



NCLM Municipal Legislative Priorities 2005

**When you talk with legislators today,
please be sure to discuss these three priorities.**

1. Preserve North Carolina's best-in-the-nation municipal annexation authority, which helps keep tax rates low for city residents and new businesses, attract new jobs and protect property values, the environment, and bond and credit ratings. Annexation authority helps keep our cities and our state strong and healthy.

2. Establish a continuing funding source for critical infrastructure needs – for cities and towns, those needs include water and sewer facilities and transportation.

3. Protect basic municipal authorities – the ability for local communities to make decisions at the local level based on local circumstances. A growing number of special interest groups seek an "end run" around local governments and ask the General Assembly to preempt local authority in a number of areas, including land use, zoning and personnel.



HB 1241 - State Law Officers' 28-Year Retirement
(Rep. Bill Culpepper)

Permits state law enforcement officers who are member of Teachers' and State Employees' Retirement System to retire with full retirement benefits at age 50 after 28 years of service.

League position: Monitor

Status: House Pensions and Retirement

MUNICIPAL AUTHORITY

Municipal Priorities

- Preserve municipal annexation authority.
- Preserve local land use and zoning authority.
- Preserve municipal authority concerning personnel matters.
- Restore the ability of attorneys to represent municipalities effectively in lawsuits.

Actions needed on Town Hall Day

- Talk with your legislators about the need to preserve your municipal annexation authority and the importance of annexation to your community and its residents. Ask them to oppose any legislation that would weaken that important municipal authority.
- Ask legislators to oppose the bills that would weaken your ability to exercise land use and zoning controls to protect the health and welfare of your residents.
- Ask legislators to oppose bills that impose additional restrictions on local authority to make decisions concerning employees.
- Ask for support of the changes to the state's open meetings and public records laws that would allow attorneys representing local governments to represent effectively their municipal clients without their trial preparation materials being an accessible public record.

BILLS

Annexation

SB 19 – Annexation Veto (Sen. Andrew Brock)

Would allow residents of area proposed for annexation to submit a petition (15 percent of residents) that would require referendum approval of the annexation. This bill basically puts annexation back to its pre-1959 status.

League position: Oppose

Status: Senate Judiciary I Committee

HB 302 – Annexation Veto (Rep. Nelson Dollar)

Similar to SB 19 except that only 10 percent of the

residents would need to sign the petition to request a referendum on the annexation.

League position: Oppose

Status: House Rules Committee

HB 460 – Annexation/Extraterritorial Jurisdiction Residents Vote (Rep. Bill Faison and Rep. Cary Allred)

No annexation or extension of extraterritorial jurisdiction could become effective until voters residing in those areas have been provided the opportunity to vote for "each officer of the governing board." If a governing board has staggered terms, several election cycles would be required for all seats to come up for election.

League position: Oppose

Status: House Rules Committee

HB 964 – Suspend Involuntary Annexations

(Reps. Larry Brown, Bill Faison & Nelson Dollar)

A 10-member commission would be established to study annexation. All city-initiated annexations would be suspended until the commission's report is made to the 2007 General Assembly.

League position: Oppose

Status: House Rules Committee

SB 649 – Annexations – Mandatory Water/Sewer Hookups (Sen. Andrew Brock)

If a city requires a property owner to connect to water or sewer lines, the property owner would have the option of taking up to 25 years to pay for the charges.

League position: Oppose

Status: Senate Finance Committee

SB 307 – Fayetteville Annexation Referendum

(Sen. Larry Shaw)

The city of Fayetteville would be required to hold a referendum on any city-initiated annexation.

League position: Oppose

Status: Senate Judiciary I Committee

HB 1397 – Involuntary Annexation Changes

(Reps. Bill Faison, Larry Brown and Cary Allred)

This bill would make it more difficult to undertake city-initiated annexations. The bill would require that land to be annexed must be contiguous to an area within the municipality's boundaries "that is of equal size or greater and has been developed for urban purposes" at the time the annexation proceeding is begun. It also makes changes to the standard for municipalities of 5,000 or more to include certain necessary land connections. The act would apply to all annexations, including those that have already commenced

with the passage of a resolution of intent, which do not become effective until on or after January 1, 2006.

League position: Oppose

Status: House Rules Committee

HB 545 – Fayetteville Annexation Referendum

(Rep. Marvin Lucas)

Similar to SB 307 – Fayetteville would be required to hold a referendum on any city-initiated annexation.

League position: Oppose

Status: House Rules Committee

Land Use and Zoning

HB 362 – Vote on Extraterritorial Jurisdiction

(Rep. Cary Allred)

Bill would require that nonmunicipal residents must vote to approve a municipality extending its ETJ over their property.

League position: Oppose

Status: House Judiciary I Committee

HB 363 – Extraterritorial Jurisdiction Residents Vote for Council (Rep. Cary Allred)

Bill is unconstitutional, would allow non-municipal residents living in a municipal ETJ area to vote in municipal elections.

League position: Oppose

Re-referred to: House Rules Committee

SB 669/ HB 1269 – State Land not Subject to Municipal Control

(Sen. Fletcher Hartsell and Rep. Bill Culpepper)

Repeals previous legislation that made state land subject to municipal planning and zoning jurisdiction. Only the Council of State could approve the inclusion of state land within overlay and special use districts. Bill returns law to pre-2004 statutes, so that municipalities may regulate only use of state buildings, but not related matters.

League position: Oppose

Status: Senate Judiciary II, House Rules

HB 681 – Religious Freedom Restoration Act

(Rep. Russell Capps)

Bill provides that state and local governments may not substantially burden a person's exercise of religion, even if burden results from a rule of general applicability, unless it demonstrates that the application of the burden furthers a "compelling governmental interest" and is the "least restrictive means" of furthering that interest. Legislation would affect local land use authority. Cities and towns enact and

enforce a wide range of ordinances and regulations to protect the health, safety and welfare of general public. Where ordinances are neutral and generally applicable, local governments should not be required to make special or preferential accommodations beyond what is required by constitution.

League position: Oppose

Status: House Judiciary I Committee

Personnel

HB 929 – Safety Officers Right to Organize

(Rep. Deborah Ross)

Bill would allow local governments to enter into collective bargaining agreements with labor unions representing public safety officers. Would allow public safety officers to organize for collective bargaining purposes.

League position: Oppose

Status: House Rules Committee

HB 1459 – Public Safety Employer-Employee Cooperation (Rep. Martha Alexander)

This bill would give all public safety employees (including police officers, firefighters and EMS personnel) the right to join or form labor organizations that do not include management. The bill allows these labor unions, when their membership includes more than half of the public safety officers in a department or agency, to advocate for their members concerning terms of employment. The bill also establishes enforcement procedures for these rights.

League position: Oppose

Status: House Rules Committee

HB 1504 – Law Enforcement Officer Discipline

(Rep. Grier Martin)

This bill imposes additional requirements and procedures on state and local government employers when considering disciplinary action against a law enforcement officer. The League membership has a long-standing policy that municipal employers should have the right to make basic employment decisions consistent with current requirements of federal and state law, without further restrictions on municipal authority.

League position: Oppose

Status: House Judiciary IV