

Summary of Bills Passed during the 2010 Short Session

SENATE BILLS

S388 Modify Renewable Energy Property Credit. (formerly **Collection of Offender Fines and Fees.**), Dan Clodfelter (Mecklenburg-D), no cosponsors. Defines public funds which are not eligible for the Renewable Energy Property Credit to not include grants made under section 1603 of the American Recovery and Reinvestment Tax Act of 2009 (aka the Stimulus). *The House took this Senate bill and changed its contents to reflect that of the current summary. The bill passed second reading (115-1) and third reading (voice) on the House floor on 05/27. It was then sent to the Senate, and concurred (49-0) on 6/2. The bill was subsequently ratified the next day, and then presented to and signed by the Governor on 6/7. Codified – Ch. SL 2010-4.*

S778, Application of SEPA to Incentives, R.C. Soles (Brunswick-D); no cosponsors. This bill provides that no environmental document under the state environmental policy act is required for a project for which public money is used to pay an incentive contingent on the project's completion. *Passed second, third readings (43-2) on the House floor on 7/9; concurred by the Senate (43-2) on 7/9, then ratified and presented to the Governor the next day.*

S836, Oil Spill Liability, Response, & Preparedness, Pricey Harrison (Guilford-D), Rick Glazier (Cumberland-D), Paul Luebke (Durham-D), Alice Underhill (Craven-D). The bill, which replaces a different Senate bill, addresses the potential for oil spills and damages to the North Carolina coast from drilling in four ways. First, the bill removes ambiguities in current law to clarify that liable parties are fully responsible for damages. Second, the bill directs the Coastal Resources Commission (CRC) to review and update existing rules regarding offshore facilities and make any necessary statutory recommendations to the General Assembly. Third, the bill amends the Coastal Area Management Act (CAMA) identifying data and information required for any review, including: assessments and analysis of worst case scenario spill scenarios. Finally, the bill directs relevant State agencies to update the State's Oil Spill Contingency Plan to account for the possibility of oil from the BP Deepwater Horizon spill affecting the North Carolina Coast. *A new committee substitute was discussed in H. Judiciary on 06/22, the committee substitute received favorable report and was sent to floor. The bill passed second reading (115-0), was amended on the House floor to change a report date (114-0) and then passed third reading (113-0) on the House floor on 06/23. The bill was then calendared in the Senate for 6/29, but was then withdrawn and re-referred to S. JII, which reported. it favorable to concur on 7/8. The bill was concurred (46-2) on the Senate floor on 7/8, and subsequently ratified, and sent to the Governor the next day.*

S886, Cleanfields Act of 2010, Don Vaughan (Guilford-D); no cosponsors. Authorizes establishment of Cleanfields Renewable Energy Demonstration Parks in NC. The bill would allow the proposed Reventure project in Mecklenburg County to receive triple the amount of renewable energy credits (RECS) from the proposed biomass facility than other renewable energy projects up to 20MW. *Passed second (108-4), third (104-5) readings on the House floor on 7/8; concurred by the Senate (44-0), the bill has been ratified and sent to Governor on 7/9.*

S887, Amend Electronics Recycling Law, Don Vaughn (Guilford-D). Makes several technical changes to the Electronic Recycling laws. In addition, the bill adds several definitions to the laws and incorporates them throughout the text for clarification and added detail. Removes liability for leftover data from collectors of discarded electronics and provides that the government shall give preference to manufacturers that have a program to recover other manufacturers' computer and television equipment. The newest version of the bill established a 3-tiered program for manufacturer recycling of consumer electronics and now includes non profits of less than ten people. *The bill received a favorable report from H. Finance on 06/23. The bill passed second reading (108-7) on the House floor on 06/24, and passed a third reading by voice on 6/28. It was subsequently concurred (43-0) by the Senate on 6/30.*

The bill was ratified and presented to the Governor on 7/1; the bill was signed on 7/8. Codified – Ch. SI 2010-67.

S900, Studies Act of 2010, David Rouzer (Johnston-R); no cosponsors. This bill directs the Environmental Review Commission (ERC) to study and report its findings on: impact of environmental toxins on human health (see: S1416 and HB 2015); water quality cost share (see: S1385); oil and gas exploration in the Triassic Basin; issues related to the use and storage of reclaimed water (see: H643); gas leases in the central shale belt; and carbon sequestration potential of natural and working landscapes and other carbon offset opportunities (see: S1220, H1809). The ERC is to report its findings as well as any legislative recommendations to the General Assembly at the start of the 2011 session. The bill *passed third reading (90-21) on the House floor on 7/9. It was then concurred (46-0) by the Senate later that day. The bill was ratified and presented to the Governor on 7/10.*

S1114, Local Energy Efficiency/Renewable, Ellie Kinnaird (Orange-D); 1 cosponsor. This bill merges several local bills and exempts Chapel Hill, Carrboro, Asheville and Mecklenburg County from competitive bidding requirements when letting contracts for use as part of pilot programs to increase energy efficiency. The bill also authorizes them to enter leases up to 20 years for the siting and operation of a renewable energy facility without giving notice by publication or treating it as a sale. *The bill passed third reading (102-12) on the House floor on 6/30. The Senate concurred (48-0) on 7/6; the bill was ratified on 7/7. Codified – Ch. SL 2010-57.*

S1259, Delay Boylston Creek Reclass./Pub. Meetings, John Snow (Cherokee-D); no cosponsors. Delays the decision on whether or not to disapprove 15A NCAC 2B .0304—a rule to change the water quality classification of Boylston Creek to one designated for trout propagation, until next year. *A new committee substitute amending the bill to allow the legal leeway for the legislature to reconsider it anytime between the present and the effective date was adopted in H. J1 on 7/7. The committee substitute delays the effective date of the classification as opposed to disapproving the classification. In addition the new substitute requires additional meeting in the affected area. The committee substitute passed second reading (105-8), and third reading (voice) on the H. floor on 7/8 and was sent to the Senate. The Senate concurred (48-0) on 7/8. The bill was ratified and presented to Governor on 7/9.*

S1337, UST Operator Training Program, Don Davis (Greene-D); 2 cosponsors. . Requires training of operators of UST's to be modified in order to comply with Federal Energy Policy Act of 2005. Also outlines and defines: how operators are to be designated (primary/emergency response), specific training procedure for each operator, and enforcement. Twin to H1760. *The bill was discussed on the H. Floor on 6/30. Two amendments were introduced, one adding the option of virtual (online) training and testing for UST operators, and allowing two-years to implement such a program; another allows for operators to be on-call and off-site in certain situations, i.e if the station and convenience store are owned separately. bill sponsor Rep. Pryor Gibson (Anson-D) objected to the third hearing in order to allow more time for stakeholders to review the new amendments and implications. On 7/1, an amendment making minor changes regarding reimbursing owners of UST's for costs associated with a cleanup in case of a leak/spill was adopted, and the bill then passed third reading (105-1) on the House floor. It was subsequently concurred by the Senate (43-5) on 7/6. The bill was ratified on 7/7, and presented to the Governor on 7/8.*

HOUSE BILLS

H683, Permit Extensions, Jim Crawford (Granville-D); no cosponsors. This bill extends the Permit Extension Act of 2009, legislation designed to stimulate the real estate market and the economy in NC, and to prevent the abandonment of already approved construction and real estate projects and activities due to the present unfavorable economic conditions by tolling the term of certain construction and real estate-related approvals for a finite period of time as the economy improves. *The bill passed second reading (45-1) and third readings (voice) on the Senate floor on 6/23. The bill was then sent to the House, where it was reported unfavorable to concur (108-0) by H. Rules on 7/8. Conference committees were appointed the next day, and the conference report was adopted (93-0) on 7/10 by the House and adopted (voice) by the Senate on 7/10. The bill was ratified and presented to the Governor that same day.*

H972, Create Uwharrie Regional Resources Comm'n, Cullie Tarleton (Watauga-D); no cosponsors. This bill creates the Uwharrie Regional Resources Commission, a corporate entity with the purpose of encouraging quality growth and development while preserving the natural resources of the Uwharrie region of North Carolina. The bill *passed second reading (47-1) and third readings (voice) on the Senate floor on 7/8; the bill subsequently failed concurrence in House on 7/9. A conference committee was then appointed, and their report was adopted (48-0) on the Senate floor and adopted (77-21) on the House floor on 7/9. The bill was ratified and on 7/10 and presented to the Governor.*

H1099, Clarify Effective Date for SEPA Exemption, Pryor Gibson (Anson-D), Lucy Allen (Franklin-D); 1 cosponsor. Makes clear the effective date—June 1 2010—of S778, that would exempt projects receiving economic incentive payments from having to provide environmental documents as per the state environmental policy act would not exempt projects with pending judicial orders, primarily affecting Titan Cement, clarifying that SEPA would still apply to that project. *The committee conference report was adopted by the Senate (46-0) and the House (108-0) on 7/9. On 7/10 the bill was ratified and presented to the Governor.*

H1292, Univ Energy Savings/LEA Operational Leases, Pricey Harrison (Guilford-D); 11 cosponsors. This bill allows the universities of North Carolina and other public colleges/universities to carry over any unused credit balance for utilities into their budget for the following fiscal year. The use of these carried-over funds would be restricted to energy conservation measures only. This legislation started in H. Energy last session, but couldn't be passed in time; the substance of H1292 was copied from that original bill and inserted into a gutted-out Senate bill. *Passed second (48-0) and third reading (voice) on the Senate floor on 7/1; received favorable to concur report in H. Energy and Energy Efficiency on 7/7 and referred to H. Appropriations. The bill was withdrawn from committee for concurrence on the House floor. It was concurred (108-1) on 7/8, and ratified and presented to the Governor on 7/9.*

H1685, Turnpike Authority Toll Enforcement Changes, Nelson Cole (Rockingham-D), Becky Carney (Mecklenburg-D); 2 cosponsors (Twin to **S1131**). This bill eliminates the 35% limitation on discounts offered for prepaying tolls or for the use of a transponder device to pay tolls. In addition, the bill makes various changes to dates by which an individual will be in violation and notified for failure to pay a toll. *Passed second reading (47-1) and third reading (voice) on the Senate floor on 7/6. The bill received a favorable report to concur in H. Transportation and was concurred (94-13) on the House floor on 7/8. The bill was ratified on 7/9, and presented to Governor the same day.*

H1710, Fishery Management Plan Supplements, William Wainwright (Craven-D), Alice Underhill (Craven-D); 5 cosponsors. Authorizes the Secretary of Environment and Natural Resources to direct the Marine Fisheries Commission to implement temporary measures to supplement a FMP when it is determined to be in the interest of the long-term viability of a fishery. Twin to **S1277**. *The bill received a favorable report from S. Ag. & Environment on 06/15. The bill passed second reading (47-0) and third readings (voice) on the Senate floor on 06/16; the bill was subsequently ratified on 6/17, and signed by Governor on 6/23. Codified - Ch. SL 2010-15.*

H1713, Improve Success of FMPs, William Wainwright (Craven-D); no cosponsors. Makes changes to the requirements in Fishery Management Plans to require that plans: specify time periods to end overfishing; specify time periods for achieving sustainable harvest; and include a standard of at least fifty percent (50%) probability of achieving sustainable harvest for the fishery or fisheries. *The bill received a favorable report from S. Ag. & Environment on 06/15. The bill passed second reading (47-0) and third reading (voice) on the Senate floor on 06/16; it was subsequently ratified on 6/17, and signed by the Governor on 6/23. Codified -Ch. SL 2010-13.*

H1714, Suspension and Revocation of Fishing Licenses, William Wainwright (Craven-D); no cosponsors. Directs the Marine Fisheries Commission shall adopt rules pursuant for the suspension, revocation, and reissuance of marine resources licenses and permits issued under Articles 14A, 14B, and 25A of Chapter 113 of the General Statutes. Additionally directs the Commission to make conforming changes to the rules as directed by the Commission on Seafood and Aquaculture. *The bill received favorable report from S. Ag & Environment on 7/1 and was subsequently sent to the Senate floor. The bill passed second reading (48-0) and third readings (voice) on Senate floor 7/6. The bill was ratified on 6/7 and presented to Governor the next day.*

H1734, DOT Powers and Duties Changes, Nelson Cole (Rockingham-D), 3 cosponsors. This bill makes various changes to the structure of DOT. Of note the bill extends the authority of the Department of Transportation from "construction" of "the State highways" to "construction, maintenance and design of State transportation projects." The bill also vests the Department with an additional power to enter into agreements and funding contracts for right of way acquisitions. The bill gives the Secretary the authority to promulgate rules, regulations, and ordinances concerning all transportation functions assigned to the Department. In addition, the bill makes several changes to dates, reporting requirements and definitions related to the Department of Transportation. Twin to **S1159**. *A new committee substitute was adopted on 6/23. The bill passed second reading (41-0) on 7/1 and third reading (47-0) on the Senate floor on 7/6; and the House concurred (111-2) the next day. The bill was ratified and presented to the Governor on 7/8.*

H1743, Improve River Basin Modeling, Jim Crawford (Granville-D), Mitch Gillespie (McDowell-R) Bill Owens (Pasquotank-D), Cullie Tarleton (Watauga-D); 8 cosponsors. Directs Department of Environment and Natural Resources to develop basin-wide hydrologic models for each of the 17 major river basins in NC. This bill is a revamped version; the purposive contents of the original version are now in H1746. *The bill passed third reading (42-6) on the Senate floor on 7/1. H. Environment reported the bill as favorable to concur on 7/7. The bill was concurred by the House (109-2) on 7/8. The bill was ratified and presented to Governor on 7/8.*

H1744, Water Funding Priorities, Jim Crawford (Granville-D), Mitch Gillespie (McDowell-R), Bill Owens (Pasquotank-D), Cullie Tarleton (Watauga-D). This bill modifies the criteria for obtaining loans and grants for water and wastewater infrastructure projects. It adds asset management planning, regionalization, state water supply planning, and drought management to the list of criteria that get priority for funding. The bill also establishes a sliding scale system of assigning priority for projects exceeding the high-unit-cost threshold. Additionally, it directs giving equal priority to a project that shows regionalization is impracticable as to one which includes regionalization. Twin to **S1293**. *The bill received motion favorable to concur in H. Water Resources on 7/6. The House concurred (112-0) on 7/7; the bill was ratified and presented to Governor on 7/8.*

H1746, Water Infrastructure Information Needs, Jim Crawford (Granville-D), Mitch Gillespie (McDowell-R) Bill Owens (Pasquotank-D), Cullie Tarleton (Watauga-D); no cosponsors. Establishes a task force led by Dept. of Environment & Natural Resources and directs it to develop a plan for creating and maintaining a database cataloging statewide water and wastewater infrastructure resource and funding information. The task force would present proposals and reports on Nov. 1, 2010. *A new committee substitute merged the majority of the contents of H1743 into this bill on 6/29; the bill received a favorable motion to concur in H. Water Resources on 7/6. The bill was concurred (111-1) on the House floor on 7/7; and ratified and presented to Governor on 7/8.*

H1747, Water Supply System Capacity Planning, Jim Crawford (Granville-D), Mitch Gillespie (McDowell-R) Bill Owens (Pasquotank-D), Cullie Tarleton (Watauga-D); no cosponsors. Directs all local govt. that provides public water service to submit a revised water supply plan stating how they plan to address future water needs when, based on average daily demand, 80% of the water supply has been allocated or the seasonal demand exceeds 90%. *The bill was discussed very briefly in S. Ag & Environment on 6/29 and received a favorable report. The bill passed second reading (44-0) and third readings (voice) on the Senate floor on 6/30. The bill was ratified the next day and presented to Governor on 7/2.*

H1748, Conserve and Protect Ag Water Resources, Jim Crawford (Granville-D), Mitch Gillespie (McDowell-R) Bill Owens (Pasquotank-D), Cullie Tarleton (Watauga-D); no cosponsors. Directs Dept. of Ag and Consumer Services and Dept. of Environment and Natural Resources to design a cost-share program to provide technical and financial support to farmers/landowners who want to implement practices that conserve and protect water resources related to agricultural use. The Depts. would report their plan for the program on Nov. 1, 2010. Twin to S1294. *Discussed very briefly in S. Ag & Environment on 6/29; received favorable report, adopted. The bill passed second reading (44-0) and third reading (voice) on the Senate floor on 6/30. The bill was then ratified on 7/1 and presented to the Governor the next day.*

H1765, Amend WQ/IBT Laws, Pryor Gibson (Anson-D), Pricey Harrison (Guilford-D); 1 cosponsor. This bill authorizes coalitions of local govs. to jointly implement water quality protection plans for the Falls Lake Watershed. The bill also clarifies changes made in 2007 to ensure that the applicant for an interbasin water transfer certificate pays the costs associated with the required public hearings, and creates a temporary IBT certification process for the Central Coastal Plain and isolated river basins. Also limits transfer of water from Catawba River basin under Concord, Kannapolis IBT certificates.. Twin to S1169. *The bill passed second reading (48-0) and third reading (voice) on the Senate floor on 7/7. The bill received a motion unfavorable for concurrence on 7/8, in H. environment. The motion to not concur passed on 7/8. Senate and House conference committees were then appointed; and the conference report was adopted by the House (95-4) and the Senate (45-0) on 7/10. The bill was then ratified and presented to the Governor the same day.*

H1766, Amend Environmental Laws 2010, Pryor Gibson (Anson-D); 2 cosponsors. The bill currently authorizes designation of multiple co-chairs for the Environmental Review Commission; repeals the requirement of registration with the Register of Deeds for Remedial Action Plans, plans are already required to be placed in closest public library or a site to be determined if no library exists. The bill also re-establishes the Surface Water Identification Certification Program as a part of the Riparian Buffer Protection Program and makes changes to the rules for civil penalties for Air Quality Violations. Changes are made to the requirements for reporting for small wastewater systems. The bill also provides that the prohibition on new or increased nutrient loading allocation applies only to impaired drinking water supplies. The bill also incorporates the language contained in H1287 (Recycle Products Containing Mercury). *The bill was amended twice on the House floor on 7/7 and passed second reading (92-21) and third reading on the House floor that same day. The bill was amended unanimously four times on the Senate floor on 7/9 including one directing many state agencies to review their planning and regulatory programs to determine whether or not their programs currently consider the impacts of global climate change, and another requiring state agencies to recycle mercury-containing waste. The bill as amended passed second reading (42-6) and third reading (voice) on the Senate floor on 7/9. The House concurred on each Senate amendment separately, debated the pimento cheese sandwich provision for quite some time and then concurred (99-10) in the bill in its entirety on 7/9. On 7/10, the bill was ratified and presented to the Governor.*

H1802, ENR Reports Consolidation 2010, Pricey Harrison (Granville-D), Pryor Gibson (Anson-D), Cullie Tarleton (Watauga-D), Alice Underhill (Craven-D); 5 cosponsors. This bill makes various reporting requirement changes for annual reports generated by the Department of Environment and Natural Resources. Twin to S1163. *The bill received favorable report from S. Ag & Environment on 7/1 and passed second reading (48-0) and third readings (voice) on the Senate floor on 7/6. The bill received*

favorable motion to concur on 7/7, in H. Environment. The House concurred (111-1). The bill was ratified and presented to the Governor on 7/9.

H1814, Catawba Energy Efficiency/Renewable, Ray Warren (Catawba-D); 2 cosponsors. This bill exempts Catawba County from competitive bidding requirements when letting contracts for use as part of pilot programs to increase energy efficiency. The bill also authorizes Catawba to enter leases up to 20 years for the siting and operation of a renewable energy facility without giving notice by publication or treating it as a sale. *The bill passed second reading (113-0) and third readings (voice) on the House floor on 7/6. The bill received favorable report in S. Finance and passed second, third readings on Senate floor on 7/7. Ratified on 7/8. Codified – Ch. SL 2010-63.*

H1824, Coyote Controls, Arthur Williams (Beaufort-D), Bill Faison (Caswell-D); 6 cosponsors. Authorizes use of Collarum trap or similar to trap coyotes and also increases the availability of depredation permits for coyotes owners of livestock, poultry. *Received a favorable rept. in S. Ag & Environment on 7/8; passed second reading (48-0) and third readings (voice) on 7/8 on the Senate floor. Ratified and presented to the Governor on 7/9.*

H1829, Renewable Energy Incentives, Luebke (Durham-D); 10 co-sponsors. This bill extends credit for constructing renewable fuel facilities and for biodiesel producers; also reinstates and expands tax credit for renewable energy property facilities. *The bill received a unfavorable motion to concur from H. Finance on 7/7; a motion to not concur was passed on the House floor on 7/8. Conference committees were appointed, met and reported on 7/8; after a unanimous vote in the Senate, the conference report was adopted, and subsequently also adopted by the House (84-19). The bill was ratified and presented to the Governor on 7/10.*

H1973, Extend Various Economic Incentives Sunsets, Bill Owens (Pasquotank-D), Pryor Gibson (Anson-D), William Wainwright (Craven-D), Harold Brubaker (Randolph-R); 11 cosponsors. This bill extends the sunsets of various economic incentives, notably, it extends the sunset for giving tax credits to biodiesel producers. *The bill was amended six times on the Senate floor, adding in SEPA provisions and the Uwharrie Resources Commission, and eventually passed third reading (30-16) on the Senate floor on 7/7. The House passed a motion not to concur in the bill on 7/8 and a conference committee was appointed and met. The conference report removed the SEPA provisions and the Uwharrie Resources Commission. The Conference Report was adopted on second reading by the House (72-35) and Senate (31-17) on 7/9, and was adopted on third reading by the House (72-31) and the Senate (voice) on 7/10. The bill was ratified and presented to Governor on 7/10.*