

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. No longer includes 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. | | 6/24 Signed by Gov.; 6/24 Ch. SL 2014-18 |
| S786 - Energy Modernization Act | Environmental | No longer contains a provision that would cap 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. | | 6/4 Signed by Gov. 6/4; 6/4 Ch. SL 2014-4 |
| 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 | | 7/02 Ratified; Ch. SL 2014-51 |
| H531 ETJ/Zoning: Weaverville & Buncombe/Correction. | Other | A bill to clarify planning and zoning authority. | | 6/24 Ratified; Ch. SL 2014-26 |

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| 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. | | 6/30 Signed by Gov. 6/30/2014; Ch. SL 2014-42 |
| S78 Law/H56 Enforcement and DA Privacy/ Tax Websites | Other | This bill would allow nonelected public officials to have their addresses removed from any government website. | | House: 7/03 Signed by Gov.; Ch. SL 2013-234 |
| H1247 Asheville Regional Airport | Other | 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 | | 7/02 Ratified; Ch. SL 2014-52 |
| H1050 -Omnibus Tax Law Changes | Revenue | H1050 includes Privilege License Tax (PLT) reform. - City authority to levy the PLT 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. Governor McCrory and bil sponsors pledge to work on offsets during interim. | | 5/29 Ratified; Signed by Governor |

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| 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 |
| S729/H1228 - Governor's Coal Ash Action Plan. | Environmental | 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. | | Senate: 7/17 Senate Conf Com Appointed; House: 7/21 Conf Com Appointed |
| 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 |
| S38/H15 Amend Environmental Laws 2014. | Environmental | Repeal moratorium on local environmental ordinances; Does not include tree ordinance language | | 6/24 Special Message Received For Concurrence in H Com Sub; 6/24 Held in Senate Clerk's Office |

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| 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. Similar language in S734. | 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. |
| S734 -Regulatory Reform Act of 2014/ H1136 -Authority to Adopt Certain Ordinances. | Local Governmental Authority | A regulatory 'catch-all' bill, S734 repeals limitation on local governments enacting environmental ordinances, limits regulation of fertilizer, repeals protest petitions, directs ethics study for large cities, and limits aesthetic zoning control. | | House: 6/25 Passed 3rd Reading; Ordered Engrossed; Senate: 6/30 Special Message Received For Concurrence in H Com Sub; 6/30 Ref To Com On Ways & Means |
| H1191 – Authority to Adopt Local Ordinances. | Local Governmental Authority | Prevents local governments from regulating the removal, replacement, and preservation of trees on private property within its jurisdiction. | | 05/21 Filed; 05/22 Passed 1st Reading; Ref to the Com on Agriculture, if favorable, Government. |

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| S493 2014 Regulatory Reform Act. | Local Governmental Authority | 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. | | House: 6/25 Passed 3rd Reading Senate: 6/30 Ref To Com On Ways & Means |
| H1081/ S765 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 |
| H189 - Amend Info./Child Supp. Orders. | Other | | | House: 7/01 Failed Concur In S Com Sub; Conf Com Appointed; Fail To Concur - Appoint Conferees Message Sent To Senate |

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| S594 Omnibus Justice Amendments. | Public Safety | 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: 7/01 Special Message Received For Concurrence in H Com Sub; 7/01 Ref To Com On Rules and Operations of the Senate |
| H1145 - Registration Required for Mopeds. | Public Safety | 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. | | Senate: 7/16 Passed 3rd Reading; Special Message Sent To House; House: 7/16 Special Message Received For Concurrence in S Com Sub; 7/17 Cal Pursuant 36(b) |
| H1224 - Local Sales Tax for Education/Econ. Dev Chngs | Revenue | Would allow counties to choose to raise local sales tax to either fund transportation projects or education programs up to a 1/2 cent levy. Caps overall county sales tax at 2.5%. | | House: 6/25 Passed 3rd Reading; Senate: 6/30 Passed 1st Reading; 7/17 Re-ref Com On Finance |
| H625 - Zoning/Health Care Structure | Local Governmental Authority | Mandates that "temporary family health care structures" are to be an allowed accessory use in residential zoning districts. Limits each lot to one of these structures. Requires issuance of a revocable permit by the City. Removal of the structure is required 60 days after the in home care ends. | | House: 5/13/2013 Passed 3rd Reading; Senate: 5/14/2013 Passed 1st Reading; 7/16/2013 Senate Re-ref Com On Finance; 7/22/14 Heard in Senate Finance |