

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 179

Short Title: Delete Environmental Reports.

(Public)

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Sponsors: Representative Hackney.

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Referred to: Environment.

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February 17, 1993

A BILL TO BE ENTITLED

1 AN ACT TO DELETE THE REQUIREMENT THAT CERTAIN REPORTS ON  
2 ENVIRONMENTAL ISSUES BE MADE TO THE JOINT LEGISLATIVE  
3 COMMISSION ON GOVERNMENTAL OPERATIONS.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. Section 3 of Chapter 603 of the 1989 Session Laws reads as  
7 rewritten:

8 "Sec. 3. The Department of Human Resources and the Department of Natural  
9 Resources and Community Development shall work cooperatively in the  
10 implementation of this act. The Department of Natural Resources and Community  
11 Development or its successor shall report semi-annually beginning 1 October 1989 to  
12 ~~the Joint Legislative Commission on Governmental Operations and the Environmental~~  
13 Review Commission as to progress in the implementation of this act."

14 Sec. 2. G.S. 130A-309.12(c) reads as rewritten:

15 "(c) The Department shall report on a quarterly basis ~~to the Joint Legislative~~  
16 ~~Commission on Governmental Operations and~~ to the Environmental Review Commission  
17 as to the condition of the Solid Waste Management Trust Fund and as to the use of all  
18 funds allocated from the Solid Waste Management Trust Fund. Quarterly reports  
19 required under this subsection shall be made not later than 60 days after the last day of  
20 each calendar quarter beginning with the quarter ending 31 December 1989."

21 Sec. 3. Section 2 of Chapter 1082 of the 1989 Session Laws, as rewritten by  
22 Section 1 of Chapter 20 of the 1991 Session Laws, reads as rewritten:

23 "Sec. 2. The Department of Environment, Health, and Natural Resources shall  
24 report quarterly to ~~the Joint Legislative Commission on Governmental Operations and the~~

1 Environmental Review Commission beginning 1 April-July 1991 on the implementation  
2 of the resident inspectors program. The receipts and expenditures provided for by this  
3 act shall appear as a separate expansion budget request for the 1991-93 biennium."

4 Sec. 4. G.S. 143-215.94M(a) reads as rewritten:

5 "(a) The Secretary shall present a semiannual report to ~~the Joint Legislative~~  
6 ~~Commission on Governmental Operations and~~ the Environmental Review Commission  
7 which shall include at least the following:

- 8 (1) A list of all discharges or releases of petroleum from underground  
9 storage tanks;
- 10 (2) A list of all cleanups requiring State funding through the  
11 Noncommercial Fund and a comprehensive budget to complete such  
12 cleanups;
- 13 (3) A list of all cleanups undertaken by tank owners or operators and the  
14 status of these cleanups;
- 15 (4) A statement of receipts and disbursements for both funds;
- 16 (5) A statement of all claims against both funds including claims paid,  
17 claims denied, pending claims, and anticipated claims, and any other  
18 obligations;
- 19 (6) The adequacy of both funds to carry out the purposes of this Part; and
- 20 (7) A statement of the condition of the Loan Fund and a summary of all  
21 activity under the Loan Fund."

22 Sec. 5. G.S. 143B-290(4)(d) reads as rewritten:

23 "(4) a. The Commission may establish a fee schedule for the processing of  
24 permit applications and permit renewals and modifications. The fees  
25 may vary on the basis of the acreage, size, and nature of the proposed  
26 or permitted operations or modifications. In establishing the fee  
27 schedule, the Commission shall consider the administrative and  
28 personnel costs incurred by the Department for processing applications  
29 for permits and permit renewals and modifications and for related  
30 compliance activities and safeguards to prevent unusual fee  
31 assessments which would result in serious economic burden on an  
32 individual applicant or class of applicants.

33 b. The total amount of permit fees collected for any fiscal year  
34 may not exceed one-third of the total personnel and  
35 administrative costs incurred by the Department for processing  
36 applications for permits and permit renewals and modifications  
37 and for related compliance costs in the prior fiscal year, but in  
38 no event may they exceed two thousand five hundred dollars  
39 (\$2,500) for any application for a new permit or five hundred  
40 dollars (\$500.00) for any application for a permit renewal or  
41 modification.

42 c. Fees collected under this subdivision shall be credited to the  
43 General Fund and may be used to:

- 1 1. Defray the expenses of any project or program, including  
2 education programs, supporting the permitting and  
3 compliance activities under Article 7 of Chapter 74 of  
4 the General Statutes;
  - 5 2. Establish additional permanent positions, under Chapter  
6 126 of the General Statutes, to conduct permitting,  
7 compliance, and educational activities under Article 7 of  
8 Chapter 74 of the General Statutes; and
  - 9 3. Improve the efficiency and decrease the length of the  
10 processing period for permit applications.
- 11 d. The Department shall make an annual report to ~~the Joint~~  
12 ~~Legislative Commission on Governmental Operations~~ the  
13 Environmental Review Commission ~~and the Director of the Fiscal~~  
14 ~~Research Division~~ on the cost of the State's mining permit  
15 program. The report shall include the fees established,  
16 collected, and disbursed under this section and any other  
17 information requested by the General Assembly or the  
18 Commission."

19 Sec. 6. This act becomes effective July 1, 1993.