

March 3, 2005

S 353. SUPREME COURT RULE MAKING. *TO PROVIDE THE SUPREME COURT WITH THE AUTHORITY TO REVISE THE RULES OF CIVIL AND CRIMINAL PROCEDURE AND THE RULES OF EVIDENCE, SUBJECT TO AMENDMENT OR VETO BY THE GENERAL ASSEMBLY.* As title indicates. Sets out procedure for publication of new or amended rule and how General Assembly may amend or veto the rule. Authorizes Chief Justice to appoint advisory committees of up to eight members each to advise Supreme Court on adoption and amendment of cited rules. Effective January 1, 2006.

Intro. by Clodfelter.

Ref. to Judiciary I

GS 7A

May 31, 2005

S 353. SUPREME COURT RULE MAKING. Intro. 3/3/05. Senate committee substitute makes the following changes to 1st edition. Modifies revision to GS 7A-34 to provide that each advisory committee on changes to the rules of procedure must consist of trial and appellate judges and members of the NC State Bar, that each advisory committee making a recommendation must provide a proposed rule, explanatory note, and written report, that all meetings of an advisory committee on rules of procedure must be open meetings, and that all records of an advisory committee are public records. Also makes technical changes.

July 26, 2006

S 353. LANDFILL MORATORIUM AND STUDIES (NEW). Filed 3/2/05. House committee substitute makes the following changes to 2nd edition. Completely rewrites prior edition and changes title to *AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE FOR A PERIOD BEGINNING ON 1 AUGUST 2006 AND ENDING ON 1 AUGUST 2007, SUBJECT ONLY TO THE FOLLOWING EXCEPTIONS: (I) AN AMENDMENT, MODIFICATION, OR OTHER CHANGE TO A PERMIT FOR A LANDFILL ISSUED ON OR BEFORE 1 JUNE 2006; (II) A PERMIT FOR A HORIZONTAL OR VERTICAL EXPANSION OF THE LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (III) A PERMIT TO CONSTRUCT A NEW LANDFILL WITHIN THE FACILITY BOUNDARY IDENTIFIED IN THE FACILITY PLAN OF A LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (IV) A PERMIT TO OPERATE A NEW LANDFILL IF A PERMIT TO CONSTRUCT THE NEW LANDFILL WAS ISSUED ON OR BEFORE 1 JUNE 2006; (V) A PERMIT FOR A SANITARY LANDFILL USED ONLY TO DISPOSE OF WASTE GENERATED BY A COAL-FIRED GENERATING UNIT THAT IS OWNED OR OPERATED BY AN INVESTOR-OWNED UTILITY SUBJECT TO THE REQUIREMENTS OF G.S. 143-215.107D; AND (VI) A PERMIT FOR A SANITARY LANDFILL DETERMINED TO BE NECESSARY BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IN ORDER TO RESPOND TO AN IMMINENT HAZARD TO PUBLIC HEALTH OR A NATURAL DISASTER; TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT; AND TO CREATE THE JOINT SELECT COMMITTEE ON ENVIRONMENTAL JUSTICE.* As title indicates. Requires Environmental Review Commission to study issues related to solid waste, including (1) financial responsibility requirements for solid waste landfills; (2) application of franchise requirements and local government approval for solid waste landfill permits; (3) siting, design, and operational requirements for landfills for the disposal of construction or demolition waste, municipal solid waste, or industrial waste that are proposed in areas susceptible to flooding from natural disasters, areas with high water tables, and other environmentally sensitive areas; and (4) formation of dangerous chemicals and gases in flood-prone landfill environments. Commission must report findings to 2007 legislative session. Establishes Joint Select Committee on Environmental Justice, composed of 12 members appointed or designated as specified in act. Requires committee to study, among other issues, (1) location of landfills in NC, with historical and current demographic information, including health statistics of the surrounding population of each site where available; committee to identify landfills located in proximity to minority and low-income communities; (2) impacts that landfills located in

proximity to minority and low-income communities have on these communities concerning human health, environment, and economic development; and (3) past enforcement actions taken by the US Environmental Protection Agency or the Department of Environment and Natural Resources for violations affecting human health or the environment at any landfill in NC. Committee must report findings and recommendations to the General Assembly and the Environmental Review Commission on or before February 1, 2007.

August 22, 2006

SL 2006-244 (S 353). LANDFILL MORATORIUM AND STUDIES. AN ACT TO IMPOSE A MORATORIUM ON THE CONSIDERATION OF PERMIT APPLICATIONS AND ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF NEW LANDFILLS IN THE STATE FOR A PERIOD BEGINNING ON 1 AUGUST 2006 AND ENDING ON 1 AUGUST 2007, SUBJECT ONLY TO THE FOLLOWING EXCEPTIONS: (I) AN AMENDMENT, MODIFICATION, OR OTHER CHANGE TO A PERMIT FOR A LANDFILL ISSUED ON OR BEFORE 1 JUNE 2006; (II) A PERMIT FOR A HORIZONTAL OR VERTICAL EXPANSION OF THE LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (III) A PERMIT TO CONSTRUCT A NEW LANDFILL WITHIN THE FACILITY BOUNDARY IDENTIFIED IN THE FACILITY PLAN OF A LANDFILL PERMITTED ON OR BEFORE 1 JUNE 2006; (IV) A PERMIT TO OPERATE A NEW LANDFILL IF A PERMIT TO CONSTRUCT THE NEW LANDFILL WAS ISSUED ON OR BEFORE 1 JUNE 2006; (V) A PERMIT FOR A SANITARY LANDFILL USED ONLY TO DISPOSE OF WASTE GENERATED BY A COAL-FIRED GENERATING UNIT THAT IS OWNED OR OPERATED BY AN INVESTOR-OWNED UTILITY SUBJECT TO THE REQUIREMENTS OF G.S. 143-215.107D; AND (VI) A PERMIT FOR A SANITARY LANDFILL DETERMINED TO BE NECESSARY BY THE SECRETARY OF ENVIRONMENT AND NATURAL RESOURCES IN ORDER TO RESPOND TO AN IMMINENT HAZARD TO PUBLIC HEALTH OR A NATURAL DISASTER; TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY ISSUES RELATED TO SOLID WASTE DISPOSAL IN ORDER TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT; AND TO CREATE THE JOINT SELECT COMMITTEE ON ENVIRONMENTAL JUSTICE. Summarized in *Daily Bulletin* 7/26/06. Enacted August 14, 2006. Effective August 14, 2006.