



## NORTH CAROLINA GROUND WATER ASSOCIATION

LEGISLATIVE REPORT

MARCH 12, 2007



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### INTRODUCTION

The General Assembly last week had a shortened week because they held their session on Thursday, March 8<sup>th</sup>, in the City of Greenville to commemorate East Carolina University's 100<sup>th</sup> anniversary. Traveling from Raleigh for session is fairly rare as members must go to the new location and certain staff and sergeant-at-arms must attend with them. By having a shortened workweek, the pressure for bill filing in the Senate is increasing as there are only two more weeks to file bills under the deadline. There is an additional one month to file bills in the House and we expect many bills to be filed only in the House this year because of the difference in the deadlines.

A bill was filed this week to prohibit legislators or all public officials from collecting their pension funds if they are found to have committed a felony during their time in public office. This is a direct reaction to former Speaker Black's plea of guilty in federal court; however, this provision, even if approved by the General Assembly, would not apply to former Speaker Black.

The House and Senate have released the anticipated schedule for their budget negotiations. The House and Senate Joint Appropriations Subcommittees will meet the next three weeks, then the House Appropriations Subcommittees will meet separately to establish the budget by the end of April. The Senate will then have approximately until the end of May to respond and establish their budget formula and then the House and Senate will have one month to work out the differences between the House and Senate budget proposals. If this schedule is followed closely, then the budget should be completed before the end of the fiscal year on June 30, 2007; however, the budget has been completed by the deadline only two out of the past fifteen years.

During the Joint Appropriations Subcommittee meetings, the legislative staff has been reviewing each agency's budget and is providing a wealth of information to legislators regarding all the different agencies and the roles that they play in state government. It appears that there is a push for providing more information to legislators so that they can make better decisions regarding the budget. Once all the information is reviewed, legislators will have to make difficult decisions regarding funding for the various programs.

The House and Senate adjourned on Thursday and will reconvene this Monday evening.

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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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### BILLS OF INTEREST

HOUSE BILL 496, Craven Water and Sewer Funds, would provide \$8 million to Craven County to improve water and sewer services in the Towns of Cove City and Dover. **Introduced by Representatives Wainwright and Underhill and referred to the House Appropriations Committee.**

HOUSE BILL 518, Waive Marriage License Fee/Premarital Counseling/Funds, would waive the fee for a marriage license for individuals who receive premarital counseling. The bill would also provide funding to reimburse the various groups that receive funding from the fees, including the Domestic Violence Center Fund. **Introduced by Representative Hilton and referred to the House Appropriations Committee.**

HOUSE BILL 527, Ban Mobile Phone Use While Driving, would prohibit all drivers from using a mobile phone or other technology such as internet, games, or cameras while operating a motor vehicle. The prohibition would not apply to hands free mobile phones, using a phone in an emergency situation, or a call made by a police officer, member of the fire department, or ambulance operator if they are performing their official duties. The bill does specifically prohibit school bus drivers from using mobile phones or other devices, including hands free devices, while operating a moving school bus carrying passengers unless they are making an emergency call. A violation would be punishable by a \$100 fine and court costs; however, no points would be assessed by the Division of Motor Vehicles. **Introduced by Representative McAllister and will be referred to a House committee this week.**

HOUSE BILL 530, Harnett County Construction. This bill is identical to Senate Bill 555, summarized below in this Legislative Report. **Introduced by Representatives Lewis and Love and will be referred to a House committee this week.**

HOUSE BILL 540, Residential Property Tax Reduction, would allow a voter referendum to amend the North Carolina Constitution to enact a statewide law prohibiting a county from increasing the growth in value of a permanent residence by more than an amount specified in the law when property is reappraised. If the Constitutional amendment is approved, then a new statute would be enacted limiting the growth of the appraised value to the growth of the federal Consumer Price Index. **Introduced by Representative Grady and will be referred to a House committee this week.**



HOUSE BILL 558, Deduction for S Corporation Income, would provide an income tax exemption of \$25,000 for S corporations in North Carolina. **Introduced by Representative Holloway and will be referred to a House committee this week.**

HOUSE BILL 559, Small Business Tax Exemption, would provide small business income tax exemptions for C corporations depending on whether the corporation must apportion its income. **Introduced by Representative Holloway and will be referred to a House committee this week.**

SENATE BILL 514, Deceptive Advertising of Business Location, would prohibit businesses that supply services or products from misrepresenting the geographical locations of their businesses in telephone directories, directory assistance databases, and in print advertisements. It would not be a violation if a conspicuous notice in the listing or advertisement identified the municipality and state where the business is located. However, a violation would be an unfair and deceptive trade practice. **Introduced by Senator Boseman and referred to the Senate Commerce, Small Business, and Entrepreneurship Committee.**

SENATE BILL 515, Social-Emotional Curriculum in Public Schools, would implement a social/emotional curriculum in the public schools and preschool programs which would include personal safety, violence prevention, and behavioral skills. **Introduced by Senator Boseman and referred to the Senate Education/Public Instruction Committee.**

SENATE BILL 527, Contracts with Automatic Renewal Clauses, would require businesses that sell products or services to consumers pursuant to contracts that automatically renew to disclose the renewal clauses to the consumer. In addition, if the contract automatically renews for more than one month, then consumers must be notified in writing prior to the cancellation deadline in the automatic renewal clause. **Introduced by Senator Berger of Franklin and referred to the Senate Commerce, Small Business, and Entrepreneurship Committee.**

SENATE BILL 541, Interconnection of Public Water Systems, would rewrite the laws regarding public water systems and wastewater systems to require that permits for new or expanded municipal or human waste treatment systems may not be issued unless the applicant: (1) has adopted a plan to reduce demand and manage existing capacity by reducing or eliminating storm water and groundwater infiltration; (2) has submitted an analysis of reasonable alternatives to the proposed new or expanded system; and (3) has demonstrated that the proposed new or expanded facility will be designed and constructed to accommodate eventual interconnection with adjoining or regional systems. The Commission for Health Services and the Environmental Management Commission would be required to adopt rules to implement the provisions of the law. **Introduced by Senator Hartsell and referred to the Senate Agriculture/Environment/Natural Resources Committee.**



SENATE BILL 555, Harnett County Construction, would authorize Harnett County to construct a water treatment plant and wastewater treatment plant expansion without following the normal state construction requirements. **Introduced by Senator Blake and referred to the Senate Agriculture/Environment/Natural Resources Committee.**

SENATE BILL 563, One-Cent Local Option Sales Tax, would authorize counties to charge a one-cent local sales and use tax and would allow them to use the funds for public school buildings, other capital building needs, road construction, or mental health programs. This is just one bill which is similar to many bills being filed in the General Assembly this year both for local municipalities to charge increased sales or transfer taxes or to allow the entire state to make these charges. **Introduced by Senator Jenkins and referred to the Senate Finance Committee.**

SENATE BILL 591, Option to Stop Delivery of Phone Books, would require consumers to have an option to have delivery of local telephone directories stopped and would also require public notification of the option printed on the front of local telephone directories. The bill would also encourage the annual collection of discarded telephone directories for recycling and require directories to use 30% post-consumer recycled content. **Introduced by Senator Cowell and will be referred to a Senate committee this week.**

SENATE BILL 603, Nutrient Runoff/Extend Rule Sunset Date, would extend the sunset for the law that sets the per pound factor used by the Environmental Management Commission to calculate nutrient offset payments. The nutrient offset payments for nitrogen would be calculated as it was prior to the rule amendments. The sunset would be extended from September 1, 2007 to September 1, 2008. **Introduced by Senator Malone and will be referred to a Senate committee this week.**

SENATE BILL 635, Prohibit Smoking/Public Places, would prohibit smoking in public places and places of employment throughout North Carolina with the following exceptions: (1) a private residence, except when used for commercial child or adult care services; (1) a retail tobacco shop; (3) a tobacco manufacturing or processing facility; (4) a designated smoking room in a lodging establishment; and (5) a facility conducting research on smoking. The local health director would be permitted to take action against violators by providing written notices and imposing fines. **Introduced by Senator Cowell and will be referred to a Senate committee this week.**

SENATE BILL 641, County Ordinances/Smoking, would authorize certain counties with a population of more than 695,000 to enact and enforce local ordinances, laws, or rules regulating smoking in all public places. **Introduced by Senator Clodfelter and will be referred to a Senate committee this week.**



## BILL UPDATES

HOUSE BILL 24, Smoking in Government Buildings/Prohibition. The House Health Committee approved this bill prohibiting smoking in government owned buildings and also would allow school facilities, school campuses, and school-related or school sponsored events to be regulated by local school boards regarding smoking. Local governments would be permitted to adopt ordinances regarding smoking restrictions in buildings which they own or lease and any place on public transportation which is owned or leased by local government. **The bill as amended was approved by the House Health Committee and the full House and will next be considered by the Senate.**

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