

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922

Weekly Legislative Report



July 10, 2009

The Continuing Resolution (CR) that authorizes state government to continue operating past June 30th without a 2009-2010 budget is scheduled to expire next Wednesday, July 15th. General Assembly members appear to have resigned themselves to the fact that a state budget will not be adopted by the deadline, or later next week. It appears to be a virtual certainty that another Continuing Resolution will be necessary.

At least one committee chairman mentioned this week that he was trying to get the remaining bills in his committee considered so that he could begin winding-up for the end of the Session. A decision to begin winding-up a committee's activity for this year does not mean that every bill assigned to that committee will get discussed and voted on in committee.

The chair of each legislative committee has the authority to decide which bills in that committee will get considered and which bills will not get considered, so as many committees begin winding-up their work for this Session, there will be a lot of bills remaining in committee that never get heard. There is a procedure under the rules that can be used to try to force a bill to be heard or get it moved out of an unfavorable committee. That procedure is almost never successful, and therefore it is rarely attempted.

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

BILL STATUS

HOUSE BILL 67, License Plate Frame/State Name Visible/Study, would make it an infraction to cover the state name, year sticker or month sticker on a motor vehicle license plate by use of a license plate frame. This bill was amended in the Senate to also require the Joint Legislative Transportation Oversight Committee, in consultation with the Revenue Laws Study Committee, to study special registration plates that have been authorized, but for which the Division of Motor Vehicles has not received the minimum 300 applications. This bill has been referred to the House Transportation Committee for consideration of the changes made in the Senate.

HOUSE BILL 182, Traffic Calming Devices/Residential Subdivisions, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 650, Roanoke Rapids/Freemont/No Loiter for Drugs, has been enacted into law. **Effective: December 1, 2009.**

HOUSE BILL 816, Clarify Local Special Separation Allowance, was approved by the Senate Pensions and Retirement Committee and is expected to be considered by the full Senate next week. This bill is identical to Senate Bill 986.

This bill was amended and now provides that any city or county can employ a retired local law enforcement officer in a part-time capacity, in a public safety position, and the officer will not cease receiving the Special Separation Allowance benefit so long as the retired officer's part-time employment does not require the officer's participation in the Local Governmental Employees' Retirement System. In order to not be required to participate in the Local Governmental Employees' Retirement System, a retired officer who goes back to work part-time must work less than 1,000 hours and must earn less than \$28,080 or less than 50% of compensation, excluding termination payments, reported to the Retirement System during the 12 months of service preceding the effective date of the officer's retirement.

This bill also clarifies that a retired local law enforcement officer's Special Separation Allowance benefit cannot be terminated if the officer returns to work for the State of North Carolina or a private business employer. After a local law enforcement officer retires, their Special Separation Allowance benefit will only be terminated: (1) upon the officer's reemployment by a local government in a capacity requiring participation in the Local Governmental Employees' Retirement System; (2) upon the death of the officer; or (3) on the last day of the month in which the officer becomes 62 years of age. **This bill is supported by the North Carolina Sheriffs' Association and numerous other associations.**

HOUSE BILL 885, Targeted Picketing, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 937, Innocence Commission/Limited Witness Immunity, has been approved by the Senate and will be returned to the House for consideration of the Senate changes.

HOUSE BILL 1098, Protect Search and Rescue Animal, has been approved by the Senate and will be returned to the House for consideration of the Senate changes.

HOUSE BILL 1132, Renew Concealed Carry Permit/30 Day Limit, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 1185, Habitual DWI-Reinstatement Petition/10 Years, has been approved by the Senate and will be returned to the House for consideration of the Senate changes.

HOUSE BILL 1445, Reform Bill of 2009, was approved by the House Judiciary III Committee and referred to the House Finance Committee. **This bill is supported by the North Carolina Sheriffs' Association.**

HOUSE BILL 1449, Juvenile Code Revisions, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

HOUSE BILL 1464, Clarify Domestic Violence Laws/Arrest/Valid Protective Order, has been approved by the Senate and will be returned to the House for consideration of the Senate changes.

SENATE BILL 65, Amend Computer Solicitation of Child, has been approved by the House and will be returned to the Senate for consideration of the House changes.

SENATE BILL 140, Amend Domestic Criminal Trespass, has been approved by the Senate and will be sent to the House.

SENATE BILL 464, Prevent Racial Profiling, was approved by the House Juvenile Justice Committee and has been referred to the House Judiciary I Committee. As introduced, this bill was opposed by the North Carolina Sheriffs' Association, but it was amended at the Association's request and now the Association is not opposed.

SENATE BILL 488, Establish Proportionate Sentence Lengths, has been approved by the Senate Appropriations Committee and may be considered by the full Senate next week. **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 489, Even Out Prior Criminal Record Points, has been approved by the Senate Appropriations Committee and may be considered by the full Senate next week. **This bill is supported by the North Carolina Sheriffs' Association.**

SENATE BILL 628, Release Controlled Substance Reporting Data To Chief Medical Examiner, has been approved by the House and will be sent to the Senate for consideration of the House changes.

SENATE BILL 978, Firearms Qualify Sites/Expand Commission Powers, has been approved by the House State Government Committee and referred to the House Judiciary III Committee.

SENATE BILL 1089, Low-Risk Probationers May Be Unsupervised, has been approved by the General Assembly and sent to Governor Beverly Perdue for her signature.

SENATE BILL 1091, Clarify Wt. Measurement/Meth Trafficking, has been approved by the House Judiciary III Committee and is currently scheduled to be considered by the full House on July 15th.

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).

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