

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1356\*

Short Title: Mining/Sediment. Tech. Asst. Funds.

(Public)

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Sponsors: Representatives Culp; Hill, Locke, McCombs, Mitchell, Tolson, and Weatherly.

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Referred to: Appropriations.

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May 24, 1996

A BILL TO BE ENTITLED

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2 AN ACT TO APPROPRIATE FUNDS TO CONTINUE THE TECHNICAL  
3 ASSISTANCE, TRAINING, AND PUBLIC AWARENESS PROGRAMS UNDER  
4 THE MINING ACT OF 1971 AND THE SEDIMENTATION POLLUTION  
5 CONTROL ACT OF 1973, AS RECOMMENDED BY THE ENVIRONMENTAL  
6 REVIEW COMMISSION.

Whereas, the technical assistance, training, and public awareness programs under the Mining Act of 1971 (G.S. 74-46, et seq.) and the Sedimentation Pollution Control Act of 1973 (G.S. 113A-50, et seq.) are critical to the achievement of the purposes of those acts which regulate land disturbing activities to ensure protection and responsible use of the environment and natural resources of the State; and

Whereas, the North Carolina Sedimentation Control Commission and the North Carolina Mining Commission, acting through the Division of Land Resources of the Department of Environment, Health, and Natural Resources, have for many years administered effective technical assistance, training, and public awareness programs; that these programs significantly contributed to the achievement of the purposes of the acts cited above; and that these programs have enhanced compliance with those acts, cooperation among permit applicants and permittees and the Department, and protection of the environment and natural resources of the State; and

Whereas, under the law as it existed prior to 1994, these technical assistance, training, and public awareness programs were funded from civil penalties assessed and collected for violations under the acts cited above; and

Whereas, in 1994 the General Assembly provided that civil penalties collected under the acts cited above be paid into the General Fund and be subject to appropriation by the General Assembly in the same manner as civil penalties assessed and collected under other programs, in conformity with generally applicable policy and procedures; and

Whereas, the General Assembly failed to appropriate funds for the technical assistance, training, and public awareness programs to offset the loss in funds to the Department derived from civil penalties; and

Whereas, the North Carolina Mining Commission, the North Carolina Sedimentation Control Commission, and the Environmental Review Commission have adopted resolutions requesting that the General Assembly appropriate funds for the technical assistance, training, and public awareness programs in an amount sufficient to adequately support those programs and offset the loss of funds to the Department derived from civil penalties; Now, therefore,

1 The General Assembly of North Carolina enacts:

2           Section 1. There is appropriated from the General Fund to the Department of  
3 Environment, Health, and Natural Resources the sum of two hundred fifty thousand  
4 dollars (\$250,000) for the 1996-97 fiscal year to support technical assistance, training,  
5 and public awareness programs under the Mining Act of 1971, G.S. 74-46, et seq., and  
6 the Sedimentation Pollution Control Act of 1973, G.S. 113A-50, et seq.

7           Sec. 2. It is the intent of the General Assembly to include funds appropriated  
8 for this purpose in the continuation budget for the 1997-99 fiscal biennium.

9           Sec. 3. This act becomes effective July 1, 1996.