

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1802*
Committee Substitute Favorable 6/1/10
Senate Agriculture/Environment and Natural Resources Committee Substitute Adopted
7/1/10

Short Title: ENR Reports Consol. / Tech. Corrects 2010.

(Public)

Sponsors:

Referred to:

May 19, 2010

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

7 The General Assembly of North Carolina enacts:

8
9 **PART I. REPORTS CONSOLIDATION.**

10 **SECTION 1.** G.S. 130A-309.06(c)(13) is repealed.

11 **SECTION 2.** G.S. 130A-310.57 reads as rewritten:

12 **"§ 130A-310.57. (Effective until December 31, 2017) Reports.**

13 The Department shall submit an annual report on the mercury switch removal program
14 under this Part to the Environmental Review ~~Commission~~ Commission, ~~and~~ the Senate and
15 House of Representatives Appropriations Subcommittees on Natural and Economic
16 ~~Resources~~ Resources, and the Fiscal Research Division of the General Assembly on or before 1,
17 October of each year. The report shall include, at a minimum, all of the following:

- 18 (1) A detailed description of the mercury recovery performance ratio achieved
19 by the mercury switch removal program.
- 20 (1a) A detailed description of the mercury switch collection system developed
21 and implemented by vehicle manufacturers in accordance with the
22 NVMSRP.
- 23 (2) In the event that a mercury recovery performance ratio of at least 0.90 of the
24 national mercury recovery performance ratio as reported by the NVMSRP is
25 not achieved, a description of additional or alternative actions that may be
26 implemented to improve the mercury switch removal program.
- 27 (3) The number of mercury switches collected and a description of how the
28 mercury switches were managed.
- 29 (4) A statement that details the costs required to implement the mercury switch
30 removal program including a summary of receipts and disbursements from
31 the Mercury Switch Removal Account."

32 **SECTION 3.** G.S. 143-214.13 reads as rewritten:

33 **"§ 143-214.13. Ecosystem Enhancement Program: reporting requirement.**

34 (a) The Department of Environment and Natural Resources shall report each year by
35 November 1 to the Environmental Review Commission and to the Joint Legislative



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1 Commission on Governmental Operations regarding its progress in implementing the
2 Ecosystem Enhancement Program and its use of the funds in the Ecosystem Restoration Fund.
3 The report shall document statewide wetlands losses and gains and compensatory mitigation
4 performed under G.S. 143-214.8 through G.S. 143-214.12. The report shall also provide an
5 accounting of receipts and disbursements of the Ecosystem Restoration Fund, an analysis of the
6 per-acre cost of wetlands restoration, and a cost comparison on a per-acre basis between the
7 State's Ecosystem Enhancement Program and private mitigation banks. The Department shall
8 also send a copy of its report to the Fiscal Research Division of the General Assembly.

9 (b) The Department shall maintain an inventory of all property that is held, managed,
10 maintained, enhanced, restored, or used to create wetlands under the Ecosystem Enhancement
11 Program. The inventory shall also list all conservation easements held by the Department. The
12 inventory shall be included in the annual report required under subsection (a) of this section."

13 **SECTION 4.** G.S. 143B-336.1 reads as rewritten:

14 "**§ 143B-336.1. Special Zoo Fund.**

15 A special continuing and nonreverting fund, to be called the Special Zoo Fund, is created.
16 The North Carolina Zoological Park shall retain unbudgeted receipts at the end of each fiscal
17 year, beginning June 30, 1989, and deposit these receipts into this Fund. This Fund shall be
18 used for maintenance, repairs, and renovations of exhibits in existing habitat clusters and visitor
19 services facilities, construction of visitor services facilities and support facilities such as
20 greenhouses and temporary animal holding areas, for the replacement of tram equipment as
21 required to maintain adequate service to the public, and for marketing the Zoological Park. The
22 Special Zoo Fund may also be used to match private funds that are raised for these purposes.
23 Funds may be expended for these purposes by the Department of Environment and Natural
24 Resources on the advice of the North Carolina Zoological Park Council and with the approval
25 of the Office of State Budget and Management. The Department of Environment and Natural
26 Resources shall provide ~~an annual~~ a report on or before October 1 of each year to the Office of
27 State Budget and ~~Management~~ Management, ~~and to the Fiscal Research Division of the~~
28 ~~Legislative Services Office~~ General Assembly, and to the Joint Legislative Commission on
29 Governmental Operations on the use of fees collected pursuant to this section."

30 **SECTION 5.** G.S. 143B-344.21 reads as rewritten:

31 "**§ 143B-344.21. Reports to General Assembly.**

32 The Commission shall prepare and submit a report outlining the needs of the North
33 Carolina State Museum of Natural Sciences and recommendations for improvement of the
34 effectiveness of the North Carolina State Museum of Natural Sciences for the purpose
35 hereinabove set forth to the 1995 General Assembly, and to each succeeding General
36 Assembly, to the Fiscal Research Division of the General Assembly, and to the Joint
37 Legislative Commission on Governmental Operations ~~a report outlining the needs of the North~~
38 ~~Carolina State Museum of Natural Sciences and their recommendation for improvement of the~~
39 ~~effectiveness of the North Carolina State Museum of Natural Sciences for the purpose~~
40 ~~hereinabove set forth~~ on or before October 1 of each year."

41 **SECTION 6.** S.L. 2002-4, Section 11, as amended by S.L. 2006-79, reads as
42 rewritten:

43 "**SECTION 11.** The Environmental Management Commission shall study the desirability
44 of requiring and the feasibility of obtaining reductions in emissions of oxides of nitrogen (NOx)
45 and sulfur dioxide (SO2) beyond those required by G.S. 143-215.107D, as enacted by Section 1
46 of this act. The Environmental Management Commission shall consider the availability of
47 emissions reduction technologies, increased cost to consumers of electric power, reliability of
48 electric power supply, actions to reduce emissions of oxides of nitrogen (NOx) and sulfur
49 dioxide (SO2) taken by states and other entities whose emissions negatively impact air quality
50 in North Carolina or whose failure to achieve comparable reductions would place the economy
51 of North Carolina at a competitive disadvantage, and the effects that these reductions would

1 have on public health, the environment, and natural resources, including visibility. In its
 2 conduct of this study, the Environmental Management Commission may consult with the
 3 Utilities Commission and the Public Staff. The Environmental Management Commission shall
 4 report its findings and recommendations to the General Assembly and the Environmental
 5 Review Commission ~~annually~~ biennially beginning ~~1 September 2007~~ 1 September 2011."

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 7 **PART II. TECHNICAL CORRECTIONS.**

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

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

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

16 **SECTION 8.** The title of Article 19 of Chapter 120 of the General Statutes reads as
 17 rewritten:

18 "Article 19.

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

20 **SECTION 9.** G.S. 120-150 reads as rewritten:

21 "**§ 120-150. Creation; appointment of members.**

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

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

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

47 **SECTION 10.** G.S. 130A-309.10(1) reads as rewritten:

48 "(1) Oyster shells that are delivered to a landfill shall be stored at the landfill for at least
 49 90 days or until they are removed for recycling. If oyster shells that are stored at a landfill are
 50 not removed for recycling within 90 days of delivery to the landfill, then, notwithstanding

1 subdivision ~~(42)~~(13) of subsection (f) of this section, the oyster shells may be disposed of in the
2 landfill."

3 **SECTION 11.** G.S. 130A-309.12(b) reads as rewritten:

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

- 5 (1) Funds appropriated by the General Assembly.
- 6 (2) Contributions and grants from public or private sources.
- 7 (3) ~~Five percent (5%)~~Eight percent (8%) of the proceeds of the scrap tire
8 disposal tax imposed under Article 5B of Chapter 105 of the General
9 Statutes.
- 10 (4) Eight percent (8%) of the proceeds of the white goods disposal tax imposed
11 under Article 5C of Chapter 105 of the General Statutes.
- 12 (5) Twelve and one-half percent (12.5%) of the proceeds of the solid waste
13 disposal tax imposed under Article 5G of Chapter 105 of the General
14 Statutes."

15 **SECTION 12.** G.S. 130A-310.11(b) reads as rewritten:

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

19 **SECTION 13.** G.S. 143-355.4(b) reads as rewritten:

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

26"

27 **SECTION 14.** G.S. 153B-2 reads as rewritten:

28 "**§ 153B-2. Definitions.**

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

- 30 (1) Commission. – The Mountain Resources Commission created by this
31 Chapter.
- 32 (2) Council. – The Mountain Area Resources Technical Advisory Council.
- 33 (3) Important mountain resources. – The natural and cultural resources of the
34 mountain region of Western North Carolina, including, but not limited to,
35 State and federal public lands, wildlife habitat, farms, forestland and rural
36 landscapes, mountain vistas, mountain streams and rivers, mountain lakes,
37 and historical and archeological resources.
- 38 (4) Mountain region of Western North Carolina. – The area encompassed by the
39 counties of Alexander, Alleghany, Ashe, Avery, Buncombe, Burke,
40 Caldwell, Cherokee, Clay, Cleveland, Graham, Haywood, Henderson,
41 Jackson, McDowell, Macon, Madison, Mitchell, Polk, Rutherford, Surry,
42 Swain, Transylvania, Watauga, Wilkes, Yadkin, and Yancey in the State.
- 43 (5) Secretary. – The Secretary of ~~the Department of Environment and Natural~~
44 ~~Resources."~~

45 **SECTION 15.** G.S. 153B-3(d) reads as rewritten:

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

47 ...

48 (d1) Officers; Terms. – The members of the Commission shall elect a chair, vice-chair,
49 and any other officers they consider necessary and shall determine the length of the term of
50 office, not to exceed two years, of each officer. A majority of the Commission shall constitute a
51 quorum. Each member appointed to the Commission shall be appointed to serve a four-year

1 term. Any vacancy on the Commission shall be filled by the original appointing authority for
2 the remainder of the unexpired term. Initial terms commence September 1, 2009."

3 **SECTION 16.** G.S. 153B-4 reads as rewritten:

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

5 ...

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

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

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

17 **SECTION 17.** Section 3(d) of S.L. 2005-190 reads as rewritten:

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

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26 **PART III. EFFECTIVE DATE.**

27 **SECTION 18.** This act is effective when it becomes law.