

If you are having problems viewing this e-mail, please visit our Web site to view [this bulletin](#).



Bulletin #10-10

July 9, 2010

## THIS WEEK AT THE GENERAL ASSEMBLY

This week at  
the General  
Assembly

Brought to you by the  
North Carolina Association  
of County Commissioners

Be sure to watch "This Week at the General Assembly" on the Association's YouTube channel ([www.youtube.com/ncacc1908](http://www.youtube.com/ncacc1908)). Video updates are posted each Friday afternoon and are accessible anytime.

## END OF SESSION SPARKS FLURRY OF ACTIVITY

With legislators trying to adjourn for the summer, the Legislative Building was a flurry of activity this week. Sessions lasted well into the evening and included numerous recesses to allow committees to meet and review legislation. Both the House and the Senate are in session Friday and, depending upon their progress, may meet on Saturday as well – but all signs point to the General Assembly adjourning for 2010 before Sunday. The Association will publish a final edition of the Legislative Bulletin next week that will include a review of any issues of interest to counties that were included in the usual studies bill, and will report on any last-minute issues that were adopted after this edition of the Legislative Bulletin was mailed.

## U.S. HOUSE PASSES COLLECTIVE BARGAINING LEGISLATION

The United States House passed a comprehensive bill late last week that requires states and local governments to offer collective bargaining rights to public safety employees. After several attempts to pass the bill failed in the Senate, the House decided to try another vehicle and rolled the text of [H.R. 413](#), "Public Safety Employer-Employee Cooperation Act of 2009," into a bill that includes the supplemental appropriations for the wars in Afghanistan and Iraq and spending for numerous domestic programs. Under the bill, all counties, cities and states will be required to collectively bargain with public safety employee labor unions over wages, benefits and working conditions. One set of rules will be developed at a later date to guide the process. The mandatory collective bargaining provisions override longstanding North Carolina law that prohibits collective bargaining in the public sector. Both of North Carolina's Senators, Richard Burr and Kay Hagan, have voiced their opposition to collective bargaining.

## HOUSE CONCURS WITH SENATE CHANGES TO 911, ABC BILLS

The Senate approved slightly revised versions of the ABC and 911 bills this week, sending them both back to the House for concurrence. The House agreed Thursday to the Senate changes to the 911 bill ([H1691](#) – Use of 911 Funds). The bill has been sent to Governor Beverly Perdue for her signature. The bill accomplishes two long-standing county legislative goals – to expand the use of the 911 funds and to add local government representation to the 911 Board. The ABC bill passed the Senate on

Wednesday with several changes that affected local ABC boards but did not materially impact the legislation as it relates to counties. The House voted 109-0 on Thursday afternoon to accept the Senate changes. The bill will be sent to Governor Perdue for her signature.

## YADKIN COUNTY ADDED TO WAKE COUNTY E-MAIL BILL

A local bill that applies only to Wake County and its municipalities and to Yadkin County has passed the Senate and the House. Currently, if a local government maintains a list of e-mail addresses used to communicate with citizens, those lists are considered public records and can be requested by citizens. Public records laws require the government to provide the list in electronic format, making it easy on the person who is making the request to send an unsolicited e-mail to the names on the list.

This bill changes the requirement so that the government has only to make the list available for inspection and does not have to make the list available in an electronic format. It also clarifies that a local government can only use the list for the purpose for which it is intended or in case of a public health or public safety emergency. The bill passed second and third reading in the Senate on Wednesday after it was modified to include Yadkin County. The House concurred with the Senate's changes on Thursday.

## BILLS OF INTEREST

The Association maintains 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.

**Bill:** [H80](#)

**Sponsor:** Goodwin (D66)

**Title:** BAN ELECTRONIC SWEEPSTAKES

**Status:** 07/08/2010 – Ratified in the House

**Comments:** The Senate and the House moved quickly on a bill to ban video sweepstakes machines. The bill clarifies a 2006 ban on video poker machines and includes specific definitions of the types of machines used to simulate video poker that would be banned. The Senate passed the bill by a vote of 47-1 on June 22. The House concurred with Senate changes on July 7, and the bill was ratified July 8. The Association had a legislative goal in 2005-06 to support a ban of video poker.

---

**Bill:** [H593](#)

**Sponsors:** Alexander, M. (D106); Luebke (D30); England (D112); Rapp (D118)

**Title:** MODIFY GOOD CAUSE WAIVERS

**Status:** 07/09/2010 – House Committee On Education

**Comments:** This bill, which provides local boards of education some flexibility when setting closing dates for public school systems that are regularly impacted by severe weather or other emergencies, was amended by the Senate on July 7 to include a new G.S. 153A-456, which clarifies that county governments cannot use public funds to lobby for or against "a referendum, election or a particular candidate for elective office." The section clarifies existing case law that restricts county governments from advocating for a ballot issue, such as the local-option sales taxes that have been granted to counties in recent years. The new section does not impact a county's ability to use public funds to educate citizens about a ballot initiative.

---

**Bill:** [H1249](#)

**Sponsors:** England (D112); Harrell, T. (D41)

**Title:** HOMEBUILDER PROPERTY TAX DEFERRAL CHANGE

**Status:** 07/08/2010 – Ratified in the House

**Comments:** This bill would expand the eligibility for a homebuilder to qualify for the temporary tax deferral granted to finished but unsold houses that passed last session (H852 - Defer Tax on Builders' Inventory). This bill would make any unsold, finished house "owned by the builder or a business entity of which the builder is a member, as defined in G.S. 105-277.2" eligible for the property tax deferral program. The legislation that passed last session is written in such a way that only an individual builder who is also the sole owner of the property can qualify for the deferral. The Senate passed the bill June 2. It was assigned to the House Finance Committee, which reported the bill unfavorable for concurrence. The conference report made some technical corrections, and the bill was ratified July 8.

---

**Bill:** [S1177](#)

**Sponsor:** Clodfelter (D37)

**Title:** REV. LAWS TECHNICAL & ADMIN. CHANGES

**Status:** 07/08/2010 – Ratified in the Senate

**Comments:** The Senate concurred with changes made by the House on July 6 and July 7. The bill allows counties to begin collecting a locally approved sales tax on the first day of a calendar quarter. Previously, counties were allowed to start collection of a new locally approved sales tax on either Jan. 1 or July 1. At the request of the Department of Revenue, the House Finance Committee kept in place the current time frame of 90 days for the county to give notice of its intent to levy the tax to the department. The Senate's version lessened this to 60 days. To protect those counties that had planned on an Oct. 1, 2010, implementation for recently adopted sales tax measures, the department worked with Association staff to permit a 75-day notice for calendar year 2010.

– David F. Thompson, Executive Director

– Kevin Leonard, Director of Government Relations

– Sharon Scudder, Executive General Counsel