



Legislative Update

#0016 for June 4, 2007

First, the good news: In “The Wizard of Oz” the mayor of Munchkin City assured Dorothy that the Wicked Witch of the East was “not merely dead, but really and sincerely dead.” Two bills that had all of us worried seem to have achieved that status. Both of them failed to make the May 24 “crossover” deadline – the date by which a bill must pass the House or the Senate to remain viable. Though there are legislative maneuvers that can revive “dead” bills, that seems highly unlikely in these two instances.

Thanks to staunch opposition from the Social Services Consortium, **SB 1538** County Commissioners Authority/Boards & Agencies was withdrawn from the Senate Health Care Committee calendar just days before the crossover deadline and is now ineligible for further action. SB 1538 is the bill that would have given all one-hundred county commissions the power to dissolve all local health and social service boards and replace them with mega boards of their own choosing. Currently, only counties that meet a population threshold of 425,000 in population have the option to do this. Late in the game, an amendment that would have limited the bill’s effect to Carteret County was drafted. The amended bill included hilariously intricate legalese describing a hypothetical county that could only be Carteret. Perhaps the bill’s sponsor thought the new language would disarm the opposition and avoid the issue of whether a statutory bill addressing only one county can be constitutional, but the proposed substitute was not put to the test. Local DSS directors and our Consortium partners feared that the passage of SB 1538, which was sponsored by Sen. Jean Preston (R-Carteret), would politicize emotionally charged matters such as custody cases, benefits cases and hiring. The Consortium took a lead role in defeating this measure, and the outcries raised by local directors, social service board members and local and state health officials dragged this bill to a standstill and killed it.

Of course, this issue won’t go away just because the Carteret bill was defeated. Commissioners in another, larger, county are eyeing this statute, but the defeat of SB 1538 pushes the next battle one or two years deeper into the future.

Another worrisome bill, **SB 1077** Regulate Juvenile Discovery Orders sponsored by Sen. Ellie Kinnaird (D-Orange), got the same rough treatment and met the same fate as SB 1538. The measure was withdrawn from the Senate calendar just days before it was due for a vote. The bill had won approval in the Senate Judiciary I Committee and was headed for a final vote. The Social Services Consortium saw the bill as an unnecessary and one-sided measure that could be an invitation to mischief. Despite its seemingly broad scope, the bill quickly narrows to access to information in the director’s possession in a pending petition without applying to respondents, respondents attorneys, or the Guardian ad Litem. There were other objections too, but the bottom line is that the bill would have created more administrative headaches for directors without providing any value for families and children.

And more good news. The Senate took the final vote on its version of the \$20 billion state budget late last week. Both the House & Senate versions of the budget

include the same \$8.4 million for the child daycare subsidy that Gov. Easley's expansion budget recommended. That sum would take an estimated 2,000 children off the daycare waiting lists. Though \$8.4 million isn't the \$16 million the Social Services Consortium wanted, and it certainly isn't the \$23 million that two House lawmakers sought, it's an enhancement in a year when getting any new money has been tough. With the sum in both budgets, and with the House-Senate Conference Committee likely to focus only on disputed items, the appropriation seems assured of passage.

Not so good news. The House budget earmarked \$100 million in Medicaid relief for the counties, but the Senate budget includes nothing. However, that doesn't mean nothing will happen. The Senate budget bill included a statement that reads, "It is the intent of the General Assembly to develop a method for relieving counties of the county share of the nonfederal share of Medicaid expenditures. It is the further intent of the General Assembly that this relief will be in place by July 1, 2008." Even more telling, Senate President Pro Tem Marc Basnight (D-Dare) has told the Associated Press that the General Assembly has got to enact Medicaid relief for the counties before this legislative session ends. The issue will go to the House-Senate Conference Committee and the horse trading will begin. Sen. Dan Clodfelter (D-Mecklenburg) has floated a proposal to do a state-county sales tax swap that would provide permanent Medicaid relief, while holding counties harmless and giving them additional revenue authority. Unlike a measure that failed last session, Clodfelter's proposal boasts a formula that is financially favorable to the counties. The NCACC is making favorable comments about it. So, at this point, we're stuck somewhere between \$100 million and complete, permanent relief.

Genuinely disappointing news. The Social Services Consortium got companion bills introduced in both chambers that would have appropriated an additional \$4.619 million to expand the Child Welfare Education Program to every state-supported university with an accredited BSW or MSW program. Despite a lot of hard work, neither the House nor the Senate saw fit to include the appropriation in their budgets. In lieu of a legislative miracle, the matter is dead for this session, but there's always next year. Sometimes it takes several tries to make enough legislators aware of a measure and convince them to place it high on their "to-do" lists.

Legislators who knowingly sponsor bills that have little or no chance of passage should learn from the waiter in this story. . . A man sits down to dinner in a restaurant and says, "Waiter, how do you prepare your chickens?" The waiter thinks a moment and replies, "Nothing special, sir. We just tell them straight out that they're going to die."



Executive Director, NCACDSS