

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



April 03, 2009

Dozens of House bills are being introduced each day as the April 8th deadline for introduction of House bills approaches. There will likely be several hundred House bills introduced early next week before the final deadline.

The focus this week has been on the meetings behind closed doors of Senate appropriations leaders as they craft their version of the 2009-2010 State Budget Bill. The Senate leadership is trying to get the budget proposal finalized so that it can begin to be released on Monday. There is some speculation that it might be ready for release on Monday, but there is considerable speculation that it might not be ready until later in the week. There seems to be universal agreement that there will be substantial differences in the Senate version of the budget from the version of the budget submitted by Governor Beverly Perdue several weeks ago.

Some folks believe that the Senate is working to get their version of the proposed budget released before the April 15th tax collection numbers become public. The speculation is that the financial numbers being used by the Senate to compute their budget will need to be revised downward significantly by the House after April 15th once the tax collection revenues are calculated. Regardless, the final budget agreed upon by the House and Senate will not be decided on until late June at the earliest, after both the House and Senate have very realistic projections on the available revenue, based on actual taxes collected.

There are additional rumors that the Senate proposed budget will contain some dramatic reorganizations and other changes within state government to streamline operations and reduce costs. It remains to be seen whether those proposals will be in the final version submitted by the Senate next week, or whether they will be accepted by the House when the House prepares their version of the proposed budget.

The House and Senate adjourned on Thursday to reconvene on Monday evening.

BILLS OF INTEREST

HOUSE BILL 873, Fire and Rescue Workers' Retirement, would adopt definitions of “career firefighters” and “career rescue squad workers” for their participation in the Local Governmental Employees’ Retirement System (LGERS). This legislation would add career fighters and career

rescue squad workers to the current provisions applicable for regular retirement that apply to law enforcement officers that allow for an early retirement at a specified age under certain circumstances. This legislation does not provide the five percent mandatory contribution to the employee's 401(k) Plan and does not provide the Special Separation Allowance benefit for career firefighters or career rescue squad workers. **Introduced by Representative Holliman.**

HOUSE BILL 875, Probation Reform, is identical to Senate Bill 920 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representative Wainwright.**

HOUSE BILL 876, Probation Study, is identical to Senate Bill 796 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representative Wainwright.**

HOUSE BILL 878, EMS Personnel/Recovery Rehabilitation/DHHS, would authorize the Secretary of the Department of Health and Human Services to identify programs for aiding in the recovery and rehabilitation of EMS personnel with chemical addiction or abuse. **Introduced by Representative Wainwright.**

HOUSE BILL 879, Commercial Drivers License Changes, is identical to Senate Bill 931 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representative Cole.**

HOUSE BILL 880, Motor Vehicle Size and Weight Law Changes, is identical to Senate Bill 1000 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representative Cole.**

HOUSE BILL 882, Motor Vehicle Inspection Program Changes, is identical to Senate Bill 826 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representative Cole.**

HOUSE BILL 885, No Picketing/Disrupt Residential Tranquility, would make it a violation for a person to assemble with others to direct or focus picketing on a single residence in a manner that disrupts the tranquility of that residence. **Introduced by Representative Ross.**

HOUSE BILL 887, Local Government Tort Claims Act, is identical to Senate Bill 1026 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representatives Ross, Blue, Sutton and Glazier.**

HOUSE BILL 888, Hyde County Bow Hunting, would make it unlawful to hunt with a bow and arrow or crossbow on another person's land in Hyde County without permission from the owner or lessor of the land. **Introduced by Representative Spear.**

HOUSE BILL 890, Unborn Victims of Violence Act, would make it a criminal offense to cause the death or injury of an unborn child. **Introduced by Representatives Hilton, Burris-Floyd, Blust and McElraft.**

HOUSE BILL 892, Repeal Pistol/Crossbow Transfer Permit, is identical to Senate Bill 782 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representatives Hilton, Jones and Cleveland.**

HOUSE BILL 898, No Killing of Grass Carp, applies only to Halifax, Northampton and Warren counties and would require a special permit issued by the Wildlife Resources Commission for the possession or taking of Grass Carp from the Gaston or Roanoke Rapids Reservoirs or from the Roanoke River, and to do so without the special permit would be a misdemeanor. **Introduced by Representatives Allen, Wray, Bryant and Crawford.**

HOUSE BILL 920, Motorcycles-No Passengers Under Age 16, would prohibit the operation of motorcycles with passengers under the age of 16 years of age. **Introduced by Representative Braxton.**

HOUSE BILL 921, Lenoir Fox Trapping, would provide an open season for fox trapping in Lenoir County from January 15th through February 28th of each year. **Introduced by Representative Braxton.**

HOUSE BILL 922, North Carolina Illegal Immigration Prevention Act, would enact numerous provisions of law regulating persons who are illegally in this country. **Introduced by Representatives Holloway, Blust, Cleveland and Neumann.**

HOUSE BILL 923, Montgomery County/ 911 Fund Uses, would allow the 911 funds in Montgomery County to be used for radio and telephone system equipment upgrades, equipment for reverse 911 and street sign maintenance. **Introduced by Representatives Goodwin and Burr.**

HOUSE BILL 926, Continuous Alcohol Monitoring Systems, is identical to Senate Bill 1087 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representatives Alexander, Faison and Guice.**

HOUSE BILL 932, Instant Runoff Voting Hearings, would require public hearings before a local government could participate in the Instant Runoff Voting Pilot Program to be established by the State Board of Elections. **Introduced by Representative Insko.**

HOUSE BILL 934, Local Employees' Retirement System COLAs, would state that it is the General Assembly's intent to provide a 1% cost of living adjustment to retirees of the Local Governmental Employees' Retirement System. **Introduced by Representative Tucker.**

HOUSE BILL 937, Innocence Commission/Limited Witness Immunity, would authorize the North Carolina Innocence Commission to compel testimony of witnesses, and to grant those witnesses limited immunity from prosecution for previous false statements made under oath in prior proceedings. **Introduced by Representatives Glazier, Ross, Stam and Lucas.**

HOUSE BILL 946, Bear Paw Service District/Motor Vehicle Laws, would make motor vehicle laws applicable on the streets within the Bear Paw Service District in Cherokee County. **Introduced by Representative West.**

HOUSE BILL 962, Suspend Superior Court Judge Rotation, would authorize the Chief Justice of the Supreme Court of North Carolina, in times of severe financial difficulty, to temporarily suspend the rotation of regular resident superior court judges as a cost-savings measure as long as the rotation is

resumed as soon as possible in order to honor the constitutional mandate to observe the principle of rotation. **Introduced by Representative Brubaker.**

HOUSE BILL 970, Granville County Hunting, would make it unlawful for a person to release a dog or dogs on the property owned by another for the purpose of hunting deer without the landowner's written consent if the property is properly posted. **Introduced by Representative Crawford.**

HOUSE BILL 973, Regulation of Golf Carts in Deep Run, would add the town of Deep Run to the list of towns authorized to regulate the use of golf carts on a public street or highway. **Introduced by Representative Braxton.**

HOUSE BILL 974, Political Robo Calls/Do Not Call Registry, would add political calls to the type of calls that cannot be made by the use of an automatic dialing device with a recorded message player. **Introduced by Representatives Harrison and Martin.**

HOUSE BILL 975, Political Sign Theft/Guilford, would only apply in Guilford County and would establish a specific criminal offense and penalty for the theft of political signs earlier than four days after the election to which the sign is relevant. **Introduced by Representative Harrison.**

HOUSE BILL 987, Safe Transportation of Railroad Employees, would require a commercial driver's license for the operator of a vehicle employed by a common carrier who is operating the vehicle for transportation of railroad workers. **Introduced by Representatives Rapp, Coates and Goodwin.**

HOUSE BILL 1019, Alamance Agriculture Fairs/Carnival Permits, would provide that the permit issued by the Sheriff for an agricultural fair or carnival could not be issued within 90 days (currently, 30 days) prior to a regularly advertised nonprofit agricultural fair. **Introduced by Representative Allred.**

HOUSE BILL 1026, Expand Chemical Dependency Treatment Beds, would provide additional funding to the Department of Correction for the expansion of male chemical dependency treatment prison beds. **Introduced by Representatives Sutton, Yongue and Pierce.**

HOUSE BILL 1033, Firefighter/EMS Payroll Deduction. This bill actually applies to law enforcement officers, firefighters and EMS personnel, even though law enforcement officers are not identified in the bill title. This bill mandates that county and city governments provide payroll deduction for an employee's dues to an "employee organization or association." This version of the bill specifically exempts Sheriffs' office personnel, although previous versions of this bill included Sheriffs' office personnel. **This bill is opposed by the North Carolina Sheriffs' Association.** **Introduced by Representatives Cole, Goforth and Brubaker.**

HOUSE BILL 1034, Allow Recorded Phone Messages/Public Safety, would allow automatic dialing and recorded message players to be used to make unsolicited telephone calls when the purpose of the call is to inform the telephone subscriber of any of the following: (1) that the person has purchased a product that may be subject to a recall due to safety concerns; (2) that the person may have received a prescription or over-the-counter medication that is subject to a recall due to a safety concern; (3) that the person has not picked up a filled prescription drug for which a valid prescription is on file

with a pharmacy; or (4) that an account maintained by the person may be subject to potential fraudulent activity. **Introduced by Representatives Glazier, Barnhart and England.**

HOUSE BILL 1037, Permit Access to Capital Defendants, would provide that when a defendant has been sentenced to death and the Supreme Court of North Carolina or a federal court issues an opinion in the defendant's case, the Department of Correction shall allow the defendant's lawyer access to visit with the defendant on the day the opinion is issued during regular business hours for not less than one hour. **Introduced by Representatives Glazier, Ross, Blue and Harrison.**

HOUSE BILL 1039, Guilty Plea Form Revisions, would require that the Administrative Office of the Courts revise the "Transcript of Plea" form that is provided to the defendant who enters a guilty plea or no contest plea, to determine whether the defendant's lawyer has advised the defendant of the limitations on the defendant's right to appeal and whether the lawyer has advised the defendant about the impact of their plea on how long biological evidence will be preserved. **Introduced by Representatives Glazier and Ross.**

HOUSE BILL 1042, Wilmington Correctional Facility Shall Not Close, would prevent the closure of the Wilmington Correctional Residential Facility for Women of the Department of Correction. **Introduced by Representatives McComas and Justice.**

HOUSE BILL 1051, Protect Tenants in Foreclosed Property, is identical to Senate Bill 953 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representative Blue.**

HOUSE BILL 1053, Landlord/Tenant Law Revisions, would make various changes to the landlord tenant law to include allowing for a stay to be issued of an execution on a judgment for summary ejectment while a motion for modification of the undertaking is pending before the Clerk of Court. **Introduced by Representative Blue.**

HOUSE BILL 1054, Safer Schools, is identical to Senate Bill 1023 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representative Blue.**

HOUSE BILL 1064, Expunge Nonviolent Crimes, is identical to Senate Bill 491 discussed in the March 13, 2009 Weekly Legislative Report. **Introduced by Representatives Hall, Bordsen, Crawford and Bryant.**

HOUSE BILL 1074, Clarify Closest Market, would clarify what is the "closest market" to which a crop may be hauled by vehicles on North Carolina highways. **Introduced by Representatives Lewis, Braxton, Brisson and Burr.**

HOUSE BILL 1076, Supervision of Certain Defendants, is identical to Senate Bill 851 discussed in the March 27, 2009 Weekly Legislative Report. **Introduced by Representatives Wiley, Jones and Harrison.**

HOUSE BILL 1077, Venue/Municipalities in Multiple Districts, is identical to Senate Bill 854 and would amend the venue rules and the authority of magistrates for municipalities lying in four or more counties, each of which is in a different judicial district. **Introduced by Representatives Wiley and Jones.**

HOUSE BILL 1078, Report School Violence to LEA Office, would require that school principals, within two business days of making a report to a law enforcement agency concerning certain crimes, must also notify the superintendent of the school system. The school superintendent would be required to provide this information to the local board of education. **Introduced by Representatives Wiley, Lucas, Blackwell and Mills.**

BILL STATUS

HOUSE BILL 8, Prohibit Cell Phones in Prisons, was originally introduced to prohibit cell phones in prison. **At the request of the North Carolina Sheriffs' Association**, this week in the Senate Judiciary II Committee the bill was amended to make it also unlawful for a person to give or sell a mobile telephone to any inmate in the custody of a county jail or local confinement facility.

HOUSE BILL 473, Magistrate Can Carry Gun in Courthouse, passed the House of Representatives and has been sent to the Senate Judiciary II Committee for further consideration.

HOUSE BILL 676, Law Enforcement Jurisdiction in Iredell Co, was approved by the House Ways and Means Committee on Wednesday and has been re-referred to the House Judiciary III Committee. **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 131, Penalty for DWI Conviction/BAC .20 or Higher, was amended in committee and now provides that if a DWI defendant has an alcohol concentration of 0.20 or more, any suspended sentence must require the defendant to serve a term of imprisonment of at least 24 hours.

SENATE BILL 978, Firearms Qualification Sites/Retired LEOs, was removed from the Senate Education Committee and re-referred to the Senate Judiciary II Committee.

If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, copies are available on the General Assembly's World Wide Web site: www.ncleg.net.

You may also receive one copy of as many bills as you are interested in, free of charge, by calling the General Assembly's Printed Bills office at 919/733-5648. They will need to know if it is a House bill or Senate bill and the bill number. (For example, Senate Bill 8).

Eddie Caldwell
Executive Vice President and General Counsel
North Carolina Sheriffs' Association

www.ncsheriffs.org