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Bulletin #10-02

May 14, 2010

## SENATE UNVEILS BUDGET

Senate leadership is trying to make good on its plan to have its version of the budget finalized by May 20. Appropriations subcommittees met Friday morning to begin working on their parts of the spending plan. Intergovernmental Relations Director Rebecca Troutman will analyze the Senate budget this afternoon in the inaugural edition of the Association's weekly legislative review video, This Week at the General Assembly. The video report will be posted on the Association's YouTube channel ([www.youtube.com/ncacc1908](http://www.youtube.com/ncacc1908)) by 3 p.m. Of particular interest to counties will be the Justice and Public Safety subcommittee's recommendation related to reimbursements to counties for housing misdemeanants in county jails and whether or not the Senate includes the much-discussed plan to redirect \$100 million of the 2010-11 county lottery proceeds to school operating expenses.

## 911, ABC STUDY COMMITTEE BILLS FILED IN BUSY FIRST WEEK

A bill incorporating the recommendations from the House Select Committee on the Use of 911 Funds was filed Thursday. **H1691** (Use of 911 Funds) is sponsored by Reps. Angela Bryant (Nash), Roger West (Cherokee), Bill Faison (Orange) and Efton Sager (Wayne). The bill recommends that use of the 911 Fund "should be expanded to allow for additional uses by Public Safety Answering Points (PSAPs)" – including radios for first responders. Flexibility in the use of 911 funds is the Association's No. 1 Justice and Public Safety legislative goal and has been a goal since 1995. The committee's recommendations also include a restructuring of the state's 911 Board – also an NCACC goal – to provide additional local government representation. Association staff, including Director of Government Relations Kevin Leonard, worked extensively with this committee as it studied this issue during the interim. Pasquotank County Manager Randy Keaton, Franklin County Emergency Communications Director Christy Shearin and Catawba County Assistant Manager Lee Worsley also made several trips to testify to the committee and make sure that the county perspective was heard.

Two bills were filed to implement the recommendations of the Joint Study Committee on Alcoholic Beverage Control (ABC). **H1717** (Modernization of the State ABC System) is sponsored by Reps. Marvin Lucas (Cumberland), Larry Bell (Sampson) and Ray Warren (Alexander). **S1112** (Modernization of the State ABC System) is sponsored by Sen. Don Vaughan (Wayne). The committee met frequently during the interim between sessions before finally adopting a set of recommendations. The legislation makes local ABC boards subject to the requirements of the Local Government Ethics Act and also allows the State ABC Commission to set performance standards for ABC stores and to seize local assets if those performance standards are not met. Hertford County Commissioner Howard Hunter was a member of this joint committee and worked diligently to make sure county concerns were heard as this complex issue was debated. Executive Counsel Sharon Scudder also worked with committee members to help them understand the county perspective and to defeat some proposals that would have been harmful to counties.

## ANNEXATION BILL EMERGES IN SENATE FINANCE

The annexation bill that passed the House last session and then spent the interim in limbo after the Senate failed to receive the bill from the House emerged this week in the Senate Finance Committee. **H524**, introduced by Rep. Bruce Goforth (Buncombe), was

passed by the House in 2009 and is eligible for action in the short session. The bill achieves many of the elements in the NCACC's adopted legislative goal on annexation. The differences between H524 and the NCACC goal are that the legislation requires the referendum to be approved by 15 percent of the registered voters in the area to be annexed and the receiving municipality, while the Association's goal sought a referendum in cases where the county was already providing services. Also, the legislation does not require the municipality to reimburse the county for lost sales taxes. In its favor: the bill has a referendum provision, and it requires the Local Government Commission to conduct a financial analysis, with authority to stop the annexation or reverse it if needed.

## **BASNIGHT, HACKNEY TO SPEAK AT COUNTY ASSEMBLY DAY**

Two of the most influential legislators in the state will address attendees at the Association's annual County Assembly Day, which will be held in Raleigh on Wednesday, May 19. Speaker of the House Joe Hackney (Orange) and Senate President Pro Tem Marc Basnight (Dare) will address attendees in the morning, and a panel discussion on the "state" of state politics will follow. In the afternoon, NCACC staff will provide an overview of the most current legislative issues. Registration for the event opens at 9 a.m., and the program begins at 9:30 a.m. Visit the NCACC Web site at [www.ncacc.org/countyassemblyday.html](http://www.ncacc.org/countyassemblyday.html) for registration information.

## **COMPARATIVE FAULT BILL COULD BE COSTLY TO COUNTIES**

A bill is eligible for consideration in the Senate that would change the state legal system from contributory negligence to comparative fault. **H813** (Uniform Apportionment of Tort Responsibility) is sponsored by Reps. Rick Glazier (Cumberland), John Blust (Guilford), Deborah Ross (Wake) and Bonner Stiller (since retired). The bill passed the House last summer. If enacted in its current form, H813 would expand personal injury and other tort lawsuits dramatically in North Carolina.

Under the state's current contributory negligence law, a plaintiff who is partially at fault for his own injury is barred from recovery from defendants. Under the proposed legislation, a plaintiff could sue for damages from a defendant even if the plaintiff caused up to 50 percent of his own harm. This would likely result in an increase in cases being filed against counties and related agencies, and increased insurance premiums. Counties may also be asked to pay for damages for which they are not responsible. If a county is a defendant in a case in which there are other defendants who are unable to pay their share of the damages awarded by a jury, the court could reassign their damages to the county. This would further increase the potential exposure for counties and further tie up the court system, lengthening the time a lawsuit takes to resolve. The bill passed the House in May 2009 and was referred to the Senate Judiciary I Committee, which did not take action on it during the long session. It is eligible in the short session.

## **LOCAL BILL DEADLINES APPROACH**

Local officials need to move quickly if they wish to pursue any local legislation. Wednesday, May 19, is the deadline for legislators to submit local bills to the Bill Drafting Division. The subsequent deadline for local bills to be introduced in the House of Representatives or filed for introduction in the Senate is 4 p.m. on Wednesday, May 26. Local bills must not require a public hearing and must be noncontroversial.

## **TWEET TWEET – RECEIVE NCACC LEGISLATIVE UPDATES ON TWITTER**

The NCACC has significantly increased its online outreach efforts through Twitter. If you're into Twitter, be sure to follow us. Check out our Web page from time to time at [twitter.com/NCACC](https://twitter.com/NCACC). This is where we provide notices about upcoming legislative committee meetings of importance to counties. The Association's latest "tweets" are also posted on our home page at [www.ncacc.org](http://www.ncacc.org).

– Executive Director David F. Thompson  
– Director of Government Relations Kevin Leonard

