

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1567
Second Edition Engrossed 7/18/90

Short Title: LLRW Disposal Site Size/Waste Tax.

(Public)

Sponsors: Senators Conder, Plyler, Johnson of Wake, Staton, Sherron, Walker, and Lee.

Referred to: Environment and Natural Resources.

June 6, 1990

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE SIZE OF THE SITE SELECTED AS THE PREFERRED
2 SITE FOR THE LOW-LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY
3 AND TO IMPOSE A TAX FOR THE PRIVILEGE OF USING A LOW-LEVEL
4 RADIOACTIVE WASTE FACILITY OPERATED PURSUANT TO CHAPTER
5 104G OF THE GENERAL STATUTES.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 104G-9(g) reads as rewritten:

9 "(g) No later than 15 November 1990, the Authority shall select the preferred site
10 for a low-level radioactive waste disposal facility and begin proceedings to purchase or
11 if necessary, condemn property for such site(s) under the State's power of eminent
12 domain. The site selected shall be of sufficient size to accommodate the waste
13 reasonably expected to be received for disposal from within the states which are
14 members of the Southeast Interstate Low-Level Radioactive Waste Management
15 Compact, G.S. 104F-1, using the best available estimates, including sufficient reserve
16 capacity as the Authority, in its discretion, shall deem appropriate. The procedure for
17 condemnation by the Authority shall be as set out in Article 9 of Chapter 136 of the
18 General Statutes, except that the Authority shall have the same rights, powers, duties,
19 and responsibilities as are set out for the Department of Transportation. The General
20 Assembly finds that the protection of public health, safety, and welfare, including
21 protection of the environment, requires that facilities for the management and disposal
22 of low-level radioactive waste be established. The acquisition of real property for the
23 management and disposal of low-level radioactive waste is therefore declared to be for

1 the use and benefit of the public, and to serve a public purpose. Pursuant to G.S. 104E-
2 6.1, fee simple title to the real property shall be vested in the Authority."

3 Sec. 2. G.S. 104G-18(d) reads as rewritten:

4 "(d) The Authority shall collect and deposit with the State Treasurer, on behalf of
5 local governments where a low-level radioactive waste disposal facility is located, a tax
6 on the gross receipts of the facility in the amount of two and one-half percent (2.5%) to
7 be distributed to local governments as the General Assembly shall provide. The Authority
8 shall develop and recommend to the General Assembly a proposed revenue package and
9 revenue distribution formula which the General Assembly shall consider in providing for
10 distribution of this tax and such other revenues as may be recommended. paid to the county
11 in which the facility is located. In the event that the facility is located in more than one
12 county, the proceeds shall be divided equally among all the counties in which the
13 facility is located."

14 Sec. 3. G.S. 104G-18 is amended by adding the following new subsections to
15 read:

16 "(e) The Authority shall collect and deposit with the State Treasurer, on behalf of
17 counties where a low-level radioactive waste disposal facility is located, a tax imposed
18 on any generator of low-level radioactive waste for the privilege of disposing of low-
19 level radioactive waste at the facility, in the amount of thirty cents (\$.30) per millicurie
20 of waste disposed at the facility to be paid to the county in which the facility is located
21 on a quarterly basis. In the event that the facility is located in more than one county, the
22 proceeds shall be divided equally among all the counties in which the facility is located.

23 (f) Each generator shall, within 15 days after the last day of each month, report
24 to the Authority the amount in volume and in millicuries of low-level radioactive waste
25 disposed of in each facility in this State during the preceding month. Taxes collected
26 pursuant to subsection (e) are due when the report is filed. For negligent failure to
27 comply with the provisions of subsection (e) of this section, without intent to defraud,
28 there shall be assessed, as a penalty, an additional tax equal to twenty-five percent
29 (25%) of the total deficiency. Further, any person who willfully attempts, or any person
30 who aids or abets any person to attempt in any manner to evade or defeat any such tax,
31 or the payment thereof, shall also be guilty of a Class I felony punishable by
32 imprisonment up to five years, a fine up to twenty-five thousand dollars (\$25,000), or
33 both."

34 Sec. 4. Section 1 of this act is effective upon ratification. The remaining
35 sections of this act shall become effective January 1, 1991.