

2009 Passed Legislation Summary List

House

H97, Active Duty Hunting/Fishing License Exemption, Ric Killian (Mecklenburg-R). Exempts active duty military personnel on leave in North Carolina for 30 days or less from hunting and fishing license requirements. *Codified as SL 2009-25.*

H105, Clarify Interstate Wildlife Violator Compact, William Wainright (Craven-D). Clarifies that marine species are wildlife and that violations of marine resources laws are covered by the Interstate Wildlife Violator Compact, which allows states to enforce against their own residents who violate wildlife laws in other states and don't pay fines. *Codified as SL 2009-15.*

H148, Congestion Relief/Intermodal Transport Fund, Becky Carney (Mecklenburg-D), Lucy Allen (Franklin-D), Deborah Ross (Wake-D), Bill McGee (Forsyth-R); 23 cosponsors. Establishes dedicated state account for public transportation and short-line, freight, and passenger rail; establishes process for matching state and local dollars to fund these projects; and authorizes local governments to raise sales and use tax and vehicle registration fees to pay for local share of project costs. *The House concurred (73-40) on the House Floor on 8/10. The bill has been sent to the Governor.*

H239, Restore Water Quality in Jordan Reservoir, Lucy Allen (Franklin-D). A compromise bill that environmental groups support, the current text gives upstream governments longer to upgrade their wastewater treatment plants and begin retrofitting existing development to control runoff pollution. *Codified as SL 2009-216.*

H394, Raleigh Motor Vehicles, Deborah Ross (Wake-D). Authorizes Raleigh to raise its motor vehicle tax from \$20 to \$25 dollars, and to spend the increased revenue on transportation. *Codified as SL2009-160.*

H461, Extend Animal Waste Operation Inspection Program, Dewey Hill (Columbus-D). Changes the termination date for the animal waste operation annual inspection Pilot Program from September 1, 2009 to September 1, 2011. *Codified as SL 2009-84.*

H464, Raleigh Energy Efficiency, Grier Martin (Wake-D). Makes permanent the exemption from competitive bidding requirements granted to Raleigh for pilot programs testing the efficiency and effectiveness of light emitting diode technology for energy conservation and extends the exemption to all pilot programs aimed at increasing energy efficiency. *Codified as SL 2009-149.*

H512, Incentives for Energy Conservation, Hugh Holliman (Davidson-D). The bill now does three things. 1- It extends the sunset of the current renewable energy tax credit from 2011 to 2016. 2- It adds geothermal to the types of renewable energy allowed under the credit. 3- It allows insurance companies to take the credit against the gross premiums tax. *The bill received a favorable report from S. Ag and Environment on 8/04. The bill passed second reading (45-0) on the Senate floor on 8/05. The bill was concurred by the House (83-29) on 8/06 and has been sent to the Governor.*

H569, DWQ/Bridge Culvert Standards, Pryor Gibson (Anson-D). Directs the Department of Environment and Natural Resources (DENR) to authorize the use of three sided, open bottom, or bottomless culverts (transverse drains) on private property. *The bill received a favorable report for concurrence from H. Environment on 8/06. The House concurred (108-0) on the House floor on 8/06. The bill has been sent to the Governor.*

H684, NC Farmland Preservation Trust Fund, Pricey Harrison (Guilford-D). Clarifies that the NC Farmland Preservation Trust is a nonreverting account. Additionally makes technical changes to the authorizing statute and changes the criteria for selection of one of the Advisory Committee members. *Codified as SL 2009-303.*

H709, (Address Erosion Control Issues) Places a moratorium on Sandbag removal and directs the CRC to study terminal groin issues on the coast. *The House concurred (92-21) on the House floor on 8/10. The bill has been sent to the Governor.*

H749, Use of Cisterns in Construction/Renovation, Kelly Alexander (Mecklenburg-D). Authorizes NC Building Code council to issue standards for cisterns in commercial and residential buildings, and forbids state agencies, counties, and cities from prohibiting use of cisterns to flush toilets or irrigate yards. House Water Resources, sequential to House State Government. *Codified as SL 2009-243.*

H759, ABC Recycling Stay Extension, Pryor Gibson (Anson-D); no cosponsors. Allows ABC permittees who cannot find a recycler for their beverage containers to apply for a one year stay on the recycling program requirements of G.S. 18B-1006.1. House Committee on Alcoholic Beverage Control, sequential to House Environment. *Codified as SL 2009-105.*

H760, Disposal of Pesticide Containers, Pryor Gibson (Anson-D); no cosponsors. Exempts pesticide containers from the prohibition on disposal of recyclable rigid plastic containers in landfills *The House concurred (111-0) on 8/06 and the bill has been sent to the Governor.*

H882, Motor Vehicle Inspection Program Changes, Nelson Cole (Rockingham-D). Amends the state's vehicle inspection program and provides flexibility to new residents, but does not change the basic requirement of emissions inspection. *Codified as SL 2009-319.*

H1005, DOT Participation in Fixed Rail Projects, Becky Carney (Mecklenburg-D). The bill authorizes the Department of Transportation to fund fixed rail projects that are not federally funded. *Codified as SL 2009-409.*

H1011, Raleigh Stormwater Assessment, Dan Blue (Wake-D). The bill authorizes the city of Raleigh to assess the owners of stormwater facilities for repairs to damaged or failed controls that were required to be constructed or implemented. *Codified as SL 2009-293.*

H1079, Energy-Efficient State Motor Vehicle Fleet, Pricey Harrison (Guilford-D). Directs the Department of Administration only acquire vehicles that have a fuel economy for the new vehicle's model year that is in the top fifteen percent (15%) of its class of comparable automobiles. *Codified as SL 2009-241.*

H1100, Stormwater Control BMP's for Compost/Mulch, Lucy Allen (Franklin-D). The bill directs DENR to establish stormwater control best management practices for composting operations and for mulch operations that are permitted by the Division of Water Quality of DENR and for composting operations and for mulch operations that are permitted by the Division of Waste Management DENR. These practices will remain effective until October 1, 2012. *Codified as SL 2009-322.*

H1151, Res. Lead-Based Paint Hazards/Renovations, Jean Farmer-Butterfield (Edgecombe-D). Requires that renovations in housing and child-occupied facilities with lead based paint be performed or directed by registered renovators and certified individuals and firms; establishes procedures for registration and certification; and establishes renovation work practice standards. The new state program would displace an existing federal program administered by the EPA. *The bill has been sent to the Governor..*

H1175, Update NPDES Permitting for CAFOs, Dewey Hill (Brunswick-D). Revises state CAFO permitting requirements in response to an EPA final rule, available at 73 Federal Register 70418, which was itself issued in response to a 2005 judicial decision in the case *Waterkeeper Alliance et al. v. EPA*, 399 F.3d 486 (2d Cir. 2005). *Codified as SL 2009-92.*

H1196, State Nature & Historic Preserve Additions and Deletions, Bob England (Rutherford-D). Adds the following pieces of property to the state Natural & Historic Preserve: Bear Paw State Natural Area, Deep River State Trail, Pineola Bog State Natural Area; Sugar Mountain State Natural Area; Chimney

Rock State Park (with some parcels excluded); and state-owned land within the boundaries of the Mountains-to-the-Sea Trail (with some parcels excluded). Also, removes one parcel of land at Crowders Mountain State Park and another at Eno River State Park. *The bill has been sent to the Governor.*

H1236, Promote Water Use Efficiency, Pryor Gibson (Anson-D). Creates a program in which carwashes may voluntarily employ specialists to reduce their year round water consumption. Carwashes achieving a 20% reduction in year round water use would not be required to implement mandatory water conservation measures during periods of drought or water emergency. *The bill has been sent to the Governor.*

H1378, Clean Marinas/Pumpout Stations, Daniel McComas (New Hanover-R). The bill adds a new section to the General Statutes – the “Clean Coastal Water and Vessel Act” – that requires certain marinas to provide pumpout services for sewage and bans the discharge of sewage into coastal waters. The bill sets a civil penalty of up to \$10,000 for violations. *Codified as SL 2009-345.*

H1387, Solar Collectors on Residential Properties, Pricey Harrison (Guilford-D). This bill amends city and county authorities to allow solar collectors on residential property, preempting ordinances that would prevent installation of solar collectors in residential properties. *The bill has been sent to the Governor.*

H1388, Brownfields Property Notifications, Susan Fischer (Buncombe-D). This bill expands the notification requirements for developers looking to develop projects located on brownfields. *Codified as SL 2009-181.*

H1389, Revolving Loan Fund for Energy Improvement, Susan Fischer (Buncombe-D). The bill adds a new article titled "Contractual Assessments for Renewable Energy and Energy Efficiency Improvements to Real Property." The article allows cities to designate areas in the city in which the city and citizens may designate and enter into revolving loan funds to finance the installation of distributed generation renewable energy sources or permanently affixes energy efficiency measures. *The bill has been sent to the Governor.*

H1481, Energy to Commerce; OEO to Energy, Angela Bryant (Nash-D). The bill would move the State Energy Office from the Department of Administration to the Department of Commerce. The bill would also move the Office of Economic Opportunity to the Energy Office now in the Department of Commerce. *Codified as SL 2009-446*

H1484, Promote Electricity Demand Reduction, Jeff Barnhart (Carrabus-R), Margaret Dickson (Cumberland-D), Rick Glazier (Cumberland-D); 3 cosponsors. Amends the Renewable Energy Portfolio Standard, S3 from 2007, to allow load shifting and other temporary demand reductions made possible by smart grid technology to count towards the energy efficiency targets in the bill. Twin to S567. House Public Utilities, sequential to House Energy and Energy Efficiency. *Track*

H1490, Land Development Permit Changes, Formerly a twin to S831, this bill was stripped of its content and used to amend that bill which has become law technically, and to apply a special provision for Union County. *The bill has been sent to the Governor.*

Senate

S52, Various Localities Energy Dev. Incentives., R.C. Soles (Columbus-D). Adds all counties to a list of jurisdictions authorized to give developers density bonuses and other incentives in exchange for building energy efficient buildings *Codified as SL 2009-95.*

S89, Authorize Grandfather Mtn. as State Park, Joe Sam Queen (Avery-D); co: Steve Goss, Jim Jacumin. Authorizes DENR to add Grandfather Mountain to the state park system. Authorizes purchase of Grandfather Mountain with funds from the Parks and Recreation Trust Fund. *Codified as SL 2009-12.*

S107, Implement Shellfish FMP Recommendations, Charlie Albertson (Duplin-D). Updates regulation of shellfish leases based on recommendations from the Joint Legislative Commission on Seafood and Aquaculture. *Codified as SL 2009-433.*

S141, Limit Well Water Testing for VOCs, John Snow (Cherokee-D); co: Jacumin, Tillman. Leaves decision whether to require testing of new wells for VOCs to the discretion of each local health department. *Codified as SL 2009-124.*

S200, Temporary Floor for Motor Fuels Tax Rate., Clark Jenkins (Edgecombe-D). Establishes a minimum variable tax on motor vehicle fuel of 12.4 cents per gallon or 7% of the average wholesale price whichever is greater for the period of July 1, 2009-June 30, 2011. This is for the variable wholesale component of the motor fuel excise tax rate, the flat rate remains at 17.5 cents per gallon. After the sunset on the tax is reached the variable tax would revert back to 3.5 cents per gallon or 7% of the average wholesale price whichever is greater. *Codified as SL 2009-108.*

S304, Energy Saving Contracts' Cap/Program Admin, Dan Clodfelter (Mecklenburg-D). Replaces the current \$100 million cap on guaranteed energy savings contracts with a \$500 million cap, establishes fee to support State Energy Office, and tightens report and analytical requirements. *Codified as SL 2009-375.*

S307, Regulate Ownership & Use of Certain Reptiles, Ed Jones (Bertie-D). Revises and tightens prohibitions on private ownership of venomous reptiles, and sets new restrictions on private ownership of constricting snakes and crocodiles. *Codified as SL 2009-344.*

S457, Add Definition of Biofuel, John Snow (Cherokee -D). Adds a definition of "Biofuel" to the definition section of the Energy Credit Banking and Selling Program. *Codified as SL 2009-237.*

S475, Amend Carrboro Charter/Conserve Energy/Water, Ellie Kinnaird (Orange, Person-D). Amends the charter of Carrboro to allow the town by ordinance to void any covenant or deed restrictions that prevent the installation of a renewable energy source or water conservation method. *Codified as SL 2009-427.*

S543, Durham Motor Vehicle Tax, Floyd McKissick (Durham-D), 1 cosponsor. Authorizes the City of Durham to levy a \$5 tax in addition to the general municipal vehicle tax authorized by 14 G.S. 20-97, and to spend the additional revenue on public transportation. *Codified as SL 2009-166.*

S586, File Lis Pendens for Certain Erosion Actions, Floyd McKissick (Durham-D). Adds enforcement actions seeking injunctions or repair work for sediment violations to the list of cases that require the filing of notice of pending litigation under G.S. 1-116(a). The practical effect of this is to give warning to potential buyers when a piece of property is the subject of an erosion control enforcement action, and to ensure that the state can, where necessary, force new owners to fix violations. *Codified as SL 2009-269.*

S600, Condemnation of Conservation Easements, Daniel Clodfelter (Mecklenburg-D). Requires that for a public entity to exercise eminent domain over a property encumbered by a conservation easement a State Judge must find that the condemnation does not have a "prudent and feasible alternative." In addition, if eminent domain is exercised on a property encumbered with a conservation easement fair market value compensation must be made to the holder of the easement in addition to the property owner. *Codified as SL 2009-439.*

S661, Allocate Water Costs/Landlord Tenant Changes, Dan Clodfelter (Mecklenburg-D). In an effort to encourage water and energy conservation, authorizes owners of pre-1989 apartment building (before technology built to meter each tenant's water use) to allocate water costs based on hot water use. *Codified as SL 2009-239.*

S700, Dry-Cleaning Solvent Act Amends, Tony Rand (Cumberland-D). Allows state and local land use controls to substitute for land use restrictions in remediation agreements; removes "redevelopment" as an

option that obviates remediation; shortens minimum public notice and comment periods; removes prohibition on use of funds to clean up state-owned sites; extends program sunset for 10 years. *The bill has been sent to the Governor.*

S750, Turnpike GAP Funding and Debt, Dan Clodfelter (Mecklenburg-D). Establishes annual appropriation of \$25 million from the Highway Trust Fund to support gap funding for the NC Turnpike Authority, and exempts that transfer from the equity formula; also authorizes the Turnpike Authority to issue bonds for its projects. *Codified as SL 2009-56.*

S755, Promote Private Mitigation Banks, Daniel Clodfelter (Mecklenburg-D). Building on last session's S1885 (SL 2008-152), this bill encourages use of private mitigation banks for mitigation from federal wetlands permits to state wetland, stream, and riparian buffer mitigation. Incidental to the expansion, the bill also radically weakens standards for mitigation to include "any... action approved by" DENR. *Codified as SL 2009-337*

S757, Statewide Water Plan/Prog. Eval. Recommend, Daniel Clodfelter (Mecklenburg-D); 1 cosponsor. Directs the State Water Infrastructure Commission (SWIC) to contract with a consultant to prepare a strategic plan and needs assessment for water and wastewater infrastructure funding, with cooperation from DENR, the Department of Commerce, and the Clean Water Management Trust Fund. Appropriates \$375,000 to the Clean Water Management Trust Fund to pay for the contract. Senate Agriculture, Environment. *Track.*

S831, Extend Permits Regarding Land Development, Daniel Clodfelter (Mecklenburg-D). Citing the recession, this bill creates an automatic extension for permits and approvals granted by the State for building and development, including water discharge permits, air quality permits, and building permits among many others. No approval, as defined by the statute, made during the extension period would expire during the extension period, from January 1, 2007 to December 31, 2010. The bill establishes limited exceptions to the policy as well. *Codified as SL 2009-406.*

S835, Extend Climate Change Commission, Charles Albertson (Franklin-D). Extends the due date of the Final Report from the Legislative Commission on Global Climate Change from October 1, 2009 to October 1, 2010. . *Codified as SL 2009-306.*

S838, Environmental Technical Corrections 2009, Charles Albertson (Franklin-D); no cosponsors. Makes technical corrections to existing environmental statutes. Includes changes to the Jordan Lake rules, push cart regulations, Nitrogen fees, and permit extensions. *The bill has been sent to the Governor.*

S960, Ensure Accountability Re: Stimulus Funds, Martin Nesbitt (Buncombe-D). Establishes an expedited rulemaking process for the application and dispersal of stimulus funds. Also contains a provision instructing the Utilities commission to establish a system of tracking and trading Renewable Energy Credits (RECs). The trading language was later converted into a study and design mandate. *The bill has been sent to the Governor.*

S968, Mountain Resources Planning, Joe Sam Queen (Avery-D), 4 cosponsors. The Mountain Resources Planning Act is designed to encourage growth and development while preserving the natural resources of the mountain region of western NC. To advance this agenda the Act creates the Mountain Resources Fund, the 17 member Mountain Resources Commission, and the 13 member Mountain Resources Technical Advisory Council, assigning various duties and authority to each. *The bill has been sent to the Governor.*

S1004, Extend Deadline/Natural Gas Conversion, David Hoyle (Gaston-D). This bill, formerly titled **Level Playing Field/Cities/Service Providers**, is entirely new content placed in a bill that has already passed the Senate. The bill originally would give Progress Energy an extra year to comply with the SO2 reductions required by the Clean Smokestacks Act, the year extension, until 2014, requires that Progress

use it to shut down old unscrubbed coal plants and convert to cleaner natural gas plants to comply with the mandated reductions. Should Progress choose to install scrubbers on their coal plants rather than convert than they must comply by the original deadline in 2013. The bill also adds a section that utilities may continue to crecover the costs of fuel they would have burned if they switch to a “carbon offset facility” through the rates. Finally the bill removes the exemption from the Dam Safety Act for coal ash ponds. This places them under the authority of DENR and requires biannual inspections. *Codified as SL 2009-390.*

S1010, Migratory Game Bird Season Authority, A.B. Swindell (Nash-D). Authorizes the Wildlife Resources Commission to set seasons, shooting hours, bag limits, and possession limits that are congruent with the season framework established by United States Department of Interior for migratory birds. The bill also authorizes the Commission to allow the use of electronic calls. *Codified as SL 2009-221.*

S1018, Ban Certain Single-Use Bags, Josh Stein (Wake-D). Requires that retailers use “compostable plastic bags,” “reusable bags” or “recyclable paper bags” as defined in the statute in lieu of plastic bags in three counties in northeastern NC. Exceptions are made for previously unpackaged meat, fish, poultry, and produce. *Codified as SL 2009-163.*

S1020, Improve Upper Neuse Basin Water Quality., Josh Stein (Wake-D). Directs the EMC to give credits to encourage local governments, landowners, and others to reduce the runoff and discharge of pollutants into water supply reservoirs in the Upper Neuse River Basin before it adopts permanent rules to implement the nutrient management strategy and the turbidity strategy for Upper Falls Lake. Sets temporary rules to be implemented prior to legislative review and extends the deadline for the rules to be developed. *The bill has been sent to the Governor.*

S1067, Sustainable Local Food Policy Council, Charlie Alberston (Duplin-D). The bill establishes the 24 member North Carolina Sustainable Local Food Policy Council to contribute to building a local food economy. The Council will report its findings to the General Assembly October 1 of each year. *The bill has been sent to the Governor.*