

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

Issue	Bills	Bill Notes	Status
Film Tax Credit	S743/H1031 NC Econ. Dev. Partnership Modifications.	This economic development bill originally contained 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 fund was removed from the bill.	6/24 Signed by Gov.; 6/24 Ch. SL 2014-18
	H 1142 Modify Film/Historic Rehab Tax Credits	HB 1142 would have changed 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
	S744 Appropriations Act of 2014	Film tax credit converted to a \$10 million grant.	8/2 Ratified; Pres. To Gov.; 8/7 Signed by Gov.

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Historic Rehabilitation Tax Credit	H1142 Modify Film/Historic Rehab Tax Credits	HB 1142 modifies the Historic Rehabilitation Tax Credit and the Film Credit.	05/21 Passed 1st Reading; Ref To Com On Finance
	S744 Appropriations Act of 2014	Historic Rehabilitation tax credit not included in final version of the budget.	8/2 Ratified; Pres. To Gov.; 8/7 Signed by Gov.
	S763 Revenue Laws Tech. Changes and Other Changes	S763 contained an extension of the tax credits similar to the Governor's proposal.	8/2 Special Message Received For Concurrence in H Com Sub; 8/2 Senate Ref To Com On Rules and Operations of the Senate
	H1224 Local Sales Tax Options/Econ. Devpt. Changes	H1224 would allow local governments to issue historic rehabilitation grants.	8/18 House Reptd Fav For Adoption; 8/19 House Conf Report Failed

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Property Tax Cap	S786 - Energy Modernization Act	The provision that would cap the amount city property tax revenue can increase from year-to-year at 8% was removed from this bill and replaced with study on how the development of the oil and gas industry 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.; Ch. SL 2014-4
Coal Ash	S729/H1228 Coal Ash Management Act of 2014	Requires "high risk sites" to be closed by 2019. Preempts local governments from regulating the management of coal ash through ordinances, restrictions, or zoning regulations unless they apply generally to development.	09/20 Became Law W/o Signature; Ch. SL 2014-122
	H1137 Reporting and Notice of Wastewater Spills	Key reporting provisions in this were incorporated into S729.	5/21 Passed 1st House Reading; Ref To Com On Environment
Fracking	S786 Energy Modernization Act	Invalidates local ordinances local ordinances that prohibit or have the effect of prohibiting hydraulic fracturing activities, but provides that local zoning and land use ordinances that are generally applicable to all development may apply. Precludes local tax on fracking.	5/29 Ratified; 6/04 Signed by Gov.; Ch. SL 2014-4

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Wastewater Spills	H1137 Reporting and Notice of Wastewater Spills.	HB 1137 amends the reporting and public notice requirements applicable to discharges of wastewater to waters of the State.	5/21 Passed 1st Reading; Ref To Com On Environment
	S729/H1228 Coal Ash Management Act of 2014	Reduces the amount of time for the public reporting of wastewater spills from 48 to 24 hours.	8/20 Ratified; Pres. To Gov. *Not Signed by Governor
Moratorium on Local Government Environmental Ordinances	S38/H15 Amend Environmental Laws 2014.	Repeal moratorium on local environmental ordinances.	6/24 Special Message Received For Concurrence in H Com Sub; 6/24 Held in Senate Clerk's Office
	H1136 Authority to Adopt Certain Ordinances	Supported by the NCLM, H1136 failed as a stand-alone bill but its language was ultimately included in S734.	5/21 Passed 1st House Reading; Ref To Com On Regulatory Reform
	S734 Regulatory Reform Act of 2014	S734 repeals limitation on local governments enacting environmental ordinances.	09/18 Signed by Gov.; Ch. SL 2014-120

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Regulation of Trees	S38/H15 Amend Environmental Laws 2014.	Prohibition of local government tree ordinances removed.	6/24 Special Message Received For Concurrence in H Com Sub; 6/24 Held in Senate Clerk's Office
	H1191 Authority to Adopt Local Ordinances.	Prevents local governments from regulating the removal, replacement, and preservation of trees on private property within its jurisdiction.	5/22 Passed 1st Reading; Ref to the Com on Agriculture, if favorable, Government
Regulation of Fertilizer	S734 Regulatory Reform Act of 2014/ H1136 Authority to Adopt Certain Ordinances	A regulatory 'catch-all' bill. An early version would have placed limits on local governments' regulation of fertilizer.	09/18 Signed by Gov.; Ch. SL 2014-120
	H 1191 Authority to Adopt Local Ordinances	Prevents local governments from regulating fertilizer or the removal, replacement, and preservation of trees on private property within its jurisdiction.	5/22 Passed 1st Reading; Ref to the Com on Agriculture, if favorable, Government
	S38 Amend Environmental Laws 2014.	Contained prohibition on local governments regulating fertilizer.	6/24 Senate Special Message Received For Concurrence in H Com Sub; Senate Held in Senate Clerk's Office
	H366 NC Farm Act of 2014	Restricts local ordinances regulating fertilizer, but includes language preserving local government's ability to regulate fertilizer as a potential safety hazard related to its storage as an explosive or corrosive substance.	8/2 Ratified; 8/6 Signed by Gov.; Ch. SL 2014-103

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Issue	Bills	Bill Notes	Status
Bill Boards	S493 2014 Regulatory Reform Act.	Contained 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
Zoning & Aesthetic Controls	H150/S139 Zoning Design & Aesthetic Controls	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). This 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. In Asheville, H150/S139 would prevent implementation of certain UDO provisions regarding 1 and 2 family dwellings.	House: Passed the House during the 2014 "Long Session"; Senate: Re-ref Com On Rules and Operations of the Senate.
	S734 -Regulatory Reform Act of 2014/ H1136 - Authority to Adopt Certain Ordinances.	A regulatory 'catch-all' bill that limits aesthetic zoning control.	09/18 Signed by Gov.; Ch. SL 2014-120
Protest Positions	S734 -Regulatory Reform Act of 2014/ H1136 Authority to Adopt Certain Ordinances.	Repeals protest petitions.	09/18 Signed by Gov.; Ch. SL 2014-120
	S493 2014 Regulatory Reform Act.	Contains a provision that would repeal local act authority for submission, review, or action upon any zoning protest position.	House: 6/25 Passed 3rd Reading Senate: 6/30 Ref To Com On Ways & Means

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Capstone Permitting	S744 Appropriations Act of 2014	Permit decisions for projects that require multiple permits from one or more administrative agencies cannot be challenged until a decision is made on the last permit.	09/18 Signed by Gov.; Ch. SL 2014-120
Temporary Family Health Care Structures	H625 - Zoning/Health Care Structure	Mandates that "temporary family health care structures" are to be an allowed accessory use in residential zoning districts. Limits one of these structures per lot. Requires issuance of a revocable permit by the City. Removal of the structure is required 60 days after the in-home care ends.	7/25 Ratified; 7/28 Pres. To Gov.; 8/1 Signed by Gov.
Sullivan Act: Bent Creek	H1113 - Bent Creek Property Sullivan Act Exemption.	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
ETJ	H531 ETJ/Zoning-Weaverville & Buncombe/Correction.	A bill to clarify planning and zoning authority.	6/24 Ratified; Ch. SL 2014-26
Short-Term Vacation Rentals	S859 Cities/Regulation of Vacation Rentals.	A local bill that applies to Cornelius only, the city may, by ordinance, establish and enforce zoning regulations for residential dwellings occupied on a vacation rental or other transient occupancy basis (<90 days).	7/31 Ratified; Ch. SL 2014-91

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Prequalification	H1043/S814 Prequalification Update	Clarifies 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.; Ch. SL 2014-42
E-Verify	H369/S455 Criminal Law Changes	Eases E-Verify requirements for local government purchasing officers. If signed by the Governor the bill will remove the requirement that cities and counties determine whether their contractors and vendors are compliant with the state's E-Verify laws before making any purchases or contracts, regardless of size or type. Instead, local governments will only have to ensure their contractors' E-Verify compliance in contracts within the formal bidding range.	09/18 Signed by Gov.; Ch. SL 2014-119
Airport Board Appointments	H1247 Asheville Regional Airport	H1247 amends 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

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Issue	Bills	Bill Notes	Status
Review of Engineering Plans	H1081/ S765 Reform Agency Review of Engineering Plans	HB1081 standardizes State and local review of engineering plans.	House: 6/03 Passed 3rd Reading; Senate: 6/19 Re-ref Com On Commerce
Graffiti	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: 7/1 Special Message Received For Concurrence in H Com Sub; 7/1 Ref To Com On Rules and Operations of the Senate
Mopeds	H1145 Registration Required for Mopeds.	H1145 requires mopeds to be registered with the Division of Motor Vehicles. A provision requiring operators to obtain an insurance policy was removed.	8/1 Ratified; Pres. To Gov.; 8/6 Signed by Gov.

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Privilege License Tax	H1050 Omnibus Tax Law Changes	<p align="center">H1050 includes Privilege License Tax (PLT) reform.</p> <ul style="list-style-type: none"> - 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 bill sponsors pledge to work on offsets during interim. 	5/29 Ratified; Signed by Governor
Sales Tax Cap	H1224 Local Sales Tax for Education/Econ. Dev Changes	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%.	8/18 House Reptd Fav For Adoption; 8/19 House Conf Report Failed

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Ethics Requirements	S734 Regulatory Reform Act of 2014	A regulatory 'catch-all' bill that directs an ethics study for large cities.	09/18 Signed by Gov.; Ch. SL 2014-120
	S493 2014 Regulatory Reform Act.	Contains a 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 could not use or disclose any nonpublic information gained due to a member's official responsibilities in a way that would affect any personal financial interest.	House: 6/25 Passed 3rd Reading Senate: 6/30 Ref To Com On Ways & Means
Budget	S744 Appropriations Act of 2014	Contains prohibitions on local govt's applying for certain drinking and wastewater grants from transferring from utility to general funds. Provides that a 3-judge panel is to hear cases challenging the constitutional validity of acts of the general assembly. Prohibits local governments from procuring or operating drones until Dec. 31, 2015.	8/2 Ratified; Pres. To Gov.; 8/7 Signed by Gov.