



# HOUSE BILL 308: Various Ag/NER Changes.

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2019-2020 General Assembly

<b>Committee:</b>	Senate Agriculture/Environment/Natural Resources. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 17, 2020
<b>Introduced by:</b>	Reps. Dixon, Strickland, Barnes, Conrad	<b>Prepared by:</b>	Jennifer McGinnis Staff Attorney
<b>Analysis of:</b>	PCS to Second Edition H308-CSRifa-31		

**OVERVIEW:** *The Proposed Committee Substitute to House Bill 308 would amend several State laws related to environment and natural resource matters.*

### CURRENT LAW/BILL ANALYSIS:

#### **NORTH CAROLINA ON-SITE WASTEWATER CONTRACTORS AND INSPECTORS CERTIFICATION BOARD/GRANT OF AUTHORITY TO HOLD REAL PROPERTY**

**Section 1** would expand the [powers and duties of the North Carolina On-Site Wastewater Contractors and Inspectors Certification Board](#) to authorize the Board to acquire, hold, convey, rent, encumber, alienate, and otherwise deal with real property in the same manner as a private person or corporation, subject only to the approval of the Governor and Council of State.

#### **ALLOW DIVISION OF COASTAL MANAGEMENT TO ACCEPT ELECTRONIC PAYMENTS**

**Section 2** would allow the Division of Coastal Management, or the appropriate city or county authority, to accept electronic payments for permit applications, in addition to checks or money orders.

#### **ALLOW THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO ESTABLISH EMERGENCY MEASURES AND PROCEDURES APPLICABLE TO SOLID WASTE MANAGEMENT DURING A STATE OF EMERGENCY DECLARED BY THE GOVERNOR**

**Section 3** would authorize the Secretary of the Department of Environmental Quality (DEQ) to develop and implement emergency measures and procedures necessary for the proper management of solid waste generated during a state of emergency declared by the Governor. Such emergency procedures and measures would expire no more than 60 days after a declaration of a state of emergency has expired or been rescinded by the Governor, and may include any of the following: (i) restrictions on the collection, storage, and transportation of solid waste; (ii) decisions on facility operational conditions such as operational times and waste acceptance and (iii) any other measures or procedures necessary to allow for the proper disposal of solid waste within impacted communities.

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## **EXEMPT UNITS OF GOVERNMENT FROM BEING CHARGED A SYSTEM DEVELOPMENT FEE**

In 2017, the General Assembly specifically authorized local governmental units to impose a "system development fee" upon new development that increases the capacity need to serve water or sewer.

**Section 4** would prohibit a local government unit from charging the State or any political subdivision of the State a system development fee. The provision would require that any system development fee paid by the State or a political subdivision of the State between October 1, 2017, and July 1, 2020, must be reimbursed to the State or political subdivision upon written request submitted to the imposing local governmental unit by October 1, 2020.

## **ABANDONED AND DERELICT VESSELS**

S.L. 2019-224 allocated \$1,000,000 to the Wildlife Resources Commission (WRC) to inspect, investigate, and remove derelict and abandoned water vessels.

**Section 5** would amend S.L. 2019-224 to require WRC to provide notice to the owner of an abandoned or derelict vessel, if possible, post notice on the vessel itself, and allow 30 days for response prior to taking actions to remove and dispose of the abandoned or derelict vessel. This section would also direct that WRC prioritize the removal of abandoned and derelict vessels on public waters and lands, and clarify the definition of "abandoned and derelict vessel."

## **CLARIFY FUNDING FOR THE LINDSEY BRIDGE DAM REPAIR AND STREAM RESTORATION PROJECT IN ROCKINGHAM COUNTY**

In 2018, the General Assembly allocated \$2,000,000 for the Lindsey Bridge dam repair and stream restoration project.

**Sections 6 and 7** would reallocate those funds to provide a directed grant to the Town of Madison for the Lindsey Bridge dam repair and stream restoration project, subject to certain requirements. This section would expire on June 30, 2021.

## **MERCURY SWITCH PROGRAM EXTENSION**

Current law requires that persons who dispose of end-of-life vehicles must remove mercury switches from vehicles prior to the vehicles being destroyed. The cost of this removal program is funded by a portion of the revenues from motor vehicle certification of title fees. From these funds, \$5.00 is paid to the person removing the mercury switch. The program is scheduled to expire in June 2021.

**Section 8** would extend the expiration of the Mercury Switch Program from June 2021 until June 2031.

## **COLLABORATORY REPORTING CHANGES**

**Section 9** would:

- Delay deadlines for the following reports, due to the impact of the COVID-19 pandemic on academic research required for the legislative directives:
  - From October 2020 to April 2021, the Collaboratory's report on the results of sampling done in conjunction with nontargeted analysis for PFAS at all public water supply surface

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water intakes and one public water supply well to establish a water quality baseline for all sampling sites.

- From December 2020 to June 2021, the Collaboratory's report on the study of flooding and resiliency against future storms in Eastern North Carolina and development of an implementation plan with recommendations.
- Amend the language enacted in 2016 that originally established the Collaboratory, which provided its purpose was to facilitate the dissemination of the policy and research expertise of The University of North Carolina, to also include other institutions of higher learning within North Carolina. Language is also added, however, to provide that wherever possible, funding preference may be given to campuses within The University of North Carolina System. In addition, language is added to provide that institutions receiving research funding from the Collaboratory may not charge for indirect overhead costs against any research funds received by the Collaboratory.

**EFFECTIVE DATE:** Except as otherwise provided, this act would become effective when law.

*Kyle Evans, Staff Attorney, substantially contributed to this summary.*