

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

1

HOUSE BILL 822*

Short Title: Environmental Technical Corrections 2007. (Public)

Sponsors: Representatives Allen, Gibson (Primary Sponsors); Alexander and Harrison.

Referred to: Environment and Natural Resources.

March 15, 2007

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-37-1 reads as rewritten:

"§ 58-37-1. **Definitions.**

As used in this Article:

...

(7) "Motor vehicle insurance" means direct insurance against liability arising out of the ownership, operation, maintenance or use of a motor vehicle for bodily injury including death and property damage and includes medical payments and uninsured and underinsured motorist coverages.

With respect to motor carriers who are subject to the financial responsibility requirements established under the Motor Carrier Act of 1980, the term, "motor vehicle insurance" includes coverage with respect to environmental restoration. As used in this subsection the term, "environmental restoration" means restitution for the loss, damage, or destruction of natural resources arising out of the accidental discharge, dispersal, release, or escape into or upon the land, atmosphere, ~~water course~~ watercourse, or body of water of any commodity transported by a motor carrier. Environmental restoration includes the cost of removal and the cost of necessary measures taken to minimize or mitigate damage to human health, the natural environment, fish, shellfish, and wildlife.

...."

SECTION 2. G.S. 104E-10.1 reads as rewritten:

1 **"§ 104E-10.1. Additional requirements for low-level radioactive waste facilities.**

2 (a) An applicant for a permit for a low-level radioactive facility shall satisfy the
3 ~~department~~ Department that:

4 (1) Any low-level radioactive waste facility heretofore constructed or
5 operated by the applicant (or any parent or subsidiary corporation if
6 the applicant is a corporation) has been operated in accordance with
7 sound waste management practices and in substantial compliance with
8 federal and state laws and regulations; and

9 (2) The applicant (or any parent or subsidiary corporation if the applicant
10 is a corporation) is financially qualified to operate the subject
11 low-level radioactive waste facility.

12 The approval of a permit shall be contingent upon the applicant first satisfying the
13 ~~department~~ Department that ~~he~~ the applicant has met the above two requirements. In
14 order to continue to hold a ~~license~~ permit under this Chapter, a ~~licensee~~ the permittee
15 must remain financially qualified, and must provide any information requested by the
16 Department to show that ~~he~~ the permittee continues to be financially qualified.

17 (b) Each permit applicant or permit holder (or any parent or subsidiary
18 corporation if the permit applicant or permit holder is a corporation), as a condition of
19 receiving or holding a permit, shall have an independent annual audit by a firm of duly
20 licensed certified public accountants carrying a minimum of five million dollars
21 (\$5,000,000) professional liability insurance coverage, proof of which coverage shall be
22 provided with the issuance of the audit report. Each permit applicant or permit holder
23 referred to above shall also provide the ~~Department of Environment and Natural~~
24 ~~Resources~~ with a copy of the report and shall submit a copy of the report to the State
25 Auditor for approval regarding its adequacy and completeness. As a minimum, the
26 required report shall include the financial statements prepared in accordance with
27 generally accepted accounting principles, all disclosures in the public interest required
28 by law, and the auditor's opinion and comments relating to the financial statements. The
29 audit shall be performed in conformity with generally accepted auditing standards.

30 (c) Within 10 days of receiving an application for a ~~license~~ permit or an
31 amendment to a ~~license~~ permit to operate a low-level radioactive waste facility, the
32 Department shall notify the clerk of the board of commissioners of the county or
33 counties in which the facility is proposed to be located or is located, and, if the facility
34 is to be located or is located within a city, the clerk of the governing board of the city,
35 that the application has been filed, and shall file a copy of the application with the clerk.
36 Prior to issuing a ~~license~~ permit or an amendment to an existing ~~license~~ permit, the
37 ~~Secretary of the Department~~ or his the Secretary's designee shall conduct a public
38 hearing in the county, or in one of the counties, in which a person proposes to operate a
39 low-level radioactive waste facility or to enlarge an existing facility. The Secretary shall
40 give notice of the hearing at least 30 days prior to the date thereof by:

41 (1) Publication in a newspaper or newspapers having general circulation in
42 the county or counties where the facility is to be located for three
43 consecutive weeks beginning 30 days prior to the scheduled date of the
44 hearing; and

- 1 (2) First class mail to persons who have requested such notice. The
2 Department shall maintain a mailing list of persons who request notice
3 pursuant to this subsection."

4 **SECTION 3.** G.S. 120-70.36 reads as rewritten:

5 **"§ 120-70.36. Staffing.**

6 The Legislative Services Officer shall assign as staff to the Joint Select Committee
7 professional employees of the General Assembly, as approved by the Legislative
8 Services Commission. Clerical staff shall be assigned to the Joint Select Committee
9 through the offices of the ~~Supervisor of Clerks of the Senate and Supervisor of Clerks of~~
10 ~~the House of Representatives~~ Directors of Legislative Assistants of the Senate and
11 House of Representatives. The expenses of employment of clerical staff shall be borne
12 by the Joint Select Committee."

13 **SECTION 4.** G.S. 120-70.46 reads as rewritten:

14 **"§ 120-70.46. Staffing.**

15 The Legislative Services Officer shall assign as staff to the Environmental Review
16 Commission professional employees of the General Assembly, as approved by the
17 Legislative Services Commission. Clerical staff shall be assigned to the Environmental
18 Review Commission through the offices of the ~~Supervisor of Clerks of the Senate and~~
19 ~~Supervisor of Clerks of the House of Representatives~~ Directors of the Legislative
20 Assistants of the Senate and House of Representatives. The expenses of employment of
21 clerical staff shall be borne by the Environmental Review Commission."

22 **SECTION 5.** G.S. 120-70.65 reads as rewritten:

23 **"§ 120-70.65. Staffing.**

24 The Legislative Services Officer shall assign as staff to the Commission professional
25 employees of the General Assembly, as approved by the Legislative Services
26 Commission. Clerical staff shall be assigned to the Commission through the ~~Offices of~~
27 ~~the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of~~
28 ~~Representatives~~ offices of the Directors of Legislative Assistants of the Senate and
29 House of Representatives. The expenses of employment of clerical staff shall be borne
30 by the Commission."

31 **SECTION 6.** G.S. 130A-294(f) reads as rewritten:

- 32 "(f) Within 10 days of receiving an application for a permit or for an
33 amendment to an existing permit for a hazardous waste facility,
34 the Department shall notify the clerk of the board of
35 commissioners of the county or counties in which the facility is
36 proposed to be located or is located and, if the facility is
37 proposed to be located or is located within a city, the clerk of
38 the governing board of the city, that the application has been
39 filed, and shall file a copy of the application with the clerk.
40 Prior to the issuance of a permit or an amendment of an existing
41 permit the Secretary or ~~his~~ the Secretary's designee shall
42 conduct a public hearing in the county, or in one of the counties
43 in which the hazardous waste facility is proposed to be located
44 or is located. The Secretary or ~~his~~ the Secretary's designee shall

1 give notice of the hearing, and the public hearing shall be in
2 accordance with applicable federal regulations adopted pursuant
3 to RCRA and with Chapter 150B of the General Statutes.
4 Where the provisions of the federal regulations and Chapter
5 150B of the General Statutes are inconsistent, the federal
6 regulations shall apply."

7 **SECTION 7.** G.S. 143-215.74 reads as rewritten:

8 "**§ 143-215.74. Agriculture cost share program.**

9 (a) There is created the Agriculture Cost Share Program for Nonpoint Source
10 Pollution Control. The program shall be created, implemented, and supervised by the
11 Soil and Water Conservation Commission.

12 (b) The program shall be subject to the following requirements and limitations:

13 (1) The purpose of the program shall be to reduce the input of agricultural
14 nonpoint source pollution into the ~~water courses~~ watercourses of the
15 State.

16 (2) The program shall initially include the present 16 nutrient sensitive
17 watershed counties and 17 additional counties.

18"

19 **SECTION 8.** G.S. 160A-479.7(a) reads as rewritten:

20 "(a) The charter may confer on the regional sports authority any or all of the
21 following powers:

22 ...

23 (16) To study and plan for new and improved major regional sports and
24 recreational facilities including but not limited to arenas, stadia,
25 gymnasias, natatoria, pitches, fields, ~~water courses~~ watercourses, and
26 other areas for the conduct of sports and recreational activities. These
27 facilities should be of such sizes and in such locations that they will be
28 adequate to serve the population of the entire jurisdiction of the
29 authority (and beyond) to the extent possible;

30"

31 **SECTION 9.** Section 12.7.(d) of S.L. 2006-66 reads as rewritten:

32 "**DEPARTMENT OF COMMERCE/REPORT ON AGRIBUSINESS FUNDS**

33 ...

34 **SECTION 12.7.(d)** The Department shall submit the report to the House
35 Appropriations ~~Committee~~ Subcommittee on Environment, Health, and Natural and
36 Economic Resources, the Senate Appropriations Committee on Natural and Economic
37 Resources, and the Fiscal Research Division no later than May 1, 2007."

38 **SECTION 10.** Section 2 of S.L. 2006-139 reads as rewritten:

39 "**SECTION 2.** The Commissioner of Agriculture shall file a report no later than 31
40 March of each year with the Chairs of the House of Representatives Appropriations
41 Subcommittee on Natural and Economic Resources and Senate Appropriations
42 ~~Subcommittees~~ Committee on Natural and Economic Resources, the Chair of the House
43 of Representatives Agriculture Committee, and the Chair of the Senate Committee on
44 Agriculture, Environment, and Natural Resources which shall include the following:

- 1 (1) The short- and long-term problems associated with maintaining a
2 viable dairy industry in the State.
3 (2) Ways to sustain the existing dairy industry in the State.
4 (3) Opportunities to expand the dairy industry, including attracting both
5 new dairy producers and new processors to the State.
6 (4) The contribution of dairy farms to the maintenance of prime
7 agricultural land and the quality of life in the State.
8 (5) An analysis of the effectiveness of the Dairy Stabilization and Growth
9 Program in achieving the goals of maintaining a local supply of fresh
10 milk for processing and consumption, facilitating the entry of young
11 farmers into the dairy industry, and preserving green space along the
12 urban fringe.
13 (6) Other factors that impact the dairy industry in the State."

14 **SECTION 11.** G.S. 113-270.1A(a1) reads as rewritten:

15 "(a1) A person who qualifies for a ~~totally disabled resident combination~~
16 ~~hunting fishing license~~ Lifetime Combination Hunting and Fishing License for Disabled
17 Residents under G.S. 113-270.1C(b)(4) need not comply with the requirements of
18 subsection (a) of this section in order to receive that license, so long as the person does
19 not make use of the license unless:

- 20 (1) The disabled hunter is accompanied by an adult who is licensed to
21 hunt; and
22 (2) The licensed adult maintains a proximity to the disabled hunter which
23 enables the adult to monitor the activities of, and communicate with,
24 the disabled hunter at all times."

25 **SECTION 12.** This act is effective when it becomes law.