

STAFF REPORT

TO: Mayor and City Council Members

DATE: April 22, 2014

FROM: Martha W. McGlohon, Interim City Attorney

SUBJECT: Legislative Agenda 2014

Summary Statement: The consideration of a resolution adopting the City Council Legislative Agenda for the 2014 Session of the North Carolina General Assembly.

Review: The session of the North Carolina General Assembly that begins on May 14, 2014, is a "short" session. A copy of the Adjournment Resolution of July 26, 2013, is attached.

As set forth in the Adjournment Resolution, only certain categories of bills will be eligible for consideration; such bills include: (1) Bills that passed out of the chamber in which they were introduced, and that were received in the other chamber ("crossover bills"); (2) Bills implementing the recommendations of study commissions ("study bills"); and (3) Local bills that meet certain requirements (non-controversial, unanimous support among local delegation, etc. "local bills"). The City of Asheville is interested in some bills that fall into each of these categories.

Pro:

- Opportunity for City Council of the City of Asheville to identify matters of local and State-wide interest where legislative action is needed or desired.

Con:

- None

Recommendation: City staff recommends the adoption of the City Council Legislative Agenda for the 2014 Session of the North Carolina General Assembly.

Attachments:

- (1) Resolution w/ 2014 Agenda
- (2) Adjournment Resolution

RESOLUTION NO.

RESOLUTION ADOPTING THE 2014 LEGISLATIVE AGENDA FOR THE CITY OF ASHEVILLE

WHEREAS, the 2014 North Carolina general Assembly “short session” will convene on May 14, 2014; and

WHEREAS, the City Council of the City of Asheville has identified certain matters of local and State-wide interest where legislative action is needed or desired;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The “City of Asheville Legislative Agenda for the 2014 Session of the North Carolina General Assembly,” attached hereto as Exhibit A, is hereby adopted.

The City Attorney is hereby directed to transmit a certified copy of this Resolution to the members of the General Assembly whose districts include the City of Asheville.

The City Council offers the City’s assistance to members of the General Assembly and the legislative staff with respect to any items listed on Exhibit A, including the provision of additional information, and further resolutions in support of specific bills.

BE IT FURTHER RESOLVED that the Asheville City Council expresses its thanks and appreciation to the members of the local delegation for their service on behalf of the City of Asheville.

Read, approved and adopted this 22nd day of April, 2014.

City Clerk

Mayor

Approved as to form:

City Attorney

Exhibit A

2014 City of Asheville Legislative Agenda

Environmental Issues

- Support changes to HB 74, Regulatory Reform Act, to restore local control regarding environmental protection.
- Seek legislation requiring the appropriate clean up and disposal of coal ash in coal ash ponds.

Revenue

- Support reducing the complexity and inequity of the privilege license tax while maintaining the tax as a locally controlled source of revenue that supports services to businesses and consumers.
- Seek changes to Session Law 2013-414 to exempt farmers markets and farmers market managers from N.C.G.S. 66-255, allowing farmers markets and farmers market managers to operate without the requirements of registration lists and vendor certificates.
- Seek legislation to give municipalities the option to use electronic legal public notices in lieu of newspaper publication. In FY 2012-2013 the City of Asheville spent \$85,000 on notification advertisements and publications.

Transportation Infrastructure

- Seek funding of the I-26 Connector Project as recommended by joint resolution of the Board of Commissioners for the County of Buncombe and the Asheville City Council.

Graffiti

- Seek to strengthen and/or clarify current state law to more effectively deter and punish perpetrators who damage property, such as by committing vandalism with graffiti.

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013
RATIFIED BILL**

**RESOLUTION 2013-23
HOUSE JOINT RESOLUTION 1023**

A JOINT RESOLUTION ADJOURNING THE 2013 REGULAR SESSION OF THE GENERAL ASSEMBLY TO A DATE CERTAIN AND LIMITING THE MATTERS THAT MAY BE CONSIDERED UPON RECONVENING.

Be it resolved by the House of Representatives, the Senate concurring:

SECTION 1. When the Senate and the House of Representatives adjourn on Friday, July 26, 2013, they stand adjourned to reconvene on Wednesday, May 14, 2014, at 12:00 noon.

SECTION 2. During the regular session that reconvenes on Wednesday, May 14, 2014, only the following matters may be considered:

- (1) Bills directly and primarily affecting the State budget, including the budget of an occupational licensing board, for fiscal year 2014-2015, provided that the bill must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Friday, May 16, 2014, and must be introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Tuesday, May 27, 2014.
- (2) Bills amending the Constitution of North Carolina.
- (3) Bills and resolutions introduced in 2013 and having passed third reading in 2013 in the house in which introduced, received in the other house in accordance with Senate Rule 41 or House Rule 31.1(h) as appropriate, and not disposed of in the other house by tabling, unfavorable committee report, indefinite postponement, or failure to pass any reading and which do not violate the rules of the receiving house.
- (4) Bills and resolutions implementing the recommendations of:
 - a. Study commissions, authorities, and statutory commissions authorized or directed to report to the 2014 Regular Session;
 - b. The General Statutes Commission, the Courts Commission, or any commission created under Chapter 120 of the General Statutes that is authorized or directed to report to the General Assembly;
 - c. The House Ethics Committee;
 - d. Select committees; or
 - e. The Joint Legislative Ethics Committee or its Advisory Subcommittee.

A bill authorized by this subdivision must be submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 14, 2014, and must be filed for introduction in the Senate or introduced in the House of Representatives no later than 4:00 P.M. Wednesday, May 21, 2014.

- (5) Any local bill that has been submitted to the Bill Drafting Division of the Legislative Services Office by 4:00 P.M. Wednesday, May 21, 2014, is introduced in the House of Representatives or filed for introduction in the Senate by 4:00 P.M. Wednesday, May 28, 2014, and is accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, the bill is noncontroversial, and that the bill is approved for introduction by each member of the House of Representatives and the Senate whose district includes the area to which the bill applies.



- (6) Selection, appointment, or confirmation of members of State boards and commissions as required by law, including the filling of vacancies of positions for which the appointees were elected by the General Assembly upon recommendation of the Speaker of the House of Representatives, President of the Senate, or President Pro Tempore of the Senate.
- (7) Any matter authorized by joint resolution passed by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting. A bill or resolution filed in either house under the provisions of this subdivision shall have a copy of the ratified enabling resolution attached to the jacket before filing for introduction in the Senate or introduction in the House of Representatives.
- (8) A joint resolution authorizing the introduction of a bill pursuant to subdivision (7) of this section.
- (9) Any bills primarily affecting any State or local pension or retirement system, provided that the bill has been submitted to the Bill Drafting Division of the Legislative Services Office no later than 4:00 P.M. Wednesday, May 21, 2014, and is introduced in the House of Representatives or filed for introduction in the Senate no later than 4:00 P.M. Wednesday, May 28, 2014.
- (10) Joint resolutions, House resolutions, and Senate resolutions authorized for introduction under Senate Rule 40(b) or House Rule 31.
- (11) Bills:
 - a. Revising the Senate districts and the apportionment of senators among those districts.
 - b. Revising the Representative districts and the apportionment of representatives among those districts.
 - c. Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of representatives among those districts.
 - d. Bills responding to actions related to the Voting Rights Act of 1965.
 - e. Bills responding to actions related to litigation concerning Congressional, State House, or State Senate districts.
- (12) Bills returned by the Governor with objections under Section 22 of Article II of the North Carolina Constitution, but solely for the purpose of considering overriding of the veto upon reconsideration of the bill.
- (13) Any bills relating to election laws.
- (14) Bills to disapprove rules under G.S. 150B-21.3.
- (15) A joint resolution adjourning the 2013 Regular Session, sine die.

SECTION 3. The Speaker of the House of Representatives or the President Pro Tempore of the Senate may authorize appropriate committees or subcommittees of their respective houses to meet during the interims between sessions to:

- (1) Review matters related to the State budget for the 2013-2015 fiscal biennium;
- (2) Prepare reports, including revised budgets; or
- (3) Consider any other matters as the Speaker of the House of Representatives or the President Pro Tempore of the Senate deems appropriate. A conference committee may meet in the interim upon approval by the Speaker of the House of Representatives or the President Pro Tempore of the Senate.

SECTION 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified this the 26th day of July, 2013.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Thom Tillis
Speaker of the House of Representatives