

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



Bulletin #11-11

Friday, April 8, 2011

SENATE ANNEXATION REFORM BILL INTRODUCED

Sens. Jim Davis (Macon), Tom Apodaca (Henderson) and William Rabon (Brunswick) introduced [S548](#) (Annexation Reform) on Thursday. The proposed legislation details many of the Association's legislative goals on annexation, including:

- requiring the development of joint utility service plans for urbanizing areas;
- requiring cities to reimburse counties for the loss of sales tax due to an annexation;
- increasing the degree of urbanization required to annex property;
- requiring the direct provision of municipal water and sewer services to customers within three years of an annexation;
- providing that counties have the option of continuing to provide utilities to annexed areas;
- setting the effective date for involuntary annexations to be June 30 following the date of adoption or final Resolution of an appeal;
- prohibiting municipalities from annexing across county boundaries without prior consent of the Board of Commissioners of the affected county. In an instance where a municipality has already annexed across county lines, further annexation cannot occur without consent of the affected county.
- and prohibiting municipal involuntary annexation or regulation of farm or forestry activities within a voluntary agricultural district or conservation district.

The Association's original goal language proposed an allowance for a Board of Commissioners to request a referendum on any proposed involuntary annexation. During the crafting of the proposal, bill sponsors indicated strong feelings about incorporating a referendum element into the bill language that would require a vote of the people for any involuntary annexation. It is anticipated that this provision will be added to the bill soon. S548 is on the Senate calendar for introduction and will be referred to committee on April 11.

BILL TO RESTRUCTURE HUMAN SERVICES MOVES AHEAD DESPITE OPPOSITION FROM COUNTY EMPLOYEE GROUPS

After an hour of heated testimony and debate on April 6, the Senate Health Care Committee voted in favor of [S433](#) (Local Human Services Administration), the statewide county priority goal to allow counties to organize human services based on community need that includes the removal of the population threshold in 153A-77. NCACC President Joe Bryan of Wake County spoke on behalf of the goal. In contrast, a number of county directors of social services and county health directors – active and retired – spoke in emphatic opposition to S433. We have also learned that current health and DSS directors have been sending emails to Senate and House members, asking for them to oppose this Association goal. Their rationale for opposing S433 is largely

centered on their concerns that undue political influence would be brought to bear by boards of county commissioners should the boards have the option and authority to restructure human services administration.

Current statute permits counties with populations in excess of 425,000 to reorganize county human services programs. Mecklenburg County has exercised this option since 1984, and Wake County has done so since 1996. Guilford is the only other county eligible to consider this option for human services administration.

County officials are encouraged to contact their legislative delegation and help them understand what benefits and efficiencies might be afforded to the county under this model – and especially to the human services clientele. Having a consolidated, coordinated approach to human services delivery can in turn provide a more holistic approach to client need. A number of counties have adopted resolutions in support of greater flexibility to organize human services and have shared their position with their delegation.

The bill does not mandate that counties consolidate their human services. It is a “good government” bill that provides counties the option to streamline human services administration by minimizing costs and reducing spans of control, thereby allowing counties to focus more resources on services. As the state moves forward with its restructuring efforts, it is hoped that counties too might have an option to decide how their services are administered.

COUNTY DOLLARS INVESTED IN JUSTICE REINVESTMENT ACT

H642 (Justice Reinvestment Act) has been filed by Reps. David Guice (Transylvania), John Faircloth (Guilford), Alice Bordsen (Alamance) and Earline Parmon (Forsyth). This bill implements recommendations of the Justice Reinvestment Project, including the recommendation that defendants convicted of misdemeanors, with an imposed sentence less any time credited for time served that results in a period of confinement of six months or less, shall serve the period of confinement in a county jail. As previously reported, this will result in a shift of a minimum of \$30 million to counties. NCACC staff continues to meet with chairs to voice opposition to any unfunded mandates and shifts to the counties.

SENATE CHARTER SCHOOLS BILL REVISED BY HOUSE

The House on Thursday tentatively approved its Finance Committee’s version of **S8** (No Cap on Number of Charter Schools). The House Finance Committee revised the bill before it was sent to the floor the same day. The House’s revisions include a change in the governance structure to require the proposed Public Charter School Commission to operate under the State Board of Education, with Commission recommendations subject to the approval of SBE. The SBE cannot act in an arbitrary and capricious manner in withholding approval of resubmitted proposals, and their rejection is subject to judicial review. The revised bill also requires new charters to provide transportation to low-income students living within three miles of the school and retains earlier language that would permit the commission to approve up to 50 new charters annually.

The House Finance Committee version also changes earlier language regarding a county’s permissive authority to provide capital funds to county charter schools. The new language requires that if a county decides to provide capital funds, these funds must be distributed equitably and apportioned according to the average daily membership of each charter school that has requested funds. This seems in conflict with current apportionment requirements for counties with multiple school districts – current expense funding is appropriately apportioned based on the number of students, but capital funds are not, given that capital funding needs are largely based on specific construction or renovation projects. Another amendment provides better protection for county capital investments in charters, again, if a county so chooses. Earlier language provided for county funds used for real property purchases to be returned to the county after all liens are satisfied. The new language also includes funds used to improve real property.

GUICE AMENDMENT GIVES OPTIONS TO LOCALS ON GUN CONTROL BILL

The NCACC would like to thank Rep. David Guice (Transylvania) for sponsoring an amendment to **H111** (Handgun Permit Valid in Parks and Restaurants) that returns some local control to counties. Rep. Guice’s amendment allows local governments to adopt ordinances to prohibit the carrying of concealed handguns into county or municipal recreational facilities. Recreational facilities are defined as playgrounds, athletic fields, swimming pools and athletic facilities. The amendment does allow individuals with valid concealed carry permits to lock their handgun in their vehicle parked at a recreational facility. NCACC greatly appreciates Rep. Guice’s recognition of the need for counties to have the ability to adopt ordinances that meet the specific needs of their communities.

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 almost 500 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
H586	Enhance Water Supply Funding	Environment
H587	North Carolina Jobs Bill	Intergovernmental Relations
H592	Study County Public-Private Partnerships	Intergovernmental Relations
H593	Allow County Public-Private Partnerships	Intergovernmental Relations
H595	Reorganization/Legislative Oversight Comns	Intergovernmental Relations
H642	Justice Reinvestment Act	Justice And Public Safety
S503	No Second Primaries	Intergovernmental Relations
S504	Water Infrastructure Authority/Water Grants	Environment
S508	Clarify Vaccine Exemptions/Emerg. Mgmt Act	Intergovernmental Relations
S509	"Ban The Box"/Public Employment	Intergovernmental Relations
S511	Cities/Communications Service	Intergovernmental Relations
S530	Prohibit Involuntary Annexation of Farms	Agriculture

Bill: [H168](#)

Sponsors: Sanderson (R3); Cleveland (R14); Hill (D20)

Title: FARMS EXEMPT FROM CITY ANNEXATION/ETJ/ZONING

Status: 04/07/2011 – Reported by House committee

Scheduled: 04/11/2011 – House Calendar, 7 p.m., House Chamber

Position: Support

Category: Legislative Goal

Comments: This bill would require a landowner whose land is being used for "bona fide farm purposes, as defined in G.S. 153A-340" to be excluded from any annexation unless the landowner agree in writing to be annexed. This bill would accomplish part of an Association Agriculture goal.

Bill: [S503](#)

Sponsor: Davis (R50)

Title: NO SECOND PRIMARIES

Status: 04/05/2011 – Senate Committee On Judiciary I

Position: Support

Category: Legislative Goal

Comments: This bill would accomplish the Association's legislative goal to eliminate second primary or runoff elections. However, it leaves in place the definition of a "substantial plurality" of 40 percent of votes cast and the requirement that a winning candidate in a primary election must have a "substantial plurality." The bill does not address what happens if no candidate receives a substantial plurality. Presumably, if no candidate in a party primary meets the "substantial plurality" requirement, and there is no option for a runoff or a second primary, then that party would not have a nominee for the general election for that race.

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