



STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT

PAT MCCRORY
GOVERNOR

ART POPE
STATE BUDGET DIRECTOR

May 9, 2013

MEMORANDUM

TO: Senator Phil Berger, President Pro-Tempore of the Senate
Representative Thom Tillis, Speaker of the House of Representatives
Donna S. Cox
FROM: Donna S. Cox, Asst. State Budget Officer for Statewide Analysis/Capital
SUBJECT: Allotments from the Contingency and Emergency Account

The Office of State Budget and Management (OSBM) must report to the Joint Legislative Commission on Governmental Operations on allotments from the Contingency and Emergency Account as required by G.S. 143C-4-4(c). The following allotment has been approved by the Council of State since the last meeting of the Joint Legislative Commission on Governmental Operations in January 2013.

Crime Reward – Kenneth Ring - \$5000.00

As provided under 143C-4-4, and in accordance with a reward proclamation signed by former Governor Bev Perdue, an allotment from the Contingency and Emergency Account in the amount of \$5,000 was approved by the Council of State on March 5, 2013.

On March 10, 2010, former Governor Perdue issued a reward proclamation of up to \$5,000 for information leading to the arrest and conviction of the person or persons responsible for the murder of Kenneth Ring. After an intensive investigation conducted by the Knightdale Department of Public Safety and the North Carolina State Bureau of Investigation, Travis Melton Sherman was tried and convicted of first degree murder in August, 2012. At the recommendation of the State Bureau of Investigation, the Chief of Police of the Knightdale Police Division and Wake County District Attorney's Office, the reward is to be paid to one or more confidential informants who provided information leading to the arrest and conviction of Travis Melton Sherman for the murder of Kenneth Ring.

This allotment was approved by the Council of State on March 5, 2013.

Legal Services for Bateman v. Perdue - \$54,047.50

As provided under 143C-4-4, and in accordance with a March 18, 2013 order signed by Senior Superior Court Judge Malcolm J. Howard, an allotment from the Contingency and Emergency Account in the amount of \$54,047.50 was approved in order to pay the complainant's legal fees in reference to the case of Bateman vs. Perdue.

This lawsuit challenged the constitutionality of various former North Carolina General Statutes that were invoked when government officials declared a state of emergency. Specifically, the plaintiffs argued that the challenged statutes infringed on citizens' rights to bear arms as provided for under the Second Amendment to the United States Constitution.

Relevant to the plaintiffs' claims were a number of executive orders declaring states of emergency, including Executive Order 47, promulgated by former Governor Perdue on January 30, 2010. Executive Order 47 declared a state of emergency throughout all of North Carolina as a result of a winter storm. The challenged statutes made it a criminal offense "for any person to transport or possess off his or her own premises any dangerous weapon or substance in any area" in which a state of emergency has been declared. Other challenged statutes authorized government officials to impose further "prohibitions and restrictions . . . upon the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances" during a state of emergency.

This case ultimately appeared before the North Carolina Supreme Court and on March 29, 2012, United States Senior District Judge Malcolm J. Howard granted the plaintiffs' motion for summary judgment and declared the challenged statutes unconstitutional as applied to plaintiffs. In response to Judge Howard's ruling, the parties submitted a consent order to the Court which was entered on March 18, 2013.

This allotment was approved by the Council of State on May 7, 2013.

cc: Art Pope
David Brown
Mark Bondo



STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT

PAT MCCRORY
GOVERNOR

ART POPE
STATE BUDGET DIRECTOR

March 5, 2013

CONTINGENCY AND EMERGENCY MATTERS

A request for an allotment from the Contingency and Emergency Account to the Office of the Governor to pay a reward to a person or persons assisting in the arrest and conviction in the murder case of Kenneth Ring in the amount of \$5,000.

On March 10, 2010, former Governor Bev Perdue issued a reward proclamation of up to \$5,000 for information leading to the arrest and conviction of the person or persons responsible for the murder of Kenneth Ring. After an intensive investigation conducted by the Knightdale Department of Public Safety and the North Carolina State Bureau of Investigation, Travis Melton Sherman was tried and convicted of first degree murder in August, 2012.

The State Bureau of Investigation, along with Chief of Police of the Knightdale Police Division and the Wake County District Attorney's Office, recommend that the State reward money be paid in the amount of \$5,000 to one or more confidential informants who provided information leading to the arrest and conviction of Travis Melton Sherman for the murder of Kenneth Ring.

Allotment to the Office of the Governor, Code 13000, fiscal year 2012-2013. Reference G.S. § 143C-4-4.

Approved by Council of State March 5, 2013
(Date)

Certified By Art Pope
(Secretary to Council of State)



STATE OF NORTH CAROLINA
OFFICE OF STATE BUDGET AND MANAGEMENT

PAT MCCRORY
GOVERNOR

ART POPE
STATE BUDGET DIRECTOR

May 7, 2013

CONTINGENCY AND EMERGENCY MATTERS

A request for an allotment from the Contingency and Emergency Account to the Department of Justice to pay complainant's costs and attorneys' fees in reference to the case of Bateman vs. Perdue, in the amount of \$54,047.50.

This lawsuit challenged the constitutionality of various former North Carolina General Statutes that were invoked when government officials declared a state of emergency. Specifically, the plaintiffs argued that the challenged statutes infringed on citizens' rights to bear arms as provided for under the Second Amendment to the United States Constitution.

Relevant to the plaintiffs' claims were a number of executive orders declaring states of emergency, including Executive Order 47, promulgated by former Governor Perdue on January 30, 2010. Executive Order 47 declared a state of emergency throughout all of North Carolina as a result of a winter storm. The challenged statutes made it a criminal offense "for any person to transport or possess off his own premises any dangerous weapon or substance in any area" in which a state of emergency had been declared. Other challenged statutes authorized government officials to impose further "prohibitions and restrictions...[u]pon the possession, transportation, sale, purchase, storage, and use of dangerous weapons and substances" during a state of emergency.

On March 29, 2012, United States Senior District Judge Malcolm J. Howard granted plaintiffs' motion for summary judgment and declared the challenged statutes unconstitutional as applied to plaintiffs. In response to Judge Howard's ruling, the parties submitted a consent order to the Court which was entered on March 18, 2013.

In accordance with the consent order, plaintiffs are entitled to seek to recover their costs and attorneys' fees, which are determined to be \$54,047.50.

It should be noted that all challenged statutes were repealed by the General Assembly in 2012.

Allotment to the Department of Justice, Code 13600, fiscal year 2012-2013, Reference G.S. §143C-4-4.

Approved by Council of State May 7, 2013
(Date)

Certified By Art Pope
(Secretary to Council of State)