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Bulletin #11-21

Friday, June 17, 2011

## WE SAID IT

*"S433 received significant, bipartisan support in the Senate, and we believe it would have had the same support in the House, based on the information we received from county commissioners across the state who were contacting their Representatives and urging their support. We are very disappointed that the bill was pulled from the House calendar." – David F. Thompson, NCACC Executive Director.*

## LEGISLATURE OVERRIDES BUDGET VETO, READIES FOR A BREAK

The House and Senate voted to override Governor Beverly Perdue's veto of the state budget this week and appear to be ready to take a hiatus. The House and Senate are both scheduled to meet Friday and Saturday to finish up bills that require votes on two different days, then take a brief break before reconvening on July 13. The adjournment resolution passed by the Senate limits the kinds of bills that can be considered during the reconvened session to matters affecting redistricting, appointments, elections and bills vetoed by Governor Perdue. An earlier version introduced by the House included provisions that would have allowed the Assembly to consider legislation related to charter schools and other educational issues. It appears those will be excluded from the final adjournment resolution.

## S433 – LOCAL HUMAN SERVICES ADMINISTRATION

One of the counties' primary policy goals, the effort to allow county flexibility to reorganize local human services, was unexpectedly and sadly sidelined on the House floor this week. Despite receiving a favorable report in the House's Health and Human Services Committee and having already passed the Senate by a significant majority, it appears the bill may be held over until the 2012 session. This week, a number of county officials from across the state joined NCACC Executive Director David Thompson at the House Health Committee to support the bill. Mr. Thompson spoke eloquently and persuasively on behalf of [S433](#), which helped with its passage through the House committee. The bill was scheduled and listed on the House Calendar for Wednesday, but at the last minute, and despite our protests, the House's bill sponsor, Rep. Jeff Barnhart, pulled the bill from the calendar, saying he believed it too controversial to proceed.

Due in great part to our counties' grassroots advocacy efforts, phone calls and emails to House members seeking their support, the feedback from legislative members to Association staff was very positive and the Association felt confident that there were enough votes for House passage. After several conversations with Rep. Barnhart, he cited opposition by county social services and health directors as well as perceived conflicts with implementation of the statewide capitated model of mental health services. Therefore, Rep. Barnhart moved the bill back to committee for additional work.

Having passed the Senate before the crossover deadline, S433 remains eligible for the short session. Rep. Barnhart and Sen.

Fletcher Hartsell (the Senate bill sponsor) have pledged to work with counties to resolve this issue in advance of bringing it forward again next year. As the General Assembly plans a series of mini-sessions prior to short session, we encourage our counties to press upon their legislators the importance of achieving this legislative goal. It is a testament to our membership and their advocacy efforts that this issue has made significant progress this session. The Association intends to achieve this goal before the end of the 2011-2012 Session of the General Assembly.

## **S98 – 911 CALL TRANSCRIPTS SET TO BECOME LAW**

A bill that would protect the identity of citizens who use the 911 service to report criminal activity will become law this session. **S98** (911 Call Transcripts) is only a few steps away from receiving final approve by the General Assembly and will then be sent to Governor Beverly Perdue for her signature. The bill provides that, in order to protect the identity of a complaining witness, the contents of a 911 call may be released pursuant to public records laws in the form of a written transcript or altered voice reproduction. The bill does not alter the fact that the contents of 911 calls are a public record. The Press Association opposed the bill, citing concerns about further eroding the public's right to have access to public information. The bill has passed both chambers with overwhelming support. Enactment of the bill will achieve an Association legislative goal to "Promote utilization of 911 centers by protecting confidentiality."

## **STUDY BILL INTRODUCED**

If the number of studies (more than 150) and the length of the bill (56 pages) are any indication, then the General Assembly and many state agencies will find themselves very busy in the interim. Of interest to counties are studies reflecting current issues of concern and legislative goals such as meth labs, digital records preservation, water quality rules, and biosolids regulation. Of concern to counties is yet another examination of privatizing the state's ABC system, pretrial release, and contributory negligence.

## **E-VERIFY STILL BEING DEBATED**

The House and Senate are poised to adopt a bill that makes all employers in the state of North Carolina, including cities, counties, public agencies and organizations that contract with government entities with at least 25 employees, to use the federal E-Verify program to screen prospective new hires before they can be awarded a contract. **H36** (Government Contractors Must Use E-Verify) also requires cities and counties to use the system for all new hires. The bill has an effective date of Jan. 1, 2012.

## **BILL TO STUDY HYDRAULIC FRACTURING MOVES BACK TO HOUSE**

The House voted Thursday to concur with Senate changes to **H242** (Nat. Gas/Bond/Fee/Landowner Protect'n/Study), which would accomplish the NCACC's legislative goal to establish a study commission to examine hydraulic fracturing method of drilling for natural gas. The bill originally passed the House on May 31 and was amended by the Senate to combine the study with a study of "Onshore shale gas" included in **S709** (Energy Jobs Act), if that bill passes. H242 requires the Department of Environment and Natural Resources to hold two public hearings on hydraulic fracturing and to study the possible societal, economic and community impacts of allowing hydraulic fracturing. The bill also appropriates \$100,000 to conduct the study and establishes May 1, 2012, as the deadline for DENR to report its findings to the Legislature.

## **ELECTRONIC MONITORING BILL APPROVED BY SENATE**

The Senate easily approved **H662** (Electronic Monitoring Fee) without making any changes to the bill, which would allow a county to charge a fee to recoup the costs of electronic monitoring from the offender. This would accomplish an NCACC legislative goal. The bill was amended to exempt defendants who are deemed indigent and are qualified to receive court-appointed counsel, and it was also amended to require that counties can only charge the lesser of the cost of providing the service or the authorized jail fee in G.S. 7A-313.

## **LEGISLATIVE BULLETIN SCHEDULE**

The NCACC will publish another edition of the Legislative Bulletin on June 24, then will resume publishing on Friday, July 15, after

the General Assembly reconvenes on July 13.

## 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 575 followers. Sign up to follow us at [twitter.com/ncacc](https://twitter.com/ncacc). You can also view our latest Twitter posts on the NCACC website ([www.ncacc.org](http://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](https://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](http://www.ncacc.org/legislation/about.html) for updates on these and other bills we are tracking.

**Bill:** [H168](#)

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

**Title:** FARMS EXEMPT FROM CITY ANNEXATION & ETJ

**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. The Senate modified the bill slightly and it has been sent back to the House for concurrence.

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**Bill:** [H332](#)

**Sponsors:** Mills (R95); Killian (R105); Crawford (D32); Hamilton (D18)

**Title:** CLARIFY DEVELOPMENT MORATORIA AUTHORITY

**Position:** Oppose

**Comments:** This bill would take away a county's authority to implement a temporary moratorium on planning/development requests while it updates its ordinances. This bill passed the House and Senate and has been presented to Governor Perdue.

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**Bill:** [H384](#)

**Sponsors:** Howard (R79); West (R120); Rapp (D118); Wilkins (D55)

**Title:** REGISTER OF DEEDS/FEES

**Position:** Support

**Category:** Legislative Goal

**Comments:** This bill increases some fees collected by the Registers of Deeds. It addresses the Association's legislative goal to simplify registers of deeds fees. The House concurred with Senate changes on June 16 and the bill has been presented to the governor. According to a fiscal note prepared by the General Assembly's Fiscal Research Division, the bill will generate an additional \$1.3 million in fees for county Registers of Deeds offices annually beginning in FY 2012-13.

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

