

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007**

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**SENATE BILL 844\***  
**Agriculture/Environment/Natural Resources Committee Substitute Adopted**  
**5/10/07**  
**House Committee Substitute Favorable 7/28/07**

Short Title: Amend Env. Laws/Env. Tech Corrects 2007.

(Public)

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Sponsors:

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Referred to:

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March 19, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL  
2 RESOURCES LAWS TO PROVIDE THAT: (1) AN APPLICATION FOR A  
3 CONSTRUCTION PERMIT FOR A PRIVATE DRINKING WATER WELL  
4 THAT IS TO BE LOCATED ON A SITE ON WHICH A WASTEWATER  
5 SYSTEM IS LOCATED MAY BE ACCOMPANIED BY A SITE PLAN RATHER  
6 THAN A PLAT; (2) PROOF OF COMPLETION OF ANY REQUIRED  
7 PROFESSIONAL DEVELOPMENT IS REQUIRED FOR RENEWAL OF A  
8 WELL CONTRACTOR CERTIFICATE; (3) THE TRANSPLANT OF SEED  
9 CLAMS AND SEED OYSTERS OF A CERTAIN SIZE THAT ORIGINATE  
10 FROM AN AQUACULTURE OPERATION PERMITTED BY THE SECRETARY  
11 OF ENVIRONMENT AND NATURAL RESOURCES IS LAWFUL; (4)  
12 MEMBERS OF THE ADVISORY COMMISSION FOR THE NORTH  
13 CAROLINA STATE MUSEUM OF NATURAL SCIENCES SHALL SERVE  
14 FOUR-YEAR STAGGERED TERMS; (5) TO EXTEND THE EXEMPTION FOR  
15 CERTAIN WELL CONTRACTORS FROM CONTINUING EDUCATION  
16 REQUIREMENTS FOR TWO YEARS; (6) DRAFT FISHERY MANAGEMENT  
17 PLANS ARE NOT SUBMITTED FOR REVIEW TO THE ENVIRONMENTAL  
18 REVIEW COMMISSION; (7) TO MAKE CLARIFYING, CONFORMING, AND  
19 TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE  
20 ENVIRONMENT AND NATURAL RESOURCES; AND (8) TO AMEND OR  
21 REPEAL VARIOUS ENVIRONMENTAL REPORTING REQUIREMENTS.  
22

23  
24 The General Assembly of North Carolina enacts:

25  
26 **PART I. AMEND ENVIRONMENTAL LAWS.**  
27

1           **SECTION 1.** G.S. 87-97(d) reads as rewritten:

2           "(d) Well Site Evaluation. – The local health department shall conduct a field  
3 investigation to evaluate the site on which a private drinking water well is proposed to  
4 be located before issuing a permit pursuant to this section. The field investigation shall  
5 determine whether there is any abandoned well located on the site, and if so, the  
6 construction permit shall be conditioned upon the proper closure of all abandoned wells  
7 located on the site in accordance with the requirements of this Article and rules adopted  
8 pursuant to this Article. If a private drinking water well is proposed to be located on a  
9 site on which a wastewater system subject to the requirements of Article 11 of Chapter  
10 130A of the General Statutes is located or proposed to be located, the application for a  
11 construction permit shall be accompanied by a ~~plat,~~ plat or site plan, as defined in  
12 G.S. 130A-334."

13           **SECTION 2.** G.S. 87-98.7(b) reads as rewritten:

14           "(b) Renewal. – A certificate shall be renewed annually by payment of the annual  
15 fee and proof that the applicant has completed any professional development hours as  
16 may be required by the rules of the Commission. A person who fails to renew a  
17 certificate within 30 days of the expiration of the certificate must reapply for  
18 certification under this Article."

19           **SECTION 3.** G.S. 113-203 is amended by adding a new subsection to read:

20           "(a1) It is lawful to transplant seed clams less than 12 millimeters in their largest  
21 dimension and seed oysters less than 25 millimeters in their largest dimension and when  
22 the seed clams and seed oysters originate from an aquaculture operation permitted by  
23 the Secretary."

24           **SECTION 4.(a)** G.S. 143B-344.18 reads as rewritten:

25           "Part 29. Advisory Commission for North Carolina State Museum of Natural Sciences.

26           "**§ 143B-344.18. Commission created; membership.**

27           There is created an Advisory Commission for the North Carolina State Museum of  
28 Natural Sciences which shall determine its own organization. It shall consist of at least  
29 nine members, which shall include the Director of the North Carolina State Museum of  
30 Natural Sciences, the Commissioner of Agriculture, the State Geologist and Secretary of  
31 Environment and Natural Resources, the Director of the Institute of Fisheries Research  
32 of the University of North Carolina, the Director of the Wildlife Resources  
33 Commission, the Superintendent of Public Instruction, or qualified representative of any  
34 or all of the above-named members, and at least three persons representing the East, the  
35 Piedmont, and the Western areas of the State. Members appointed by the Governor shall  
36 serve for ~~terms of two years with the first appointments to be made effective September~~  
37 ~~1, 1961.~~ four-year staggered terms. Terms shall begin on 1 September. Members  
38 appointed by the Governor shall not serve more than three consecutive four-year terms.  
39 Any member may be removed by the Governor for cause."

40           **SECTION 4.(b)** In order to provide four-year staggered terms for members  
41 of the Advisory Commission for the North Carolina State Museum of Natural Sciences,  
42 the Governor shall, at the Governor's discretion, extend the terms for those appointees  
43 whose terms shall expire on 31 August 2007 to 31 August 2009 and extend the terms for  
44 those appointees whose terms shall expire on 31 August 2008 to 31 August 2010. The

1 three-term limitation provision set out in G.S. 143B-344.18, as amended by subsection  
2 (a) of this section, shall not apply to persons who are members of the Advisory  
3 Commission for the North Carolina State Museum of Natural Sciences at the time this  
4 act becomes law.

5 **SECTION 5.** Section 5 of S.L. 2001-440 reads as rewritten:

6 "SECTION 5. This act is effective when it becomes law. Section 1.3 of this act  
7 expires 1 September ~~2008~~2010."  
8

9 **PART II. AMEND NATURAL RESOURCES LAWS.**

10  
11 **SECTION 6.** G.S. 113-182.1(c1) reads as rewritten:

12 "(c1) The Department shall consult with the regional advisory committees  
13 established pursuant to G.S. 143B-289.57(e) regarding the preparation of each Fishery  
14 Management Plan. Before submission of a plan for review by the Joint Legislative  
15 Commission on Seafood and Aquaculture ~~or the Environmental Review Commission,~~  
16 the Department shall review any comment or recommendation regarding the plan that a  
17 regional advisory committee submits to the Department within the time limits  
18 established in the Schedule for the development and adoption of Fishery Management  
19 Plans established by G.S. 143B-289.52. The Commission shall consult with the regional  
20 advisory committees regarding the development of any temporary management measure  
21 that the Commission determines to be necessary to ensure the viability of the species or  
22 fishery while the plan is being developed and regarding the development of any  
23 management measure to implement the plan. Before the Commission adopts a  
24 temporary management measure or a management measure to implement a plan, the  
25 Commission shall review any comment or recommendation regarding the management  
26 measure that a regional advisory committee submits to the Commission."  
27

28 **SECTION 7.** G.S. 113-182.1(e) reads as rewritten:

29 "(e) The Secretary of Environment and Natural Resources shall monitor progress  
30 in the development and adoption of Fishery Management Plans in relation to the  
31 Schedule for development and adoption of the plans established by the Marine Fisheries  
32 Commission. The Secretary of Environment and Natural Resources shall report to the  
33 Joint Legislative Commission on Seafood and Aquaculture on progress in developing  
34 and implementing the Fishery Management Plans on or before 1 September of each  
35 year. The Secretary of Environment and Natural Resources shall report to the Joint  
36 Legislative Commission on Seafood and Aquaculture within 30 days of the completion  
37 or substantial revision of each proposed Fishery Management Plan. The Joint  
38 Legislative Commission on Seafood and Aquaculture shall ~~concurrently~~ review each  
39 proposed Fishery Management Plan within 30 days of the date the proposed Plan is  
40 submitted by the Secretary. The Joint Legislative Commission on Seafood and  
41 Aquaculture may submit comments and recommendations on the proposed Plan to the  
42 Secretary within 30 days of the date the proposed Plan is submitted by the Secretary."  
43

44 **PART III. TECHNICAL CORRECTIONS.**

1           **SECTION 8.** G.S. 58-37-1 reads as rewritten:

2    "**§ 58-37-1. Definitions.**

3       As used in this Article:

4           ...

5           (7) "Motor vehicle insurance" means direct insurance against liability  
6           arising out of the ownership, operation, maintenance or use of a motor  
7           vehicle for bodily injury including death and property damage and  
8           includes medical payments and uninsured and underinsured motorist  
9           coverages.

10           With respect to motor carriers who are subject to the financial  
11           responsibility requirements established under the Motor Carrier Act of  
12           1980, the term, "motor vehicle insurance" includes coverage with  
13           respect to environmental restoration. As used in this subsection the  
14           term, "environmental restoration" means restitution for the loss,  
15           damage, or destruction of natural resources arising out of the  
16           accidental discharge, dispersal, release, or escape into or upon the  
17           land, atmosphere, ~~water course~~ watercourse, or body of water of any  
18           commodity transported by a motor carrier. Environmental restoration  
19           includes the cost of removal and the cost of necessary measures taken  
20           to minimize or mitigate damage to human health, the natural  
21           environment, fish, shellfish, and wildlife.

22           ...."

23           **SECTION 9.** G.S. 104E-6.1 reads as rewritten:

24    "**§ 104E-6.1. Conveyance of land used for low-level radioactive waste disposal**  
25    **facility to State.**

26       (a) No land may be used as a low-level radioactive waste disposal facility until  
27       fee simple title to the land has been conveyed to the State of North Carolina. In  
28       consideration for such conveyance, the State shall enter into a lease agreement with the  
29       grantor for a term equal to the estimated life of the facility in which the State will be the  
30       lessor and the grantor the lessee. Such lease agreement shall specify that for an annual  
31       rent of fifty dollars (\$50.00), the lessee shall be allowed to use the land for the  
32       development and operation of a low-level radioactive waste disposal facility. Such lease  
33       agreement shall provide that the lessor or any person authorized by the lessor shall have  
34       at all times the right to enter without a search warrant or permission of the lessee upon  
35       any and all parts of the premises for monitoring, inspection and all other purposes  
36       necessary to carry out the provisions of Chapter 104E. The lessee shall remain fully  
37       liable for all damages, losses, personal injury or property damage which may result or  
38       arise out of the lessee's operation of the facility, and for compliance with regulatory  
39       requirements concerning insurance, bonding for closure and post-closure costs,  
40       monitoring and other financial or health and safety requirements as required by  
41       applicable law and regulations. The State, as lessor, shall be immune from liability  
42       except as otherwise provided by statute. The lease shall be transferrable with the written  
43       consent of the lessor, which consent will not be unreasonably withheld. In the case of  
44       such a transfer of the lease, the transferee shall be subject to all terms and conditions

1 that the State deems necessary to ensure compliance with applicable laws and  
2 regulations. If the lessee or any successor in interest fails in any material respect to  
3 comply with any applicable law, regulation, or ~~permit-license~~ condition, or with any  
4 term or condition of the lease, the State may terminate the lease after giving the lessee  
5 written notice specifically describing the failure to comply and upon providing the  
6 lessee a reasonable time to comply. If the lessee does not effect compliance within the  
7 reasonable time allowed, the State may reenter and take possession of the premises.

8 (b) Notwithstanding the termination of the lease by either the lessee or the lessor  
9 for any reason, the lessee shall remain liable for, and be obligated to perform all acts  
10 necessary or required by law, regulation, ~~permit-license~~ conditions or the lease for the  
11 permanent closure of the site until the site has either been permanently closed or until a  
12 substitute operator has been secured and assumed the obligations of the lessee.

13 (c) In the event of changes in laws or regulations applicable to the facility which  
14 make continued operation by the lessee impossible or economically infeasible, the  
15 lessee shall have the right to terminate the lease upon giving the State reasonable notice  
16 of not less than six months, in which case the lessor shall have the right to secure a  
17 substitute lessee and operator.

18 (d) In the event of termination of the lease by the lessor as provided in subsection  
19 (a) of this section, or by the lessee as provided in subsection (c) of this section, the  
20 lessee shall be paid the fair market value of any improvements made to the leased  
21 premises less the costs to the lessor resulting from termination of the lease and securing  
22 a substituted lessee and operator; provided, that the lessor shall have no obligation to  
23 secure a substitute lessee or operator and may require the lessee to permanently close  
24 the facility."

25 **SECTION 10.** G.S. 104E-10.1 reads as rewritten:

26 "**§ 104E-10.1. Additional requirements for low-level radioactive waste facilities.**

27 (a) An applicant for a ~~permit-license~~ for a low-level radioactive facility shall  
28 satisfy the ~~department~~ Department that:

- 29 (1) Any low-level radioactive waste facility heretofore constructed or  
30 operated by the applicant (or any parent or subsidiary corporation if  
31 the applicant is a corporation) has been operated in accordance with  
32 sound waste management practices and in substantial compliance with  
33 federal and state laws and regulations; and  
34 (2) The applicant (or any parent or subsidiary corporation if the applicant  
35 is a corporation) is financially qualified to operate the subject  
36 low-level radioactive waste facility.

37 (a1) The approval of a ~~permit-license~~ shall be contingent upon the applicant first  
38 satisfying the ~~department~~ Department that ~~he~~ the applicant has met the above two  
39 requirements. In order to continue to hold a license under this Chapter, a licensee must  
40 remain financially qualified, and must provide any information requested by the  
41 Department to show that ~~he~~ the licensee continues to be financially qualified.

42 (b) Each ~~permit-license~~ applicant or ~~permit-license~~ holder ~~(or~~ or any parent or  
43 subsidiary corporation if the ~~permit-license~~ applicant or ~~permit-license~~ holder is a  
44 ~~corporation~~ corporation), corporation, as a condition of receiving or holding a ~~permit~~ license, shall

1 have an independent annual audit by a firm of duly licensed certified public accountants  
2 carrying a minimum of five million dollars (\$5,000,000) professional liability insurance  
3 coverage, proof of which coverage shall be provided with the issuance of the audit  
4 report. Each ~~permit-license~~ applicant or ~~permit-license~~ holder referred to above shall  
5 also provide the Department of ~~Environment and Natural Resources~~ with a copy of the  
6 report and shall submit a copy of the report to the State Auditor for approval regarding  
7 its adequacy and completeness. As a minimum, the required report shall include the  
8 financial statements prepared in accordance with generally accepted accounting  
9 principles, all disclosures in the public interest required by law, and the auditor's  
10 opinion and comments relating to the financial statements. The audit shall be performed  
11 in conformity with generally accepted auditing standards.

12 (c) Within 10 days of receiving an application for a license or an amendment to a  
13 license to operate a low-level radioactive waste facility, the Department shall notify the  
14 clerk of the board of commissioners of the county or counties in which the facility is  
15 proposed to be located or is located, and, if the facility is to be located or is located  
16 within a city, the clerk of the governing board of the city, that the application has been  
17 filed, and shall file a copy of the application with the clerk. Prior to issuing a license or  
18 an amendment to an existing license the Secretary ~~of the Department~~ or ~~his~~ the  
19 Secretary's designee shall conduct a public hearing in the county, or in one of the  
20 counties, in which a person proposes to operate a low-level radioactive waste facility or  
21 to enlarge an existing facility. The Secretary shall give notice of the hearing at least 30  
22 days prior to the date thereof by:

- 23 (1) Publication in a newspaper or newspapers having general circulation in  
24 the county or counties where the facility is to be located for three  
25 consecutive weeks beginning 30 days prior to the scheduled date of the  
26 hearing; and  
27 (2) First class mail to persons who have requested such notice. The  
28 Department shall maintain a mailing list of persons who request notice  
29 pursuant to this subsection."

30 **SECTION 11.** G.S. 120-70.36 reads as rewritten:

31 **"§ 120-70.36. Staffing.**

32 The Legislative Services Officer shall assign as staff to the Joint Select Committee  
33 professional employees of the General Assembly, as approved by the Legislative  
34 Services Commission. Clerical staff shall be assigned to the Joint Select Committee  
35 through the offices of the ~~Supervisor of Clerks of the Senate and Supervisor of Clerks of~~  
36 ~~the House of Representatives~~ Directors of Legislative Assistants of the Senate and  
37 House of Representatives. The expenses of employment of clerical staff shall be borne  
38 by the Joint Select Committee."

39 **SECTION 12.** G.S. 120-70.46 reads as rewritten:

40 **"§ 120-70.46. Staffing.**

41 The Legislative Services Officer shall assign as staff to the Environmental Review  
42 Commission professional employees of the General Assembly, as approved by the  
43 Legislative Services Commission. Clerical staff shall be assigned to the Environmental  
44 Review Commission through the offices of the ~~Supervisor of Clerks of the Senate and~~

1 ~~Supervisor of Clerks of the House of Representatives~~ Directors of the Legislative  
2 Assistants of the Senate and House of Representatives. The expenses of employment of  
3 clerical staff shall be borne by the Environmental Review Commission."

4 **SECTION 13.** G.S. 120-70.65 reads as rewritten:

5 "**§ 120-70.65. Staffing.**

6 The Legislative Services Officer shall assign as staff to the Commission professional  
7 employees of the General Assembly, as approved by the Legislative Services  
8 Commission. Clerical staff shall be assigned to the Commission through the ~~Offices of~~  
9 ~~the Supervisor of Clerks of the Senate and Supervisor of Clerks of the House of~~  
10 Representatives offices of the Directors of Legislative Assistants of the Senate and  
11 House of Representatives. The expenses of employment of clerical staff shall be borne  
12 by the Commission."

13 **SECTION 14.** G.S. 130A-294(f) reads as rewritten:

14 "(f) Within 10 days of receiving an application for a permit or for an amendment  
15 to an existing permit for a hazardous waste facility, the Department shall notify the  
16 clerk of the board of commissioners of the county or counties in which the facility is  
17 proposed to be located or is located and, if the facility is proposed to be located or is  
18 located within a city, the clerk of the governing board of the city, that the application  
19 has been filed, and shall file a copy of the application with the clerk. Prior to the  
20 issuance of a permit or an amendment of an existing permit the Secretary or ~~his~~ the  
21 Secretary's designee shall conduct a public hearing in the county, or in one of the  
22 counties in which the hazardous waste facility is proposed to be located or is located.  
23 The Secretary or ~~his~~ the Secretary's designee shall give notice of the hearing, and the  
24 public hearing shall be in accordance with applicable federal regulations adopted  
25 pursuant to RCRA and with Chapter 150B of the General Statutes. Where the provisions  
26 of the federal regulations and Chapter 150B of the General Statutes are inconsistent, the  
27 federal regulations shall apply."

28 **SECTION 15.(a)** G.S. 130A-295.01(g), as enacted by Section 1.7 of S.L.  
29 2007-107, is recodified as G.S. 130A-295.01(c).

30 **SECTION 15.(b)** G.S. 130A-295.01(c), as enacted by Section 1.3 of S.L.  
31 2007-107, is recodified as G.S. 130A-295.01(d).

32 **SECTION 15.(c)** Subsections (d), (e), (f), and (g) of G.S. 130A-295.01, as  
33 enacted by Section 1.4 of S.L. 2007-107, read as rewritten:

34 "~~(d)~~(e)

35 (1) Within 10 days of filing an application for a permit for a commercial  
36 hazardous waste facility, the applicant shall notify every person who  
37 resides or owns property located within one-fourth mile of any  
38 property boundary of the facility that the application has been filed.  
39 The notice shall be by mail to residents and by certified mail to  
40 property owners, or by any other means approved by the Department,  
41 shall be in a form approved by the Department, and shall include all of  
42 the following:

43 ~~(1)~~a. The location of the facility.

44 ~~(2)~~b. A description of the facility.





- 1 (1) Provides for proper and safe construction of proposed works of  
2 improvement;
- 3 (2) Shows that the construction and operation of the proposed works of  
4 improvement (in conjunction with other such works and related  
5 structures of the district and the watershed) will not appreciably  
6 diminish the flow of useful water that would otherwise be available to  
7 existing downstream water users during critical periods;
- 8 (3) Determines whether a program of ~~flood-plain~~floodplain management  
9 in connection with such proposed works is in the public interest, and  
10 the Soil and Water Conservation Commission may withhold approval  
11 until satisfactory ~~flood-plain~~floodplain management measures are  
12 incorporated; and
- 13 (4) Is otherwise in compliance with law."

14 **SECTION 17.** G.S. 139-55 reads as rewritten:

15 **"§ 139-55. Review of applications.**

16 (a) The State Soil and Water Conservation Commission shall receive and review  
17 applications for grants for small watershed projects authorized under Public Law 566  
18 (83rd Congress, as amended) and approve, approve in part, or disapprove all such  
19 applications.

20 (b) In reviewing each application, the State Soil and Water Conservation  
21 Commission shall consider:

- 22 (1) The financial resources of the local sponsoring organization;
- 23 (2) Nonstructural measures such as sedimentation control ordinances and  
24 ~~flood-plain~~floodplain zoning ordinances enacted and enforced by local  
25 governments to alleviate flooding;
- 26 (3) Regional benefits of projects to an area greater than the area under  
27 jurisdiction of the local sponsoring organization;
- 28 (4) Any direct benefit to State-owned lands and properties."

29 **SECTION 18.** G.S. 143-215.74 reads as rewritten:

30 **"§ 143-215.74. Agriculture cost share program.**

31 (a) There is created the Agriculture Cost Share Program for Nonpoint Source  
32 Pollution Control. The program shall be created, implemented, and supervised by the  
33 Soil and Water Conservation Commission.

34 (b) The program shall be subject to the following requirements and limitations:

- 35 (1) The purpose of the program shall be to reduce the input of agricultural  
36 nonpoint source pollution into the ~~water courses~~watercourses of the  
37 State.
- 38 (2) The program shall initially include the present 16 nutrient sensitive  
39 watershed counties and 17 additional counties.

40 ...."

41 **SECTION 19.** G.S. 160A-479.7(a) reads as rewritten:

42 "(a) The charter may confer on the regional sports authority any or all of the  
43 following powers:

44 ...

- 1 (16) To study and plan for new and improved major regional sports and  
2 recreational facilities including but not limited to arenas, stadia,  
3 gymnasia, natatoria, pitches, fields, ~~water courses~~watercourses, and  
4 other areas for the conduct of sports and recreational activities. These  
5 facilities should be of such sizes and in such locations that they will be  
6 adequate to serve the population of the entire jurisdiction of the  
7 authority (and beyond) to the extent possible;

8 ...."

9 **SECTION 20.** Section 12.7(d) of S.L. 2006-66 reads as rewritten:

10 **"DEPARTMENT OF COMMERCE/REPORT ON AGRIBUSINESS FUNDS**

11 **SECTION 12.7.(d)** The Department shall submit the report to the House  
12 Appropriations ~~Committee~~ Subcommittee on Environment, Health, and Natural and  
13 Economic Resources, the Senate Appropriations Committee on Natural and Economic  
14 Resources, and the Fiscal Research Division no later than May 1, 2007."

15 **SECTION 21.** Section 2 of S.L. 2006-139 reads as rewritten:

16 **"SECTION 2.** The Commissioner of Agriculture shall file a report no later than 31  
17 March of each year with the Chairs of the House of Representatives Appropriations  
18 Subcommittee on Natural and Economic Resources and Senate Appropriations  
19 ~~Subcommittees~~ Committee on Natural and Economic Resources, the Chair of the House  
20 of Representatives Agriculture Committee, and the Chair of the Senate Committee on  
21 Agriculture, Environment, and Natural Resources which shall include the following:

- 22 (1) The short- and long-term problems associated with maintaining a  
23 viable dairy industry in the State.  
24 (2) Ways to sustain the existing dairy industry in the State.  
25 (3) Opportunities to expand the dairy industry, including attracting both  
26 new dairy producers and new processors to the State.  
27 (4) The contribution of dairy farms to the maintenance of prime  
28 agricultural land and the quality of life in the State.  
29 (5) An analysis of the effectiveness of the Dairy Stabilization and Growth  
30 Program in achieving the goals of maintaining a local supply of fresh  
31 milk for processing and consumption, facilitating the entry of young  
32 farmers into the dairy industry, and preserving green space along the  
33 urban fringe.  
34 (6) Other factors that impact the dairy industry in the State."

35  
36 **PART IV. REPORTS CONSOLIDATION.**

37 **SECTION 22.** G.S. 77-98 reads as rewritten:

38 **"§ 77-98. Annual report.**

39 The Commission shall submit an annual report, including any recommendations, on  
40 or before 1 October of each year to the Governor of North Carolina, the Environmental  
41 Review Commission of the General Assembly of North Carolina, the Governor of  
42 Virginia, and the General Assembly of Virginia."

43 **SECTION 23.** G.S. 106-744 reads as rewritten:

1    "§ 106-744. Purchase of agricultural conservation easements; establishment of  
2                    North Carolina Agricultural Development and Farmland Preservation  
3                    Preservation Trust Fund and Advisory Committee.

4            ...

5            (i) The Advisory Committee shall report no later than May 1 of each year to the  
6    Joint Legislative Commission on Governmental Operations, the Environmental Review  
7    Commission, and the House of Representatives and Senate Appropriations  
8    Subcommittees on Natural and Economic Resources regarding the activities of the  
9    Advisory Committee, the agriculture easements purchased, and agricultural projects  
10   funded during the previous year.

11            ...."

12            **SECTION 24.** G.S. 130A-294.1 reads as rewritten:

13    "§ 130A-294.1. Fees applicable to generators and transporters of hazardous waste,  
14                    and to hazardous waste storage, treatment, and disposal facilities.

15            (a) It is the intent of the General Assembly that the fee system established by this  
16    section is solely to provide funding in addition to federal and State appropriations to  
17    support the State's hazardous waste management program.

18            ...

19            (p) The Department shall make an annual report on or before 1 October to the  
20    General Assembly and its Fiscal Research Division on the cost of the hazardous waste  
21    management program. The report shall include, but is not limited to, beginning fund  
22    balance, fees collected under this section, anticipated revenue from all sources, total  
23    expenditures (~~by~~ activities and ~~categories~~) categories for the hazardous waste  
24    management program, ending fund balance, any recommended adjustments in the  
25    annual and tonnage fees which may be necessary to assure the continued availability of  
26    funds sufficient to pay the State's share of the cost of the hazardous waste management  
27    program, and any other information requested by the General Assembly. In  
28    recommending adjustments in annual and tonnage fees, the Department may propose  
29    fees for hazardous waste generators, and for hazardous waste treatment facilities which  
30    treat waste generated on-site, which are designed to encourage reductions in the volume  
31    or quantity and toxicity of hazardous waste."

32            **SECTION 25.** This act is effective when it becomes law.