

North Carolina Sheriffs' Association

Serving the Sheriffs and Citizens of North Carolina since 1922



Weekly Legislative Report

February 01, 2013

The General Assembly reconvened this week on Wednesday, January 30, 2013, after initially convening on January 9, 2013 to elect officers and adopt rules. For the next five or six months the General Assembly will adopt a biennial budget for the state, consider thousands of bills and enact hundreds. Nearly a third of the 170 members are freshmen members with 41 of the 120 House members and 16 of the 50 Senate members serving their first term.

In this shortened week of Session, the House Finance Committee got to work immediately tackling issues related to the state's unemployment insurance program which owes the federal government over \$2 billion. The debate involves reducing benefits for those who lose their job after July 1st of this year and increasing the cost to employers. The bill aims to wipe out the state's indebtedness by 2015. It is anticipated the bill will be heard in the House on Monday night, again on Tuesday and then move over to the Senate.

Speaker of the House Thom Tillis gave his thoughts about the Session at a press conference on Tuesday. He predicted lawmakers getting to work quickly with a late May or early June end to the Session. He said that like the Senate, the House priorities would be tax, education and regulatory change along with a voter ID law.

The North Carolina Association of County Commissioners' legislative priorities were released with the top priority being to prevent any shifting of transportation and maintenance funding from the state to the counties. There are over 60 legislative agenda items on the NCACC list, many of which relate to taxing and financing and not shifting burdens to counties. This is a link to the Association's legislative agenda: <http://www.ncacc.org/index.aspx?nid=295>.

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

The House of Representatives

The 120 member House of Representatives is one of two houses in the General Assembly. The House is led by a Speaker who is elected from the House membership by the members. Representative Thom Tillis, who represents part of Mecklenburg County, was elected to serve a second term as Speaker of the House. The Speaker makes committee appointments including chairmanships and generally controls the flow of bills through the House. Each House member is from a single seat district and represents about 80,000 people.

House Members

This link will take you to the complete list of House members:

<http://ncleg.net/gascripts/members/memberList.pl?sChamber=House>

This link will take you to a list of House members by county represented:

<http://ncleg.net/gascripts/members/reports/countyRepresentation.pl?Chamber=House>

The Senate

The 50 member Senate constitutes the other body of the General Assembly. Senators serve in larger districts than the House members, however their powers are no greater. Each member represents about 191,000 residents. The President of the Senate is the Lieutenant Governor who has very limited powers and only votes to break a tie. Dan Forest was just elected to his first term as Lieutenant Governor.

The Senate elects the President Pro Tempore from its membership. Senator Phil Berger, Guilford and Rockingham, was just reelected to his second term as President Pro Tem. The President Pro Tem makes committee appointments including chairmanships and generally controls the flow of bills through the Senate much like the Speaker of the House of Representatives.

Senate Membership

This link will take you to the complete list of Senators.

<http://ncleg.net/gascripts/members/memberList.pl?sChamber=senate>

This link will take you to a list of Senate members by county represented:

<http://ncleg.net/gascripts/members/reports/countyRepresentation.pl?Chamber=Senate>

BILLS OF INTEREST

HOUSE BILL 6, North Carolina Right to Work/Secret Ballot Amendments, would amend the North Carolina Constitution to declare as the public policy of North Carolina that the right of an individual to work will not be denied due to membership or nonmembership in a labor union or association. The bill also makes any agreement or contract between a unit of local or state government and a labor or trade union acting as a bargaining agent illegal and void. Further, the bill provides for the right to vote by secret ballot for employee representation by a labor organization where state or federal law allows. **Introduced by Representatives Tillis, Moffitt and Murry, and referred to the House Committee on Rules, Calendar, and Operations of the House.**

HOUSE BILL 11, Special Election Dates, would require a special election called by a local government or special district to be held at the same time as any other state, county, or municipal general election or at the same time as the primary election in an even-numbered year. The bill would exempt any special election related to public health or safety if the government entity adopts a resolution stating the need for a special election. **Introduced by Representatives Warren, Cleveland and Hager, and referred to the House Committee on Elections.**

HOUSE BILL 12, Increase Retirement Age for Judges, would change the mandatory retirement age for judges and justices of the General Court of Justice from 72 years to 75 years. **Introduced by Representative Daughtry, and referred to the House Committee on Judiciary Subcommittee A.**

HOUSE BILL 15, Various Emergency Management Changes, would amend various sections of Chapter 20 to allow vehicles operated by the Division of Parks and Recreation of the Department of Environment and Natural Resources or by the NC Forest Service of the Department of Agriculture and Consumer Services to be equipped with and operate with special lights and sirens as currently provided for other local and state emergency vehicles. **Introduced by Representatives Faircloth, Saine and Boles, and referred to the House Committee on Judiciary Subcommittee A.**

HOUSE BILL 17, Gun Permits Restaurants & Confidentiality, would:

- 1) allow a person with a valid concealed handgun permit to possess a handgun in a restaurant or eating establishment unless the person in legal possession or control of the premises has posted a conspicuous notice prohibiting the possession of a concealed handgun on the premises.
- 2) order that a sheriff maintain as confidential (a) the list of persons who are issued a concealed handgun permit or a gun purchase permit, and (b) the information collected by the sheriff to process an application for a concealed handgun permit or a gun purchase permit except that the sheriff would still have to provide the list to state and local law enforcement officials upon request as the law currently states. The bill also states that the permit information and the list of permit holders will not be considered public record.
- 3) direct the State Bureau of Investigation to make the list of permit holders and the information collected by the sheriff to process an application for a concealed handgun permit or a gun purchase permit available to law enforcement officers statewide but would eliminate the requirement to share that information with clerks of court on a statewide system.
- 4) require a dealer of pistols and other weapons to keep records of sales confidential except upon request by all state and local law enforcement agencies. Further, the records of sales would not be considered a public record.

Introduced by Representatives Burr, Hager, Hollo and J. Bell, and referred to the House Committee on Rules, Calendar, and Operations of the House.

HOUSE BILL 19, Respect our Fallen Heroes, would strengthen the law that prohibits disorderly conduct at a funeral, memorial service, or funeral procession by making it disorderly conduct to demonstrate within 500 feet (was 300 feet) of the ceremonial site for any funeral or memorial service two hours (was one hour) before or after, or during the service. The bill would also increase the penalties for a violation of the law with a first offense changing from a Class 2 misdemeanor to a Class 1 misdemeanor, a second offense changing from a Class 1 misdemeanor to a Class I felony, and a third offense changing from a Class I felony to a Class H felony. **Introduced by**

Representatives Hastings, Moore, Arp and Szoka, and referred to the House Committee on Judiciary Subcommittee B.

HOUSE BILL 22, Authorize Various Special Plates, would authorize the Division of Motor Vehicles to produce several new special registration plates. **Introduced by Representatives Warren, Stevens, Torbett and Ford, and referred to the House Committee on Rules, Calendar, and Operations of the House.**

HOUSE BILL 24, Domestic Violence Abuser Treatment Programs/Notifications, would require that the district attorney be notified when a person on either supervised or unsupervised probation has been discharged from a court ordered domestic violence abuser treatment program for willful failure to comply with the terms of the program. **Introduced by Representative Moore, and referred to the House Committee on Judiciary Subcommittee C.**

HOUSE BILL 25, Amend Felony Breaking or Entering, would add another provision to the statute that addresses the offense of breaking or entering in which any person who breaks or enters any building with the intent to terrorize or injure an occupant of the building is guilty of a Class H felony. **Introduced by Representative Moore, and referred to the House Committee on Judiciary Subcommittee C.**

HOUSE BILL 26, Strengthen Laws Vehicle Theft, would strengthen the laws protecting against "chop shop activity," the theft of vehicles for disassembly and resale of parts, by making it a Class G felony rather than a Class H felony to engage in any of the activities found in the statute associated with chop shop activity. The bill removes the requirement that a person knowingly engaged in the illegal activity, instead making a person guilty if the person knows or has reasonable grounds to believe that there is an illegal component to the activity. Further, the bill would change the law which permits secondary metals recyclers or salvage yards from purchasing a motor vehicle without a certificate of title for scrap or parts from a 10 model years old or older vehicle to a 20 model years old or older vehicle with a violation resulting in a Class I felony. **Introduced by Representative Moore, and referred to the House Committee on Judiciary Subcommittee C.**

HOUSE BILL 29, Methamphetamine Offense Penalties, would make it unlawful for a person to possess a pseudoephedrine product if the person has a prior conviction for the possession or manufacture of methamphetamine. It would also enhance the minimum sentence by adding 24 months to the minimum term to which a person is sentenced if a person is convicted of manufacturing methamphetamine where children, the disabled, or the elderly reside on the property or are present at the manufacturing location. **Introduced by Representatives Horn, Faircloth, Tolson and Stevens, and referred to the House Committee on Judiciary Subcommittee C.**

SENATE BILL 3, Western Crime Lab Funds/Amend Evidence Laws, would appropriate \$14 million for the construction of a Western Regional Crime Laboratory to be located on the North Carolina Justice Academy's western campus in Edneyville. \$1.9 million would be appropriated to establish 19 positions within the Western Regional Crime Laboratory when construction is completed. The bill would also require the admission of an analyst's lab report and affidavit without the analyst's

testimony if no written objection is filed. **Introduced by Senator Apodaca, and referred to the Senate Committee on Appropriations.**

SENATE JOINT RESOLUTION 7, Honor Don East, honors the life and memory of former Senator Don East who spent 20 years in law enforcement serving in the Winston Salem Police Department. **Introduced by Senators Randleman, Berger and Apodaca, and referred to the Senate Committee on Rules and Operations of the Senate.**

SENATE BILL 8, Increase Fine for Vehicle Removal, would increase the fine from no less than \$100 dollars to no less than \$150 dollars for removal of a vehicle from private property. **Introduced by Senator Meredith, and referred to the Senate Committee on Finance.**

SENATE BILL 10, Eliminate Obsolete Boards and Commissions, would repeal or terminate various boards and commissions including the Board of Correction. **Introduced by Senators Apodaca, Hunt and Rabon, and referred to the Senate Committee on Rules and Operations of the Senate.**

SENATE BILL 16, Revoke License for Passing Stopped School Bus, would require the Division of Motor Vehicles to revoke a person's drivers license for failing to stop for or attempting to pass properly marked and designated school buses. **Introduced by Senator Bingham, and referred to the Senate Judiciary II Committee.**

SENATE BILL 17, Concealed Carry Permits Validity, would make a concealed handgun permit issued by a state to a nonresident of that state invalid in North Carolina. **Introduced by Senator Bingham, and referred to the Senate Judiciary II Committee.**

SENATE BILL 18, Amend Locksmith License Act/Raise Fee Ceiling, would make various changes to the Locksmith License Act. The bill would provide that a law enforcement agency, fire department, or other government agency may unlock a door to a vehicle, home, or business only in a life threatening emergency or during the investigation of a crime. **Introduced by Senator Bingham, and referred to the Senate Committee on Finance.**

SENATE BILL 20, Good Samaritan Law/Naloxone Access, would limit a person who seeks medical assistance for themselves or for another person experiencing a drug related overdose from being prosecuted for certain violations if the evidence for prosecution was obtained due to seeking medical assistance. The bill would provide immunity from any civil or criminal liability to practitioners who in good faith prescribe or distribute an opioid antagonist, naloxone hydrochloride, for the treatment of a drug overdose to 1) a person at risk of experiencing an opiate-related overdose or 2) a family member, friend, or other person in a position to assist a person at risk of experiencing an opiate-related overdose. Further, the bill provides immunity to any person who receives an opioid antagonist prescribed by a practitioner and who administers the opioid antagonist to another. **Introduced by Senators Bingham and Allran, and referred to the Senate Judiciary II Committee.**

SENATE BILL 21, Permanent License Plates for Churches, would allow the Division of Motor Vehicles to issue permanent license plates for a bus owned by a church that is used exclusively for transporting individuals to Sunday school, to church services, and to other church related activities. **Introduced by Senator Bingham, and referred to the Senate Committee on Rules and Operations of the Senate.**

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 or by calling the General Assembly's Printed Bills office at 919/733-5648.

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