

# North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

May 28, 2010

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The pace is definitely picking up at the General Assembly and it appears that the leadership is making every effort to get the State Budget Bill enacted prior to July 1<sup>st</sup> when the new fiscal year begins.

Two hundred and thirty-four (234) new legislative bills were introduced this week. Some of the more controversial bills were assigned to the “Rules” Committee and it is likely that many of those bills will never be heard from again. Several years ago, the House began a policy of assigning almost all bills to at least two committees to be sure that each bill receives thorough discussion and analysis. A number of the House bills this year have been assigned to be considered by three committees, making it very difficult for them to get through the legislative process prior to adjournment, unless there is almost unanimous support for that particular legislative bill.

Early in the session the Senate prepared their version of the budget bill in what is almost certain to be record time. Not to be outdone by the Senate, the House appears to be on schedule to prepare their version of the budget bill in record time as well. The House Appropriations subcommittees prepared their sections of the budget bill this week in time for all members to go home for the Memorial Day Weekend, rather than staying in Raleigh and continuing to work on the budget. The House Appropriations Committee is scheduled to meet at 9:00 a.m. on Wednesday morning to consider all of the budget bill proposals with a goal of getting a House version of the budget bill adopted by Friday of next week. As soon as that is done, the House and Senate will begin discussing the differences between their two versions of the budget bill with a goal of coming to an agreement so that a budget can be enacted prior to June 30, 2010.

Although the Senate technically has a session scheduled for today and the House technically has a session scheduled on Monday, leadership in both chambers announced that no votes would be taken on those two days so that all members could leave Raleigh and have an enjoyable Memorial Day Weekend. This schedule by the General Assembly is also appreciated by lobbyists who are also delighted not to be at the General Assembly during the Memorial Day Weekend working on the budget. Business will resume at the General Assembly on Tuesday, June 1<sup>st</sup>.

**BILLS OF INTEREST**

HOUSE BILL 1935, Mecklenburg Law Enforcement Benefit Cap Upped. This bill is identical to Senate Bill 1402 which is summarized below in this week's Weekly Legislative Report. **Introduced by Representative Martha Alexander, and referred to the House Committee on Pensions and Retirement.**

HOUSE BILL 1946, Special Plate/Outer Banks Preservation Association, would authorize the Division of Motor Vehicles to issue a special registration plate for the Outer Banks Preservation Association, upon receipt of at least 300 applications for this special registration plate. **Introduced by Representative Spear, and referred to the House Committee on Transportation.**

HOUSE BILL 1947, Oxford/ Recover Costs for Accident Clean-up, would authorize the City of Oxford to enact ordinances that would allow imposition of fees to recover the costs of responding to motor vehicle accidents and hazardous material incidents. **Introduced by Representative Crawford, and referred to the House Committee on Local Government I.**

HOUSE BILL 1959, No Felon as Sheriff, is identical to Senate Bill 351 and Senate Bill 1178 and would allow North Carolina voters to amend the Constitution in November, 2010 to provide that no person convicted of a felony is eligible to serve as sheriff. **This bill is supported by the North Carolina Sheriffs' Association. Introduced by Representatives Ingle, Randleman, Moore and Guice, and referred to the House Committee on Judiciary II.**

HOUSE BILL 1963, Speak, Read, and Write English/Driver License, would require an applicant for a North Carolina driver's license to be able to speak or read and write English at a certain level of proficiency. **Introduced by Representatives Howard and Brubaker, and referred to the House Committee on Judiciary I.**

HOUSE BILL 1965, Military Service Notation/NC Drivers Licenses, would authorize the Division of Motor Vehicles to make a notation on a North Carolina driver's license that indicates the license holder's military service. **Introduced by Representatives Heagarty and Parfitt, and referred to the House Committee on Transportation.**

HOUSE BILL 1972, Special Plate - Silver Star/Disabled Veteran, would authorize the Division of Motor Vehicles to issue a special license plate for Silver Star recipients who suffer a 100% service-connected disability. **Introduced by Representative Holloway, and referred to the House Committee on Transportation.**

HOUSE BILL 1986, Childrens' Online Predator Education Funds, would appropriate \$175,000 to the Governor's Crime Commission to award grants to schools using the online predator curriculum developed by the Drug Abuse Resistance Education (DARE) Program or other similar curriculum. **Introduced by Representative Heagarty, and referred to the House Committee on Appropriations.**

HOUSE BILL 1990, Special Plate for the Legion of Merit Award, would authorize the Division of Motor Vehicles to issue a special registration plate for Legion of Merit Award recipients. **Introduced by Representatives Blackwell, Martin and Killian, and referred to the House Committee on Transportation.**

HOUSE BILL 1993, Greensboro/Records of Criminal Investigations, would provide that cellular telephone numbers of cellular telephones provided to law enforcement officers by their agencies shall be considered a criminal investigation record and therefore they would not be a public record available to the public. **Introduced by Representative Jones, and referred to the House Committee on Local Government I.**

HOUSE BILL 2005, Sex Offender Registry/Name Changes, would make various changes in the Sex Offender Registry, primarily dealing with sex offenders who have legally changed their name. **Introduced by Representatives Moore, Ray Warren and Hilton, and referred to the House Committee on Judiciary II.**

HOUSE BILL 2021, Amend Racial Justice Act, would allow the racial issue to be considered as a post-trial matter, but not as a pretrial matter. **Introduced by Representatives Burr and Tillis, and referred to the House Committee on Judiciary I.**

HOUSE BILL 2024, Legalize Certain Pyrotechnics, would legalize “class 1.4G pyrotechnics.” **Introduced by Representative McCormick, and referred to the House Committee on Rules, Calendar, and Operations of the House.**

HOUSE BILL 2027, Car Theft to Steal Motor Parts, would prohibit law enforcement officers from seizing firearms or ammunition during a declared state of emergency so long as the firearms and ammunition were being lawfully possessed. **Introduced by Representative Gibson, and referred to the House Committee on Judiciary III.**

HOUSE BILL 2030, Video Gaming Entertainment Act, would make video gaming legal in North Carolina and would require it to be regulated by the Department of Revenue. **This bill is opposed by the North Carolina Sheriffs' Association. Introduced by Representative Kelly Alexander, and referred to the House Committee on Judiciary I.**

HOUSE BILL 2032, Unborn Victims of Violence Act, would allow the General Assembly to consider introduction of a legislative bill to make it a criminal offense to cause the death or injury of an unborn child or to commit the same offense against a pregnant woman. **Introduced by Representatives Hilton and Moore, and referred to the House Committee on Rules, Calendar, and Operations of the House.**

HOUSE BILL 2043, Graham County Relief, is identical to Senate Bill 1436 and is a “blank bill” that is entitled *An Act Dealing With Relief for Graham County Due to a Fire That Destroyed the Sheriffs' Department*. **Introduced by Representative West, and referred to the House Committee on Local Government I.**

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HOUSE BILL 2056, Abolish Rutherford County Coroner, is identical to Senate Bill 1238 and would abolish the Office of Coroner in Rutherford County at the end of the current term. **Introduced by Representative England, and referred to the House Committee on Local Government II.**

HOUSE BILL 2064, Enforcement of Motor Vehicle Laws, would allow the cities of Cornelius, Davidson and Huntersville to enforce motor vehicle laws not only upon public streets and highways, but also upon public vehicular areas in subdivisions even though the streets in the subdivisions have not yet been accepted by the city for maintenance. **Introduced by Representative Tillis, and referred to the House Committee on Judiciary III.**

HOUSE BILL 2066, Special Retirement Allowances, would create a special retirement allowance for state and local retirees. **Introduced by Representative Bryant, and referred to the House Committee on State Government/State Personnel.**

HOUSE BILL 2068, Repeal Executive Order 45/Employee Representatives, would authorize the General Assembly to consider legislation that would repeal Governor Bev Perdue's Executive Order No. 45 which requires state agency officials to be involved in certain relations between employee associations and organizations. **Introduced by Representatives Cleveland and Sager, and referred to the House Committee on Rules, Calendar, and Operations of the House.**

SENATE BILL 1377, School Bus Railroad Crossing Exception, is identical to House Bill 1753 and would allow school buses and activity buses to cross certain railroad grade crossings without first stopping. **Introduced by Senator Preston, and referred to the Senate Committee on Education/Higher Education.**

SENATE BILL 1382, Judicial Department Funding/Interpreters, would allow local governments to provide additional funding to judicial officers and employees in addition to their regular State of North Carolina salary. **Introduced by Senator Clodfelter, and referred to the Senate Committee on Judiciary I.**

SENATE BILL 1383, Safer Streets/DNA Initiatives, would increase court costs by \$3.00 and require the collection of DNA samples from persons convicted of or arrested for felonies and certain other misdemeanors. **Introduced by Senator Clodfelter, and referred to the Senate Committee on Judiciary I.**

SENATE BILL 1386, Government Employees Port Benefits, would allow employees moving between state, city and county government to take their sick leave and annual leave with them from one employer to another. **Introduced by Senator East, and referred to the Senate Committee on State and Local Government.**

SENATE BILL 1388, Special Plate for Federal Employees, would authorize the Division of Motor Vehicles to issue a special registration plate for both active and retired federal employees. **Introduced by Senator Foriest, and referred to the Senate Committee on Finance.**

SENATE BILL 1393, Enhance Protection of Victims and Witnesses, would allow victims and witnesses' statements to be admitted in court without their live testimony in certain limited

circumstances. **Introduced by Senator McKissick, and referred to the Senate Committee on Appropriations/Base Budget.**

SENATE BILL 1401, Emergency Fund for LEO's in Mecklenburg County, would amend the Emergency Pension Fund for Law Enforcement Officers in Mecklenburg County to increase the potential payout from \$10,000 to \$25,000. It also allows the Mecklenburg County Board of Commissioners on the deceased law enforcement officer's birthday to send up to \$100 to each surviving child if the officer was killed in the actual performance of his or her duties. **Introduced by Senator Graham, and referred to the Senate Committee on Pensions & Retirement & Aging.**

SENATE BILL 1402, Mecklenburg Law Enforcement Benefit Cap Upped, is identical to House Bill 1935 and would raise the ceiling for benefits under the Emergency Pension Fund for sworn law enforcement officers in Mecklenburg County. **Introduced by Senator Graham, and referred to the Senate Committee on Pensions & Retirement & Aging.**

SENATE BILL 1407, Lottery Commission Regulate Video Gaming, would outlaw video gaming except when conducted by the North Carolina State Lottery Commission. **Introduced by Senator Boseman, and referred to the Senate Committee on Finance.**

SENATE BILL 1413, Greensboro/Records of Criminal Investigations, is identical to House Bill 1993 and is summarized above in this week's Weekly Legislative Report. **Introduced by Senator Vaughan, and referred to the Senate Committee on Judiciary I.**

SENATE BILL 1422, Sex Offender Registry/Name Changes, is identical to House Bill 2005 and is summarized above in this week's Weekly Legislative Report. **Introduced by Senator Clary, and referred to the Senate Committee on Judiciary I.**

SENATE BILL 1427, LRC Study Consolidation/State Agencies, would authorize the Legislative Research Commission to study whether or not to consolidate some state agencies for the purpose of achieving efficiencies and cost savings. **Introduced by Senator Brock, and referred to the Senate Committee on Rules and Operations of the Senate.**

SENATE BILL 1429, Amend Racial Justice Act, would authorize the General Assembly to consider introduction of a bill that would provide hearings related to the Racial Justice Act. **Introduced by Senator Graham, and referred to the Senate Committee on Rules and Operations of the Senate.**

SENATE BILL 1433, Open State Employee Personnel Files, would change the law governing the confidentiality of state employee personnel files and would provide that letters of recommendation, disciplinary actions and other career information would be a matter of public record. **Introduced by Senator Berger, and referred to the Senate Committee on Judiciary I.**

SENATE BILL 1436, Graham County Relief, is identical to House Bill 2043 which is summarized above in this week's Weekly Legislative Report. **Introduced by Senator Snow, and referred to the Senate Committee on Judiciary II.**

SENATE BILL 1450, State Retirement Age and Service Change, makes numerous changes in the Teachers and State Employees' Retirement System, and will be discussed in detail in next week's Weekly Legislative Report. **Introduced by Senator Garrou, and referred to the Senate Committee on Pensions & Retirement & Aging.**

SENATE BILL 1451, Crack Cocaine/Amend Cancel Judgment and Expunge, would authorize the General Assembly to consider a bill that would allow the "cancellation" of a criminal conviction for possession of crack cocaine and would make amendments to the law governing expunction of a criminal offense of crack cocaine and would make various other related changes. **Introduced by Senator Philip Berger.**

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### BILL STATUS

SENATE BILL 254, Susie's Law, will increase the potential penalty for the malicious abuse, torture or killing of an animal and has been approved by the House and sent to the Senate for further consideration.

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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](http://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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