

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

1

HOUSE BILL 2209*

Short Title: Environmental Reports Consolidation 2006. (Public)

Sponsors: Representatives Gibson, Harrell, Justice (Primary Sponsors); and Rapp.

Referred to: Environment and Natural Resources.

May 18, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND OR REPEAL VARIOUS ENVIRONMENTAL REPORTING
3 REQUIREMENTS, AS RECOMMENDED BY THE ENVIRONMENTAL
4 REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 113-206(f) reads as rewritten:

7 "(f) In evaluating claims registered pursuant to G.S. 113-205, the Secretary shall
8 favor public ownership of submerged lands and public trust rights. The Secretary's
9 action does not alter or affect in any way the rights of a claimant or the State.

10 ~~To facilitate resolution of claims registered pursuant to G.S. 113-205, the Secretary,~~
11 ~~in cooperation with the Secretary of Administration and the Attorney General, shall~~
12 ~~establish a plan to resolve these claims by 31 December 2003. The Secretary shall~~
13 ~~notify the Secretary of Administration and the Attorney General of the resolution of~~
14 ~~each claim. In addition, on or before October 1 of each year, the Secretary shall submit~~
15 ~~a report to the Joint Legislative Commission on Governmental Operations stating the~~
16 ~~following:~~

- 17 (1) ~~The number of claims registered pursuant to G.S. 113-205 that were~~
18 ~~resolved during the preceding year;~~
19 (2) ~~The cost of resolving these claims;~~
20 (3) ~~The number of unresolved claims; and~~
21 (4) ~~Payments made to acquire claims by condemnation."~~

22 **SECTION 2.** Section 11 of S.L. 2002-4 reads as rewritten:

23 **"Section 11.** The Environmental Management Commission shall study the
24 desirability of requiring and the feasibility of obtaining reductions in emissions of
25 oxides of nitrogen (NOx) and sulfur dioxide (SO2) beyond those required by
26 G.S. 143-215.107D, as enacted by Section 1 of this act. The Environmental
27 Management Commission shall consider the availability of emissions reduction
28 technologies, increased cost to consumers of electric power, reliability of electric power
29 supply, actions to reduce emissions of oxides of nitrogen (NOx) and sulfur dioxide

1 (SO2) taken by states and other entities whose emissions negatively impact air quality
2 in North Carolina or whose failure to achieve comparable reductions would place the
3 economy of North Carolina at a competitive disadvantage, and the effects that these
4 reductions would have on public health, the environment, and natural resources,
5 including visibility. In its conduct of this study, the Environmental Management
6 Commission may consult with the Utilities Commission and the Public Staff. The
7 Environmental Management Commission shall report its findings and recommendations
8 to the General Assembly and the Environmental Review Commission annually
9 beginning 1 September ~~2005~~2007."

10 **SECTION 3.** G.S. 143-215.107C(c) is repealed.

11 **SECTION 4.** G.S. 143B-279.12(e) reads as rewritten:

12 "(e) No later than ~~October 1, 2004, and annually thereafter,~~1 March of each year,
13 the Department of Environment and Natural Resources shall report to the ~~House of~~
14 ~~Representatives and the Senate Appropriations Subcommittees on Natural and~~
15 ~~Economic Resources, the Fiscal Research Division,~~Division and the Environmental
16 Review Commission the number of environmental permits subject to this section that
17 took more than 90 days to issue or deny, the types of permits those were, the reasons for
18 the extended processing time of those permits, and how the time within which the
19 permit was actually issued or denied compared with the projected time frame provided
20 to the applicant by the Department as required by this section. Based on the data
21 gathered under this subsection, the Department shall include in its annual report
22 recommendations regarding permit time frames for all major permits issued by the
23 Department."

24 **SECTION 5.** G.S. 147-12(b) reads as rewritten:

25 "(b) The Department of Transportation, the Department of Correction, the
26 Department of Crime Control and Public Safety, the State Highway Patrol, the Wildlife
27 Resources Commission, the Division of Parks and Recreation in the Department of
28 Environment and Natural Resources, and the Division of Marine Fisheries in the
29 Department of Environment and Natural Resources shall deliver to the Governor by
30 February 1 ~~and August 1~~ of each year detailed information on the agency's litter
31 enforcement, litter prevention, and litter removal efforts. The Administrative Office of
32 the Courts shall deliver to the Governor by February 1 ~~and August 1~~ of each year
33 detailed information on the enforcement of the littering laws of the State, including the
34 number of charges and convictions under the littering laws of the State. The Governor
35 shall gather the information submitted by the respective agencies and deliver a
36 consolidated ~~semiannual~~annual report on or before March 1 ~~and September 1~~ of each
37 year to the Environmental Review Commission, the Joint Legislative Transportation
38 Oversight Committee, and the House of Representatives and the Senate Appropriations
39 Subcommittees on Natural and Economic Resources."

40 **SECTION 6.** G.S. 130A-295.02(m) reads as rewritten:

41 "(m) The Department shall report annually on or before 1 ~~September~~October to
42 the Environmental Review Commission on the implementation of the resident
43 inspectors program."

44 **SECTION 7.** This act becomes effective when it becomes law.