

Environmental Bills that Passed in the 2008 Legislative Session

Prepared by NC Conservation Network 7-24-08

AGRICULTURE

H2524, Disapprove Dyed Milk Rule, Pricey Harrison (Guilford-D), Verla Insko (Orange-D), Charles Thomas (Buncombe-R). Disapproves a rule adopted by the North Carolina Board of Agriculture requiring that raw milk sold for pet use be dyed charcoal gray. Since the rule stemmed from an effort by Department of Agriculture and Division of Environmental Health to prevent humans from drinking the raw milk, the compromise bill also requires raw pet milk be labeled indicating that it is illegal to sell raw milk for human consumption. *S.L. 2008-88.*

S847, Prevent Agricultural Pesticide Exposure, Charlie Albertson (Duplin-D). Adds agricultural workers to those protected against workplace retaliation in labor laws, mandates that pesticide applicators record the exact time of day when application is complete, and requires pesticide application records to be kept 2 years instead of 30 days. *Governor.*

S1878 Property Tax Modifications, Dan Clodfelter (Mecklenburg-D). Among the myriad of property tax provisions in this bill are two of interest: (1) an 80% property tax exemption for solar systems, and (2) a section allowing property to remain in present-use value when the deferred taxes are paid at the time of transfer and the new owner continues to farm the property. *Governor.*

COASTAL

H2155, Holden Beach/Oak Island No-Wake Zone, Bonner Stiller (Brunswick-R), Dewey Hill (Columbus-D). Establishes a no-wake zone in the intercoastal waterway adjacent to Town of Holden Beach and Oak Island. *S.L. 2008-100.*

H2755, Oak Island Special Assessments, Bonner Stiller (Brunswick-R). Authorizes the Town of Oak Island to levy special assessments to raise local financing for non-beach dredging projects. *S.L. 2008-114.*

H2756, Oak Island/Assessments for Erosion Control, Bonner Stiller (Brunswick-R). The Town of Oak Island can currently make special assessments for beach erosion or flood and hurricane protection projects; this bill allows them to assess based on the number of lots served at an equal rate per lot. *S.L. 2008-115.*

S1340, Sale of Blocks of Ten-Day CRFLs, Clark Jenkins (Edgecombe-D). Allows the owner of a vessel 23 feet or more in length to purchase ten-day blocks of coastal recreational fishing licenses to accommodate out of town visitors who may want to hop on their host's boat before they have a chance to get a license. *Governor.*

S1967, Improve Coastal Stormwater Management, Julia Boseman (New Hanover-D). Originally the disapproval bill for the Environmental Management Commission's coastal stormwater rules, a committee substitute inserted the new compromise bill that emerged from the lengthy stakeholder negotiation. The bill significantly strengthens the coastal stormwater program in the 20 coastal counties – essentially requiring them to meet the Phase II stormwater requirements - though is not as strong as the EMC's rules. *Governor.*

CONSERVATION

H1770, Future Conveyance/Special Assessments, Daniel McComas (New Hanover-R). The first part of this bill clarifies that parties to a conservation agreement can include provisions for payment of fees upon any future conveyance of the property to cover the long term cost of monitoring the easement. The

second part authorizes local governments to assess property, upon petition by affected citizens, to pay off revenue bonds for infrastructure, including water, sewer, and public transit. *Governor.*

H2496, State Parks System Additions, Cullie Tarleton (Watauga-D), Lucy Allen (Franklin-D), Pryor Gibson (Anson-D), Pricey Harrison (Guilford-D). Authorizes the addition of Bear Paw State Natural Area and Yellow Mountain State Natural Area to the State Parks System. *Governor.*

S1862, State Nature and Historic Preserve Removal, R.C. Soles (Columbus-D). Removes a portion of Lake Waccamaw State Park from the State Nature and Historic Preserve and the State Parks System to allow for bridge realignment on Bella Coola Road in Columbus County. *S.L. 2008-11.*

DEVELOPMENT

H1770, Future Conveyance/Special Assessments, Daniel McComas (New Hanover-R). The first part of this bill clarifies that parties to a conservation agreement can include provisions for payment of fees upon any future conveyance of the property to cover the long term cost of monitoring the easement. The second part authorizes local governments to assess property, upon petition by affected citizens, to pay off revenue bonds for infrastructure, including water, sewer, and public transit. *Governor.*

H2432, Study/Local Disaster Management Capability, Grier Martin (Wake-D), Rick Glazier (Cumberland-D), Daniel McComas (New Hanover-R), William Wainwright (Craven-D). Directs the Division of Emergency Management in consultation with the North Carolina Association of Commissioners, to study and develop plans to increase the capabilities of counties to deal with disasters. *Governor.*

H2580, Chapel Hill Payment-in-lieu Rec. Facilities, Verla Insko (Orange-D). Authorizes Chapel Hill to adopt an ordinance requiring developers to make payments to the town in lieu of reserving or dedicating recreation areas within the development. *S.L. 2008-76.*

S1646, Swain Settlement Funds, John Snow (Cherokee-D). When Fontana Dam was created in the 1940s, the federal governments promised to build a road for residents, but last year the National Park Service finally decided not to build the road through the Great Smokey National Park, and instead pay Swain County a settlement. The bill sets up a Trust Fund to receive and distribute the funds back to the County. *S.L. 2008-13.*

S2126, Winston Salem Zoning Violations, Pete Brunstetter (Forsyth-R). Increases the fee from \$50 to no more than \$500 for anyone violating the zoning ordinance of the City of Winston-Salem. *S.L. 2008-41.*

ENERGY / CLILMATE

H2526, Motor Vehicle Emissions Study, Pricey Harrison (Guilford-D), Grier Martin (Wake-D), Ruth Samuelson (Mecklenburg-R), Charles Thomas (Buncombe-R); Co: Glazier. Directs DAQ to study the costs and benefits of adopting the Clean Cars emissions standards in NC, also known as the California Motor Vehicles Emissions Standards, including projected yearly emissions of carbon dioxide, projected impact on costs to North Carolina consumers, and the projected reduction in the quantity and cost of fuel to North Carolina consumers. *(Included in Studies Bill H2431.)*

H2529, Extend Climate Change Commission 2008, Pricey Harrison (Guilford-D), Charles Thomas (Buncombe-R), Alice Underhill (Craven-D), Winkie Wilkins (Person-D). Extends the Legislative Commission on Global Climate Change until October 2009. *S.L. 2008-81.*

H2530, Solid Waste Tax Changes/Unsalable OTP Refund, Pricey Harrison (Guilford-D), Ty Harrel (Wake-D), Paul Luebke (Durham-D), Charles Thomas (Buncombe-R). Adjusts how the statewide solid waste surcharge (tip fee) is paid and reported, and modifies the distribution formula. The bill also contains a small provision relating to the tobacco tax. *Governor.*

S1339, Gasoline and Fuel Alcohol Blending, Clark Jenkins (Edgecombe-D). Allows petroleum marketers and distributors to continue to blend ethanol with gasoline, and thus receive the 5.1 cents per gallon federal tax credit, rather than letting petroleum manufacturers become the sole blenders. *Governor.*

S1597, City/County Energy Efficiency Incentive, Janet Cowell (Wake-D). Expands the list of cities and counties that are authorized to provide development incentives (density bonuses, adjustments to development requirements, etc.) in exchange for reductions in energy consumption. Applies to Cabarrus County, Concord, Kannapolis, Durham, Locust, Carrboro, Cary, Chapel Hill, Harrisburg, Midland, Mount Pleasant and Stanfield. *S.L. 2008-22.*

S1878 Property Tax Modifications, Dan Clodfelter (Mecklenburg-D). Among the myriad of property tax provisions in this bill are two of interest: (1) an 80% property tax exemption for solar systems, and (2) a section allowing property to remain in present-use value when the deferred taxes are paid at the time of transfer and the new owner continues to farm the property. *Governor.*

S1946, Codify Energy Efficiency in Public Buildings, Janet Cowell (Wake-D). Codifies the energy efficiency and water conservation standards (passed last year) for major facility construction and renovation projects involving state, university, and community college buildings. *Governor.*

TRANSPORTATION

H2258, Inland Port Interstate Compact, Mitch Gillespie (McDowell-R). Establishes the Inland Port Interstate Compact with NC, SC, TN, and VA to coordinate inland port efforts. *(Included in H2431 as a study.)*

H2313, Permitting and Building Code Changes, Nelson Cole (Rockingham-D). Establishes an express permit review program for state highway connections like driveways, streets, or drainage. A provision that would have prohibited local governments from adopting a development moratorium “on the sole basis that an existing moratorium is outdated or in need of amendment” was added, but then removed before the bill passed. *Governor.*

H2314, Voluntary County Participation/DOT-AB, Nelson Cole (Rockingham-D). Expands to counties the ability to voluntarily participate in financing DOT projects. *Governor.*

H2318, DOT/Partnership Agreements/Construction-AB, Nelson Cole (Rockingham-D) Authorizes the DOT to enter into partnerships with the Turnpike Authority or private developers for building new roads. *Governor.*

H2547, Study P & N Rail Line, Wil Neumann (Gaston-R), Debbie Clary (Cleveland-R), William Current (Gaston-R). Direction to study the Piedmont and Northern rail line in Gaston County to determine the cost of bringing the line back to full service. *(Included in studies bill H2431.)*

S1697, Toll Road Enforcement/Authority Changes, Clark Jenkins (Edgecombe-D). Creates the mechanism for collection and enforcement of tolls at future toll facilities operated by the NC Turnpike Authority. *Governor.*

S1748, Chapel Hill Vehicle Registration, Eleanor Kinnaird (Orange-D). Authorizes the Town of Chapel Hill to levy an additional motor vehicle registration tax (for a total of \$30) for public transportation purposes. *S.L. 2008-16.*

S1800, Amend Definitions/MV Law/Federal Compliance-AB, Clark Jenkins (Edgecombe-D). Amends the definitions of “hazardous materials” and “state” under NC motor vehicle laws to comply with federal law. *Governor.*

WATER

H821, Specify Out of State Areas of IBT Notice, Lucy Allen (Franklin-D), Pryor Gibson (Anson-D). In 2007, the legislature passed H820 which overhauled the approval process for transfers of water from one river basin to another, and included a requirement that parties that might be affected in other states be notified. This bill modifies the IBT statute to clarify the geographic area receiving notification by narrowing it based on 8-digit hydrologic units, and also requires the ERC to study delineation of major river basins and sub-basins. *Governor.*

H2353, Irrigation Contractors Licensure/Fees, Pryor Gibson (Anson-D), Becky Carney (Mecklenburg-D). Establishes a license for irrigation contractors and establishes the NC Irrigation Contractors' Licensing Board. *Governor.*

H2498, Underground Storage Tank Pgrm Amends-2008, Lucy Allen (Franklin-D), Pryor Gibson (Anson-D). This bill raises UST fees for tank owners to enable hiring additional inspectors. It also makes some other minor changes to the program: gives DENR the ability to revoke and issue operating permits based on demonstrated financial responsibility; expands secondary containment and release detection to pipes and fittings; requires DENR to implement a pilot program using site-specific clean up standards; establishes time limitations for DENR action; allows sites to be re-classified to a lower risk; and extends the performance-based cleanup program through 2011.

H2499, Drought/Water Management Recommendations, Lucy Allen (Franklin-D), Pryor Gibson (Anson-D), Russel Tucker (Duplin-D). This bill, after its various amendments, includes the following: better reporting of agricultural water use; weekly reporting of water use during extreme or exceptional drought; a streamlined process for emergency drought response; conditions on state grant & loan funding to promote conservation and efficiency; rulemaking to promote water reuse; rulemaking to promote gray water use; a study to develop guidelines for water systems to achieve financial health; a study of possible water efficiency standards; a study of the potential for new reservoirs and other new water supplies; and a prohibition on homeowners associations fining residents who stop watering during droughts. *Governor.*

H2752, City of Sanford Special Assessments, Jimmy Love (Lee-D). Authorizes the City of Sanford to levy a special assessment to expand the Lee County Water System which is now operated by the City. *S.L.. 2008-70*

H2785, State Take Cape Fear Locks/Dams 1, 2, and 3, . Allows the state to acquire locks and dams 1, 2, and 3 on the Cape Fear River from the United States after the three locks and dams have been properly refurbished and the rock arch rapids fish ladders successfully constructed. *Governor.*

S1046, Yadkin Project Study, Fletcher Hartsell (Cabarrus-R). This bill directs the legislative Environmental Review Commission to study the impacts of a potential new 50 year FERC license to Alcoa Power for the dam on the Yadkin River, and to report to the General Assembly by Feb. 1, 2009. Directs DENR to consider the report in their consideration of a 401 water quality certification associated with the FERC relicensing. *Governor..*

S1259, Public Water Service Warranties, Tony Rand (Cumberland-D). Releases water service providers from warranty for the uses of the water as long as it meets water quality standards. This bill stems from a situation in Fayetteville where a flushing of the water lines caused discoloration of the water which led to a lawsuit by a laundry company. *Governor.*

S1872, Extend Water Allocation Study, Daniel Clodfelter (Mecklenburg-D). Extends the timeline of the water resources allocation study, with an interim report due to the 2009 General Assembly, and a final report in October 2010. *S.L. 2008-10.*

S1885, Promote Private Compensatory Mitigation, Daniel Clodfelter (Mecklenburg-D). Requires developers to use private wetlands mitigation banks before the Ecosystem Enhancement Program's in

lieu fee for wetlands restoration where available, and for restoration to occur within the same 8-digit hydrologic unit. *Governor.*

WASTE / RECYCLING

H819, Electronic Recycling Amends/Add TVs, Lucy Allen (Franklin-D), Pryor Gibson (Anson-D). Amends the e-waste recycling law passed in 2007 by adding televisions and also, unfortunately, delaying the effective date of the computer and TV recycling program another year, to January 2010. TV manufacturers are required to recycle their market share allocation of sets in a given year. *Governor.*

H1134, Cleanup of Abandoned Manufactured Homes, Phillip Haire (Jackson-D), Lucy Allen (Franklin-D), Joe Tolson (Edgecombe-D), Carolyn Justice (Pender-R). Allows up to \$1 million from the Solid Waste Trust Fund (funded by the \$2 per ton tipping fee passed last year) to be used for grants to counties for cleaning up and recycling abandoned mobile homes and mobile classrooms, and includes a provision to require that mercury-containing light switches and thermostats in mobile homes be recycled prior to disposal. *Governor.*

WILDLIFE

H1889, Wildlife Land Property Tax Changes, Pricey Harrison (Guilford-D), Pryor Gibson (Anson-D), Dewey Hill (Columbus-D), Harold Brubaker (Randolph-R). Establishes land managed for wildlife conservation, over 20 acres, as a new class eligible for the lower present-use value tax rate which agricultural, horticultural and forestry land currently enjoys. Some new provisions that finally dislodged this bill include raising the minimum acreage from 10 to 20 acres, tightening the criteria for enrollment, narrowing the qualifying habitat, and reducing the roll-back of taxes for un-enrollment from 5 to 3 years. *Governor.*

H2121, Jackson Road Hunting, Phil Haire (Haywood-D). Prohibits hunting with a firearm from, on, or across public roads or highways in Jackson County. *S.L. 2008-18.*

H2122, Jackson/No Shining Light on Deer, Phil Haire (Haywood-D). Prohibits shining a light intentionally on a deer or to sweep a light in search of a deer at night. *S.L. 2008-19.*

H2123, Alamance Fox and Coyote Trapping, Cary Allard (Alamance-R), Alice Bordsen (Alamance-D). Establishes a season from June 1 through February 28 for the trapping of foxes and coyotes in Alamance County with rubber cleat traps. House Wildlife Resources. *S.L. 2008-44.*

H2464, Martin County Road Hunting, Edith Warren (Pitt-D). Prohibits hunting with or discharging a firearm on, from, or across the right-of-way of any highway or public road. Prohibits possession of a loaded firearm outside the passenger compartment of a vehicle while on the roadway or right-of-way unless permission has been given by abutting landowner. *S.L. 2008-50.*

H2634, Caswell/Hunting on Private Property, Bill Faison (Orange-D). Allows members of hunting clubs to hunt or fish on private land in Caswell County if the landowner or lessee has granted permission to the hunting club and if the hunter is carrying appropriate authorizing papers. *S.L. 2008-96.*

H2760, Stokes Fox Season, Bryan Holloway (Stokes-R). Establishes a season for taking foxes with weapons and by trapping in Stokes County. *S.L. 2006-102.*

H2768, Orange/Hunting on Private Property, Bill Faison (Orange-D). Allows members of hunting clubs to hunt or fish on private land in Orange County if the landowner has granted permission to the hunting club and if the hunter is carrying appropriate authorizing papers. Also raises the fee for a disabled hunting license from \$5 to \$10. *Governor.*

H2779, Bertie Deer Hunting, Annie Mobley (Hertford-D). Prohibits the taking of deer from a boat in Bertie County on the Roanoke River or its tributaries, except from the River and tributaries adjacent to Washington County. *S.L. 2008-106.*

S175, Interstate Wildlife Violator Compact, John Snow (Cherokee-D). Enacts the wildlife violator compact in NC Allows those individuals whose wildlife license privileges have been suspended in a party state to treat that suspension as though it had occurred in their home state. Similarly if they issued a violation in a party state the violation will be treated as though it was issued in the home state, violators are permitted to continue on their way provided that their home state is party to the compact. *Governor.*

S1989, Craven Fox Trapping Season, Jean Preston (Carteret-R). Establishes a season for fox trapping in Craven County. *S.L. 2008-8*

MISCELLANEOUS

H2431, Studies Act of 2008. The annual studies bill. *Governor.*

H2436, 2008 Appointments Bill, Mickey Michaux (Durham-D), Alma Adams (Guilford-D), Martha Alexander (Mecklenburg-D), Jim Crawford (Granville-D). The 2008 budget bill. *S.L. 2008-107.*

H2438, 2008 Budget Technical Corrections, Mickey Michaux (Durham-D). Among its provisions is one that directs the Department of Crime Control and Public Safety to fund 5 positions for floodplain mapping with existing funds until receipts from the floodplain mapping fee are sufficient to support them. Another provision clarifies the state's constitutional authority to issue General Obligation bonds for the funding of DENR's Green Square Project. *Governor.*

H2542, Clarify Ethics and Lobbying Laws, Rick Glazier (Cumberland-D), Skip Stam (Wake-R), Edith Warren (Pitt-D), Wiley (Guilford-R). Makes mostly technical changes to the Ethics and Lobbying Laws passed in 2006, though one provision is troubling: allowing a "wine and dine" event to be declared "public" (and thus exempt) with only 24 hour public notice. *Governor.*

H2788, Speaker's Appointments, Bill Owens (Pasquotank-D). Makes the Speaker's and President Pro Tempore's appointments to various commissions. *S.L. 2008-110.*

S845, Amend Enviro Laws/Enviro Technical Corrections, Charlie Albertson (Duplin-D). This bill contains a number of notable provisions. Prohibits the Environmental Management Commission from initiating any new rulemaking on coastal stormwater in shellfish (SA) and outstanding resource waters (ORW) for three years. Also expands the compounds tested for in newly constructed private wells; expands the Blue Crab Research Program to include other shellfish; prevents state agencies like DOT that obtain oyster shells from charging the Division of Marine Fisheries for them; makes a minor procedural change to how coastal stormwater requirements are recorded in covenants; requires parking lots over an acre to be at least 20% pervious or control stormwater runoff; allows the UST fund to reimburse tank owners annual fees if they later recover the fees from previous owners. *Governor.*

S1632, 2008 Technical Corrections Act, Fletcher Hartsell (Cabarrus-D). The annual bill that makes various truly technical and some borderline not-so-technical changes to statues and recently-passed bills. This bill includes one environmental provision, which specifies that a bar or restaurant will not lose their ABC permit if they don't comply with the beverage container recycling law. *Governor.*

S1652, Prog. Eval. Div./Technical Amendments, Daniel Clodfelter (Mecklenburg-D). The Program Evaluation Division was established to review state agencies and programs on behalf of the legislature to evaluate them for future or ongoing funding. This bill makes all requests by the Program Evaluation Division to agency employees, and all materials provided by employees, confidential and not part of the public record. *Governor.*