

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**SENATE DRS35213-TAz-3A\* (02/05)**

Short Title: Environmental Technical Corrections 2007.

(Public)

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Sponsors: Senator Albertson.

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Referred to:

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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.

...."

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

2   "**§ 104E-10.1. Additional requirements for low-level radioactive waste facilities.**

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

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

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

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

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

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

42           (1) Publication in a newspaper or newspapers having general circulation in  
43           the county or counties where the facility is to be located for three

1 consecutive weeks beginning 30 days prior to the scheduled date of the  
2 hearing; and

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

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

7 **"§ 120-70.36. Staffing.**

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

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

16 **"§ 120-70.46. Staffing.**

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

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

25 **"§ 120-70.65. Staffing.**

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

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

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

1 in which the hazardous waste facility is proposed to be located  
2 or is located. The Secretary or ~~his~~ the Secretary's designee shall  
3 give notice of the hearing, and the public hearing shall be in  
4 accordance with applicable federal regulations adopted pursuant  
5 to RCRA and with Chapter 150B of the General Statutes.  
6 Where the provisions of the federal regulations and Chapter  
7 150B of the General Statutes are inconsistent, the federal  
8 regulations shall apply."

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

10 **"§ 143-215.74. Agriculture cost share program.**

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

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

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

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

20 ...."

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

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

24 ...

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

32 ...."

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

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

35 ...

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

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

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

1 of Representatives Agriculture Committee, and the Chair of the Senate Committee on  
2 Agriculture, Environment, and Natural Resources which shall include the following:

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

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

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

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

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