



## INTRODUCTION

At last, here is your Final Legislative Report for the first year of the 2009 legislative session. I have summarized bills of interest for your association that we worked on during the session, bills that I wanted to make you aware of and some general interest legislation. As you can see, there was a lot of activity this year at the General Assembly and many detailed and important pieces of legislation were approved.

This session was the most intense session that I have experienced since I started lobbying. The financial crisis in the State caused the budget negotiations to be very intense and impacted all legislation that was filed. If legislation had a money component, there was very little chance that it would be approved during the session, since there was no money available even for small projects or legal changes. Since this was the long session, more controversial legislation was debated and approved, including the ban on smoking and the ban on texting, the bullying bill, sex education changes, racial profiling legislation, and a host of others. Legislators tend not to take on such controversial bills during the short session since elections are right around the corner.

Controversy continued in the Legislature with several legislators under fire to the extent that they resigned. Rep. Cary Allred faced allegations of being intoxicated on the floor of the House and acting inappropriately with a page. Although he denied the allegations, he resigned during session. Rep. Ty Harrell currently faces allegations of misusing his campaign funds. He resigned recently before the Legislative Ethics Committee could meet and the investigation will end since he is no longer a legislator. The Board of Elections though will continue to investigate and will most likely hold a hearing regarding the allegations. Of course, the most interesting of scandals involves former Governor Easley who is being investigated by a federal grand jury. Although the grand jury deliberations are confidential, the press has been reporting the witnesses to the grand jury and it appears they are investigating the land deal in Southport, the hiring of Mary Easley at NC State, and the use of airplanes, cars, and other resources without reporting them as gifts. And, of course, this paragraph would not be complete without a mention of former Senator John Edwards's problems as he is also being investigated regarding the use of his campaign funds.

It is an honor to represent the North Carolina Ground Water Association at the North Carolina General Assembly. It is wonderful to work with such a great group of people and I look forward to a long and successful relationship with you trying to achieve our goals at the General Assembly.



## NORTH CAROLINA GROUND WATER ASSOCIATION



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HOUSE BILL 2, Prohibit Smoking in Certain Public Places, prohibits smoking in all state government buildings and in all enclosed areas of restaurants and bars. Exceptions are provided for: (1) a designated smoking guest room in a lodging establishment; however, no greater than 20% of a lodging establishment's guest rooms may be designated smoking guest rooms; (2) a cigar bar; or (3) a private club. In addition, local governments may adopt additional ordinances or rules that restrict smoking and may enforce ordinances, board of health rules, and policies restricting or prohibiting smoking that are more restrictive than state law.

However, local governments may **NOT** restrict or prohibit smoking in the following places: (1) a private residence or vehicle; (2) a tobacco shop; (2) all of the premises, facilities, and vehicles owned, operated, or leased by any tobacco products processor or manufacturer, or any tobacco leaf grower, processor, or dealer; (4) a designated smoking guest room in a lodging establishment as long as no more than 20% of a lodging establishment's guest rooms are designated smoking guest rooms; (5) a cigar bar; (6) a private club; (7) a motion picture, television, theater, or other live production set; however, this exemption applies only to the actor or performer portraying the use of tobacco products during the production. Continuing to smoke in a nonsmoking area after receiving an oral or written notice by the person in charge of the area is an infraction punishable by a fine of not more than \$50, with no court costs. **Effective: May 19, 2009, but not enforceable by the local health director until January 2, 2010.**

HOUSE BILL 9, No Texting While Driving, makes it unlawful for any person to operate a vehicle while using a mobile telephone to: (1) manually enter multiple letters or text in the device as a means of communicating with another person; or (2) read any e-mail or text message transmitted to the device or stored within the device, except for any name or number stored in the device or any caller identification information. Exceptions are provided for the operator of a vehicle that is lawfully parked or stopped; a law enforcement officer, a member of a fire department, or the operator of a public or private ambulance; the use of global positioning systems (GPS) or wireless communications devices; and the use of voice operated technology. A violation while operating a school bus is a Class 2 misdemeanor and is punishable by a fine of not less than \$100. Any other violation is an infraction punishable by a fine of \$100 plus court costs. No driver's license points or insurance surcharge will be assessed as a result of a violation and failure to comply will not constitute negligence per se or contributory negligence per se by the operator. **Effective: December 1, 2009.**

HOUSE BILL 22, Enhance Youth Employment Protections, enhances youth employment protections by requiring the Commissioner of Labor to report on enforcement activities. The Commissioner will submit a written report on the Department of Labor's investigative, inspection, and enforcement activities under the Wage and Hour Act pertaining to youth employment. The report will include:

- all activities the Department of Labor has sponsored or participated in to educate employers about their responsibilities under the Wage and Hour Act;
- the total number of complaints received by the Department alleging youth employment violations or any regulations issued under the Wage and Hour Act;
- the specific types of youth employment violations alleged and the ages of the youths referenced in the complaints received by the Department;
- the total number of investigations conducted by the Department concerning alleged youth employment violations, the length of the investigations, and the number of investigators assigned to conduct the investigations;
- the total number of administrative proceedings involving youth employment violations;

- the total number and identity of employers cited for youth employment violations and the industries or occupations that received the greatest and the least number of complaints;
- the total number and dollar amount of civil penalties assessed and the total number and dollar amount of civil penalties actually collected;
- an explanation of any obstacles that prevented the Department of Labor from enforcing any provision of the Wage and Hour Act as it pertains to youth employment, and any recommended changes to the Wage and Hour Act to strengthen the Department of Labor's oversight and the enforcement of youth employment laws and regulations in this state; and
- recommendations about the funding needed by the Department to eliminate any obstacles to enforcement of youth employment laws.

**Effective: June 19, 2009.**

HOUSE BILL 23, Strengthen Child Labor Violation Penalties, increases the civil penalty for any employer who violates youth employment laws and regulations from \$25 to \$500 for a first violation and \$1,000 for each subsequent violation. The maximum civil penalty for failing to make, keep, and preserve records of the persons employed by the employer and of the wages, hours, and other conditions and practices of employment as required under the Wage and Hour Act is increased from \$1,000 to \$2,000. A penalty of up to \$14,000 will be assessed for each serious violation that involves injury to an employee less than 18 years of age. **Effective: December 1, 2009.**

HOUSE BILL 85, Increase Raffle Prize Limit, increases the maximum total cash prizes offered or paid by any nonprofit organization or association from \$50,000 to \$125,000 in any calendar year. The maximum total fair market value of all prizes offered by any nonprofit organization or association, either in cash or in merchandise that is not redeemable for cash, is also increased from \$50,000 to \$125,000. The legislation authorizes real property to be offered as a prize in a raffle. The maximum appraised value of real property that may be offered for any one raffle by any nonprofit organization or association may not exceed \$500,000 in any calendar year. **Effective: June 1, 2009.**

HOUSE BILL 221, Oversight of Licensing Boards, authorizes the Joint Legislative Administrative Procedure Oversight Committee to review the activities of state occupational licensing boards. The Committee will determine if the boards are operating in accordance with statutory requirements and if the boards are still necessary to achieve the purposes for which they were created. The review will not include decisions concerning board personnel matters or determinations on individual licensing applications or individual disciplinary actions. Each occupational licensing board will file an annual report by October 31 of each year that includes the number of official complaints received involving licensed and unlicensed activities and the number of disciplinary actions taken against licensees, or other actions taken against nonlicensees. If a board fails to comply with the reporting requirements, the board's authority to expend any funds will be suspended until the required reports are filed; however, the board may continue to issue and renew licenses and the validity of any application or license for which fees have been tendered will not be affected. Each board member must receive training on the statutes that govern the board and on the Administrative Procedure Act, the Public Records Law, the Open Meeting Act, the State Tort Claims Act, the Defense of State Employees Law, the State Government Ethics Act, and lobbying laws within six months of his or her initial appointment to the board and every two years thereafter. **Effective: October 1, 2009.**

HOUSE BILL 239, Restore Water Quality in Jordan Reservoir. This legislation is a compromise worked out as a result of the challenge to the rules adopted by the Emergency Management Commission regarding the management of the Jordan Watershed. The main objections were the rules regarding nutrient loading from existing development. As a result of the compromise, municipalities and counties will follow an adaptive management program to control nutrient loading of existing development in various stages. This legislation will likely serve as a model for other watersheds throughout the state. **Effective: June 30, 2009.**

HOUSE BILL 686, Modernize Do Not Call Procedures, requires all phone companies and competing local providers certified to do business in North Carolina to notify all telephone subscribers who subscribe to residential service from that company of the consumer's right to object to receiving telephone solicitations. The notification will be drafted by the Attorney General's Office and will be provided to the companies for distribution to the consumer. The notification must be sent out at least once a year by bill insert or bill message, direct mail, or e-mail when the subscriber has selected e-mail as a means of notification. **Effective: October 1, 2009.**

HOUSE BILL 749, Use of Cisterns in Construction/Renovation, authorizes the State Building code to permit the use of cisterns to provide water for flushing toilets and for outdoor irrigation in the construction or renovation of residential or commercial buildings. The legislation also prohibits any state, county, or local building code or regulation from prohibiting the use of cisterns for these uses. A cistern is defined as a storage tank that is watertight; has smooth interior surfaces and enclosed lids; is fabricated from nonreactive materials such as reinforced concrete, galvanized steel, or plastic; is designed to collect rainfall from a catchment area; may be installed indoors or outdoors; and is located underground, at ground level, or on elevated stands. **Effective: June 30, 2009.**

HOUSE BILL 752, Lobbying Late Fees, authorizes a late filing fee of \$50 per day, commencing on the 10th business day after the date the certified letter sent by the Secretary of State advising the lobbyist, lobbyist principal, or other person required to file an expense report of the delinquency is received. The cumulative late filing fee may not exceed \$500. Previously, no late notice was required and late fees were incurred automatically. **Effective: October 1, 2009.**

HOUSE BILL 764, Speaker's and President Pro Tempore's Appointments, appoints persons to various boards and commissions based upon the recommendations of the President Pro Tempore of the Senate and the Speaker of the House of Representatives. **Effective: August 11, 2009.**

- John S. Curry of Buncombe County, Yvonne C. Bailey of Wake County, Stan Crowe of Martin County, Freddie Harrill of Cleveland County, and Forrest Westfall of Yancey County are appointed to the Environmental Management Commission for terms expiring on June 30, 2011.
- Michael F. Currin of Granville County and W. Charles Nieman of Dare County are appointed to the North Carolina Irrigation Contractors' Licensing Board for terms effective October 1, 2009 and expiring on September 30, 2012.
- Cassandra "Casey" Champion of Granville County and John Nycamp of Guilford County are appointed to the Well Contractors Certification Commission for terms expiring on June 30, 2012.

- Yevonne Brannon of Wake County, Bill Hollan of Forsyth County, and Aaron K. Thomas of Robeson County are appointed to the Clean Water Management Trust Fund Board of Trustees for terms expiring on July 1, 2013. Betty Chafin Rash of Mecklenburg County is appointed for a term expiring on July 1, 2011, to fill the unexpired term of Dr. Lloyd Hackley.
- Thomas Mehder of Mecklenburg County, Michael Hare of Perquimans County, and William Weatherspoon, Douglas Howey, and Anne Coan of Wake County are appointed to the North Carolina Petroleum Underground Storage Tank Funds Council for terms expiring on June 30, 2011.

HOUSE BILL 877, Repeal UI Disqualification for Trailing Spouses, makes a variety of amendments regarding unemployment insurance. The changes include: prohibiting a person from being denied unemployment compensation solely because the person is seeking only part-time work as long as a majority of weeks of work in the individual's base period include part-time work; removing disqualifying conditions related to separating from work for compelling family reasons, including domestic violence, illness, or disability; and repealing the 2-week disqualification for unemployment benefits as a result of leaving work to accompany a spouse to a new place of residence for work in a different location and making those benefits nonchargeable to the employer. **Effective: January 1, 2010.**

HOUSE BILL 945, The Studies Act of 2009, is the annual studies bill that authorizes the Legislative Research Commission and other legislative standing committees and task forces to study a variety of issues from bills that were not approved during the session and other issues of interest to the Legislature. As you can see, there are over one hundred studies, but very few will actually take place before the next session begins. The following is a list of studies that are authorized to be conducted and the committee or commission that will undertake the study.

- The Legislative Research Commission may study the number of adults in North Carolina who have credit hours at a state institution of higher education but who have not earned a bachelor's degree and consider initiatives, incentives, and methods to recruit these persons back to college to complete their degree.
- The Legislative Research Commission may study the feasibility and advisability of providing a tax credit for the installation of innovative, low-impact development stormwater management systems.
- The Legislative Research Commission may study the issue of gasoline shortages in North Carolina. In particular, the Commission may study the gasoline shortages experienced across the state in the wake of Hurricanes Ike and Gustav in 2008.
- The Legislative Research Commission may study the adequacy of public participation in the setting of rates for homeowners insurance in North Carolina.
- The Legislative Research Commission may study the duration of the compensation for Temporary Total Disability under the Workers' Compensation Act.

- The Environmental Review Commission, with the assistance of the Department of Environment and Natural Resources, may study the feasibility and environmental impact of intrabasin and interbasin netting of water withdrawals and discharges by contract among water systems subject to regulation by the North Carolina Utilities Commission.
- The Environmental Review Commission may continue to study the topics identified for further research and study in the 2008 Report of the Water Allocation Study to the Environmental Review Commission.
- The Environmental Review Commission may study the desirability and feasibility of consolidating the state's environmental policy-making, rule-making, and quasi-judicial functions into one comprehensive full-time environmental commission. The new commission may be modeled after the North Carolina Utilities Commission.
- The Environmental Review Commission may study how North Carolina can grow and develop sustainably in the future through the year 2050. The Commission may consider what it means for the state's growth and development to be sustainable, focusing on the following areas: economic development, including transportation and water and sewer infrastructure; the state's natural resources, including its land, water, air, local food supply, and energy supplies; and quality of life issues, including health and education.
- The Environmental Review Commission, in consultation with the Department of Environment and Natural Resources, may study the use and storage of reclaimed water.
- The Revenue Laws Study Committee may examine:
  - the feasibility of programs for small businesses with annual gross receipts of \$1.5 million or more and less \$2 million that would provide low-interest loans for any of the following purposes: purchasing real or business property used to maintain or expand workforce; improving real property, whether owned or leased, to make it more energy efficient; acquiring broadband connectivity and technology to improve efficiency of business operations;
  - the feasibility of programs for small business with annual gross receipts of \$500,000 or more and less than \$1.5 million for any of the following purposes: providing working capital grants; providing low-interest construction loans for the purchase of real or business property used to maintain or expand the workforce; improving real property, whether owned or leased, to make it more energy efficient; acquiring broadband connectivity and technology to improve the efficiency of business operations; or any other legitimate business purpose designed to improve business efficiency; and
  - the feasibility of microloans and microgrants to small businesses with annual gross receipts of less than \$500,000 for any legitimate business purpose.
- The Department of Health and Human Services, Division of Public Health, may study the feasibility of establishing a school-based influenza vaccination pilot program. The program would vaccinate against influenza all children ages 6 months to 18 years in accordance with the recommendations of the National Advisory Committee on Immunization Practices. The Division may: (1) examine the costs and benefits of establishing a school-based influenza vaccination pilot program; (2) identify any barriers to implementing the school-based influenza vaccination pilot program and recommend

strategies for removing the barriers; and (3) determine the fiscal impact to the State of the proposed pilot program.

- The Legislative Study Commission on Water and Wastewater Infrastructure is created to develop a process to identify and regularly report to the North Carolina General Assembly on statewide water and wastewater infrastructure needs and to improve the delivery of state appropriated water and wastewater programs. The Commission will:
  - evaluate the information provided through the drinking water and wastewater needs assessment prepared by the Environmental Protection Agency (EPA) every four years; the drinking water and wastewater needs surveys currently done by the North Carolina Department of Environment and Natural Resource; the data compiled as part of Water 2030 by the North Carolina Rural Economic Development Center, Inc.; and any other existing data sets in order to determine what information currently exists and where there may be gaps in the data;
  - study an ongoing method for regularly determining and reporting on the state's water and wastewater infrastructure needs;
  - select a method for identifying and reporting on infrastructure needs in the future;
  - review infrastructure funding priorities currently set out in state law to determine whether the priorities appropriately reflect the state's most pressing needs in light of future growth projections;
  - recommend changes to infrastructure funding priorities and appropriations processes to ensure that funds are used to meet the state's most pressing needs; and
  - determine what steps funding agencies can take to improve the delivery of existing funding programs.

HOUSE BILL 1034, Allow Recorded Phone Messages/Public Safety, allows automatic dialing and recorded message players to be used to make unsolicited phone calls to protect the public health, safety, or welfare. Current law prohibits persons from making an unsolicited automatic dialing and recorded messages except under specific circumstances. No part of the call may be used to make a telephone solicitation, the person making the call must clearly identify the person's contact information and the nature of the unsolicited telephone call, and the sole purpose of the unsolicited telephone call must be to protect the public health, safety, or welfare. The calls may be made to inform the telephone subscriber that: (1) he or she has purchased a product that is subject to a recall due to safety or health concerns; (2) he or she may have received a prescription or over-the-counter medication that is subject to a recall; or (3) he or she has not picked up a filled prescription drug for which a valid prescription is on file with a pharmacy and the telephone subscriber requested that the prescription be filled. All messages left must comply with applicable HIPAA and privacy requirements.

In addition, a person may use an automatic dialing and recorded message player to make an unsolicited telephone call as long as no part of the call may be used to make a telephone solicitation, the person making the call must clearly identify the person's contact information and the nature of the unsolicited telephone call for the following: (1) in connection with an existing debt or contract for which payment or performance has not been completed at the time of the unsolicited telephone; (2) the unsolicited telephone call is placed by a person with whom the telephone subscriber has made an appointment, if the call is conveying information only about the appointment, or by a utility, telephone company, cable television company, satellite television company, or similar entity for the sole purpose of conveying information or news about network outages, repairs or service interruptions, and confirmation calls related to

restoration of service; or (3) the unsolicited telephone call is placed by, or on behalf of, a health insurer a from whom the telephone subscriber or other covered family member of the health insurer receives health care coverage or the administration of such coverage, if the call is conveying information related to the telephone subscriber or family member's health care, preventive services, medication or other covered benefits. **Effective: July 27, 2009.**

HOUSE BILL 1129, Clarify Silver Alert - All Ages, clarifies that a silver alert may be issued for a person of any age who is believed to be suffering from dementia or other cognitive impairment. **Effective: June 19, 2009.**

HOUSE BILL 1236, Promote Water Use Efficiency, allows commercial car washes to establish a voluntary water conservation and water use efficiency certification program to encourage and promote the use of year round water conservation. The car wash could be certified if they show they reduced and maintained a 20% reduction in use from the previous calendar year and could then get credit for that reduction when mandatory water limitations are put in place. **Effective: January 1, 2010.**

HOUSE BILL 1399, Capacity Use Areas Enforcement, increases the penalties for a violation of the capacity use area laws so that civil violations can be punished from \$100 up to \$1,000. If an act is found to be willful then the Secretary may assess a penalty not to exceed \$1,000 per day for each day of violation. **Effective: June 19, 2009 and applies to violations that occur on or after that date.**

SENATE BILL 141, Limit Well Water Testing for VOCs, was one of the prime objectives for the **North Carolina Ground Water Association** and fixes a problem caused by legislation adopted last year that would require all well tests to include testing of a list of volatile organic compounds. When the legislation was raised last year during the last several days of session, NCGWA argued that the cost of the testing would be too high and that all wells did not need to be tested. We were able to delay the effective date of the bill until October, 2009 so that we could work on fixing the legislation this year. Many of the public health departments around the State agreed with our arguments and they were helpful in getting the legislation approved this year. The bill would require local health departments to test the water obtained from a well for volatile organic compounds **ONLY** when required to do so pursuant to rules adopted by the Commission for Public Health. This achieves the public health goals of the legislation while only requiring testing where it is needed. The rules will be established by the Commission considering the following factors:

- known current and historic land uses around well sites and associated contaminants;
- known contaminated sites within a given radius of a well and any known data regarding dates of contamination, geology, and other relevant factors;
- any GIS based information on known contamination sources from databases available to the Department of Environment and Natural Resources; and
- visual on-site inspections of well sites.

This legislation is a great success for the **North Carolina Ground Water Association** and I wanted to thank all those who contacted their legislators to express support. **Effective: The**

**rules provisions are effective June 19, 2009 and the testing provision is effective October 1, 2010.**

SENATE BILL 475, Amend Carrboro Charter/Conserve Energy/Water, authorizes the Carrboro Board of Aldermen to adopt an ordinance that provides for the orderly installation of solar collectors, clotheslines, rain barrels, garden fences, or any other technology designed specifically to generate or conserve energy through the use of renewable resources or to capture, store, or reuse water, if the installation is done by or on behalf of a person who otherwise has a property right to install the device. The ordinance may provide for review and approval or denial of homeowners' association legal documents, including restrictive covenants, for compliance with the ordinance as a part of the granting or approving of a subdivision. However, the ordinance may not prohibit the adoption or enforcement of any deed restriction, covenant, equitable servitude, similar binding agreement, or any rule or regulation adopted by a property owners association that (1) affects a common area; (2) is designed to ensure that any device described above is installed and maintained in such a manner that it does not pose a risk to the safety of any person; or (3) regulates the location or screening of the device as long as it does not have the effect of preventing the reasonable use of the device. **Effective: October 1, 2009, and applies to deed restrictions, covenants, or similar binding agreements that run with the land recorded on or after that date.**

SENATE BILL 625, No Deceptive Advertising/Business Location, expands the prohibition on misrepresenting the geographic location by businesses that supply perishable products to include prohibiting misrepresentation in any other part of the business listing including a telephone directory, other directory assistance database, on the internet, or in any other part of an advertisement. **Effective: October 1, 2009.**

SENATE BILL 687, Exempt Plumbing Contractor/Well Certification Requirements. This bill as originally filed was strongly opposed by the **North Carolina Ground Water Association** as it would have exempted plumbers from well certification requirements. The bill had a lot of support from legislators who had heard from the plumbers back home who were complaining that they had to deal with two different licensing boards. The **North Carolina Ground Water Association** worked hard to modify this bill so that plumbers were not exempted without also requiring them to receive training and remain on site while the work related to the well is being done. The final version of the bill would allow licensed plumbing contractors who install pumps or pumping equipment; install, break, or reinstall a well seal; or disinfect a well incident to the installation, alteration, or replacement of pumps or pumping equipment within or near a well to be exempted from the well certification requirements. However, the plumbing contractor would be required to maintain documentation of having attended a continuing education course that covered well seal installation, protection, and sanitation within the last two years prior to the work being performed. The licensed plumbing contractor would also be required to remain on-site while the work is being performed until the well is disinfected and sealed.

The **North Carolina Ground Water Association** worked with the Department of Environment and Natural Resources, the Plumbing Board, and the Plumbers Association as well as the sponsors of the bill to try to reach a consensus on this legislation. We believe that we have formed good relationships with these groups that should allow us to resolve issues in the future. **Effective: August 5, 2009.**

SENATE BILL 831, Extend Certain Development Approvals. This is a bill that we supported as it will extend development permits and approvals, with certain exceptions, to assist those in the development community. The list below provides the types of permits that will be extended:

1. Development Approval. Any of the following approvals issues by the State, any agency or subdivision of the State, or any unit of local government, regardless of the form of the approval, that are for the development of land or for the provision of water or wastewater services by a government entity:
  - a) Any detailed statement by a State agency under G.S. 113A-4.
  - b) Any detailed statement submitted by a special purpose unit of government or a private developer of a major development project under G.S. 113A-8.
  - c) Any finding of no significant impact prepared by a State agency under Article 1 of Chapter 113A of the General Statutes.
  - d) Any approval of an erosion and sedimentation control plan granted by a local government or by the North Carolina Sedimentation Control Commission under Article 4 of Chapter 113A of the General Statutes.
  - e) Any permit for major development or minor development, as defined in G.S. 113A-118, or any other permit issued under the Coastal Area Management Act (CAMA), Part 4 of Article 7 of Chapter 113A of the General Statutes.
  - f) Any water or wastewater permit issued under Article 10 or Article 11 of Chapter 130A of the General Statutes.
  - g) Any building permit issued under Article 9 of Chapter 143 of the General Statutes.
  - h) Any nondischarge or extension permit issued under Part 1 of Article 21 of Chapter 143 of the General Statutes.
  - i) Any stream origination certifications issued under Article 21 of Chapter 143 of the General Statutes.
  - j) Any water quality certification under Article 21 of Chapter 143 of the General Statutes.
  - k) Any air quality permit issued by the Environmental Management Commission under Article 21B of Chapter 143 of the General Statutes.
  - l) Any approval by a county of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, a development permit, or a building permit under Article 18 of Chapter 153A of the General Statutes.
  - m) Any approval by a city of sketch plans, preliminary plats, plats regarding a subdivision of land, a site specific development plan or a phased development plan, a development agreement, or a building permit under Article 19 of Chapter 160A of the General Statutes.
  - n) Any certificate of appropriateness issued by a preservation commission of a city under Part 3C of Article 19 of Chapter 160A of the General Statutes.
2. Development. The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any building or other structure or facility, or any grading, soil removal or relocation, excavation or landfill, or any use or change in the use of any building or other structure or land or extension of the use of land.

**Effective: August 5, 2009.**

SENATE BILL 834, Rewrite Sanitarian Examiners Laws/Fees, eliminates the State Board of Sanitarian Examiners and replaces it with a State Board of Environmental Health Specialist Examiners. The Board's purpose is to safeguard the health, safety, and general welfare of the public from adverse environmental factors and to register duly qualified environmental health specialists and interns to work in the public sector in the field of environmental health. It is unlawful for a person to practice as an environmental health specialist or intern unless the person has obtained a certificate of registration from the Board. "Environmental health practice" is defined as the provision of environmental health services, including administration, organization, management, education, enforcement, and consultation regarding environmental health services provided to or for the public. The purpose of these services is to prevent environmental hazards and promote and protect the health of the public in the following areas: food, lodging, and institutional sanitation; on-site wastewater treatment and disposal; milk and dairy sanitation; shellfish sanitation; recreational water quality; public swimming pool sanitation; childhood lead poisoning prevention; **well permitting and inspection**; tattoo parlor sanitation; all other areas of environmental health; and **local environmental health professionals who enforce rules of local boards of health for on-site wastewater systems and wells**. **Effective: August 7, 2009.**

SENATE BILL 909, Sales Tax: Reliance on Written Advice by DOR, allows a seller who requests specific written advice from the Secretary of Revenue to rely on that advice. A seller who collects and remits sales or use tax in accordance with the written advice the Secretary gives the seller is not liable to a purchaser for any overcollected sales or use tax that was collected in accordance with the written advice. **Effective: August 5, 2009.**

SENATE BILL 1017, Enhance Protections Against Identify Theft, includes a variety of provisions to enhance protections against identity theft and to protect the credit of crime victims during the pendency of crime victims compensation fund applications and appeals, including provisions regarding security freezes and credit monitoring services. **Effective: October 1, 2009.**

SENATE BILL 1018, Ban Certain Single-Use Bags, provides for the reduction of plastic and nonrecycled paper bag use on North Carolina's Outer Banks by prohibiting retailers from providing customers with plastic bags unless the bag is a reusable bag, or the bag is used solely to hold sales to an individual customer of otherwise unpackaged portions of fresh fish, meat, poultry, and produce. The penalty for a violation is not more than \$100 for a first violation, \$200 for a second violation within any 12-month period, and \$500 for each additional violation within any 12-month period. **Effective: September 1, 2009, and applies to retail sales made on or after that date and applies only in Dare County.**

SENATE BILL 1019, Establish NC Financial Literacy Council, establishes the North Carolina Financial Literacy Council. The Council will monitor and assist the Department of Public Instruction in the coordination of statewide delivery of financial education within the public school system, identify programs designed to increase the financial literacy of North Carolinians outside the public school system, and work to expand access to financial education resources and programs in communities across North Carolina. The Council will consider and make recommendations to address the following issues: current personal financial literacy programs in the public schools and how to integrate financial education in K-12 to ensure that young people are prepared for financial success; unique financial issues facing students in higher education and how to address those issues through the community colleges and public and private university systems; and the creation of and access to financial products that provide hands-on learning of financial skills. **Effective: July 10, 2009.**

SENATE BILL 1020, Improve Upper Neuse Basin Water Quality, protects and restores water quality and quantity in the Upper Neuse River Basin, Falls Lake, and other drinking water supply reservoirs by directing the Environmental Management Commission to provide credit to local governments, landowners, and others who reduce water pollution in the Upper Neuse River Basin before permanent rules are adopted. The legislation also modifies the nutrient management strategy and adopts a sedimentation strategy for certain drinking water supply reservoirs. **Effective: The majority of the provisions are effective August 26, 2009.**

SENATE JOINT RESOLUTION 1109, Adjournment Resolution, sets the time for adjournment of the 2009 General Assembly on August 11, 2009 and provides that the 2010 Session of the 2009 General Assembly will reconvene on Wednesday, May 12, 2010, at 12:00 noon. Only the following matters may be considered in 2010: (1) bills directly and primarily affecting the State budget; (2) bills amending the Constitution of North Carolina; (3) bills and resolutions introduced in 2009 and that passed the house in which they were introduced and received in the other house; (4) bills and resolutions implementing the recommendations of: study commissions, authorities, and statutory commissions; the General Statutes Commission, the Courts Commission, or any commission authorized or directed to report to the General Assembly; the House Ethics Committee; select committees; or the Joint Legislative Ethics Committee or its Advisory Subcommittee; (5) any local bill accompanied by a certificate signed by the principal sponsor stating that no public hearing will be required or asked for by a member on the bill, the bill is noncontroversial, and that the bill is approved for introduction by each member of the House of Representatives and Senate whose district includes the area to which the bill applies; (6) selection, appointment, or confirmation of members of State boards and commissions as required by law; (7) any matter authorized by joint resolution passed by a two-thirds majority of the members of the House of Representatives present and voting and by a two-thirds majority of the members of the Senate present and voting; (8) a joint resolution authorizing the introduction of a bill; (9) any bills primarily affecting any State or local pension or retirement system; (10) joint resolutions, House resolutions, and Senate resolutions authorized for introduction under Senate Rule 40(b) or House Rule 31; (11) a joint resolution adjourning the 2009 Regular Session, sine die; and (12) bills to disapprove rules under G.S. 150B-21.3. **Effective: August 11, 2009.**

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