate again. H1452 (Local Government Code of Ethics) has been twice withdrawn from the Senate Calendar. The Association continues to monitor the bill and work with interested Senators to make sure that any amendments to the bill do not interfere with a county commissioner's ability to conduct his/her official responsibilities. It is currently on the Senate calendar for consideration on Monday.

WIND MILL LEGISLATION STIRS UP DEBATE

After much spirited floor debate on wind turbines' impacts on mountain viewsheds, S1068, "Permitting of Wind Energy Facilities," was withdrawn from the Senate's Wednesday calendar and re-referred to the Senate Agriculture committee. The third edition of S1068 expanded permitting of wind energy facilities beyond the coastal CAMA counties to all areas of North Carolina, but it stipulated that wind farms would not be permitted on mountain ridge tops if they violate the Mountain Ridge law. S1068 changes to the Mountain Ridge law would limit permissible windmills to those associated with a residence, for use within that residence, and with a height limit of 100 feet.

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: HB81

Sponsor: Cleveland (R14)

Title: NOTICE OF SPECIAL/EMERGENCY MEETINGS

Comments: This bill adds e-mail to the list of ways in which a local government can notify the media or others that 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 the Web site if the Web site is maintained "by one or more of its employees." The House agreed to the Senate changes, which made the effective date to Oct. 1, 2009.

Bill: HB1389

Sponsors: Rapp (D118); Fisher (D114); Harrison (D57)

Title: FINANCE ENERGY IMPROVEMENT WITH ASSESSMENTS

Comments: This bill grants to cities and counties the authority to enter into contractual loan arrangements with residents or businesses to help finance energy efficiency improvements to real property. The bill enables local governments to tap into funds from the American Recovery and Reinvestment Act (ARRA) to set up the loan funds. The loans would be repaid through assessments on the property. The governing board must designate an area for which the program will be applicable and must hold a public hearing before it can begin the program. The bill passed the House on July 16.

Bill: SB547

Sponsor: Atwater (D18)

Title: CHATHAM Transfer of Development Rights

Category: Legislative Goal

Comments: This is a local bill that authorizes the Chatham County Board of Commissioners to implement a program that allows for the transfer of development rights as a tool to preserve agricultural lands. The Association's goal is for all counties to have the authority to transfer development rights.

Bill: SB698

Sponsor: Boseman (D9)

Title: CITY/COUNTY/SANITARY DISTRICT FEES/INTERNET

Comments: A House committee substitute changed the nature of this bill to make it applicable only to the imposition of or an increase in fees "applicable solely to the construction of development." The governing board must provide notice at least seven days in advance before any meeting in which it has on the agenda the consideration of an imposition or increase in any fee. The bill also includes a mandatory "period of public comment." If the governing body has a Web site, it may post the notice on the Web site. The bill was amended on the House floor to change the effective date from Aug. 1, 2009, to Sept. 1, 2009.

Bill: SB831

Sponsor: Clodfelter (D37)

Title: EXTEND CERTAIN DEVELOPMENT APPROVALS

Comments: This bill extends the life of certain state development permits and approvals for builders who may have put projects on hold due to the economic situation. The bill affects any permit that was current and valid at any point between Jan. 1, 2008, and Dec. 31, 2010. For such permits, the "running of the period of the development approval" is suspended through Dec. 31, 2010. This means that any permit that was active on Jan. 1, 2008, is automatically extended for however many months were left on the permit as of Jan. 1, 2008 – but not more than 36 months – beginning Jan. 1, 2011

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