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Bulletin #11-09

March 25, 2011

TWEET OF THE WEEK

"Lawmakers rightfully set to repeal Gov. Holden's 1871 impeachment; they seem to want to repeal all annexations since then too." [@Fitzsimon](#) – Chris Fitzsimon, director of NC Policy Watch.



COUNTY JAIL ISSUES COMING TO THE FOREFRONT

The Joint Appropriations Committee on Justice and Public Safety is considering a plan that would move misdemeanants currently housed in state prisons to county jails. Counties have a high level of concern about the negative impacts this change would have on overpopulated jails in counties around the state. Staff has been in conversation with the chairs of the committee for the past several weeks attempting to determine the exact impacts and statistics involved in such a shift in policy. NCACC data conservatively shows a minimum of \$30 million statewide impact to counties based on state prison misdemeanants and daily housing and medical costs. The Department of Corrections has different estimates, however, and at this time those estimates have not been presented to the legislative committee for review.

The discussion involving misdemeanants is one piece of a larger proposal being presented to a legislative committee called "Justice Reinvestment." Justice Reinvestment is comprised of multiple parts that seek to decrease jail and prison population through pretrial release initiatives, promoting electronic monitoring, and other programmatic changes that highlight increasing community supervision options for offenders who may not need to be housed in the jail or prison system.

To see the NCACC data, which has a county-by-county listing of estimated impacts on your county jail, please visit www.ncacc.org/documents/misdemeanants2011.pdf. Please take a moment to review this list and then contact your legislative delegation or JPS committee members to discuss this issue further.

JOINT APPROPRIATIONS COMMITTEE ON JUSTICE AND PUBLIC SAFETY

House members

Chairs: Reps. [Leo Daughtry](#), [David Guice](#), [Shirley Randleman](#)

Vice Chairs: Reps. [James Boles](#), [John Faircloth](#), [Dan Ingle](#), [Timothy Spear](#), [Sarah Stevens](#)

Members: Reps. [Martha Alexander](#), [Alice Bordsen](#), [Rayne Brown](#), [Charles Graham](#), [Craig Horn](#), [Darren Jackson](#), [Patsy Keever](#), [Annie Mobley](#)

Senate members

Co-Chairs: Sens. [Harry Brown](#), [Thom Goolsby](#)

Vice Chairs: Sens. [Ed Jones](#), [Dan Soucek](#)

Members: Sens. [Daniel G. Clodfelter](#), [Don East](#), [E.S. \(Buck\) Newton](#)

SENATE PASSES 911 BILL ON UNANIMOUS VOTE

The Senate unanimously approved [S98](#) (911 Call Transcripts) on March 22 after hearing about the need to protect the identity of callers who report criminal activity by using the 911 emergency phone call system. This bill, which would accomplish an NCACC legislative goal, allows a local government to protect the identity of those making certain 911 calls by allowing the content of the call to be released “in the form of a written transcript or altered voice reproduction.” Current law requires that the actual recording of the phone call is a public record and must be released as is.

Durham County brought forth this idea during the Association’s Legislative Goals Conference in January after commissioners heard from citizens that people were becoming afraid to use 911 to report criminal activity for fear of reprisal if their voice is recognized if the call is released to the public. Television stations frequently play the 911 recordings on their news broadcasts to boost the drama of a news report. Newspapers also frequently post on their websites the audio recordings of the calls in high-profile criminal cases. The House has referred S98 to Judiciary Subcommittee A.

HOUSE VOTES TO LIMIT MUNICIPAL BROADBAND CAPABILITIES

The House overwhelmingly approved a bill March 24 that makes it more difficult for municipalities to build their own Internet broadband systems. Supporters of [H129](#) (Level Playing Field/Local Government Competition) say the bill keeps local governments from unfairly competing with private enterprise by offering broadband services to municipal residents. The House voted 80-32 to pass the bill, which will have its third and final reading on Monday.

Some municipalities have initiated enterprise operations that provide high-speed Internet to their citizens. Commercial providers such as Time Warner Cable and Century Link argue that local governments competing with a private business function and receiving an unfair advantage in the marketplace. Cities, however, have made a compelling argument that the private sector has been unwilling to provide these types of services in their municipal areas because they do not view their investment in a particular service area as a profitable venture. The bill as it currently stands exempts municipalities that are already providing the services, but it does preclude them from expanding their existing service area.

Presently, counties are not authorized to provide communication services as an enterprise option and therefore are precluded from entering into such agreements. There has been discussion about whether counties may offer such service as a part of economic development efforts, but the law is not clear on this point. The Association has a legislative goal to “authorize counties to offer broadband through public-private partnership or direct service” and is in the process of developing legislation that would give counties the expressed authority to enter into public-private partnerships to encourage the development of broadband service in counties. The intent is to give commissioners the authorization to negotiate with private industry to bring high-speed Internet to citizens of their county.

SENATE CONSIDERING OVERRIDING LOCAL CONTROLS FOR BILLBOARDS

[S183](#) (Selective Vegetation Removal/State Highways) was heard before the Senate Transportation Committee on Wednesday. Senate Majority Leader Harry Brown (Onslow) is the primary sponsor of the legislation, which makes a number of changes to the laws governing the billboard industry, such as increasing the area around billboards in which trees can be cleared and allowing for the conversion of existing billboards to digital billboards.

Of the greatest concern to NCACC are the provisions of the bill that take local control away by restricting the ability of counties to regulate billboards in their communities. Representatives of the NCACC and other local government groups expressed concerns to the committee about the loss of local control. A vote was not taken on this bill, and the committee will continue to debate this legislation.

BILL ALLOWS COUNTIES TO PUBLISH CERTAIN NOTICES ELECTRONICALLY

A bill was filed in the House on March 24 that would allow local governments to publish certain notices on their website instead of requiring the governments to purchase expensive ads in newspapers. [H472](#) (City/County Electronic Notice) would authorize cities and counties to “adopt ordinances providing that any notice it is required by law to publish, whether under G.S. 1-597 or under any other general law or local act, may, in lieu of or in addition to such notice” be posted on a prominent location on the governing body’s official website.

The bill would accomplish an Association legislative goal to “authorize electronic notice of public hearings and other legal notices.” The bill would save thousands of dollars for counties each year and would encourage counties to make better utilization of their websites to engage citizens. The bi-partisan bill is co-sponsored by Reps. Paul Stam (Wake), Chuck McGrady (Henderson), Bill Owens (Pasquotank) and Darren Jackson (Wake).

CHECK US OUT ON YOUTUBE, TWITTER AND FACEBOOK

The Association has several ways members can receive up-to-date legislative information. The NCACC’s Twitter feed has more than 450 followers. Sign up to follow us at twitter.com/ncacc. You can also view our latest Twitter posts on the NCACC Web site (www.ncacc.org). If you are on Facebook, search for “NCACC” and click on the “Like” button to receive our updates. The Association posts breaking news on both the Twitter and Facebook pages. The Association is also creating weekly legislative video reports for the NCACC’s YouTube Channel (www.youtube.com/ncacc1908). “This Week at the General Assembly” will be posted each Friday afternoon and will feature interviews with legislators and NCACC staff, reports on legislation impacting counties and updates on county legislative priorities.

BILLS OF INTEREST

The Association maintains a section on its website to track bills of interest to county officials. Visit www.ncacc.org/legislation/about.html for updates on these and other bills we are tracking. Bills added this week include:

Bill	Title	Committee
H418	Winston-Salem Deannexation	Local bills of interest
H423	Enact First Evaluation Program	Health and Human Services
H424	Add'l Section 1915 Medicaid Waiver Sites	Health and Human Services
H425	Medicaid Billing By Local Health Departments	Health and Human Services
H430	Repeal Bilingual Ballot Instruction Statute	Intergovernmental Relations
H431	Repeal Senate Bill 3 Of The 2007 Session	Environment
S382	Required Withholding For Nonresidents	Tax and Finance
S384	Conforming Changes/Persons W/Disabilities Act	Health and Human Services
S386	Repeal G.S. 95-98	Intergovernmental Relations
S395	Property Insurance Rate Review Board	Tax and Finance
S396	Repay Civil Penalty Funds To Schools	Public Education
S399	Minority Appeal From County Bd Elections	Intergovernmental Relations

Bill: [H87](#)

Sponsors: LaRoque (R10); Moore, T. (R111)

Title: SUNSHINE AMENDMENT

Status: 03/23/2011 – Reported by House committee

Comments: This bill would amend the N.C. Constitution and provide a constitutional right to government public records and open meetings. The bill provides that the amendment would be voted on in the November 2012 general election. The bill has been removed from the House calendar twice in the past week as several legislators are arguing against a constitutional amendment and instead are suggesting that any changes to existing laws be made through revising the General Statutes. The House did amend the bill to allow a unit of government to charge a “reasonable” fee for the costs incurred when copying or compiling records to satisfy a request.

Bill: [H430](#)

Sponsor: Cleveland (R14)

Title: REPEAL BILINGUAL BALLOT INSTRUCTION STATUTE

Status: 03/23/2011 – First reading in the House

Comments: This bill would eliminate the requirement that voting instructions must be provided in Spanish in counties where the Hispanic population exceeds 6 percent in the latest decennial census.

Bill: [S386](#)

Sponsor: Kinnaird (D23)

Title: REPEAL G.S. 95-98

Status: 03/22/2011 – Senate Committee On Rules and Operations of the Senate

Comments: This bill would end the state's ban on collective bargaining for government employees.

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

