



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

March 1, 2013

TO: Julie Burch, Interim City Manager
Ron Kimble, Deputy City Manager

FROM: Dana Fenton, Intergovernmental Relations Manager

SUBJECT: Week 5 State Legislative Report

HOT TOPIC

Charlotte Regional Airport Authority Act (SB 81 – Rucho / HB 104 – Brawley) Legislation transfers control of the Charlotte Douglas International Airport from the City of Charlotte to an independent Authority composed of 13 members. Charlotte City Council, Charlotte Mayor, County Commissions of Mecklenburg, Gaston, Cabarrus, Lincoln, Iredell and Union, Speaker of the House, Senate President Pro Tem, and Governor would each get one appointee. Final two appointees would be picked by Authority members. HB 104 referred to House Transportation. SB 81 was reported out of Senate Finance and is calendared for debate on Wednesday 3/6. In committee, Senate Finance added power for the Authority to exercise eminent domain for public uses at the Airport and only after being authorized by a majority of the eight local government appointee members of the Authority. Bill goes on to state that the power of eminent domain may not be used by the Authority to acquire land for uses such as hotels, motels, restaurants, or industrial parks.

STATE BUDGET

The subcommittees of the House and Senate Appropriations Committees continued meeting jointly this week. Plans are in place for subcommittees to meet through late-April. In early May, the Senate Appropriations Committee will consider and present a proposed budget to the full Senate by May 7, which the full Senate would vote on by May 9. The House would then vote on its budget plan by May 30, which would then start the budget conference process. June 13 has been set aside as the date to pass the budget conference report, which would then be sent to the Governor for approval. A mid-June passage of the budget presages a General Assembly session that would adjourn no sooner than late-June.

LEGISLATIVE AGENDA

Critical Infrastructure Needs Act (SB 104 – Hartsell) Legislation eliminates the July 1, 2013 sunset date of the Special Assessments for Critical Infrastructure Needs Act of 2008. SB 104 is consistent with City and MTC legislative agendas that requested extension of sunset date to allow for continued examination of Red Line Regional Rail project and not lose one of the sources of funding for the project.

DEVELOPING ISSUES

Zoning/Design & Aesthetic Controls (HB 150 – Dollar, W. Brawley, Moffitt, Jordan / SB 139 – Clodfelter, Gunn, Tarte) Legislation 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. Several exceptions are granted for dwellings located in historic districts and national registers of historical places, local, State or federal national historical landmarks, manufactured or modular housing, life safety codes, and national flood insurance program areas. SB 139 has been referred to Senate Commerce and HB 150 to House Regulatory Reform.

Towns Enforce Ordinances on Lake Norman (HB 186 – Jeter / SB 142 – Tarte) Local legislation authorizes towns of Cornelius, Davidson, Huntersville, Mooresville and Troutman to enforce ordinances adopted by the towns on the waters of Lake Norman extending 2,500 feet from the shoreline at the 760 waterline, which is the elevation of the lake when full. SB 142 referred to Senate State and Local Government.

Eminent Domain Constitutional Amendment (HB 8 – McGrady, Stam, Lewis, Goodman): HB 8 proposes for voter consideration a constitutional amendment prohibiting condemnation except for a public use. Legislation is similar to that filed in 2011 but was never acted upon by the Senate. HB 8 passed the House and has been sent to the Senate. Referred to Senate Rules.

Repeal Combined Motor Vehicle & Registration System (HB 30 – Stevens, Starnes): HB 30 would repeal the 2005 law that provides for payment of local motor vehicle taxes at the same time the annual state vehicle registration is required. The system will soon be going online and is expected to result in a higher rate of taxes collected. Referred to House Transportation.

Annexation Amendment (HB 79 – Pittman, Hardister, Ford): Proposed constitutional amendment would amend Article VII of Section 1 to prohibit the General Assembly from authorizing any annexation initiated by local governments unless two-thirds of the registered voters living in the affected area approve the annexation. The amendment also prohibits the exercise of ETJ powers. Referred to House Government.

BILL FILING DEADLINES

Bill Filing Deadlines	Filed in Senate by 3:00 p.m.	Filed in House by 3:00 p.m.
Study Commission Bills	--	Wednesday, February 27
State Agency Bills	--	Wednesday, March 20
Local Bills	Wednesday, March 13	Wednesday, April 3
Public Bills (All Public Bills)	Thursday, March 28	--
Public Bills & Resolutions (Not Appropriations or Finance)	--	Wednesday, April 10 by 1:00 pm
Public Bills (Appropriations and Finance)	--	Wednesday, April 17

Crossover deadline for both chambers is Thursday, May 16.

BILL TRACKING REPORT

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

Bill # Title (Sponsors)	Summary of Major Provisions & Impacts Upon City	Bill Status	Staff Resource(s)
General			
HB 4 Unemployment Insurance Reform (Howard, Warren, Starnes, Setzer) Similar to SB 6 (Rucho, Rabon, Brock)	Legislation strongly supported by NC Chamber of Commerce and business community in general; Described by Sponsor as “option” to retire \$2.5 billion unemployment insurance debt owed to federal government three years faster (2016 rather than 2019); Reduces maximum weekly benefits and duration of benefits for future recipients; Requires reimbursing employers, such as local governments, to establish reserve accounts equal to 1% of taxable wages to advance pay benefits; Requirement to establish reserve account to advance pay benefits will require City to establish fund of approximately \$1.5 million Effective July 1, 2013	Signed by Governor on 2-19	HR Budget
HB 6 Public Sector Collective Bargaining / Right to Work / Secret Ballot Constitutional Amendments (Tillis, Moffitt, Murry) Similar to HB 53 (Tillis, Moffitt, Murry)	Proposes that State Constitution be amended to include long term prohibition on public sector collective bargaining and right to work laws, and guarantee to secret ballots in union elections; November 2014 general election ballot	Referred to Rules, Calendar and Operations of the House Committee	HR
HB 8 Eminent Domain (McGrady, Stam, Lewis, Goodman)	Proposes that State Constitution be amended to prohibit condemnation except for a public use; Similar to Edition 3 of 2011-2012 HB 8 that passed House but was not considered by Senate; November 2014 general election ballot	Passed House Referred to the Rules and Operations Committee of the Senate	E&PM
HB 30 Repeal Combined Motor Vehicle & Registration System (Stevens, Starnes)	Bill repeals 2005 law and subsequent amendments to provide for payments of local motor vehicle taxes at same time state vehicle registration is due to ensure owners pay their taxes	Referred to Transportation Committee	Finance
HB 53 Right to Work (Tillis, Moffitt and Murry)	Amends NC Constitution to guarantee an individual’s right to work and prohibits contracts between state/local governments and labor organizations; Makes statutory changes to Article 10 of Chapter 95	Referred to Rules, Calendar and Operations of the House Committee	HR

Bill # Title (Sponsors)	Summary of Major Provisions & Impacts Upon City	Bill Status	Staff Resource(s)
HB 74 Periodic Review and Expiration of Rules (Murry, Moffitt, Samuelson and Bryan)	Allows for the expiration of a permanent rule unless there is a readoption of the rule by the Rules Review Commission	Referred to House Regulatory Reform Committee	E&PM
HB 79 Annexation amendment (Pittman, Hardister)	Amends the NC constitution to restrict annexation by municipalities. Requires any municipal initiated annexation to be approved by 2/3 of the voters residing in the affected area.	Referred to Committee on Government	Planning
HB 110 Public Contracts/ Public Labor (Goodman, Bell, Moffitt, and Murry)	Prohibits contracts that requires a bidder or contractor to enter into an agreement with a labor organization as a term of a contract	Referred to Committee on Government	E&PM
SB 81 Charlotte Regional Airport Authority (Rucho) HB 104 Charlotte Regional Airport Authority (W. Brawley, Samuelson, Moffitt, Torbett, Saine and Ramsey)	Transfers City's control of the Charlotte Douglas International Airport to a 13-person authority to operate the airport. The authority would be comprised of appointments by the NC Governor, General Assembly leadership, Charlotte Mayor and Council, as well as Mecklenburg, Gaston, Cabarrus, Union, Lincoln and Iredell counties. Identical to introduced version of SB 81	Received a favorable report from Finance Committee HB 104 referred to Transportation Committee, if favorable moves on Finance	CMO
SB 125 Public Meeting/Records Law Violations (Goolsby, Apodaca)	Makes it a Class 3 misdemeanor to deny access to public records for the purpose of inspection or to deny copies of public records	Referred to Committee on Judiciary 1	Communications
HB 153 Establish Government Oversight (Cleveland, Brown)	Establishes a joint legislative oversight committee on general government to examine on a continuing basis the services provided by several State department agencies to include but not limited to: Administration, Treasurer, State Personnel, Board of Elections and Governor's Office	Referred to Government Committee	Finance

Bill # Title (Sponsors)	Summary of Major Provisions & Impacts Upon City	Bill Status	Staff Resource(s)
SB 145 Reform Oversight of State Owned Vehicles (Hartsell) HB 61 Reform Oversight of State Owned Vehicles (Howard)	Reforms the management and oversight of state-owned motor vehicles as recommended by the Joint Legislative Program Evaluation Oversight Committee	Referred to Transportation Committee	Shared Services CATS
Public Safety			
HB 17 Gun Permits / Restaurants & Confidentiality (Burr, Hager, Hollo, J. Bell)	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	Referred to Rules, Calendar and Operations of the House Committee	CMPD
HB 48 Operation of Mopeds (Shepard)	Requires mopeds to be licensed and insured.	Referred to Transportation Committee	CMPD
HB 49 Firearm in Locked Motor Vehicle / Parking Lot (Shepard)	Shares some similarities to 2011-2012 HB 111; Prohibits any business, commercial enterprise or employer from prohibiting the storage of firearms or ammunition when locked out of sight in motor vehicles; Allows for civil suits when a person is injured or killed against any business, commercial enterprise or employer who violates the locked out of sight standard; Provides for reinstatement, back pay, etc. of employees discharged from employment as result of violating company policies in conflict with this bill; Effective December 1, 2013 and applies only to violations committed on or after that date	Referred to Rules, Calendar and Operations of the House Committee	CMPD
SB 8 Towing Fines (Meredith, Clark and Jenkins)	Raises the minimum fine for violating provisions of local tow ordinances authorized by 20-219.2 from \$100 to \$150	Referred to Senate Finance Committee	CMPD
SB 17 Concealed Carry Permits (Bingham)	Invalidates in North Carolina concealed handgun permits issued by other states to nonresidents	Referred to Senate Judiciary Committee II	CMPD

Bill # Title (Sponsors)	Summary of Major Provisions & Impacts Upon City	Bill Status	Staff Resource(s)
SB 27 Public School Protection / Firearm Amendments (Bingham)	Allows individuals both certified by the NC Criminal Justice Education and Training Standards Commission and designated by a local board of education or charter school board of directors to possess and carry firearms on school property to provide additional protection to those attending and working in public schools.	Referred to Rules and Operations of the Senate Committee	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	Referred to Judiciary Committee I	CMPD
SB 142 Towns Enforce Ordinances on Lake Norman (Tarte) HB 186 Towns Enforce Ordinances on Lake Norman (Jeter)	Allows the towns of Cornelius, Davidson, Huntersville, Mooresville and Troutman to enforce their town ordinances on the waters of Lake Norman	Referred to the State and Local Government Committee Filed	CMPD
SB 146 (Bingham, Brock and Hise)	Allows employees and volunteers at a private school to carry weapons on educational property when authorized by the school board of trustees or administrative director and allows a person to carry a concealed handgun during worship services at a location that serves as both a school and a place of worship	Referred to Judiciary Committee I	CMPD
SB 28 Gun Permit Information / No Publication (Bingham)	Increases the confidentiality of information regarding concealed handgun permits and pistol purchase permits. Other than the local permitting sheriff and the NC State Bureau of Investigation, it limits availability of information to other State and local law enforcement agencies	Referred to Senate Judiciary Committee II	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	Referred to Transportation Committee	CMPD
HB 63 Support Right to Bear Arms (Speciale)	A resolution expressing support of the Second Amendment and opposes any infringement by the federal government in keeping and bearing arms	Referred to Committee on Rules, Calendar and Operations of the House	CMPD
Environment & Planning			

Bill # Title (Sponsors)	Summary of Major Provisions & Impacts Upon City	Bill Status	Staff Resource(s)
HB 94 Amend Environmental Laws (McElraft, Samuelson and McGrady) SB 112 Amend Environmental Laws (Jackson, Brock and Davis)	This is the omnibus environmental amendments bill considered every year Clarifies the process for civil penalties associated erosion and sedimentation violations	Referred to the Environment Committee Referred to Committee on Agriculture/Envi ronment/Natural Resources	E&PM CMUD
SB 105 Clarify Political Sign Ordinance Authority (Tillman)	Amends legislation passed in 2011 by allowing municipalities to regulate and prohibit placement of political signs along state highways that fall within a municipality's corporate limits	Referred to Transportation Committee	N&BS
SB 139 (Clodfelter, Gunn and Tarte) HB 150 (W. Brawley, Moffitt and Jordan)	Limits the application of design building standards at the county and municipal level to the following circumstances only: <ul style="list-style-type: none"> • structures located in local historic districts • structures located in areas listed on the National Registry of Historic Places • structures located in local, state or national historic landmarks • when the standards are related to safety code requirements • for applications for manufactured or modular housing • as a condition of participation in the National Flood Insurance Program 	Referred to Commerce Committee Referred to Regulatory Reform Committee	Planning E&PM
Infrastructure			
HB 86 Restore Wallace to Wilmington Railroad (Hamilton, Shepard, R. Moore and Catlin)	Requires the NCDOT to seek funding for two economic development projects. The first to restore the rail connection from Wallace to Castle Hayne and another project to improve rail access to the NC State Port at Wilmington	Referred to Transportation Committee	CATS
SB 9 Utility / Design / Survey Location Services (Meredith, Clark)	Requires Utility owners to locate and describe underground utilities upon written or oral request from a person who is responsible for designing or surveying underground facilities or requires a general description and location of existing underground facilities in an area; <u>Not</u> the bill that rewrites the statewide underground utility damage prevention statute	Referred to Senate Commerce Committee	CDOT CMUD

Bill # Title (Sponsors)	Summary of Major Provisions & Impacts Upon City	Bill Status	Staff Resource(s)
HB 55 Reform Workforce Development (Howard) SB 147 Reform Workforce Development (Hartsell)	Resolution to realign local workforce development areas with boundaries of councils of governments as recommended by the Joint Legislative Program Evaluation Oversight Committee. It would: <ul style="list-style-type: none"> • Reduce number of workforce development areas • Increase number of counties workforce development areas would cover 	Referred to House Commerce and Job Development Committee Filed	N&BS
HB 69 Opportunity Advancement Zones (Torbett)	Provides tier one tax treatment of employers located within newly created opportunity advancement zones based on the following criteria: <ul style="list-style-type: none"> • 40% of households with incomes below \$25K and exceeds the federal employment rate by 2% • 33% of households with incomes below \$25K and exceeds the federal employment rate by 4% • 25% of households with incomes below \$25K and exceeds the federal employment rate by 6% 	Referred to House Commerce and Job Development Committee	N&BS