

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1801*
Committee Substitute Favorable 6/1/10

Short Title: Environmental Technical Corrections 2010.

(Public)

Sponsors:

Referred to:

May 19, 2010

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS
3 TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENERGY, AND
4 NATURAL RESOURCES, AS RECOMMENDED BY THE ENVIRONMENTAL
5 REVIEW COMMISSION.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 114-4.2D reads as rewritten:

8 "§ 114-4.2D. **Employment of attorney for Energy Policy Council and Energy Efficiency**
9 **Program of the Department of Administration Commerce.**

10 The Attorney General shall assign an attorney ~~on his staff~~ to work full time with the Energy
11 Policy Council and Energy Efficiency Program of the Department of ~~Administration~~
12 Commerce. Such attorney shall be subject to all provisions of Chapter 126 of the General
13 Statutes relating to the State Personnel System. Such attorney shall also perform such
14 additional duties as may be assigned ~~to him~~ by the Attorney General."

15 SECTION 2. The title of Article 19 of Chapter 120 of the General Statutes reads as
16 rewritten:

17 "Article 19.

18 ~~Commission on~~ Agriculture and Forestry Awareness Study Commission."

19 SECTION 3. G.S. 120-150 reads as rewritten:

20 "§ 120-150. **Creation; appointment of members.**

21 There is created an Agriculture and Forestry Awareness Study Commission. Members of
22 the Commission shall be citizens of North Carolina who are interested in the vitality of the
23 agriculture and forestry sectors of the State's economy. Members shall be as follows:

- 24 (1) Three appointed by the ~~Governor;~~ Governor.
- 25 (2) Three appointed by the President Pro Tempore of the ~~Senate;~~ Senate.
- 26 (3) Three appointed by the Speaker of the ~~House;~~ House.
- 27 (4) The ~~chairman~~ chairs of the House Agriculture ~~Committee;~~ Committee.
- 28 (5) The ~~chairman~~ chairs of the Senate ~~Agriculture Committee;~~ Committee on
29 Agriculture, Environment, and Natural Resources.
- 30 (6) The Commissioner of Agriculture or the Commissioner's ~~designee;~~ designee.
- 31 (7) A member of the Board of Agriculture designated by the ~~chairman~~ chair
32 of the Board of ~~Agriculture;~~ Agriculture.
- 33 (8) The President of the North Carolina Farm Bureau Federation, Inc., or the
34 President's ~~designee;~~ designee.
- 35 (9) The ~~Master-President~~ of the North Carolina State Grange or the ~~Master's~~
36 President's designee; designee.



- 1 (10) The Secretary of Environment and Natural Resources or the Secretary's
2 ~~designee; and~~designee.
3 (11) The President of the North Carolina Forestry Association, Inc., or the
4 President's designee.

5 Members shall be appointed for two-year terms beginning October 1 of each odd-numbered
6 year. The Chairs of the House Agriculture Committee and the Chairs of the Senate Committee
7 on Agriculture, Environment, and Natural Resources shall serve as cochairs.~~The cochairmen of~~
8 ~~the Commission shall be the chairmen of the Senate and House Agriculture Committees~~
9 ~~respectively."~~

10 **SECTION 4.** G.S. 130A-309.10(l) reads as rewritten:

11 "(l) Oyster shells that are delivered to a landfill shall be stored at the landfill for at least
12 90 days or until they are removed for recycling. If oyster shells that are stored at a landfill are
13 not removed for recycling within 90 days of delivery to the landfill, then, notwithstanding
14 subdivision ~~(42)~~(13) of subsection (f) of this section, the oyster shells may be disposed of in the
15 landfill."

16 **SECTION 5.** G.S. 130A-309.12(b) reads as rewritten:

17 "(b) The Solid Waste Management Trust Fund shall consist of the following:

- 18 (1) Funds appropriated by the General Assembly.
19 (2) Contributions and grants from public or private sources.
20 (3) ~~Five percent (5%)~~Eight percent (8%) of the proceeds of the scrap tire
21 disposal tax imposed under Article 5B of Chapter 105 of the General
22 Statutes.
23 (4) Eight percent (8%) of the proceeds of the white goods disposal tax imposed
24 under Article 5C of Chapter 105 of the General Statutes.
25 (5) Twelve and one-half percent (12.5%) of the proceeds of the solid waste
26 disposal tax imposed under Article 5G of Chapter 105 of the General
27 Statutes."

28 **SECTION 6.** G.S. 130A-310.11(b) reads as rewritten:

29 "(b) Funds credited to the Inactive Hazardous Sites Cleanup Fund pursuant to
30 G.S. 130A-295.9 shall be used only as provided in G.S. 130A-295.9(1) and
31 ~~G.S. 130A-310.5(e)~~G.S. 130A-310.6(c)."

32 **SECTION 7.** G.S. 143-355.4(b) reads as rewritten:

33 "(b) To be eligible for State water infrastructure funds from the Drinking Water State
34 Revolving Fund or the Drinking Water Reserve ~~Fund~~ or any other grant or loan of funds
35 allocated by the General Assembly whether the allocation of funds is to a State agency or to a
36 nonprofit organization for the purpose of extending waterlines or expanding water treatment
37 capacity, a local government or large community water system must demonstrate that the
38 system:

39"

40 **SECTION 8.** G.S. 153B-2 reads as rewritten:

41 "**§ 153B-2. Definitions.**

42 The following definitions apply in this ~~Article~~Chapter:

- 43 (1) Commission. – The Mountain Resources Commission created by this
44 Chapter.
45 (2) Council. – The Mountain Area Resources Technical Advisory Council.
46 (3) Important mountain resources. – The natural and cultural resources of the
47 mountain region of Western North Carolina, including, but not limited to,
48 State and federal public lands, wildlife habitat, farms, forestland and rural
49 landscapes, mountain vistas, mountain streams and rivers, mountain lakes,
50 and historical and archeological resources.

1 (4) Mountain region of Western North Carolina. – The area encompassed by the
2 counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke,
3 Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson,
4 Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry,
5 Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.

6 (5) Secretary. – The Secretary of ~~the Department of Environment and Natural~~
7 Resources."

8 **SECTION 9.** G.S. 153B-3(d) reads as rewritten:

9 "(d) Membership. – The Commission shall consist of 17 members as follows:

10 ...

11 (d1) Officers; Terms. – The members of the Commission shall elect a chair, vice-chair,
12 and any other officers they consider necessary and shall determine the length of the term of
13 office, not to exceed two years, of each officer. A majority of the Commission shall constitute a
14 quorum. Each member appointed to the Commission shall be appointed to serve a four-year
15 term. Any vacancy on the Commission shall be filled by the original appointing authority for
16 the remainder of the unexpired term. Initial terms commence September 1, 2009."

17 **SECTION 10.** G.S. 153B-4 reads as rewritten:

18 "**§ 153B-4. Mountain Area Resources Technical Advisory Council.**

19 ...

20 (d) Members; Multiple Offices. – Membership on the ~~Mountain Area Resources~~
21 ~~Technical Advisory Council~~ is hereby declared to be an office that may be held concurrently
22 with other elective or appointive offices (except the office of Commission member) in addition
23 to the maximum number of offices permitted to be held by one person under G.S. 128-1.1.

24 (e) ~~Chairman Chair and Vice Chairman Chair.~~ – A ~~chairman chair~~ and vice ~~chairman~~
25 ~~chair~~ shall be elected annually by the Council.

26 (f) Compensation. – The members of the ~~Advisory Council~~ who are not State
27 employees may receive per diem and necessary travel and subsistence expenses in accordance
28 with the provisions of G.S. 138-5. All expenses shall be paid from funds available to the
29 Commission through the Mountain Area Resources Fund, but no expenses shall be paid if the
30 Mountain Area Resources Fund lacks the necessary funds."

31 **SECTION 11.** Section 3(d) of S.L. 2005-190 reads as rewritten:

32 "**SECTION 3.(d) Eligibility under the Clean Water Revolving Loan and Grant Act.** –
33 The definitions set out in G.S. 159G-3 apply to this subsection. The operator of a wastewater
34 treatment works that is owned by an agency of the State may apply for a loan or grant under
35 ~~Chapter 159G of the General Statutes~~ G.S. 159G-20 on the same basis as any other applicant if
36 the operator is a local government unit and if the local government unit operates the wastewater
37 treatment works pursuant to a contract with the State agency that contemplates that the local
38 government unit will eventually acquire ownership of the wastewater treatment works."

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