

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 816

Short Title: Tank Cleanup Act Amend.

(Public)

Sponsors: Senators Plyler, Royal, Basnight, Goldston, Conder, Parnell, Smith; Daniel, Hunt of Durham, Martin of Pitt, and Odom.

Referred to: Environment and Natural Resources.

April 6, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA LEAKING PETROLEUM
3 UNDERGROUND STORAGE TANK CLEANUP ACT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 142-215.94A reads as rewritten:

6 "§ 143-215.94A. Definitions.

7 Unless a different meaning is required by the context, the following definitions shall
8 apply throughout this Part:

9 (1) 'Commercial Fund' means the Commercial Leaking Petroleum
10 Underground Storage Tank Cleanup Fund established pursuant to this
11 Part.

12 (2) 'Commercial underground storage tank' means any one or combination
13 of tanks (including underground pipes connected thereto) used to
14 contain an accumulation of petroleum products, the volume of which
15 (including the volume of the underground pipes connected thereto) is
16 ten percent (10%) or more beneath the surface of the ground. The
17 term 'commercial underground storage tank' does not include any:

18 a. Farm or residential underground storage tank of 1,100 gallons
19 or less capacity used for storing motor fuel for noncommercial
20 purposes;

21 b. Underground storage tank of 1,100 gallons or less capacity used
22 for storing heating oil for consumptive use on the premises
23 where stored;

- 1 c. Underground storage tank of more than 1,100 gallon capacity
2 used for storing heating oil for consumptive use on the premises
3 where stored by four or fewer households;
4 d. Septic tank;
5 e. Pipeline facility (including gathering lines) regulated under:
6 1. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.
7 1671 **et seq.**);
8 2. The Hazardous Liquid Pipeline Safety Act of 1979 (49
9 U.S.C. 2001 **et seq.**); or
10 3. Any intrastate pipeline facility regulated under State
11 laws comparable to the provisions of the Natural Gas
12 Pipeline Safety Act of 1968 or the Hazardous Liquid
13 Pipeline Safety Act of 1979;
14 f. Surface impoundment, pit, pond, or lagoon;
15 g. Storm water or waste water collection system;
16 h. Flow-through process tank;
17 i. Liquid trap or associated gathering lines directly related to oil
18 or gas production and gathering operations; or
19 j. Storage tank situated in an underground area (such as a
20 basement, cellar, mineworking, drift, shaft, or tunnel) if the
21 storage tank is situated upon or above the surface of the floor.
- 22 (2a) 'Heating oil' means petroleum that is No. 1, No. 2, No. 4-light, No. 4-
23 heavy, No. 5-light, No. 5-heavy or No. 6 technical grades of fuel oil;
24 other residual fuel oils, including Navy Special Fuel Oil and Bunker C;
25 and other fuels when used as substitutes for one of these fuel oils for
26 the purpose of heating.
- 27 (2b) 'In use' means any commercial underground storage tank which
28 contains petroleum or petroleum product during any part of the
29 calendar year for which fees, established under this Article, are due.
- 30 (3) 'Noncommercial Fund' means the Noncommercial Leaking Petroleum
31 Underground Storage Tank Cleanup Fund established pursuant to this
32 Part.
- 33 (4) 'Noncommercial underground storage tank' means any one or
34 combination of tanks (including underground pipes connected thereto)
35 used to contain an accumulation of petroleum products, the volume of
36 which (including the volume of the underground pipes connected
37 thereto) is ten percent (10%) or more beneath the surface of the
38 ground. The term 'noncommercial storage tank' does not include any:
39 a. Commercial underground storage tanks;
40 b. Septic tank;
41 c. Pipeline facility (including gathering lines) regulated under:
42 1. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.
43 1671 **et seq.**);

- 1 2. The Hazardous Liquid Pipeline Safety Act of 1979 (49
2 U.S.C. 2001 **et seq.**); or
3 3. Any intrastate pipeline facility regulated under State
4 laws comparable to the provisions of the Natural Gas
5 Pipeline Safety Act of 1968 or the Hazardous Liquid
6 Pipeline Safety Act of 1979;
7 d. Surface impoundment, pit, pond, or lagoon;
8 e. Storm water or waste water collection system;
9 f. Flow-through process tank;
10 g. Liquid trap or associated gathering lines directly related to oil
11 or gas production and gathering operations; or
12 h. Storage tank situated in an underground area (such as a
13 basement, cellar, mineworking, drift, shaft, or tunnel) if the
14 storage tank is situated upon or above the surface of the floor.
- 15 (4a) 'Occurrence' means an accident, including continuous or repeated
16 exposure to conditions, which results in a release from a commercial
17 or noncommercial underground storage tank. Leaks from individual
18 tanks at a common location, where such tanks are not connected in
19 manifold, are separate occurrences.
- 20 (5) 'Operator' means any person in control of, or having responsibility for,
21 the operation of an underground storage tank.
- 22 (6) 'Owner' means:
23 a. In the case of an underground storage tank in use on 8
24 November 1984, or brought into use after that date, any person
25 who owns an underground storage tank used for the storage,
26 use, or dispensing of petroleum products; and
27 b. In the case of an underground storage tank in use before 8
28 November 1984, but no longer in use on or after that date, any
29 person who owned such tank immediately before the
30 discontinuation of its use.
- 31 (7) 'Petroleum' or 'petroleum product' means crude oil or any fraction
32 thereof which is a liquid at standard conditions of temperature and
33 pressure (60 degrees Fahrenheit and 14.7 pounds per square inch
34 absolute), including any such liquid which consists of a blend of
35 petroleum and alcohol and which is intended for use as a motor ~~fuel~~
36 fuel, but does not include any substance defined in Section 101(14) of
37 the Comprehensive Environmental Response, Compensation and
38 Liability Act of 1980 nor any substance regulated under Subtitle C of
39 the Resources Conservation and Recovery Act."

40 Sec. 2. G.S. 143-215.94B reads as rewritten:

41 "**§ 143-215.94B. Commercial leaking petroleum underground storage tank cleanup**
42 **fund.**

43 (a) There is established under the control and direction of the Department the
44 Commercial Leaking Petroleum Underground Storage Tank Cleanup Fund. This

1 Commercial Fund shall be a nonreverting revolving fund consisting of any monies
2 appropriated for such purpose by the General Assembly or available to it from grants,
3 other monies paid to it or recovered on behalf of the Commercial Fund, and fees paid
4 pursuant to this Part.

5 (b) The Commercial Fund shall be used for the payment of the following costs ~~in~~
6 ~~excess of one hundred thousand dollars (\$100,000)~~ up to an aggregate maximum of one
7 million dollars (\$1,000,000) per occurrence resulting from a discharge or release of a
8 petroleum product from a commercial underground storage tank:

9 (1) The cleanup of environmental damage as required by G.S. ~~143-~~
10 ~~215.94E(a); and 143-215.94E(a) in excess of fifty thousand dollars~~
11 ~~(\$50,000) per occurrence; and~~

12 (2) ~~The least expensive of the following:~~

13 a. ~~Providing potable water supplies including bottled water, well-~~
14 ~~head filtration systems or other suitable alternatives to persons~~
15 ~~whose water supply has been rendered unpotable; or~~

16 b. ~~Purchasing the property of the person whose water supply has~~
17 ~~been rendered unpotable. The State shall not purchase the~~
18 ~~property without the consent of the property owner, but if the~~
19 ~~property owner fails to consent, the amount expended to~~
20 ~~provide potable water shall not exceed the value of the property.~~
21 ~~If the property is purchased by the State, the purchase price~~
22 ~~shall be the value of the property immediately prior to the~~
23 ~~discovery of the discharge or release.~~

24 Compensation for third parties for bodily injury and property damage
25 in excess of one hundred thousand dollars (\$100,000) per occurrence.

26 ~~In no event shall a property owner be paid any sum as liquidated damages from the~~
27 ~~Commercial Fund.~~

28 (c) The Commercial Fund is to be available on an occurrence basis, without
29 regard to number of occurrences associated with tanks owned or operated by the same
30 owner or operator. Up to a maximum of one hundred thousand dollars (\$100,000) per
31 year may be used from the Fund to pay for the administrative costs associated with
32 carrying out the provisions of this Part by the Department.

33 (d) The Commercial Fund shall not be used for:

34 (1) Costs incurred as a result of a discharge or release from an
35 aboveground tank, aboveground pipe or ~~fitting,~~ fitting not connected to
36 an underground storage tank, or vehicle;

37 (2) The replacement of any tank, pipe, fitting or related equipment;

38 (3) Costs incurred as a result of a discharge or release of petroleum from a
39 transmission pipeline;

40 (4) Costs intended to be paid by the Noncommercial Fund; or

41 (5) Costs associated with the administration of any underground storage
42 tank program other than the program administered pursuant to this
43 Part.

1 (e) The Commercial Fund shall be treated as a special trust fund and shall be
2 credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-
3 69.3."

4 Sec. 3. G.S. 143-215.94D reads as rewritten:

5 "**§ 143-215.94D. Noncommercial leaking petroleum underground storage tank**
6 **cleanup fund.**

7 (a) There is established under the control and direction of the Department the
8 Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Fund. This
9 Noncommercial Fund shall be a nonreverting revolving fund consisting of any monies
10 appropriated for such purpose by the General Assembly or available to it from grants, or
11 other monies paid to it or recovered on behalf of the Noncommercial Fund.

12 (b) The Noncommercial Fund shall be used for the payment of the following
13 costs up to an aggregate maximum of one million dollars (\$1,000,000) per occurrence
14 resulting from a discharge or release of a petroleum product from: (i) noncommercial
15 underground storage tanks, (ii) commercial underground storage tanks where the owner
16 or operator cannot be identified or fails to proceed with the cleanup, and (iii)
17 commercial underground storage tanks which were taken out of operation prior to 1
18 January 1974 where, at the time the discharge or release is discovered, neither the owner
19 or operator owns or leases the lands on which the tank is located:

20 (1) The cleanup of environmental damage as required by G.S. 143-
21 215.94E(a); and

22 (2) The least expensive of the following:

23 a. Providing potable water supplies including bottled water, well-
24 head filtration systems or other suitable alternatives to persons
25 whose water supply has been rendered unpotable; or

26 b. Purchasing the property of the person whose water supply has
27 been rendered unpotable. The State shall not purchase the
28 property without the consent of the property owner, but if the
29 property owner fails to consent, the amount expended to
30 provide potable water shall not exceed the value of the property.
31 If the property is purchased by the State, the purchase price
32 shall be the value of the property immediately prior to the
33 discovery of the discharge or release. State purchase of the
34 property does not relieve the responsible party of the duty to
35 restore the impacted areas as required under G.S. 143-215.94E.
36 Any monies collected from the sale of the property by the State
37 shall be placed in the Noncommercial Fund.

38 In no event shall a property owner be paid any sum as liquidated damages from the
39 Noncommercial Fund.

40 (c) The Noncommercial Fund is to be available on an occurrence basis, without
41 regard to number of occurrences associated with tanks owned or operated by the same
42 owner or operator. Up to a maximum of one hundred thousand dollars (\$100,000) per
43 year may be used from the Fund to pay for the administrative costs associated with
44 carrying out the provisions of this Part by the Department.

1 (d) The Noncommercial Fund shall not be used for:

- 2 (1) Costs incurred as a result of a discharge or release from an
3 aboveground tank, aboveground pipe or ~~fitting~~, fitting not connected to
4 an underground storage tank, or vehicle;
5 (2) The replacement of any tank, pipe, fitting or related equipment;
6 (3) Costs incurred as a result of a discharge or release of petroleum from a
7 transmission pipeline;
8 (4) Costs intended to be paid for by the Commercial Fund; or
9 (5) Costs associated with the administration of any underground storage
10 tank program other than the program administered pursuant to this
11 Part.

12 (e) The Noncommercial Fund shall be treated as a special trust fund and shall be
13 credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-
14 69.3."

15 Sec. 4. G.S. 143-215.94E reads as rewritten:

16 "**§ 143-215.94E. Rights and obligations of the owner and operator.**

17 (a) Upon a determination that a discharge or release of petroleum from an
18 underground storage tank has occurred, the owner or operator shall notify the
19 Department pursuant to G.S. 143-215.85. The owner or operator shall immediately
20 undertake to collect and remove the discharge or release and to restore the area affected
21 in accordance with the requirements of ~~this Article~~. G.S. 143-215.84(a).

22 (b) In the case of a discharge or release from a commercial underground storage
23 tank where the owner or operator has been identified and has proceeded with cleanup,
24 the owner or operator may elect to have the Commercial Fund pay or reimburse the
25 owner or operator for any costs described in G.S. 143-215.94B(b) which exceed ~~one~~
26 ~~hundred thousand dollars (\$100,000)~~ up to a maximum of nine hundred thousand dollars
27 (\$900,000). ~~fifty thousand dollars (\$50,000)~~ for the cleanup of environmental damage
28 and one hundred thousand dollars (\$100,000) for compensating third parties for bodily
29 injury and property damage up to an aggregate maximum of one million dollars
30 (\$1,000,000) per discharge or release. The sum of payments by the owner or operator
31 and the payments from the Commercial Fund shall not exceed one million dollars
32 (\$1,000,000) per discharge or release.

33 (c) In the case of a discharge or release from a noncommercial underground
34 storage tank, the owner or operator may elect to have the Noncommercial Fund pay or
35 reimburse the owner or operator for the costs described in G.S. 143-215.94D(b) up to a
36 maximum of one million dollars (\$1,000,000) per discharge or release.

37 (d) In any case where the costs described in G.S. 143-215.94B(b) or G.S. 143-
38 215.94D(b) exceed one million dollars (\$1,000,000), the provisions of Article 21A of
39 this Chapter or any other applicable statute or common law regarding liability shall
40 apply for the amount in excess of one million dollars (\$1,000,000). Nothing contained
41 in this Part shall limit or modify any liability that any party may have pursuant to
42 Article 21A of this Chapter, any other applicable statute, or at common law.

43 (e) When the owner or operator pays the costs described in G.S. 143-215.94B(b)
44 or G.S. 143-215.94D(b) resulting from a discharge or release of petroleum from an

1 underground storage tank, the owner or operator may seek reimbursement from the
2 appropriate fund for any costs he may elect to have either the Commercial or the
3 Noncommercial Fund pay in accordance with subsections (b) and (c) of this section.
4 The Department shall reimburse the owner or operator for all costs he may elect to have
5 the appropriate fund pay for which prior approval was obtained and appropriate
6 documentation was submitted, and any other costs which the Department determines to
7 be reasonable and necessary and for which appropriate documentation is submitted. If
8 the owner or operator is eligible for reimbursement under this section and the cleanup
9 extends beyond a period of three months, the owner or operator may apply to the
10 Department for interim reimbursements to which he is entitled under this section on a
11 quarterly basis.

12 (f) The Department shall not reimburse any owner or operator until the fund
13 from which reimbursement will be made reaches one million dollars (\$1,000,000).

14 (g) No owner or operator shall be reimbursed pursuant to this section, and the
15 Department shall seek reimbursement of the appropriate fund or of the Department for
16 any monies disbursed from the appropriate fund or expended by the Department if:

- 17 (1) The owner or operator has willfully violated any substantive law, rule,
18 or regulation applicable to underground storage tanks and intended to
19 prevent discharges or releases or to facilitate the early detection of
20 discharges or releases;
- 21 (2) The discharge or release is the result of the owner's or operator's
22 willful or wanton misconduct; or
- 23 (3) The owner or operator has failed to pay any annual tank operating fee
24 due pursuant to G.S. 143-215.94C."

25 Sec. 5. G.S. 143-215.94F reads as rewritten:

26 **"§ 143-215.94F. Limited amnesty.**

27 Any owner or operator who reports a suspected discharge or release from an
28 underground storage tank within 15 months ~~of following~~ the effective date of this Part
29 shall not be liable for any civil penalty that might otherwise be imposed pursuant to
30 G.S. 143-215.91(a). The limited amnesty provided by this section shall not apply upon
31 a finding by the Commission that the discharge or release was the result of gross
32 negligence or an intentional act."

33 Sec. 6. G.S. 143-215.94G reads as rewritten:

34 **"§ 143-215.94G. Authority of the Department to engage in cleanups; actions for
35 fund reimbursement.**

- 36 (a) Whenever a discharge or release of petroleum is from:
 - 37 (1) A noncommercial underground storage tank;
 - 38 (2) An underground storage tank where the owner or operator cannot be
39 identified or located;
 - 40 (3) An underground storage tank where the owner or operator fails to
41 proceed as required by G.S. 143-215.94E(a); or
 - 42 (4) A commercial underground storage tank which was taken out of
43 operation prior to 1 January 1974 where, at the time the discharge or

1 release is discovered, neither the owner or operator owns or leases the
2 land on which the underground storage tank is located;
3 the Department is authorized and empowered to use staff, equipment, or materials under
4 its control or provided by other cooperating federal, State, or local agencies and to
5 contract with any agent or contractor it deems appropriate to develop and implement a
6 cleanup plan and to pay the costs authorized by G.S. 143-215.94D(b) from the
7 Noncommercial Fund. Every State agency shall provide to the Department to the
8 maximum extent feasible such staff, equipment, and materials as may be available and
9 useful to the development and implementation of a cleanup program.

10 (b) Whenever the discharge or release of a petroleum product is from a
11 commercial underground storage tank, the Department is authorized and empowered to
12 supervise the cleanup of environmental damage required by G.S. 143-215.94E(a). If the
13 owner or operator elects to have the Commercial Fund reimburse or pay for any costs
14 allowed under ~~G.S. 143-215.94B(b) in excess of one hundred thousand dollars (\$100,000),~~
15 G.S. 143-215.94B(b), the Department shall require the owner or operator to submit
16 documentation of all expenditures which are claimed for the purposes of establishing
17 that the owner or operator has spent ~~an initial one hundred thousand dollars (\$100,000).~~ the
18 amounts required to be paid by the owner or operator pursuant to and in accordance
19 with G.S. 143-215.94E(b). The Department shall allow credit for all expenditures for
20 which prior approval was obtained from the Department and any other expenditures
21 which the Department determines to be reasonable and necessary. The Department may
22 not pay for any costs for which the Commercial Fund was established until the owner or
23 operator has paid ~~an initial one hundred thousand dollars (\$100,000).~~ the amounts specified
24 in G.S. 143-215.94E(b).

25 (c) The Secretary shall keep a record of all expenses incurred for the services of
26 State personnel and for the use of the State's equipment and material.

27 (d) The Secretary shall seek reimbursement through any legal means available,
28 for:

- 29 (1) Any costs not authorized to be paid from either the Commercial or the
30 Noncommercial Fund;
- 31 (2) The ~~initial one hundred thousand dollars (\$100,000)~~ amounts of the costs
32 provided for in G.S. 143-215.94B(b) required to be paid for by the
33 owner or operator pursuant to G.S. 143-215.94E(b) where the owner or
34 operator of a commercial underground storage tank is later identified
35 or located;
- 36 (3) The ~~initial one hundred thousand dollars (\$100,000)~~ amounts of the costs
37 provided for in G.S. 143-215.94B(b) required to be paid for by the
38 owner or operator pursuant to G.S. 143-215.94E(b) where the owner or
39 operator of a commercial underground storage tank failed to proceed
40 as required by G.S. 143-215.94E(a);
- 41 (4) Any funds due under G.S. 143-215.94E(g); and
- 42 (5) Any funds to which the State is entitled under any federal program
43 providing for the cleanup of petroleum discharges or releases from
44 underground storage tanks.

1 (e) In the event that a civil action is commenced to secure reimbursement
2 pursuant to subdivisions (1) through (4) of subsection (d) of this section, the Secretary
3 may recover, in addition to any amount due, the costs of the action, including but not
4 limited to reasonable attorney's fees and investigation expenses. Any monies received
5 or recovered as reimbursement shall be paid into the appropriate fund or other source
6 from which the expenditures were made.

7 (f) In the event that ~~one hundred thousand dollars (\$100,000) or more~~ a recovery
8 equal to or in excess of the amounts required to be paid for by the owner or operator
9 pursuant to G.S. 143-215.94E(b) is recovered pursuant to subdivisions (2) and (3) of
10 subsection (d) of this section for the costs described in G.S. 143-215.94B(b), the
11 Department shall transfer funds from the Commercial Fund that would have been paid
12 from the Commercial Fund pursuant to G.S. 143-215.94B(b) if the owner or operator
13 had proceeded with the cleanup, but which were paid from the Noncommercial Fund,
14 into the Noncommercial Fund."

15 Sec. 7. G.S. 143-215.94H reads as rewritten:

16 "**§ 143-215.94H. Financial responsibility.**

17 The Department shall require each owner and operator of a petroleum underground
18 storage tank who is required to demonstrate financial responsibility under rules
19 promulgated by the United States Environmental Protection Agency pursuant to 42
20 U.S.C. § 6991b(d) to maintain evidence of financial responsibility of not less than ~~one~~
21 ~~hundred thousand dollars (\$100,000)~~ the amounts required to be paid for by the owner or
22 operator pursuant to G.S. 143-215.94E(b) per occurrence for costs described in G.S.
23 143-215.94B(b) and G.S. 143-215.94D(b). Financial responsibility may be established
24 in accordance with rules adopted by the Commission which shall provide that financial
25 responsibility may be established by either insurance, guarantee, surety bond, letter of
26 credit, qualification as a self-insurer, or any combination thereof. The compliance date
27 schedule for demonstrating financial responsibility shall conform to the schedule
28 adopted by the Environmental Protection Agency."

29 Sec. 8. Section 4 of Chapter 1035 of the 1987 Session Laws, reads as
30 rewritten:

31 "Sec. 4. The provisions of this act as they relate to ~~any discharge or release of~~
32 ~~petroleum from an underground storage tank apply only to discharges or releases which~~
33 ~~are discovered or reported on or after the effective date of this act.~~ costs paid for by the:

34 (1) Commercial Fund apply only to discharges or releases which are
35 discovered or reported on or after June 30, 1988.

36 (2) Noncommercial Fund apply to discharges or releases without regard to
37 the date discovered or reported; however, costs sought pursuant to G.S.
38 143-215.94G(d) (1), (2), (3), and (4) shall be for the full amount of the
39 costs paid for from the Noncommercial Fund and shall not be limited
40 pursuant to G.S. 143-215.94E(b) for discharges or releases from
41 commercial underground storage tanks discovered or reported on or
42 before June 30, 1988."

43 Sec. 9. Section 5 of Chapter 1035 of the 1987 Session Laws reads as
44 rewritten:

1 "Sec. 5. G.S. 143-215.94B through G.S. 143-215.94E, G.S. 143-215.94G, and G.S.
2 143-215.94J through G.S. 143-215.94M as enacted by Section 1 of this act and Section
3 2 of this act expire 31 December 1989.—1998. References to expired sections in
4 unexpired sections shall be read to give effect to the unexpired sections. If either fund
5 created by Section 1 of this act would be obligated under the provisions of this act with
6 respect to any discharge or release reported to the Department of Natural Resources and
7 Community Development or any successor department prior to the expiration of this
8 act, the respective fund may continue to pay any costs incurred in accordance with this
9 act to the extent that funds remain. In the event that funds remain in either fund after
10 the expiration of this act and after all claims and other obligations of both funds have
11 been paid, such remaining funds shall revert to the General Fund."

12 Sec. 10. Section 6 of Chapter 1035 of the 1987 Session Laws reads as
13 rewritten:

14 "~~Sec. 6. There is appropriated from the Highway Fund to the Department of Natural~~
15 ~~Resources and Community Development the sum of four million dollars (\$4,000,000)~~
16 ~~for fiscal year 1988-89 to be credited to the Noncommercial Leaking Petroleum~~
17 ~~Underground Storage Tank Cleanup Fund. All sums collected on kerosene and motor~~
18 ~~fuel pursuant to G.S. 119-18 that are not allotted by the Budget Bureau to administer~~
19 ~~and effectively enforce the provisions of Chapter 119 of the General Statutes shall be~~
20 ~~credited to the Commercial Fund as certified on a monthly basis. Five hundred thousand~~
21 ~~dollars (\$500,000) of the sums credited to the Commercial Fund pursuant to this section~~
22 ~~shall be transferred to the Department of Natural Resources and Community~~
23 ~~Development to administer and effectively enforce the provisions of G.S. 143B-282(h)~~
24 ~~and G.S. 143-215.3(a)(15)."~~

25 Sec. 11. This act is effective upon ratification.