

North Carolina General Assembly Legislation that may affect City of Asheville Budget - 2014 "Short Session"

Bill Name and Number	Bill Type	Description	Concerns	Status
S743/H1031 NC Econ. Dev. Partnership Modifications.	Econ. Development	Facilitates economic development in the state. The Senate version included a "Film and Entertainment Grant Fund" provision which was intended to replace the current state film tax credit that is set to expire at the end of this year. That provision was not included in the final version.		House version: 6/29 ratified; 6/20 Pres. To Gov.
H 1142 - Modify Film/Historic Rehab Tax Credits	Econ. Development	HB 1142 modifies the Historic Rehabilitation Tax Credit and the Film Credit. The bill changes the amount of qualifying expenses to \$300,000 instead of \$250,000 for a taxpayer who has a production company.		05/21 Passed 1st Reading; Ref To Com On Finance

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S729/H1228 - Governor's Coal Ash Action Plan.	Environmental	<p>SB 729 changes the notification requirements for reporting discharges of wastewater, by the owner or operator of any wastewater collection or treatment works; it establishes coal combustion products impoundment water monitoring program; identifies and addresses unpermitted wastewater discharges at coal combustion products impoundment sites; requires owners of high hazard dams to develop an Emergency Action Plan; changes notification requirements applicable to dam repairs; increases coal combustion products impoundment inspection requirements; includes removed combustion products into the definition of solid waste; places a temporary moratorium on the use of coal combustion products as structural fill; and establishes requirements for coal combustion products impoundment closure.</p>		<p>Senate: 5/14 Filed; 5/15 Passed 1st Reading; Ref To Com On Agriculture/Environment/Natural Resources; 6/17 Reptd Fav Com Substitute; Com Substitute Adopted; Re-ref Com On Appropriations/Base Budget; Sequential Referral To Finance Added; 6/18 Reptd Fav; Re-ref Com On Finance; 6/19 Reptd Fav; Placed On Cal For 6/24 House: 5/28 Passed 1st Reading; Ref to the Com on Environment, if favorable, Public Utilities and Energy</p>
S786 - Energy Modernization Act	Environmental	<p>Though this bill largely deals with drilling and hydraulic fracturing activities, it originally contained a provision that would have capped the amount city property tax revenue can increase from year to year at 8%. That provision was replaced with new language that would direct the Local Government Division to study how the development of the oil and gas industry in the State would affect the property tax revenues of local governments, including ways to limit the growth of property tax revenues that result from increased property valuations. The Local Government Division would report its findings to the Joint Legislative Commission on Energy Policy by January 1, 2015, and the Commission would report to the 2015 General Assembly.</p>		<p>5/29 Concurred In H/Com Sub; Ratified; 6/04 Signed by Gov.</p>

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H1137 Reporting and Notice of Wastewater Spills.	Environmental	HB 1137 amends the reporting and public notice requirements applicable to discharges of wastewater to waters of the State. A person who operates or owns any wastewater collection or treatment works must report a discharge of at least 1,000 gallons of untreated wastewater to the surface waters of the State to the Department within 24 hours after the owner or operator has determined that the discharge has reached the surface waters of the State. This requirement is in addition to any other reporting requirements the owner or operator is subject to.		5/20 Filed; 05/21 Passed 1st Reading; Ref To Com On Environment
H150/S139 -Zoning Design & Aesthetic Controls	Local Governmental Authority	Restricts local governments' ability to institute design and aesthetic controls on single-family residential structures - by prohibiting cities and towns from requiring design and aesthetic controls on any structure subject to the North Carolina Residential Code for One and Two-Family Dwellings (with limited exceptions). The bill also disallows cities from applying such standards in zoning districts, special use districts, conditional use districts and conditional districts, unless all of the property owners to which they might potentially be applied issue their specific consent.	H150/S139 would prevent implementation of certain UDO provisions regarding 1 and 2 family dwellings.	House: Passed the House during the "Long Session"; Senate: 3/21/13 Passed the 1st Reading; 4/24/13 Re-ref Com On Rules and Operations of the Senate; 5/19 Withdrawn From Cal; Re-ref Com On Rules and Operations of the Senate.

Bill Name and Number	Bill Type	Description	Concerns	Status
S734 -Regulatory Reform Act of 2014/H1136 -Authority to Adopt Certain Ordinances.	Local Governmental Authority	<p>S734 lifts the moratorium on local government environment ordinances. H74, which passed in the "Long Session" included Section 10.2, Temporary Limitation on Enactment of Environmental Ordinances by Cites and Counties; Study. The study committee recommended a repeal of that section of H74 which this bill does. However, S734 does contain a limitations for local governments regulating fertilizer. Ordinances regulating fertilizers to protect water quality may be adopted by a county or city as long as the ordinances have been approved by the Environmental Management Commission or the Department of Environment and Natural Resources. S734 includes a capstone permitting provision, which limits review of licensing determinations where multiple licenses are required from an agency for a single activity until the date that the last license for the activity is issued, denied, or otherwise disposed of. S734 also includes a provision granting vested rights in development when a developer applied for a permit. In contrast, current law grants statutory vested rights upon approval of development plans.</p>		<p>Senate: 05/29 Passed 3rd Reading as Amended; Engrossed. House: 6/02 Regular Message Received From Senate; 6/03 Passed 1st Reading; Ref To Com On Regulatory Reform; Serial Referral To Judiciary Added</p>
H1191 – Authority to Adopt Local Ordinances.	Local Governmental Authority	<p>Prevents local governments from regulating the removal, replacement, and preservation of trees on private property within its jurisdiction.</p>		<p>05/21 Filed; 05/22 Passed 1st Reading; Ref to the Com on Agriculture, if favorable, Government.</p>

Bill Name and Number	Bill Type	Description	Concerns	Status
H1113 - Bent Creek Property Sullivan Act Exemption.	Other	HB 1113 exempts the City of Asheville and the Henderson County from having to comply with a certain interlocal agreement made between them regarding the Bent Creek property		House: 6/03 Passed 3rd Reading; 6/04 Regular Message sent to the Senate Senate: 6/04 Regular Message Received From House; Passed 1st Reading; Ref To Com On Rules and Operations of the Senate; 6/23 Withdrawn From Com; Re-ref Com On State and Local Government
H1081 Reform Agency Review of Engineering Plans	Other	HB 1081 standardizes State and local review of engineering plans.		House: 6/03 Passed 3rd Reading; 6/04 Regular Message sent to the Senate Senate: 6/04 Regular Message Received From House; Passed 1st Reading; Ref To Com On Rules and Operations of the Senate; 6/19 Withdrawn From Com; Re-ref Com On Commerce
H531 ETJ/Zoning- Weaverville & Buncombe/Correction.	Other	A bill to clarify planning and zoning authority.		Senate: 06/12 Passed 3rd Reading House: 06/17 Regular Message Received For Concurrence in S Com Sub; 06/18 Cal Pursuant 36(b); Ruled Material; 06/19 Concurred On 2nd Reading
H1043/S814 Prequalification Update	Other	HB 1043 is an act to clarify the statutes related to the use of prequalification in public construction contracting, and limits local government's use of prequalification procedures when bidding projects. Pursuant to this bill local governments are allowed to continue prequalifying bidders on public projects only pertaining to certain criteria.		House: 6/10 Passed 3rd Reading; 6/11 Regular Message Sent To Senate; Senate: 6/19 Passed 3rd Reading; Engrossed; 6/23 Regular Message Sent To House

Bill Name and Number	Bill Type	Description	Concerns	Status
S78 Law/H56 Enforcement and DA Privacy/ Tax Websites	Other			House: 5/09/13 Passed 3rd Reading; Senate: 5/14/13 Passed 1st Reading; 6/05/14 Re-ref Com On Judiciary Subcommittee C
H1050 -Omnibus Tax Law Changes	Revenue	H1050 includes Privilege License Tax (PLT) reform. - City authority to levy the PLT would be repealed entirely as of July 1, 2015. - For FY2014-15, the tax may only be levied on businesses with a physical location inside a city. - For FY2014-15, cities can only levy the PLT at the same rate as levied in 2013-14.		5/29 Ratified; Signed by Governor
H1247 Asheville Regional Airport		H 1247 would amend the law relating to the airport to allow Buncombe and Henderson counties and the City of Asheville to appoint their commissioners or council members to the airport's board		House: 6/18 Passed 3rd Reading Senate: 06/19 Special Message Received From House; Passed 1st Reading; Ref To Com On State and Local Government

Bill Name and Number	Bill Type	Description	Concerns	Status
S493 2014 Regulatory Reform Act.		One provision would repeal local act authority for submission, review, or action upon any zoning protest position. Another provision, that would only apply to cities and city-counties with a population greater than 75,000, would require additional ethical requirements for city governing boards. Members of the board would be restricted from mentioning another member's public position in non-governmental advertising, and restricted from permitting the use of public funds for certain ads that contain a members name, picture, or voice. Also, members cannot use or disclose any nonpublic information gained due to a member's official responsibilities in a way that would affect any personal financial interest. There was a provision that would effect municipal regulation of billboards within municipalities, but it was removed by an amendment.		Senate: 5/02/2013 Passed 3rd Reading House: 5/07/2013 Passed 1st Reading; 6/18/2014 Reptd Fav Com Substitute; 6/18 Cal Pursuant Rule 36(b) ; 6/18 Withdrawn From Cal; 6/18 Re-ref Com On Regulatory Reform
S38/H15 Amend Environmental Laws 2014.				Senate: 3/13/2013 Senate Passed 3rd Reading House: 6/23/2014 Passed 3rd Reading; Ordered Engrossed
S594 Omnibus Justice Amendments.		Includes graffiti penalty changes. Any one who engages in graffiti is guilty of a class 1 misdemeanor, fined a minimum of five hundred dollars and required to perform 24 hours of community service. If the cost to repair damage caused by the violation is in excess of one thousand dollars, or the person has two or more prior convictions for violation of this section, that person shall be guilty of a class 1 felony. If a person is convicted of five or more violations in a single session of district court or in a single week of superior court, and at least five of the offenses occurred within a 60-day period, the court shall consolidate the offenses for judgment and the consolidated offenses shall be punishable as a class 1 felony.		Senate: 04/22/2013 Passed 3rd Reading; Engrossed House: 04/23/2013 Rec From Senate; Passed 1st Reading; 04/24/2013 Ref To Com On Judiciary Subcommittee C; 06/19/2014 Reptd Fav Com Substitute; Re-ref Com On Appropriations
H1145 - Registration Required for Mopeds.		H1145 would requires mopeds to be registered with the Division of Motor Vehicles. A provision requiring operators to obtain an insurance policy was removed. In order for a moped to be registered and operated on a highway or other public road, it must have a manufacturer's certificate of origin and be designed and manufactured for use on highways and other public roads.		House: 6/19 Passed 3rd Reading; Ordered Engrossed; 6/23 Special Message Sent To Senate Senate: 6/23 Special Message Received From House; Passed 1st Reading; Ref To Com On Insurance