

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

SESSION LAW 2006-79
HOUSE BILL 2165

AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT AND NATURAL RESOURCES, AND TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.

The General Assembly of North Carolina enacts:

PART I. TECHNICAL CORRECTIONS.

SECTION 1. G.S. 113-174.2(c)(6)i. reads as rewritten:

"i. Resident ~~Elderly~~-Age 65 Lifetime CRFL. – \$15.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State."

SECTION 2. G.S. 113-351(c)(3)e. reads as rewritten:

"e. Resident ~~Elderly~~-Age 65 Lifetime Unified Sportsman/Coastal Recreational Fishing License. – \$30.00. This license shall be issued only to an individual who is 65 years of age or older and who is a resident of the State."

SECTION 3. G.S. 143B-291(a)(1) reads as rewritten:

"(1) One member who is the ~~chairman~~-chair of the North Carolina State University Minerals Research Laboratory Advisory Committee, ex officio."

SECTION 4. G.S. 143B-291(g) reads as rewritten:

"(g) Staff. – All clerical and other services required by the Commission shall be supplied by the Secretary of ~~the Department~~-Environment and Natural Resources."

SECTION 5. G.S. 143B-292 reads as rewritten:

"§ 143B-292. **North Carolina Mining Commission – officers.**

The North Carolina Mining Commission shall have a ~~chairman~~-chair and a ~~vice-chairman~~-vice-chair. The ~~chairman~~-chair shall be designated by the Governor from among the members of the Commission to serve as ~~chairman at his pleasure~~-chair at the pleasure of the Governor. The ~~vice-chairman~~-vice-chair shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of ~~his~~-the vice-chair's regularly appointed term."

SECTION 6. G.S. 143B-293 reads as rewritten:

"§ 143B-293. **North Carolina Mining Commission – meetings.**

The North Carolina Mining Commission shall meet at least semiannually and may hold special meetings at any time and place within the State at the call of the ~~chairman~~-chair or upon the written request of at least five members."

SECTION 7. G.S. 143B-296 reads as rewritten:

"§ 143B-296. **Soil and Water Conservation Commission – officers.**

The Soil and Water Conservation Commission shall have a ~~chairman~~-chair and a ~~vice-chairman~~-vice-chair. The ~~chairman~~-chair shall be designated by the Governor from among the members of the Commission to serve as ~~chairman~~-chair at the pleasure of the Governor. The ~~vice-chairman~~-vice-chair shall be elected by and from the members of the

Commission and shall serve for a term of two years or until the expiration of ~~his~~the ~~vice-chair's~~ regularly appointed term."

SECTION 8. G.S. 143B-297 reads as rewritten:

"§ 143B-297. Soil and Water Conservation Commission – meetings.

The Soil and Water Conservation Commission shall meet at least quarterly and may hold special meetings at any time and place within the State at the call of the ~~chairman~~ chair or upon the written request of at least four members."

SECTION 9. G.S. 143B-299 reads as rewritten:

"§ 143B-299. Sedimentation Control Commission – members; selection; compensation; meetings.

(a) Creation; Membership. – There is hereby created in the Department of Environment and Natural Resources the North Carolina Sedimentation Control Commission, which is charged with the duty of developing and administering the sedimentation control program provided for in this Article. The Commission shall consist of the following members:

- (1) A person to be nominated jointly by the boards of the North Carolina League of Municipalities and the North Carolina Association of County Commissioners;
- (2) A person to be nominated by the Board of the North Carolina Home Builders Association;
- (3) A person to be nominated by the Carolinas Branch, Associated General Contractors of America;
- (4) The president, vice-president, or general counsel of a North Carolina public utility company;
- (5) The Director of the North Carolina Water Resources Research Institute;
- (6) A member of the State Mining Commission who shall be a representative of nongovernmental conservation interests, as required by G.S. 74-38(b);
- (7) A member of the State Soil and Water Conservation Commission;
- (8) A member of the Environmental Management Commission;
- (9) A soil scientist from the faculty of North Carolina State University;
- (10) Two persons who shall be representatives of nongovernmental conservation interests; and
- (11) A professional engineer registered under the provisions of Chapter 89C of the General Statutes nominated by the Professional Engineers of North Carolina, Inc.

(b) Appointment. – The Commission members shall be appointed by the Governor. All Commission members, except the person ~~filling position number five, as specified above, appointed under subdivision (5) of subsection (a) of this section,~~ shall serve staggered terms ~~of office~~ of three years and until their successors are appointed and duly qualified. The person filling position number five appointed under subdivision (5) of subsection (a) of this section shall serve as a member of the Commission, subject to removal by the Governor as hereinafter specified in this section, so long as he the person continues as Director of the Water Resources Research Institute. The terms of office of members filling positions two, four, seven, and eight appointed under subdivisions (2), (4), (7), and (8) of subsection (a) of this section shall expire on 30 June of years evenly divisible by three. The terms of office of members filling positions one, three, and ten appointed under subdivisions (1), (3), and (10) of subsection (a) of this section shall expire on 30 June of years that follow by one year those years that are evenly divisible by three. The terms of office of members filling positions six, nine, and eleven, appointed under subdivisions (6), (9), and (11) of subsection (a) of this section shall expire on 30 June of years that precede by one year those years that are evenly divisible by three. Except for the person filling position number five, appointed under subdivision (5) of subsection (a) of this section, no member of the Commission shall

serve more than two complete consecutive three-year terms. Any member appointed by the Governor to fill a vacancy occurring in any of the appointments shall be appointed for the remainder of the term of the member causing the vacancy. The Governor may at any time remove any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance, ~~nonfeasance or, in the case of members filling positions five, six, seven, eight, nine, and eleven as specified above, nonfeasance,~~ or because they no longer possess the required qualifications for membership. ~~In each instance appointments to fill vacancies in the membership of the Commission shall be a person or persons with similar experience and qualifications in the same field required of the member being replaced.~~ The office of the North Carolina Sedimentation Control Commission is declared to be an office that may be held concurrently with any other elective or appointive office, under the authority of Article VI, Sec. 9, of the North Carolina Constitution.

(b1) ~~Chairman.~~ Chair. – The Governor shall designate a member of the Commission to serve as ~~chairman.~~ chair.

(c) Compensation. – The members of the Commission shall receive the usual and customary per diem allowed for the other members of boards and commissions of the State and as fixed in the Biennial Appropriation Act, and, in addition, the members of the Commission shall receive subsistence and travel expenses according to the prevailing State practice and as allowed and fixed by statute for such purposes, which said travel expenses shall also be allowed while going to or from any place of meeting or when on official business for the Commission. The per diem payments made to each member of the Commission shall include necessary time spent in traveling to and from their places of residence within the State to any place of meeting or while traveling on official business for the Commission.

(d) Meetings of Commission. – The Commission shall meet at the call of the ~~chairman~~ chair and shall hold special meetings at the call of a majority of the members."

SECTION 10. G.S. 143B-300(c) reads as rewritten:

"(c) The Commission may by rule delegate any of its powers, other than the power to adopt rules, to the Secretary of Environment and Natural Resources or ~~his~~ the Secretary's designee."

PART II. REPORTS CONSOLIDATION.

SECTION 11. G.S. 113-206(f) reads as rewritten:

"(f) In evaluating claims registered pursuant to G.S. 113-205, the Secretary shall favor public ownership of submerged lands and public trust rights. The Secretary's action does not alter or affect in any way the rights of a claimant or the State.

~~To facilitate resolution of claims registered pursuant to G.S. 113-205, the Secretary, in cooperation with the Secretary of Administration and the Attorney General, shall establish a plan to resolve these claims by 31 December 2003. The Secretary shall notify the Secretary of Administration and the Attorney General of the resolution of each claim. In addition, on or before October 1 of each year, the Secretary shall submit a report to the Joint Legislative Commission on Governmental Operations stating the following:~~

- ~~(1) The number of claims registered pursuant to G.S. 113-205 that were resolved during the preceding year;~~
- ~~(2) The cost of resolving these claims;~~
- ~~(3) The number of unresolved claims; and~~
- ~~(4) Payments made to acquire claims by condemnation."~~

SECTION 12. Section 11 of S.L. 2002-4 reads as rewritten:

"**Section 11.** The Environmental Management Commission shall study the desirability of requiring and the feasibility of obtaining reductions in emissions of oxides of nitrogen (NOx) and sulfur dioxide (SO₂) beyond those required by G.S. 143-215.107D, as enacted by Section 1 of this act. The Environmental

Management Commission shall consider the availability of emissions reduction technologies, increased cost to consumers of electric power, reliability of electric power supply, actions to reduce emissions of oxides of nitrogen (NOx) and sulfur dioxide (SO2) taken by states and other entities whose emissions negatively impact air quality in North Carolina or whose failure to achieve comparable reductions would place the economy of North Carolina at a competitive disadvantage, and the effects that these reductions would have on public health, the environment, and natural resources, including visibility. In its conduct of this study, the Environmental Management Commission may consult with the Utilities Commission and the Public Staff. The Environmental Management Commission shall report its findings and recommendations to the General Assembly and the Environmental Review Commission annually beginning 1 September ~~2005-2007.~~"

SECTION 13. G.S. 143-215.107C(c) is repealed.

SECTION 14. G.S. 143B-279.12(e) reads as rewritten:

"(e) ~~No later than October 1, 2004, and annually thereafter,~~ 1 March of each year, the Department of Environment and Natural Resources shall report to the ~~House of Representatives and the Senate Appropriations Subcommittees on Natural and Economic Resources, the Fiscal Research Division,~~ Division and the Environmental Review Commission the number of environmental permits subject to this section that took more than 90 days to issue or deny, the types of permits those were, the reasons for the extended processing time of those permits, and how the time within which the permit was actually issued or denied compared with the projected time frame provided to the applicant by the Department as required by this section. Based on the data gathered under this subsection, the Department shall include in its annual report recommendations regarding permit time frames for all major permits issued by the Department."

SECTION 15. G.S. 147-12(b) reads as rewritten:

"(b) The Department of Transportation, the Department of Correction, the Department of Crime Control and Public Safety, the State Highway Patrol, the Wildlife Resources Commission, the Division of Parks and Recreation in the Department of Environment and Natural Resources, and the Division of Marine Fisheries in the Department of Environment and Natural Resources shall deliver to the Governor by February 1 ~~and August 1~~ of each year detailed information on the agency's litter enforcement, litter prevention, and litter removal efforts. The Administrative Office of the Courts shall deliver to the Governor by February 1 ~~and August 1~~ of each year detailed information on the enforcement of the littering laws of the State, including the number of charges and convictions under the littering laws of the State. The Governor shall gather the information submitted by the respective agencies and deliver a consolidated ~~semiannual~~ annual report on or before March 1 ~~and September 1~~ of each year to the Environmental Review Commission, the Joint Legislative Transportation Oversight Committee, and the House of Representatives and the Senate Appropriations Subcommittees on Natural and Economic Resources."

SECTION 16. G.S. 130A-295.02(m) reads as rewritten:

"(m) The Department shall report annually on or before 1 ~~September~~ October to the Environmental Review Commission on the implementation of the resident inspectors program."

SECTION 17. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 30th day of
June, 2006.

s/ Charlie S. Dannelly
Deputy President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 3:05 p.m. this 10th day of July, 2006