



**CITY MANAGER'S OFFICE
M E M O R A N D U M**

June 28, 2013

TO: Ron Carlee, City Manager
Ron Kimble, Deputy City Manager

FROM: Dana Fenton, Intergovernmental Relations Manager

SUBJECT: **Week 22 State Legislative Report**

HOT TOPICS

Charlotte Regional Airport Authority Act (SB 81 – Rucho) transfers control of the Charlotte Douglas International Airport from the City of Charlotte to an independent Authority; SB 81 reported out of House Transportation Committee on 6/4; re-referred to House Rules; House sponsors of companion legislation, HB 104 (W. Brawley, Samuelson) have floated study resolution in lieu of legislation transferring airport to authority; City Council adopted resolution on 6/10 states that: (1) City supports airport governance structure that maintains CLT's best performing and lowest cost status, regardless of whether it is a city department, authority or some other model, (2) directs City Manager to fully evaluate and implement best practices for airport finances, contracts, procurement, human resources, and public safety, and to work with all stakeholders, including legislators, in undertaking these evaluations, and (3) unambiguously states that it would vigorously resist any outside, unilateral changes that threaten the airport's performance and cost status

State Budget (SB 402 – Brunstetter) for FY 2014 and FY 2015 passed Senate 5/23 and House on 6/13; Blue Line Extension funding is included in Public Transportation Division budget; conference process is in process; Senate and House leadership was aiming to have budget conference report adopted this week but due to delay in dealing with tax reform, they are now aiming to have it adopted week of July 8

Tax Reform: Governor has entered tax reform negotiations with House and Senate by presenting his own plan, which does not reduce State revenues as much as either House or Senate plan; impacts upon local governments are much less clear at this time; legislation that will enact tax reform is HB 998, Tax Simplification and Reduction Act (Lewis); City opposes Senate version of HB 998 due to \$31 million impact to City of Charlotte when fully implemented in FY 19

LEGISLATIVE AGENDA

Public Transportation Buses (HB 375 – Jeter) allows buses owned and operated by the City of Charlotte that are 46 to 60 feet in length to be operated primarily on roadways with speed limits over 45 miles per hour; passed House and referred to Senate Rules

Infrastructure Improvements (SB 103 – Hartsell) extends sunset date of the Special Assessments for Critical Infrastructure Needs Act of 2008 by two years to July 1, 2015, which is needed for continued examination of Red Line Regional Rail project; passed Senate; reported out of House Government House Finance; re-referred to House Finance from House floor in order to modify language to reflect that the Act will expire prior to enactment

Long Term Investment Program (SB 276 – Clodfelter) amends City's long term investment authority to enable use of "prudent investor" rule; referred to Senate State and Local Government where it has not moved

Transportation Project Financing (SB 322 – Clodfelter) allows local governments to use special obligation bond financing for public transportation projects, thereby facilitating local participation in the federal Transportation Infrastructure Financing and Innovation Act (TIFIA) program; referred to Senate Finance where it has not moved

Film Production Tax Credit: HB 994 (Luebke) negatively alters the film production tax credit program and would make the credit "nonrefundable" so that out-of-state production companies would not benefit; HB 994 referred to House Rules; City opposes HB 994

DEVELOPING ISSUES

Strategic Transportation Investments (HB 817 – W. Brawley) is Governor's transportation reform package that reallocates existing transportation resources among the various regions of the State; faced with a \$1.7 billion decrease in transportation funding over the next ten years and an expected 1.3 million increase in population, the intent of the "strategic mobility formula" is to refocus spending on projects that pass a prioritization process producing the most economic benefits and greatest improvements in travel times; signed by Governor

Mecklenburg Revaluation (HB 200 – W. Brawley / SB 159 – Tarte) corrects issues related to the recent Mecklenburg County revaluation; SB 159 passed Senate and is in House Finance; HB 200 passed House and is in Senate Rules

Zoning/Design & Aesthetic Controls (HB 150 – Dollar) restricts use of design standards by counties and cities for any residential dwelling subject to the NC Residential Code for One and Two Family Dwellings; passed House and reported out of Senate Rules but was re-referred back to Committee from the floor; City opposes HB 150

Rental Property Ordinances (HB 773 – W. Brawley) repeals several provisions of legislation passed in 2011 that became basis for 2012 changes to Charlotte rental property ordinance; bill

prohibits mandatory registration of all rental properties which makes it nearly impossible to notify property owners and landlords of crimes committed on their properties, which the bill also requires; there are at least ten other NC towns and cities that have rental program impacted by HB 773; passed House and referred to Senate Commerce; City opposes HB 773

Amends Environmental Laws 2013 (HB 94 - McElraft) is omnibus environmental laws bill considered every session; House passed version amended by Senate Agriculture with number of provisions negotiated with House; Senate provision of SB 112 requiring local governments to obtain approval of Governor and Council of State prior to securing an interest in contaminated real property was amended to exclude local governments from this requirement; also amends 2013 legislation that sets three requirements that must be met for the assets, including debt, of any city owned water utility serving more than 120,000 people to be transferred to a metropolitan sewerage district as an operation of law - requirement removed is that a water utility has not been issued a certificate for an interbasin transfer, reported out of Senate Agriculture

Regulatory Reform Act of 2013 (SB 612 – Brown) states that local government environmental ordinances or regulations that regulate fields also regulated by the State or federal government and are more stringent than State or federal government standards are preempted, which would invalidate many of the City’s environmental regulations exceeding state and federal mandates covering erosion control, post construction controls, stream buffer protections, nutrient controls, and stormwater detention; passed Senate and referred to House Regulatory Reform; City opposes SB 612

MPO Ethics (SB 411 – Rabon) amends 2012 legislation requiring greater disclosure of individuals appointed by local governments to serve on MPO boards by requiring any individual with voting authority on a MPO board to follow State Government ethics guidelines; signed by Governor

BILL TRACKING REPORT

The following report shows all bills being followed by City staff.

| Bill #, Title and (Sponsors) | Summary of Major Provisions & Impacts Upon City | Bill Status | Staff Resource(s) |
|---|--|---|-------------------|
| City's Legislative Agenda | | | |
| Film Production Tax Credit | Film Production Tax Credit: HB 994 introduced that negatively alters the film production tax credit to where only in state companies can apply for it – City opposes | HB 994 referred to House Rules, then Commerce, then Finance | N&BS |
| SB 103 Critical Infrastructure Act Extension (Hartsell) | Infrastructure Improvements: Bill extends the sunset date of the Special Assessments for Critical Infrastructure Needs Act to July 1, 2015 | Re-referred to House Finance | CATS |
| SB 276 Charlotte Charter/Investments (Clodfelter) | Long Term Investment Program: Allows the City to make investments which meet the “prudent person” standard | Referred to Senate State/LG | Finance |
| HB 375 Increase Allowed Size of Passenger Buses (Jeter) | Public Transportation Buses: Local bill; Buses must be operated primarily on routes with speed limits of 45 miles or greater | Passed House; Re-referred to Senate Rules | CATS |
| SB 322 Amend Authority for Local Special Obligation Bonds (Clodfelter) | Transportation Project Financing: Allows local governments to issue special obligation bonds for public transportation facilities, which would enable local governments to utilize the federal governments TIFIA program | Referred to Senate Finance | Finance |
| Tax Reform | | | |
| HB 998 Tax Simplification and Reduction Act (Lewis) | Tax Reform vehicle | House-Senate Conference | Finance Budget |
| General | | | |
| HB 8 Eminent Domain (McGrady) | Proposes that State Constitution be amended to prohibit condemnation except for a public use; Similar to Edition 3 of 2011 legislation that passed House but not considered by Senate | Passed House; Referred to Senate Judiciary I | E&PM |
| HB 74 Periodic Review and Expiration of Rules (Murry) | Allows for the expiration of a permanent rule unless there is a readoption of the rule by the Rules Review Commission | Passed House; Referred to Senate Rules | E&PM |
| HB 110 Public Contracts/ Project Labor (Goodman) | Prohibits contracts that requires a bidder or contractor to enter into an agreement with a labor organization as a term of a contract | Reported from Senate Finance | E&PM |
| HB 248 Taxpayer Debt Information Act (Conrad) | Requires a disclosure of the amount of interest that would be incurred from the issuance of bonds to appear on the ballot | Signed by Governor | Finance |
| HB 632 Study Property Owners Protection Act (Moffitt) | Amended to study the advisability of establishing a Property Owners Protection Act that would favor the free use of land | Passed House; Referred to Senate Rules | Planning |

| Bill #, Title and (Sponsors) | Summary of Major Provisions & Impacts Upon City | Bill Status | Staff Resource(s) |
|---|--|---|---------------------|
| HB 659 County and City Ethics (Moffitt) | Outlines additional ethics standards members of governing boards for cities, counties, education, unified governments, sanitary and consolidated city-county governments | Referred to House Appropriations | CMO |
| HB 677 Local Government Regulatory Reform (W. Brawley) | Regulatory reform legislation that prohibits municipalities from authorizing employers to withhold labor union dues from an employee's pay, and requiring employers assume responsibility for an employee's carbon footprint | Passed House; Referred to Senate State/LG | HR |
| HJ 708 Study Public Enterprise Funds (Moffitt) | Study Bill that will examine charges assessed against public sector enterprise funds for cost allocation, direct services, etc. | Passed House; Referred to Senate Rules | Finance Budget |
| HB 870 Record Closed Sessions of Public Bodies (Dixon) | Requires all public bodies to record meetings held in closed session with the exception of those related to employment | Passed House; Referred to Senate Judiciary I, then Rules | City Clerk CorpComm |
| SB 81 Charlotte Regional Airport Authority (Rucho) | Transfers City's control of the Charlotte Douglas International Airport to independent authority | Passed Senate; Referred to House Rules | CMO |
| SB 159 Require Certain General Appraisals (Tarte) | Adjusts reappraisals that resulted in property values that do not comply with State requirements; Identical to HB 200 | SB 159 in House Finance; HB 200 in Senate Rules | Finance |
| SB 287 Notice Publication by some local governments (Wade) | Allows some counties and their localities within, including Mecklenburg County to provide electronic notice instead of publishing notice in newspapers | Passed Senate; Re-referred to House Rules | CorpComm City Clerk |
| SB 402 Governor's Proposed Budget (Brunstetter) | Makes base budget appropriations for current operations of state departments, institutions, agencies and other purposes | House-Senate Conference | Finance Budget |
| SB 411 Ethic requirements for MPOs/RPOs (Rabon) | Requires that representatives with voting authority on MPOs and RPOs are subject to standard ethics provisions | Signed by Governor | Planning |
| Public Safety | | | |
| HB 17 Gun Permits / Restaurants & Confidentiality (Burr) | Allows persons with concealed handgun permits to possess handguns in restaurants if allowed by establishment, and to preserve confidentiality of information concerning concealed handgun permits and pistol purchase permits | Passed House; Referred to Senate Judiciary I | CMPD |
| HB 59 Eliminate Safety Inspections (Howard) | Eliminates annual vehicle safety inspections as well as the requirement that window tinting inspections be conducted by a licensed safety inspector. Legislation stems from recommendations by the Joint Legislative Program Evaluation Oversight Committee; Identical to SB 194 | HB 59 referred to House Transportation, then Finance; SB 194 referred to Senate Rules | CMPD |

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| HB 186 Towns Enforce Ordinances on Lake Norman (Jeter) | Allows the towns of Cornelius, Davidson, Huntersville, Mooresville and Troutman to enforce town ordinances on the waters of Lake Norman | Passed House; Referred to Senate State/LG | CMPD |
| HB 345 Increase Penalties for Misuse of 911 System (Faircloth) | Increase the criminal penalty for misuse of 911 from a Class 3 misdemeanor to Class 1 misdemeanor. | Passed House; Re-referred to Senate Judiciary II | CMPD |
| HB 348 Public Safety Technology/State ROW (Faircloth) | Allows the NC Department of Transportation to enter into agreements with local governments to utilize public safety technology in the rights-of-way of state maintained roads | Passed House; Referred to Senate Transportation | CMPD |
| HB 626 Promptly Notify 911 of Towed Vehicle (Moffitt) | Requires towers to notify local 911 call centers of the towing prior to moving vehicle. Tower must provide description of the vehicles, place from which the vehicle is towed, location of vehicle storage, and contact information for vehicle retrieval | Signed by Governor | CMPD |
| HB 773 Local Governments/ Buildings/Structures/Inspections (W. Brawley) | Revises conditions in which cities and counties may inspect buildings or structures, and administration of rental property registration programs; Prohibits requiring all residential rental property owners to register their properties with CMPD | Passed House; Referred to Senate Commerce | CMPD |
| HB 930 Dog Breeding Standards/Law Enforcement Tools (Saine) | Establishes standards of care for large commercial dog breeding facilities and provides law enforcement tools to enforce standards | Passed House; Referred to Senate Agriculture, then Judiciary II, then Finance | CMPD |
| HB 937 Amend Various Firearms Laws (Schaffer) | Omnibus bill to change firearms laws including guns locked in vehicles | House-Senate Conference; Referred to House Rules | CMPD |
| SB 8 Towing Fines (Meredith) | Raises the minimum fine for violating provisions of local tow ordinances authorized by 20-219.2 from \$100 to \$150 | Signed by Governor | CMPD |
| SB 124 Shoot Gun From Inside (Brunstetter) | Makes it a Class E felony to discharge a firearm from within an enclosure with the intent to do harm or incite fear | Signed by Governor | CMPD |
| SB 583 Metal Theft Statute Amendments (Tucker) | Clarifies that metals that contain insignificant amounts of copper are not defined as precious metals under the State statute. | Signed by Governor | CMPD |
| SB 659 MAP 21 Conforming Revisions (Shepard) | Conforms state motor vehicle law to the recently passed federal MAP-21 | Referred to House Appropriations | CMPD |
| Environment & Planning | | | |

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|--|--|--|-----------------------------|
| HB 94 Amend Environmental Laws (McElraft) | Omnibus environmental amendments bill | Reported from Senate Agriculture | E&PM CMUD CATS |
| HB 120 Building Inspections/Local Consistency (Hager) | Local governments must seek approval from the NC Building Code Council before requiring routine and regular inspections with requirements above the NC Building Code | Signed by Governor | E&PM CMU |
| HB 150 Zoning/Design and Aesthetic Controls (W. Brawley) | Limits application of design building standards to structures located in local historic districts, areas listed on the National Registry of Historic Places, and local, state or national historic landmarks, standards related to safety code requirements, applications for manufactured or modular housing, and as condition of participation in the National Flood Insurance Program | Passed House; Referred to Senate Rules | Planning E&PM |
| HB 192 Allow ROW Usage in CBDs (Shepard) | Permits local governments to enact sidewalk dining ordinances for use of State owned right of way | Reported from Senate State/LG | CDOT |
| HB 276 Zoning / BOA Changes (G. Graham) | Makes substantive changes to the Board of Adjustment statute | Signed by Governor | Planning |
| HB 480 Environmental Permitting Reform (Millis) | Provides for “fast track” permitting of stormwater management projects starting in 2016 | Signed by Governor | CMUD E&PM |
| HB 573 Stormwater Management Fees (Jeter) | Broadens permitted use of storm water fees by allowing counties to purchase property as well as implement flood damage reduction techniques on private property with the owner’s consent; Applies to Mecklenburg County only | Passed House; Referred to Senate Finance | E&PM |
| HB 625 Zoning/Health Care Structure (Moffitt) | Allows for the zoning of temporary health care structures which would be occupied by a caregiver. The structure must be removed within 60 days in which the impaired person is no longer receive care or in need of assistance | Passed House; Referred to Senate State/LG, then Finance | Planning |
| HB 646 Airports Exempt from Local Tree Ordinances (Catlin) | Prohibits counties and cities from adopting or enforcing tree ordinances and regulations of trees on the property of airports owned by a municipality, county or authority | Passed House; Referred to Senate State/LG | Planning E&PM |
| HB 664 Cell Tower Deployment Act (Hager) | Amends authority of local governments to regulate wireless telecommunications facilities | Signed by Governor | Planning Shared Services |
| HB 769 Zoning/Limit Manufactured Home Restrictions (Ramsey) | Amends zoning laws to limit when counties can restrict placement of manufactured homes in areas zoned for single-family residential use | Passed House; Referred to Senate State/LG, then Commerce | Planning |

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| HB 894 Allocation of Excess Stormwater (Catlin) | Authorizes cities to waive stormwater detention requirements for urban redevelopment projects if there exists excess capacity in its existing receiving stormwater system | Passed House; Referred to Senate Commerce | E&PM |
| HB 938 Improve Wetlands Mitigation Program (Lewis) | Directs NCDENR and NCDOT to petition the US Army Corps of Engineers for greater flexibility and opportunity for wetland mitigation; review fees charged by the ecosystem enhancement program; and study whether the State should assume administration of the Section 404 permitting program under the Federal Water Pollution Control Act for NC from the US Army Corps of Engineers | Passed House; Referred to Senate Agriculture | E&PM |
| SB 105 Clarify Political Sign Ordinance Authority (Tillman) | Amends legislation passed in 2011 by allowing municipalities to enforce State law regulating and prohibiting placement of political signs along state highways that fall within a municipality's corporate limits | Passed Senate; Referred to House Transportation | N&BS |
| SB 328 Solid Waste Management Reform Act of 2013 (Wade) | Directs the Commission on Public Health and DENR to adopt and enforce a rule requiring solid waste vehicles and containers to be leak resistant instead of leak proof | Passed Senate; Referred to House Environment, then Finance | Solid Waste |
| SB 612 Regulatory Reform Act of 2013 (Brown) | States that when local government environmental ordinances or regulations that regulate fields also regulated by the State or federal government and are more stringent than State or federal government standards are inconsistent with State or federal law | Passed Senate; Referred to House Regulatory Reform | E&PM |
| Infrastructure | | | |
| HB 195 Cornelius/Extend Use of Design Build (Jeter) | Extends the Town of Cornelius' authority to use design build construction from 2013 to 2016 | Re-referred to Ways and Means | CMO |
| SB 207 Fiscal Health of Water and Sewer Systems (Cleveland) | Grants authority to Local Government Commission to assume control of local water and sewer systems if certain financial benchmarks are not achieved | Signed by Governor | CMUD |
| HB 267 Limit Tolling on Existing Interstates (Collins) | Establishes standards for how existing interstates can be tolled | Passed House; Referred to Senate Rules | CDOT Planning |
| HB 476 Underground Damage Prevention (Hager) | Makes comprehensive changes to Underground Damage Prevention Act | Passed House; Referred to Senate Commerce, then Finance | CDOT CMUD |
| HB 814 Study Water & Sewer Service Districts (Hamilton) | Directs Environmental Review Commission to study reduction and consolidation of statutory models for establishing, operating and financing certain organizations that provide water and sewer services | Passed House; Referred to Senate Rules | CMUD |

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| HB 817 Strategic Transportation Investments (W. Brawley) | Governor's Transportation plan; Reallocates funding to various regions of the State | Signed by Governor | CDOT CATS Planning |
| HB 857 Public Contracts/ Construction Methods/DB/PD (Arp) | Allows government entities to use design-build method to erect, construct, alter or repair public buildings as well as enter into public-private partnership construction contracts | Passed House; Referred to Finance | E&PM |
| HB 966 Cap Fuel Tax (Blust) | Caps the fuel tax rate at the current capped level for FY2014 and at 36.5¢ per gallon for FY2015 | Referred to House Transportation, then Finance | CDOT |
| SB 341 Amend Interbasin Transfer Law (Rabon) | Limits transfer between basins with a certificate to an average of 2 million gallons per day not to exceed 5 million per day on any given day | Reported from House Environment | CMUD |
| Economic Development | | | |
| HB 55 Reform Workforce Development (Howard) | Resolution to realign local workforce development areas with boundaries of councils of governments as recommended by the Joint Legislative Program Evaluation Oversight Committee; | Passed House; Referred to Senate Rules | N&BS |