

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 838*
House Committee Substitute Favorable 8/5/09

Short Title: Amend Env Laws/Env Tech Corrects 2009.

(Public)

Sponsors:

Referred to:

March 25, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (2) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (3) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; (4) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY; (5) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (6) CLARIFY IMPLEMENTATION OF NUTRIENT OFFSETS UNDER THE JORDAN LAKE RULES; (7) CLARIFY IMPLEMENTATION OF THE JORDAN LAKE RULES RELATED TO FEDERAL AND STATE ENTITIES; (8) MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES; AND (9) AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

The General Assembly of North Carolina enacts:

PART I. AMEND ENVIRONMENTAL AND NATURAL RESOURCES LAWS.

SECTION 1. G.S. 130A-131.8 reads as rewritten:

"§ 130A-131.8. Laboratory Reports ~~reports of blood levels in children.~~

(a) All laboratories doing business in this State shall report to the Department all environmental lead test results and blood lead test results for children less than six years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made by electronic submission within five working days after test ~~completion on forms provided by the Department or on self-generated forms containing:~~ completion.

(b) Reports of blood lead test results shall contain all of the following:

- (1) ~~the~~ The child's full name, date of birth, sex, race, ethnicity, address, and Medicaid number, if ~~any~~; any.
- (2) ~~the~~ The name, address, and telephone number of the requesting health care ~~provider~~; provider.
- (3) ~~the~~ The name, address, and telephone number of the testing ~~laboratory~~; laboratory.
- (4) ~~the~~ The laboratory results, whether the specimen ~~type~~ — type is venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. ~~The reports may be made by electronic submissions.~~

(c) Reports of environmental lead test results shall contain all of the following:



- 1 (1) The address where the samples were collected.
- 2 (2) Sample type, such as dust, paint, soil, or water.
- 3 (3) Surface type, such as floor, window sill, or window trough.
- 4 (4) Collection location.
- 5 (5) The name, address, and telephone number of the testing laboratory.
- 6 (6) The laboratory results, unit of measurement, the laboratory sample number,
7 and the dates the sample was collected and analyzed."

8 **SECTION 2.** G.S. 130A-248(d) reads as rewritten:

9 "(d) The Department shall charge each establishment subject to this section, except
10 nutrition programs for the elderly administered by the Division of Aging and Adult Services of
11 the Department of Health and Human Services, establishments that prepare and sell meat food
12 products or poultry products, and public school cafeterias, ~~an annual fee of fifty dollars~~
13 ~~(\$50.00).~~ cafeterias, a fee of fifty dollars (\$50.00) for each permit issued. This fee shall be
14 reassessed annually for permits that do not expire. The Commission shall adopt rules to
15 implement this subsection. Fees collected under this subsection shall be used for State and local
16 food, lodging, and institution sanitation programs and activities. No more than thirty-three and
17 one-third percent (33 1/3%) of the fees collected under this subsection may be used to support
18 State health programs and activities."

19 **SECTION 3.(a)** Section 2 of S.L. 2007-438 reads as rewritten:

20 "**SECTION 2.** No later than ~~1 September 2009,~~ 1 September 2010, the Department of
21 Environment and Natural Resources shall develop and implement a plan to transition the North
22 Carolina Ecosystem Enhancement Program nutrient offset program from a fee-based program
23 to a program based on the actual costs of providing nutrient credits. The new program shall use
24 the least cost alternative for providing nutrient offset credits consistent with rules adopted by
25 the Environmental Management Commission for implementation of nutrient management
26 strategies in the Neuse River Basin and the Tar-Pamlico River Basin."

27 **SECTION 3.(b)** Section 5 of S.L. 2007-438 reads as rewritten:

28 "**SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient
29 offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the
30 Environmental Management Commission on 12 January 2006. The fee schedule set out in
31 Section 1 of this act expires ~~1 September 2009,~~ 1 September 2010."

32 **SECTION 4.** G.S. 105-187.63 reads as rewritten:

33 "**§ 105-187.63. Use of tax proceeds.**

34 From the taxes received pursuant to this Article, the Secretary may retain the costs of
35 collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as
36 reimbursement to the Department. The Secretary must credit or distribute taxes received
37 pursuant to this Article, less the cost of collection, on a quarterly basis as follows:

- 38 (1) Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund
39 established by G.S. 130A-310.11.
- 40 (2) Thirty-seven and one-half percent (37.5%) to cities and counties in the State
41 on a per capita basis, using the most recent annual estimate of population
42 certified by the State Budget Officer. One-half of this amount must be
43 distributed to cities, and one-half of this amount must be distributed to
44 counties. For purposes of this distribution, the population of a county does
45 not include the population of a city located in the county.

46 A city or county is excluded from the distribution under this subdivision
47 if it does not provide solid waste management programs and services and is
48 not responsible by contract for payment for these programs and services.
49 ~~services, unless it is served by a regional solid waste management authority~~
50 ~~established under Article 22 of Chapter 153A of the General Statutes.~~ The
51 Department of Environment and Natural Resources must provide the

1 Secretary with a list of the cities and counties that are excluded under this
2 subdivision. The list must be provided by May 15 of each year and applies to
3 distributions made in the fiscal year that begins on July 1 of that year.

4 Funds distributed under this subdivision must be used by a city or county
5 solely for solid waste management programs and services. ~~A city or county
6 that receives funds under this subdivision and is served by a regional solid
7 waste management authority must forward the amount it receives to that
8 authority.~~

- 9 (3) Twelve and one-half percent (12.5%) to the Solid Waste Management Trust
10 Fund established by G.S. 130A-309.12."

11 **SECTION 5.** G.S. 113-35.1 is repealed.

12
13 **PART II. AMEND CERTAIN JORDAN WATER SUPPLY NUTRIENT STRATEGY**
14 **RULES.**

15 **SECTION 6.(a)** S.L. 2009-216 is amended by adding a new subsection to read:

16 "**SECTION 2.(d)** Section 2(b) of this act expires on the date that rules adopted pursuant to
17 Section 2(c) of this act become effective."

18 **SECTION 6.(b)** S.L. 2009-216 is amended by adding a new subsection to read:

19 "**SECTION 3.(k)** Sections 3(c) through 3(i) of this act expire on the date that rules adopted
20 pursuant to Section 3(j) of this act become effective."

21 **SECTION 6.(c)** Section 3(k) of S.L. 2009-216 reads as rewritten:

22 "~~**SECTION 3.(k)**~~**SECTION 3.(l)** No Change to Existing Regulatory Authority. – Nothing
23 in this act shall be construed to limit, expand, or modify the authority of the Commission to
24 undertake alternative regulatory actions otherwise authorized by State or federal law, including,
25 but not limited to, the reclassification of waters of the State pursuant to G.S. 143-214.1, the
26 revision of water quality standards pursuant to G.S. 143-214.3, and the granting of variances
27 pursuant to G.S. 143-215.3."

28 **SECTION 7.(a)** S.L. 2009-216 is amended by adding a new section to read:

29 "**SECTION 5.(a)** Definition. – As used in this section, "New Development Rule 15A
30 NCAC 02B .0265" means 15A NCAC 02B .0265 (Jordan Water Supply Nutrient Strategy:
31 Stormwater Management for New Development) adopted by the Commission on May 8, 2008,
32 and approved by the Rules Review Commission on November 20, 2008.

33 "**SECTION 5.(b)** New Development Rule 15A NCAC 02B .0265. – Until the effective
34 date of the revised permanent rule that the Commission is required to adopt pursuant to Section
35 5(d) of this act, the Commission and the Department shall implement New Development Rule
36 15A NCAC 02B .0265, as provided in Section 5(c) of this act.

37 "**SECTION 5.(c)** Implementation. – Notwithstanding sub-subdivision (vii) of
38 sub-subdivision (a) of subdivision (3) of New Development Rule 15A NCAC 02B .0265, New
39 Development Rule 15A NCAC 02B .0265 shall be implemented as follows:

- 40 (1) New development that has built-upon area that equals or exceeds
41 twenty-four percent (24%) and that is not subject to more stringent
42 stormwater requirements under S.L. 2006-246 or rules adopted pursuant to
43 G.S. 143-214.5 shall have engineered stormwater controls that meet the
44 design requirements set out in sub-subdivision (iv) of sub-subdivision (a) of
45 subdivision (3) of New Development Rule 15A NCAC 02B .0265 and
46 achieve eighty-five percent (85%) removal of total suspended solids.

- 47 (2) A developer may offset part of the nitrogen and phosphorus load from a new
48 development by implementing or funding off-site management measures in
49 accordance with this subdivision. New development shall comply with
50 requirements for engineered stormwater controls as set out in this act and in
51 New Development Stormwater Rule 15A NCAC 02B .0265. On-site

1 stormwater controls shall achieve a maximum nitrogen loading rate that does
2 not exceed six pounds per acre per year for single-family detached and
3 duplex residential development and 10 pounds per acre per year for other
4 development, including multifamily residential, commercial, and industrial.
5 Off-site management measures may be used to offset the difference between
6 the nitrogen and phosphorus loading rates achieved through compliance with
7 the stormwater control requirements of this act and the loading rate targets
8 set out in sub-subdivision (i) of sub-subdivision (a) of subdivision (3) of
9 New Development Rule 15A NCAC 02B .0265. Off-site offsetting measures
10 shall achieve at least the reduction in nitrogen and phosphorus loading
11 equivalent to the remaining reduction needed to comply with the loading rate
12 targets set out in sub-subdivision (i) of sub-subdivision (a) of subdivision (3)
13 of New Development Rule 15A NCAC 02B .0265. A developer may make
14 offset payments to the North Carolina Ecosystem Enhancement Program
15 contingent upon acceptance of payments by that Program. A developer may
16 use an offset option provided by the local government in which the
17 development activity occurs. A developer may propose other offset measures
18 to the local government, including providing his or her own off-site offset or
19 utilizing a private seller. All offset measures identified above shall meet the
20 requirements of subdivisions (2) through (4) of 15A NCAC 02B .0273.

21 **"SECTION 5.(d) Additional Rule-Making Authority.** – The Commission shall adopt a rule
22 to replace New Development Rule 15A NCAC 02B .0265. Notwithstanding G.S. 150B-19(4),
23 the rule adopted by the Commission pursuant to this section shall be substantively identical to
24 the provisions of Section 5(c) of this act. Rules adopted pursuant to this section are not subject
25 to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall
26 become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections
27 had been received as provided by G.S. 150B-21.3(b2).

28 **"SECTION 5.(e) Sunset.** – Section 5(c) of this act expires on the date that rules adopted
29 pursuant to Section 5(d) of this act become effective."

30 **SECTION 7.(b) S.L. 2009-216** is amended by adding a new section to read:

31 **"SECTION 6.(a) Definitions.** – The following definitions apply to this section and its
32 implementation:

- 33 (1) The definitions set out in G.S. 143-212 and G.S. 143-213.
- 34 (2) The definitions set out in 15A NCAC 02B .0262 (Jordan Water Supply
35 Nutrient Strategy: Purpose and Scope) and 15A NCAC 02B .0263 (Jordan
36 Water Supply Nutrient Strategy: Definitions).
- 37 (3) "State and Federal Rule 15A NCAC 02B .0271" means 15A NCAC 02B
38 .0271 (Jordan Water Supply Nutrient Strategy: Stormwater Requirements
39 for State and Federal Entities), adopted by the Commission on May 8, 2008,
40 and approved by the Rules Review Commission on October 16, 2008.
- 41 (4) "Riparian Buffer Rule 15A NCAC 02B .0267" means 15A NCAC 02B .0267
42 (Jordan Water Supply Nutrient Strategy: Protection of Existing Riparian
43 Buffers), adopted by the Commission on May 8, 2008, and approved by the
44 Rules Review Commission on November 20, 2008.

45 **"SECTION 6.(b) State and Federal Rule 15A NCAC 02B .0271.** – Until the effective date
46 of the revised permanent rule that the Commission is required to adopt pursuant to Section 6(d)
47 of this act, the Commission and the Department shall implement the State and Federal Rule
48 15A NCAC 02B .0271, as provided in Section 6(c) of this act.

49 **"SECTION 6.(c) Implementation.** – Notwithstanding State and Federal Rule 15A NCAC
50 02B .0271, the Commission shall implement the State and Federal Rule 15A NCAC 02B .0271
51 as follows:

1 (1) The load reduction goal for existing North Carolina Department of
2 Transportation roadway and nonroadway development shall be established
3 as provided in this subdivision. The load reduction goal shall be designed to
4 achieve, relative to the baseline period 1997 through 2001, an eight percent
5 (8%) reduction in nitrogen loading and a five percent (5%) reduction in
6 phosphorus loading reaching Jordan Reservoir from existing roadway and
7 nonroadway development in the Upper New Hope and Haw subwatersheds.
8 The load reduction goal for the Lower New Hope arm shall be designed to
9 maintain no increases in nitrogen and phosphorus loads from existing
10 roadway and nonroadway development relative to the baseline period 1997
11 through 2001. Load reduction goals for each subwatershed shall be
12 calculated from baseline loads for existing North Carolina Department of
13 Transportation development present during the baseline period. Baseline
14 loads shall be established for roadways and industrial facilities using
15 stormwater runoff nutrient load characterization data collected through the
16 National Pollutant Discharge Elimination System (NPDES) Research
17 Program under NCS0000250 Permit Part II Section G. Baseline loads for
18 other nonroadway development shall be calculated by applying the
19 Tar-Pamlico Nutrient Export Calculation Worksheet, Piedmont Version,
20 dated October 2004, to acreages of nonroadway development under the
21 control of North Carolina Department of Transportation during the baseline
22 period. The baseline load for other nonroadway development may also be
23 calculated using an equivalent or more accurate method acceptable to the
24 Department and recommended by the Scientific Advisory Board established
25 pursuant to Section 4(a) of S.L. 2009-216. The load reduction goal shall be
26 adjusted to account for nutrient loading increases from existing roadway and
27 nonroadway development subsequent to the baseline period but prior to
28 implementation of new development stormwater programs pursuant to 15A
29 NCAC 02B .0271(4)(c).

30 (2) Sub-subdivision (b) of subdivision (3) and sub-subdivision (d) of
31 subdivision (4) of State and Federal Rule 15A NCAC 02B .0271 shall be
32 implemented as follows:

- 33 a. If the March 1, 2014, monitoring report or any subsequent
34 monitoring report for the Upper New Hope Creek Arm of Jordan
35 Reservoir required under Section 3(c) of S.L. 2009-216 shows that
36 nutrient-related water quality standards are not being achieved, State
37 and federal entities shall develop and implement a program to control
38 nutrient loading from existing development within the subwatershed,
39 as provided in this section and State and Federal Rule 15A NCAC
40 02B .0271. If the March 1, 2017, monitoring report or any
41 subsequent monitoring report for the Haw River Arm or the Lower
42 New Hope Creek Arm of Jordan Reservoir required under Section
43 3(c) of S.L. 2009-216 shows that nutrient-related water quality
44 standards are not being achieved, State and federal entities shall
45 develop and implement a program to control nutrient loading from
46 existing development within the subwatershed, as provided in this
47 section and State and Federal Rule 15A NCAC 02B .0271. The
48 Department shall defer development and implementation of a
49 program to control nutrient loading from existing development
50 required in a subwatershed by this sub-subdivision if it determines
51 that additional reductions in nutrient loading from existing

1 development in that subwatershed will not be necessary to achieve
2 nutrient-related water quality standards. In making this
3 determination, the Department shall consider the anticipated effect of
4 measures implemented or scheduled to be implemented to reduce
5 nutrient loading from sources in the subwatershed other than existing
6 development. If any subsequent monitoring report for an arm of
7 Jordan Reservoir required under Section 3(c) of S.L. 2009-216 shows
8 that nutrient-related water quality standards have not been achieved,
9 the Department shall notify each State and federal entity, and each
10 entity shall develop and implement a program to control nutrient
11 loading from existing development as provided in this section and
12 State and Federal Rule 15A NCAC 02B .0271.

13 b. If the Commission requires additional reductions in nutrient loading
14 from local governments pursuant to Section 3(f) of S.L. 2009-216,
15 the Commission shall require State and federal entities to modify
16 their nutrient reduction programs for the Upper New Hope Creek
17 subwatershed to achieve a total reduction in nitrogen loading from
18 existing roadway and nonroadway development in nitrogen loading
19 from existing development of thirty-five percent (35%) relative to the
20 baseline period 1997-2001.

21 (3) Notwithstanding sub-subdivision (d) of subdivision (4) of State and Federal
22 Rule 15A NCAC 02B .0271, the North Carolina Department of
23 Transportation may achieve the nutrient load reduction goal in subdivision
24 (1) of this section for existing roadway and nonroadway development under
25 its control by development of a load reduction program that addresses both
26 roadway and nonroadway development in the watershed for each arm of
27 Jordan Reservoir. A combined program to address roadway and nonroadway
28 development may include stormwater retrofits and other load-reducing
29 measures in the watershed including, but not limited to, illicit discharge
30 removal; street sweeping; source control activities such as pet waste
31 reduction and fertilizer management at NCDOT facilities; improvement of
32 existing stormwater structures; alternative stormwater practices such as use
33 of rain barrels and cisterns; stormwater capture and reuse; and purchase of
34 nutrient reduction credits. NCDOT may meet minimum implementation rate
35 and schedule requirements by implementing a combination of three
36 stormwater retrofits per year for existing roadway development in the Jordan
37 Lake watershed and other load-reducing measures identified in the program
38 to control nutrient loading from existing development developed pursuant to
39 State and Federal Entities Rule 15A NCAC 02B .0271 and this act and
40 approved by the Commission.

41 **"SECTION 6.(d) Additional Rule-Making Authority.** – The Commission shall adopt a rule
42 to replace State and Federal Rule 15A NCAC 02B .0271. Notwithstanding G.S. 150B-19(4),
43 the rule adopted by the Commission pursuant to this section shall be substantively identical to
44 the provisions of Section 6(c) of this act. Rules adopted pursuant to this section are not subject
45 to G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall
46 become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections
47 had been received as provided by G.S. 150B-21.3(b2).

48 **"SECTION 6.(e) Sunset.** – Section 6(c) of this act expires on the date that rules adopted
49 pursuant to Section 6(d) of this act become effective.

50 **"SECTION 6.(f) Riparian Buffer Rule 15A NCAC 02B .0267.** – Until the effective date of
51 the revised permanent rule that the Commission is required to adopt pursuant to Section 6(h) of

1 this act, the Commission and the Department shall implement the Riparian Buffer Rule 15A
2 NCAC 02B .0267, as provided in Section 6(g) of this act.

3 **"SECTION 6.(g)** Implementation. – Notwithstanding Riparian Buffer Rule 15A NCAC
4 02B .0267, the Commission shall implement Riparian Buffer Rule 15A NCAC 02B .0267 as
5 provided in this section.

6 (1) For purposes of implementing Riparian Buffer Rule 15A NCAC 02B .0267,
7 the Commission may only use one of the following types of maps for
8 purposes of identifying a water body subject to the riparian buffer protection
9 requirements of Riparian Buffer Rule 15A NCAC 02B .0267:

10 a. The most recent version of the soil survey map prepared by the
11 Natural Resources Conservation Service of the United State
12 Department of Agriculture.

13 b. The most recent version of the 1:24,000 scale (7.5 minute)
14 quadrangle topographic maps prepared by the United States
15 Geological Survey.

16 c. A map approved by the Geographic Information Coordinating
17 Council and by the Commission. Prior to approving a map under this
18 sub-subdivision, the Commission shall provide a 30-day public
19 notice and opportunity for comment.

20 (2) Alternative maps approved by the Commission under subdivision (1) of this
21 section shall not be used for buffer delineation on projects that are existing
22 and ongoing within the meaning of subdivision (6) of Riparian Buffer Rule
23 15A NCAC 02B .0267.

24 (3) Sub-subdivision a. of subdivision (4) of Riparian Buffer Rule 15A NCAC
25 02B .0267 shall be interpreted to prohibit only those activities conducted
26 outside the buffer that have the effect of altering the hydrology in violation
27 of the diffuse flow requirements set out in subdivision (8) of Riparian Buffer
28 Rule 15A NCAC 02B .0267.

29 **"SECTION 6.(h)** Additional Rule-Making Authority. – The Commission shall adopt a rule
30 to replace Riparian Buffer Rule 15A NCAC 02B .0267. Notwithstanding G.S. 150B-19(4), the
31 rule adopted by the Commission pursuant to this section shall be substantively identical to the
32 provisions of Section 6(g) of this act. Rules adopted pursuant to this section are not subject to
33 G.S. 150B-21.9 through G.S. 150B-21.14. Rules adopted pursuant to this section shall become
34 effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been
35 received as provided by G.S. 150B-21.3(b2).

36 **"SECTION 6.(i)** Sunset. – Section 6(g) of this act expires on the date that rules adopted
37 pursuant to Section 6(h) of this act become effective."

38 **SECTION 8.** Sections 5 through 8 of S.L. 2009-216 read as rewritten:

39 ~~**"SECTION 5."**~~ **SECTION 7.** No Preemption. – A local government may adopt and
40 implement a stormwater management program that contains provisions that are more restrictive
41 than the standards set forth in Sections ~~2 and 3~~, 2, 3, and 5 of this act or in any rules concerning
42 stormwater management in the Jordan watershed adopted by the Commission. This section
43 shall not be construed to authorize a local government to impose stormwater management
44 requirements on lands in agriculture or forestry.

45 ~~**"SECTION 6."**~~ **SECTION 8.** Construction of Act. –

46 (1) Except as specifically provided in ~~Sections 2(c) and 3(j)~~ Sections 2(c), 3(j),
47 5(d), and 6(h) of this act, nothing in this act shall be construed to limit,
48 expand, or otherwise alter the authority of the Commission or any unit of
49 local government.

50 (2) This act shall not be construed to affect any delegation of any power or duty
51 by the Commission to the Department or subunit of the Department.

1 "~~SECTION 7.~~SECTION 9. Note to Revisor of Statutes. – Notwithstanding G.S. 164-10,
2 the Revisor of Statutes shall not codify any of the provisions of this act. The Revisor of Statutes
3 shall set out the text of Section 2 of this act as a note to G.S. 143-215.1 and may make notes
4 concerning this act to other sections of the General Statutes as the Revisor of Statutes deems
5 appropriate. The Revisor of Statutes shall set out the text of Sections 3, 4, 5, and 6 of this act as
6 a note to G.S. 143-214.7 and may make notes concerning this act to other sections of the
7 General Statutes as the Revisor of Statutes deems appropriate.

8 "~~SECTION 8.~~SECTION 10. Effective Date. – This act is effective when it becomes law."
9

10 **PART III. ENVIRONMENTAL TECHNICAL CORRECTIONS.**

11 **SECTION 9.** G.S. 120-70.61(c) reads as rewritten:

12 "**§ 120-70.61. Membership; cochairs; vacancies; quorum.**

13 (c) Except as otherwise provided in this section, a legislative member of the
14 Commission shall continue to serve for so long as the member remains a member of the
15 General Assembly and no successor has been appointed. A member of the General Assembly
16 who does not seek reelection or is not reelected to the General Assembly may complete a term
17 of service on the Commission until the day on which a new General Assembly convenes. A
18 legislative member of the Commission who resigns or is removed from service in the General
19 Assembly shall be deemed to have resigned or been removed from office on the Commission.
20 Any vacancy that occurs on the Commission shall be filled in the same manner as the original
21 appointment."

22 **SECTION 10.** G.S. 146-64(9) reads as rewritten:

23 "(9) "Vacant and unappropriated lands" means all State lands title to which is
24 vested in the State as sovereign, and land acquired by the State by virtue of
25 being sold for taxes, except ~~swamplands~~ as hereinafter
26 ~~defined.~~swamplands."

27 **SECTION 11.** G.S. 130A-310.11 reads as rewritten:

28 "**§ 130A-310.11. Inactive Hazardous Sites Cleanup Fund created.**

29 (a) There is established under the control and direction of the Department the Inactive
30 Hazardous Sites Cleanup Fund. This fund shall be a revolving fund consisting of any monies
31 appropriated for such purpose by the General Assembly or available to it from grants, taxes,
32 and other monies paid to it or recovered by or on behalf of the Department. The Inactive
33 Hazardous Sites Cleanup Fund shall be treated as a nonreverting special trust fund and shall be
34 credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.

35 (b) Funds credited to the Inactive Hazardous Sites Cleanup Fund pursuant to
36 G.S. 130A-295.9 shall be used only as provided in ~~G.S. 130A-309.295.9(c).~~
37 G.S. 130A-295.9(1) and G.S. 130A-310.5(c)."
38

39 **PART IV. REPORTS CONSOLIDATION.**

40 **SECTION 12.** G.S. 106-744(i) reads as rewritten:

41 "(i) The Advisory Committee shall report no later than ~~May 1~~October 1 of each year to
42 the Joint Legislative Commission on Governmental Operations, the Environmental Review
43 Commission, and the House of Representatives and Senate Appropriations Subcommittees on
44 Natural and Economic Resources regarding the activities of the Advisory Committee, the
45 agriculture easements purchased, and agricultural projects funded during the previous year."

46 **SECTION 13.** G.S. 113-44.15(c) reads as rewritten:

47 "(c) Reports. – The North Carolina Parks and Recreation Authority shall report no later
48 than October 1 of each year to the Joint Legislative Commission on Governmental Operations,
49 the House and Senate Appropriations Subcommittees on Natural and Economic Resources, the
50 Fiscal Research Division, and the Environmental Review Commission on allocations from the
51 Trust Fund from the prior fiscal year. ~~The Authority also shall provide a progress report no~~

1 later than March 15 of each year to the same recipients on the activities of and the expenditures
2 from the Trust Fund for the current fiscal year."

3 **SECTION 14.** G.S. 113-77.9(e) reads as rewritten:

4 "(e) Reports. – The Secretary shall maintain and annually revise ~~twice each year~~ a list of
5 ~~acquisitions~~ grants made pursuant to this Article. The list shall include the acreage of each
6 tract, the county in which the tract is located, the amount ~~paid~~ awarded from the Fund to
7 acquire the tract, and the State department or division responsible for managing the tract. The
8 Secretary shall furnish a copy of the list to each Trustee, the Joint Legislative Commission on
9 Governmental Operations, the House and Senate Appropriations Subcommittees on Natural
10 and Economic Resources, the Fiscal Research Division, and the Environmental Review
11 Commission ~~within 30 days after each revision, no later than October 1 of each year.~~"

12 **SECTION 15.** G.S. 143-58.2(f) is repealed.

13
14 **PART V. EFFECTIVE DATE.**

15 **SECTION 16.** Sections 12, 13, 14, and 15 of this act become effective January 1,
16 2010. The remaining sections of this act are effective when this act becomes law.