



# NORTH CAROLINA GROUND WATER ASSOCIATION

LEGISLATIVE REPORT

FEBRUARY 24, 2009



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## INTRODUCTION

The session is picking up pace as over 450 bills have already been filed by legislators. The press always talks about how little legislators are doing during the first few weeks of session before the committees start meeting, but I have always found that some of the critical work happens early. Legislators are being asked to file legislation of interest to their constituents, legislators are trying to find support for their bills from other legislators and groups and negotiations are going on over the content of legislation to be filed. It is easier to find and talk to legislators before their schedules fill up with meetings so it is the ideal time to create relationships.

There continues to be an avalanche of negative news about the financial condition of the State. The deficit continues to grow for the remainder of this budget year and the prospects for the next budget will be difficult as well. Complicating matters are the problems with the State Health Plan, which needs \$1.2 billion over the next two years, the State Retirement System which needs \$350 million in additional funding per year, and the falling revenues for the State. The federal stimulus will provide some much needed help, but was not as much as State leaders had hoped. There will be many difficult decisions ahead for the Appropriations Chairs and the Leadership.

We have listed below the Chairs and Co-Chairs of all of the legislative committees for the House and Senate as announced by leadership. Remember that the Chairs have the power to stop bills that have been assigned to their committees and have a lot of influence over the type of bills that come out of their committees. Through the power to appoint the chairs and co-chairs of the committees and the power to assign bills to committee, the leadership can control the flow of legislation through the chamber.

### Senate Committees

Committee	Chairman/Co-Chairman
Agriculture/Environment/Natural Resources	Senator Atwater
Appropriations on Department of Transportation	Senator Boseman Senator Goss
Appropriations on Education/Higher Education	Senator Malone Senator Stevens



Appropriations on General Government and Information Technology	Senator Dorsett Senator Atwater
Appropriations on Health and Human Services	Senator Purcell Senator Doug Berger
Appropriations on Justice and Public Safety	Senator Snow Senator Kinnaird
Appropriations on Natural and Economic Resources	Senator Weinstein Senator McKissick
Appropriations/Base Budget	Senator Albertson Senator Garrou Senator Swindell Senator Dannelly
Commerce	Senator Soles Senator Hoyle Senator McKissick Senator Rand
Education/Higher Education	Senator Malone Senator Stevens Senator Boseman Senator Queen
Finance	Senator Hoyle Senator Clodfelter Senator Jenkins
Health Care	Senator Bingham Senator Purcell
Judiciary I	Senator Nesbitt
Judiciary II	Senator Hartsell
Mental Health and Youth Services	Senator Kinnaird Senator Graham
Pensions, Retirement, and Aging	Senator Foriest
Rules and Operations of the Senate	Senator Rand

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State and Local Government	Senator Jones Senator East
Transportation	Senator Shaw
Ways and Means	Senator Dannelly

**House Committees**

<b>Committee</b>	<b>Chairman/Co-Chairman</b>
Aging	Rep. Farmer-Butterfield
Agriculture	Rep. Hill
Alcoholic Beverage Control	Rep. Ray Warren
Appropriations	Rep. Michaux, Senior Chair Rep. Adams Rep. M. Alexander Rep. Crawford Rep. Haire Rep. Jeffus Rep. Tolson Rep. Yongue
Appropriations Subcommittee on Capital	Rep. Goforth Rep. Womble
Appropriations Subcommittee on Education	Rep. Glazier Rep. McLawhorn Rep. Rapp
Appropriations Subcommittee on General Government	Rep. Fisher Rep. Underhill
Appropriations Subcommittee on Health and Human Services	Rep. Earle Rep. England Rep. Insko
Appropriations Subcommittee on Justice and Public Safety	Rep. Bordsen Rep. Love

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Appropriations Subcommittee on Natural and Economic Resources	Rep. Harrison Rep. Pierce Rep. E. Warren
Appropriations Subcommittee on Transportation	Rep. Cole Rep. Martin
Commerce, Small Business, and Entrepreneurship	Rep. Dickson
Education	Rep. Bell Rep. Lucas
Education Subcommittee on Community Colleges	Rep. Love
Education Subcommittee on Pre-school, Elementary, and Secondary Education	Rep. Cotham Rep. Parmon
Education Subcommittee on Universities	Rep. Womble
Election Law and Campaign Finance Reform	Rep. Goodwin
Energy and Energy Efficiency	Rep. Bryant
Environment and Natural Resources	Rep. Allen
Ethics	Rep. Howard Rep. Ross
Federal Relations and Indian Affairs	Rep. Blue Rep. Sutton
Finance	Rep. Luebke, Senior Chair Rep. Gibson Rep. Wainwright Rep. Weiss
Financial Institutions	Rep. Holliman
Health	Rep. England Rep. Insko
Homeland Security, Military, and Veterans Affairs	Rep. Hall
Insurance	Rep. Goforth Rep. Wray

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Judiciary I	Rep. Ross
Judiciary II	Rep. Blue
Judiciary III	Rep. Sutton
Juvenile Justice	Rep. Bordsen Rep. Mobley
Local Government I	Rep. Jones
Local Government II	Rep. Braxton
Marine Resources and Aquaculture	Rep. Spear
Mental Health Reform	Rep. Brisson Rep. Earle
Pensions and Retirement	Rep. Tucker
Public Utilities	Rep. Coates
Rules, Calendar, and Operations of the House	Rep. Owens
Science and Technology	Rep. Harrell
State Government/State Personnel	Rep. Wilkins
Transportation	Rep. Carney
University Board of Governors Nominating	Rep. Dickson
Water Resources and Infrastructure	Rep. Tarleton
Ways and Means/Broadband Connectivity	Rep. Faison
Wildlife Resources	Rep. Williams

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If you would like a copy of any of the legislation introduced or considered by this year's General Assembly, you may receive one copy of as many bills as you are interested in, free of charge, by calling the General Assembly's Printed Bills office at 919/733-5648. They will need to know if it is a House bill or Senate bill and the bill number. (For example, Senate Bill 8). Copies are also available on the General Assembly's World Wide Web site: <http://www.ncleg.net>.

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### WATER TESTING PARAMETERS

One of the legislative goals for the North Carolina Ground Water Association is modifying the requirement to add new parameters to the list of those elements and compounds that must be tested in the water of a new well. We have worked with the North Carolina County Commissioners and public health officials to support a change in the law. HOUSE BILL 169, Modify Drinking Water Test for Private Wells, and SENATE BILL 141, Limit Well Water Testing for VOC's have both been filed to limit testing for these volatile organic compounds: methyl tert-butyl ether, ethylene dibromide, 1,2-dichloroethane, 1,2-dichloropropane, isopropyl ether, benzene, toluene, ethylbenzene, xylenes, trichloroethylene, and tetrachloroethylene. Testing for these compounds would only be required if the local health director finds that testing for the additional parameters is necessary to protect public health. Several similar bills have also been filed, but we believe that the two listed above will move forward this session. It is obvious that many legislators have heard from you about this issue and I appreciate the hard work done by our members. We will continue to need your assistance as the legislation moves forward in the process by contacting legislators about our support. We will provide the specific information about votes when we have it available.

### BILLS OF INTEREST

HOUSE BILL 159, Taxpayer Bill of Rights, would allow for a referendum by the voters to amend the North Carolina Constitution to establish an expenditure limit in the General Fund budget. **Introduced by Representatives Blust, Setzer, and Holloway and referred to the House Rules Committee.**

HOUSE BILL 171, Certain Environmental Violations/Entry/1st Penalty, would require a person seeking to conduct a routine inspection to enforce provisions related to solid waste management to request entry from the person who owns or controls the business located on the premises and would require the Department of Environment and Natural Resources to assess no civil penalty for first-time violations, if the violator meets certain criteria. **Introduced by Representative Holliman and referred to the House Environment and Natural Resources Committee.**



HOUSE BILL 175, State Minimum Wage/Inflation Increases, would increase the minimum wage by the increase in the cost of living on January 1st of each year and would establish how the cost of living increase is to be determined. **Introduced by Representative Adams and referred to the House Commerce, Small Business, and Entrepreneurship Committee.**

HOUSE BILL 177, Healthy Families and Healthy Workplaces Act, would require paid sick leave for employees who are subject to the wage and hour laws. Sick time would begin to accrue at the start of employment at the rate of one hour of paid sick time for every 30 hours worked. Paid sick time would be provided to an employee to care for a member of the employee's immediate family suffering from health issues or to care for the employee's own health or to allow an employee to address the psychological, physical, or legal effects on him/herself or an immediate family member of domestic violence, sexual assault, or stalking. An employer could require certification of the qualifying health issue or event when a paid sick time period covers more than 3 consecutive work days; however, the employer could not require the disclosure of details related to domestic violence, sexual assault, stalking, or an employee's medical condition as a condition of providing the paid leave. Any information received by the employer would be confidential. The employee would be required to make a good faith effort to provide the employer with advance notice if the sick time is foreseeable. **Introduced by Representative Adams and referred to the House Commerce, Small Business, and Entrepreneurship Committee.**

HOUSE BILL 183, Taxpayers' Protection Act, is identical to Senate Bill 87, summarized in the February 11, 2009 legislative report. **Introduced by Representatives Dollar, Burris-Floyd, Wiley, and Gillespie and referred to the House Rules Committee.**

HOUSE BILL 202, Speaker/Pro Tem Term Limits, would allow a referendum by the voters to change the North Carolina constitution to limit the terms of the Speaker of the House of Representatives and the President Pro Tempore of the Senate to no more than two consecutive General Assemblies (four years). **Introduced by Representative Blust and referred to the House Rules Committee.**

HOUSE BILL 212, Health Insurance Pool Pilot Program, would establish health insurance demonstration projects for large and small employers to issue group health insurance policies to reduce the number of uninsured North Carolinians and to reduce the cost of health insurance for all purchasers of health insurance in the demonstration project areas. The bill would provide criteria for the projects, and would establish premium rates to be charged to individuals covered under employers participating in the group master contract. The insurance contracts would be subject to approval by the Department of Insurance before being executed with an insurer. **Introduced by Representatives Goforth, Fisher, Rapp, and Whilden and referred to the House Insurance Committee.**



HOUSE BILL 221, Oversight of Licensing Boards, would authorize the Joint Legislative Administrative Procedure Oversight Committee to review the activities of occupational licensing boards. The licensing boards would be required to file their annual and financial reports by October 31st of each year and to conduct an annual financial audit if their budget is over \$50,000. A licensing board that failed to comply with the reporting requirements, would lose their ability to collect fees until the reports have been filed. **Introduced by Representative Goodwin and referred to the House State Government/State Personnel Committee.**

HOUSE BILL 239, Disapprove Jordan Lake Rules, is identical to Senate Bill 166, summarized below in this legislative report. **Introduced by Representatives Allen and Gibson and will be referred to a House committee this week.**

SENATE BILL 96, No “Texting” While Driving, is identical to House Bill 9, summarized in the February 11, 2009 legislative report. **Introduced by Senator Bingham and referred to the Senate Judiciary II Committee.**

SENATE BILL 98, No Adult Left Behind, would provide \$5 million in each of the two years to establish the “No Adult Left Behind” Initiative to increase the percentage of North Carolinians who earn associate degrees, other two-year degrees, and baccalaureate degrees to 40% by creating evening and weekend certificate and degree programs designed specifically for working adults and other nontraditional students. **Introduced by Senator Hartsell and referred to the Senate Appropriations Committee.**

SENATE BILL 101, Interconnection of Public Water Systems, would require the interconnection of municipal, county, or regional public water systems within a county or between or among counties if approved by the Board of Commissioners of each county and if the Department of Health and Human Services finds that doing so would be necessary to promote public health, protect the environment, or ensure compliance with drinking water rules. Constructing or altering a public water system or being awarded a contract to do so would be prohibited unless DHHS determined that an analysis of reasonable alternatives was performed and that the proposed construction or alteration is appropriate. The Environmental Management Commission would be authorized to require connection to a municipal, county, or regional wastewater system when issuing a wastewater permit if necessary to promote public health, protect the environment, or ensure compliance with water quality rules. The bill would also create new requirements for the permitting of new or expanded municipal or nonmunicipal waste treatment systems by requiring the applicant to: (1) adopt a plan to implement a program to reduce demand and manage existing capacity by reducing or eliminating stormwater and groundwater infiltration and intrusion into collection lines; (2) perform and submit an analysis of reasonable alternatives to the proposed new or expanded waste treatment system, including consideration of discharging to created wetlands and the beneficial reuse of treated wastewater for nondrinking purposes; and (3) demonstrate that the proposed new or



expanded waste treatment facility will be planned, designed, and constructed to facilitate eventual interconnection with adjoining or regional wastewater treatment systems. **Introduced by Senator Hartsell and referred to the Senate Agriculture/Environment/Natural Resources Committee.**

SENATE BILL 119, Four-Year Terms, would allow a referendum to amend the state Constitution to allow for four-year terms, instead of the current two-year terms, for members of the Senate and House of Representatives. The bill would also amend various provisions to reflect the new election cycle for other elected officials to coincide with the election of members of the U.S. House of Representatives. Elections for Governor and Lt. Governor would be held at the place and day prescribed by law, instead of at the same time and place as members of the General Assembly. **Introduced by Senator Weinstein and referred to the Senate Ways and Means Committee.**

SENATE BILL 150, Presidential Primary in February, would move North Carolina's presidential primary from the Tuesday after the first Monday in May to the first Tuesday in February. **Introduced by Senator Brock and referred to the Senate Judiciary I Committee.**

SENATE BILL 153, DMV to Notify Employer of CDL Convictions, would require a driver who has a commercial drivers license issued by the State of North Carolina and who is convicted of a motor vehicle violation in another state to notify the North Carolina Division of Motor Vehicles within 30 days of the conviction and to include in the notification the name, address, and telephone number of his or her current employer. The DMV would notify the driver's employer in writing of the conviction within 30 days of the date of the conviction. In addition, the DMV would be required to notify the employer of the suspension, revocation, or cancellation by any state of a driver's commercial license within 10 days after receipt of a notice or report of conviction if the person holds a North Carolina commercial drivers license. **Introduced by Senator Phil Berger and referred to the Senate Judiciary I Committee.**

SENATE BILL 156, Session Limits, would allow a referendum to amend the North Carolina Constitution to limit the number of days the General Assembly could remain in session to no more than 90 calendar days in odd-numbered years and no more than 45 days in even-numbered years. The sessions could be extended by joint resolution for no more than 10 calendar days once per regular session. The bill would also move the start date for the term of office for senators and representatives up from the first day in January to the first Wednesday in December after their election. **Introduced by Senator Phil Berger and referred to the Senate Ways and Means Committee.**

SENATE BILL 166, Disapprove Jordan Lake Rules, is substantially similar to House Bill 3, summarized in the February 11, 2009 legislative report. **Introduced by Senator Foriest and referred to the Senate Rules Committee.**



SENATE BILL 181, Drivers License Change Expiration/8 Years to 65, would allow persons 18 to 65 years of age to be issued or to renew a drivers license that expires on the person's birthday every 8 years. Currently, the law allows for 8-year renewals for licensees 18 to 54 years of age. **Introduced by Senator Shaw and referred to the Senate Commerce Committee.**

SENATE BILL 205, Prohibit Smoking in Public and Work Places, is identical to House Bill 2, summarized in the February 11, 2009 legislative report. **Introduced by Senator Purcell and referred to the Senate Judiciary I Committee.**

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