



NORTH CAROLINA GROUND WATER ASSOCIATION

LEGISLATIVE REPORT

JUNE 15, 2007



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INTRODUCTION

This legislative report includes activities that happened prior to the crossover deadline. Many bills moved quickly in committee and many were amended prior to being approved and sent to the other chamber. The week after the crossover deadline, the Senate released its version of the budget and approved it several days later with bi-partisan support. Legislators in both the House and the Senate have been meeting in public hearings and behind closed doors to discuss the Senate and House versions of the budget. All the democrats and a few republicans in the Senate and all the democrats in the House (except for Speaker Hackney and Representative Thomas Wright) were appointed to the Conference Committee to work out the details of the budget. Joint Appropriations Subcommittees have been meeting to review the differences in the two versions and they will negotiate some of the changes for their particular subcommittee; however, all major decisions will be made at the Appropriations Chair level, including raises for state employees, Medicaid funding for counties, capital project spending, and tax issues. The House and Senate say that they are on track to complete the budget by the July 1st deadline; however, many observers have grave doubts that they will be able to complete the budget by the end of the fiscal year.

Senate Leader Marc Basnight announced last week that he would be taking a leave of absence to take care of some family issues and his wife, Sandy Basnight, passed away on Sunday, June 10, 2007. The Senate cancelled its session and its committee meetings for Wednesday so that members could attend her funeral. The House session on Wednesday was held at 7:00 p.m. so that House members could attend the funeral as well. While Senator Basnight is on leave, Senator Dannelly will be running the Senate chamber when Lt. Governor Purdue is absent and Senator Rand, the Majority Leader, will be conducting business for the majority party. We are not sure when Senator Basnight will return, but he is in contact with his staff and apparently will still be involved in the final budget negotiations.

PROTECT PRIVATE DRINKING WATER RESOURCES

House Bill 2043, Protect Private Drinking Water Resources. This bill renames the Emergency Drinking Water Fund the Bernard Allen Memorial Emergency Drinking Water Fund. The fund would be under the control of the Department of Environment and Natural Resources and could be used to pay the costs of testing private drinking water wells for suspected contamination up to once every three years upon request by the person who uses the well. The bill would also provide the criteria and procedures to test water provided from private drinking water wells to



determine whether the water complies with drinking water rules. Water would be tested for the following contaminants: bacteria (total coliform); nitrates; heavy metals; volatile organic compounds; radon; and Radium-222 and Radium-226. A certified laboratory would submit the results of the water test to the owner no later than 15 days after the analysis required by the transfer, sale, or lease of property.

Testing would be required for all private drinking water wells if used for human consumption when the property is transferred, including rental or leased property. A transfer could not take place unless both the owner and the purchaser have received and reviewed a copy of the results of the test. Anyone who leases rental property to which water is supplied by a private drinking water well would be required to test the water once every three years and provide a copy of the results to the tenants and would also provide a copy of the results to any new tenants. The Department would also establish a groundwater quality database as a resource center and repository for the results of groundwater quality monitoring conducted and submitted pursuant to the programs. If the results of a water test indicate a problem with the groundwater or drinking water standards, the Department would provide notice to the local health department, the owners of the real properties served by the well or located within a 1,500 foot radius of the well, and the well users who occupy a dwelling or work at a business within a 1,500 foot radius. **This bill was introduced by Representatives Harrison, Coleman, Blue, and Justice and was referred to the House Environment and Natural Resources Committee.**

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>.

BILL UPDATES

HOUSE BILL 878, Eminent Domain. This bill to require a constitutional amendment was modified in the House Judiciary II Committee by providing that takings for public use may include takings for access to property and to clarify that blight refers only to the physical condition of the property. The amendment also removed the requirements in the original bill that the payment of just compensation be prompt and that the transfer of title should be delayed pending final judgment of the amount of damages. **The bill as amended was approved by the House Judiciary II Committee and, after a lengthy debate on the House floor, was approved by the full House prior to the crossover deadline and will next be considered by the Senate Ways and Means Committee.**



HOUSE BILL 1606, Study Licensing of Older Drivers. This bill was completely modified in the House Transportation Committee to replace it with a new bill which would authorize the Joint Legislative Transportation Oversight Committee to study issues related to the licensing of older drivers, the potential need for shorter renewal periods as drivers get older, and the more frequent testing of older drivers. **The bill as amended was approved by the House Transportation Committee and was referred to the House Rules Committee to be included with the study bill that will be reviewed at the end of the session.**

HOUSE BILL 1719, Study Health Insurance for Chambers of Commerce. This bill was amended in the House Judiciary II Committee to completely replace it with a new bill that would create the Joint Legislative Commission on Group Health Insurance for Chambers of Commerce to study the issue. **The bill as amended was approved by the House Judiciary II Committee and was referred to the House Rules Committee to be included in the study bill which will be reviewed at the end of the session.**

SENATE BILL 514, Deceptive Advertising of Business Location. This bill was modified in the Senate Commerce, Small Business, and Entrepreneurship Committee to specify that the bill would only apply to advertisements for perishable products and would include business listings on the internet for those perishable products. **The bill as amended was approved by the Committee and the full Senate prior to the crossover deadline and will next be considered by the House Commerce, Small Business, and Entrepreneurship Committee.**

SENATE BILL 527, Contracts with Automatic Renewal Clauses. This bill was modified in the Senate Commerce, Small Business, and Entrepreneurship Committee to provide that any business that sells, leases, or offers to sell or lease consumer products or services under a contract that automatically renews must disclose clearly and conspicuously in the contract or contract offer that the automatic renewal clause exists and how to cancel the contract. Failure to comply with the requirements would render the automatic renewal clause void and unenforceable. The bill originally required a separate notice to be sent for all contracts involving automatic renewal clauses. **The bill as amended was approved by the Committee and the full Senate prior to the crossover deadline and will next be considered by the House Judiciary II Committee.**

SENATE BILL 868, Misbranding of Bottled Spring Water. This bill was modified in the Senate Commerce, Small Business, and Entrepreneurship Committee to clarify that water offered for sale as a beverage that is represented as North Carolina natural spring water is misbranded unless it meets the definition of North Carolina natural spring water. **The bill as amended was approved by the Committee and the full Senate prior to the crossover deadline and will next be considered by the House Agriculture Committee.**



SENATE BILL 925, Speeding Law Changes. This bill was completely modified in the Senate Judiciary I Committee and replaced with a new bill as a reaction to the series of articles done by the News and Observer regarding the court system and speeding charges. The bill would limit the use of an improper equipment defense by requiring the violation to be recorded in the driver's record as "improper equipment - speedometer" and would make a driver eligible for only two speedometer violations in a five-year period. A driver charged with speeding more than 30 miles per hour over the speed limit would be ineligible for the speedometer defense or for a prayer for judgment continued. **The bill as amended was approved by the Committee and the full Senate prior to the crossover deadline and will next be considered by the House Judiciary II Committee.**

SENATE BILL 1259, No Liability/Water Meets Water Standards. This bill was modified in the Senate Judiciary I Committee to specify that a provider of water that meets the standards of the North Carolina Drinking Water Act does not provide warranties. **The bill as amended was approved by the Committee and the full Senate prior to the crossover deadline and will next be considered by the House Environment and Natural Resources Committee.**

SENATE BILL 1399, Ban Mobile Phone Use While Driving. **This bill to ban mobile phone use while driving was approved by the Senate Judiciary II Committee and was on the Senate calendar for consideration prior to the crossover deadline; however, the bill was referred back to the Senate Judiciary II Committee for further consideration and, therefore, the bill did not meet the crossover deadline and should not be eligible for further consideration this session.**

NORTH CAROLINA BIENNIUM BUDGET 2007/2008

The Senate approved its version of the budget on Thursday, May 31st. The House rejected the Senate version, as expected, and now the conference committee, selected members of the Senate and the House, will meet to work out the differences between the two budget versions. Negotiations will be taking place between the House, Senate, and the Governor's Office to work on the final details. Once the budget has been approved by both chambers, Governor Easley must still sign the budget into law. Below, we have included provisions in the Senate-approved budget that are of interest to your association and that were not included in or are different from the provisions in the House-approved budget.

ENVIRONMENT AND NATURAL RESOURCES

Emergency Drinking Water Fund. The Senate-approved budget would provide \$115,000 to notify private well users of contamination, to cover the costs of testing private wells for contamination, and to pay for alternative drinking water supplies.

Clean Water Management Trust Fund. The Senate-approved budget would provide \$100 million to the Clean Water Management Trust Fund.



Water Resources Development Projects. The Senate-approved budget would provide \$20 million to the Department of Environment and Natural Resources for water resources development projects.

Water Quality Permit Fees. The Senate-approved budget would increase the annual fee for a certificate of coverage under a general permit for a point source discharge or an individual nondischarge permit from a single family residence from \$50 to \$60 and would increase the annual fee for a certificate of coverage under a general permit for a point source discharge of stormwater or wastewater from \$80 to \$100.

At Least 20% of Parking Lot Must be Pervious. The Senate-approved budget would require that at least 20% of any area designated to be used for vehicular parking, except for a covered area or a multilevel area, be a pervious surface.

GENERAL GOVERNMENT

Most State Employees/Salary Increases. The Senate-approved budget would authorize a salary increase of 4% for all permanent full-time state employees, effective on or after July 1, 2007.

CAPITAL

NC Green Business Fund. The Senate-approved budget would establish the NC Green Business Fund for grants to private businesses with less than 100 employees to help grow a green economy in the state. The Fund would promote the development of three priority areas: (1) the biofuels industry; (2) the green building industry; and (3) environmentally clean technology and renewable energy products and businesses. The Department of Commerce would administer the grants and would develop guidelines related to the Fund and the selection of projects.

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