

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 469

Short Title: Haz. Waste Comm. May Bypass Council.

(Public)

Sponsors: Representative Rhyne.

Referred to: Environment.

April 1, 1991

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE TRANSFER OF PROPERTY OWNED BY THE
2 STATE TO THE HAZARDOUS WASTE MANAGEMENT COMMISSION IF
3 THE COMMISSION SELECTS A PREFERRED SITE FOR A HAZARDOUS
4 WASTE FACILITY THAT INCLUDES PROPERTY OWNED BY THE STATE,
5 WITHOUT THE APPROVAL OF THE GOVERNOR AND COUNCIL OF STATE
6 FOR SUCH TRANSFER.
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 130B-11(e) reads as rewritten:

10 "(e) The Commission shall select suitable sites for evaluation and shall select the
11 preferred site for each hazardous waste facility in accordance with a site selection
12 schedule adopted by the Commission. Upon selection of a preferred site the
13 Commission shall begin proceedings to purchase or if necessary, condemn property for
14 the site under the State's power of eminent domain. The procedure for condemnation by
15 the Commission shall be as set out in Article 9 of Chapter 136 of the General Statutes,
16 except that the Commission shall have the same rights, powers, duties, and
17 responsibilities as are set out for the Department of Transportation. The General
18 Assembly finds that the protection of public health, safety, and welfare, including
19 protection of the environment, requires that facilities for the management of hazardous
20 waste be established. The acquisition of real property for the management of hazardous
21 waste is therefore declared to be for the use and benefit of the public, and to serve a
22 public purpose. Fee simple title to real property shall be vested in the Commission. In
23 the event the Commission selects a preferred site that includes land owned by the State,
24 the Commission shall request the Department of Administration to execute a deed

1 transferring fee simple title to the Commission. Upon receiving the Commission's
2 request, the Department of Administration shall execute a deed to the land to the
3 Commission. If the proposed site is not selected as a final site or if a hazardous waste
4 facility is not constructed or continued in operation at the site, the Commission shall
5 execute a deed transferring fee simple title back to the State. Notwithstanding any other
6 provision of law, the transfer of land owned by the State shall not be subject to the
7 review or approval by the Governor and Council of State. The Commission may
8 substitute an alternate site for the preferred site in the event that it is determined that any
9 permit or license necessary for the construction or operation of the proposed facility
10 cannot be obtained if the facility is located at the preferred site."

11 Sec. 2. This act is effective upon ratification.