GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 847*

Short Title: Environmental Technical Corrections 2007. (Public)
Sponsors: Senator Albertson.
Referred to: Agriculture/Environment/Natural Resources.

March 19, 2007

A BILL TO BE ENTITLED
AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL
AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT,
AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.
The General Assembly of North Carolina enacts:

SECTION 1. G.S. 58-37-1 reads as rewritten:

As used in this Article:

(7) "Motor vehicle insurance" means direct insurance against liability
arising out of the ownership, operation, maintenance or use of a motor
vehicle for bodily injury including death and property damage and
includes medical payments and uninsured and underinsured motorist
coverages.

With respect to motor carriers who are subject to the financial
responsibility requirements established under the Motor Carrier Act of
1980, the term, "motor vehicle insurance" includes coverage with
respect to environmental restoration. As used in this subsection the
term, "environmental restoration" means restitution for the loss,
damage, or destruction of natural resources arising out of the
accidental discharge, dispersal, release, or escape into or upon the
land, atmosphere, water course, or body of water of any
commodity transported by a motor carrier. Environmental restoration
includes the cost of removal and the cost of necessary measures taken
to minimize or mitigate damage to human health, the natural
environment, fish, shellfish, and wildlife.

..."

SECTION 2. G.S. 104E-10.1 reads as rewritten:

"§ 104E-10.1. Additional requirements for low-level radioactive waste facilities.
(a) An applicant for a permit for a low-level radioactive facility shall satisfy the Department that:

(1) Any low-level radioactive waste facility heretofore constructed or operated by the applicant (or any parent or subsidiary corporation if the applicant is a corporation) has been operated in accordance with sound waste management practices and in substantial compliance with federal and state laws and regulations; and

(2) The applicant (or any parent or subsidiary corporation if the applicant is a corporation) is financially qualified to operate the subject low-level radioactive waste facility.

The approval of a permit shall be contingent upon the applicant first satisfying the Department that he the applicant has met the above two requirements. In order to continue to hold a license permit under this Chapter, a licensee the permittee must remain financially qualified, and must provide any information requested by the Department to show that he the permittee continues to be financially qualified.

(b) Each permit applicant or permit holder (or any parent or subsidiary corporation if the permit applicant or permit holder is a corporation), as a condition of receiving or holding a permit, shall have an independent annual audit by a firm of duly licensed certified public accountants carrying a minimum of five million dollars ($5,000,000) professional liability insurance coverage, proof of which coverage shall be provided with the issuance of the audit report. Each permit applicant or permit holder referred to above shall also provide the Department of Environment and Natural Resources with a copy of the report and shall submit a copy of the report to the State Auditor for approval regarding its adequacy and completeness. As a minimum, the required report shall include the financial statements prepared in accordance with generally accepted accounting principles, all disclosures in the public interest required by law, and the auditor's opinion and comments relating to the financial statements. The audit shall be performed in conformity with generally accepted auditing standards.

(c) Within 10 days of receiving an application for a license permit or an amendment to a license permit to operate a low-level radioactive waste facility, the Department shall notify the clerk of the board of commissioners of the county or counties in which the facility is proposed to be located or is located, and, if the facility is to be located or is located within a city, the clerk of the governing board of the city, that the application has been filed, and shall file a copy of the application with the clerk. Prior to issuing a license permit or an amendment to an existing license permit, the Secretary of the Department or his the Secretary's designee shall conduct a public hearing in the county, or in one of the counties, in which a person proposes to operate a low-level radioactive waste facility or to enlarge an existing facility. The Secretary shall give notice of the hearing at least 30 days prior to the date thereof by:

(1) Publication in a newspaper or newspapers having general circulation in the county or counties where the facility is to be located for three consecutive weeks beginning 30 days prior to the scheduled date of the hearing; and
(2) First class mail to persons who have requested such notice. The Department shall maintain a mailing list of persons who request notice pursuant to this subsection."

SECTION 3. G.S. 120-70.36 reads as rewritten:

"§ 120-70.36. Staffing.

The Legislative Services Officer shall assign as staff to the Joint Select Committee professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Joint Select Committee through the offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives, Directors of Legislative Assistants of the Senate and House of Representatives. The expenses of employment of clerical staff shall be borne by the Joint Select Committee."

SECTION 4. G.S. 120-70.46 reads as rewritten:

"§ 120-70.46. Staffing.

The Legislative Services Officer shall assign as staff to the Environmental Review Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Environmental Review Commission through the offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives, Directors of Legislative Assistants of the Senate and House of Representatives. The expenses of employment of clerical staff shall be borne by the Environmental Review Commission."

SECTION 5. G.S. 120-70.65 reads as rewritten:

"§ 120-70.65. Staffing.

The Legislative Services Officer shall assign as staff to the Commission professional employees of the General Assembly, as approved by the Legislative Services Commission. Clerical staff shall be assigned to the Commission through the offices of the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of Representatives, Directors of Legislative Assistants of the Senate and House of Representatives. The expenses of employment of clerical staff shall be borne by the Commission."

SECTION 6. G.S. 130A-294(f) reads as rewritten:

"(f) Within 10 days of receiving an application for a permit or for an amendment to an existing permit for a hazardous waste facility, the Department shall notify the clerk of the board of commissioners of the county or counties in which the facility is proposed to be located or is located and, if the facility is proposed to be located or is located within a city, the clerk of the governing board of the city, that the application has been filed, and shall file a copy of the application with the clerk. Prior to the issuance of a permit or an amendment of an existing permit the Secretary or his—the Secretary's designee shall conduct a public hearing in the county, or in one of the counties in which the hazardous waste facility is proposed to be located or is located. The Secretary or his—the Secretary's designee shall
give notice of the hearing, and the public hearing shall be in accordance with applicable federal regulations adopted pursuant to RCRA and with Chapter 150B of the General Statutes. Where the provisions of the federal regulations and Chapter 150B of the General Statutes are inconsistent, the federal regulations shall apply."

SECTION 7. G.S. 143-215.74 reads as rewritten:

"§ 143-215.74. Agriculture cost share program.
(a) There is created the Agriculture Cost Share Program for Nonpoint Source Pollution Control. The program shall be created, implemented, and supervised by the Soil and Water Conservation Commission.
(b) The program shall be subject to the following requirements and limitations:
(1) The purpose of the program shall be to reduce the input of agricultural nonpoint source pollution into the watercourses of the State.
(2) The program shall initially include the present 16 nutrient sensitive watershed counties and 17 additional counties.

SECTION 8. G.S. 160A-479.7(a) reads as rewritten:

"(a) The charter may confer on the regional sports authority any or all of the following powers:

(16) To study and plan for new and improved major regional sports and recreational facilities including but not limited to arenas, stadia, gymnasia, natatoria, pitches, fields, watercourses, and other areas for the conduct of sports and recreational activities. These facilities should be of such sizes and in such locations that they will be adequate to serve the population of the entire jurisdiction of the authority (and beyond) to the extent possible;

SECTION 9. Section 12.7.(d) of S.L. 2006-66 reads as rewritten:

"DEPARTMENT OF COMMERCE/REPORT ON AGRIBUSINESS FUNDS

SECTION 12.7.(d) The Department shall submit the report to the House Appropriations Committee Subcommittee on Environment, Health, and Natural and Economic Resources, the Senate Appropriations Committee on Natural and Economic Resources, and the Fiscal Research Division no later than May 1, 2007."

SECTION 10. Section 2 of S.L. 2006-139 reads as rewritten:

"SECTION 2. The Commissioner of Agriculture shall file a report no later than 31 March of each year with the Chairs of the House of Representatives Appropriations Subcommittee on Natural and Economic Resources and Senate Appropriations Subcommittee Committee on Natural and Economic Resources, the Chair of the House of Representatives Agriculture Committee, and the Chair of the Senate Committee on Agriculture, Environment, and Natural Resources which shall include the following:
The short- and long-term problems associated with maintaining a viable dairy industry in the State.

Ways to sustain the existing dairy industry in the State.

Opportunities to expand the dairy industry, including attracting both new dairy producers and new processors to the State.

The contribution of dairy farms to the maintenance of prime agricultural land and the quality of life in the State.

An analysis of the effectiveness of the Dairy Stabilization and Growth Program in achieving the goals of maintaining a local supply of fresh milk for processing and consumption, facilitating the entry of young farmers into the dairy industry, and preserving green space along the urban fringe.

Other factors that impact the dairy industry in the State."

SECTION 11. G.S. 113-270.1A(a1) reads as rewritten:

"(a1) A person who qualifies for a totally disabled resident combination hunting-fishing license—Lifetime Combination Hunting and Fishing License for Disabled Residents under G.S. 113-270.1C(b)(4) need not comply with the requirements of subsection (a) of this section in order to receive that license, so long as the person does not make use of the license unless:

1 The disabled hunter is accompanied by an adult who is licensed to hunt; and

2 The licensed adult maintains a proximity to the disabled hunter which enables the adult to monitor the activities of, and communicate with, the disabled hunter at all times."

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