

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 953
Committee Substitute Favorable 6/21/12

Short Title: Environmental Technical Corrections 2012.

(Public)

Sponsors:

Referred to:

May 17, 2012

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS
3 TO VARIOUS LAWS RELATED TO ENVIRONMENT AND NATURAL RESOURCES,
4 AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 113-182.1(e) reads as rewritten:

7 "(e) The Secretary of Environment and Natural Resources shall monitor progress in the
8 development and adoption of Fishery Management Plans in relation to the Schedule for
9 development and adoption of the plans established by the Marine Fisheries Commission. The
10 Secretary of Environment and Natural Resources shall report to the Joint Legislative
11 Commission on Governmental Operations on progress in developing and implementing the
12 Fishery Management Plans on or before 1 September of each year. The Secretary of
13 Environment and Natural Resources shall report to the ~~Joint Legislative Commission on~~
14 ~~Seafood and Aquaculture~~ Joint Legislative Commission on Governmental Operations within 30
15 days of the completion or substantial revision of each proposed Fishery Management Plan. The
16 Joint Legislative Commission on Governmental Operations shall review each proposed Fishery
17 Management Plan within 30 days of the date the proposed Plan is submitted by the Secretary.
18 The Joint Legislative Commission on Governmental Operations may submit comments and
19 recommendations on the proposed Plan to the Secretary within 30 days of the date the proposed
20 Plan is submitted by the Secretary."

21 **SECTION 2.(a)** G.S. 113A-115.1 is amended by adding a new subsection to read:

22 **"§ 113A-115.1. Limitations on erosion control structures.**

23 ...

24 (i) No later than September 1 of each year, the Coastal Resources Commission shall
25 report to the Environmental Review Commission on the implementation of this section. The
26 report shall provide a detailed description of each proposed and permitted terminal groin and its
27 accompanying beach fill project, including the information required to be submitted pursuant to
28 subsection (e) of this section. For each permitted terminal groin and its accompanying beach
29 fill project, the report shall also provide all of the following:

- 30 (1) The findings of the Commission required pursuant to subsection (f) of this
31 section.
32 (2) The status of construction and maintenance of the terminal groin and its
33 accompanying beach fill project, including the status of the implementation
34 of the plan for construction and maintenance and the inlet management plan.
35 (3) A description and assessment of the benefits of the terminal groin and its
36 accompanying beach fill project, if any.



1 have prequalified under procedures established by the Ecosystem
2 Enhancement Program shall be eligible to bid on Ecosystem Enhancement
3 Program construction projects. Construction contracts issued under this
4 subdivision shall be exempt from the requirements of Article 8B of Chapter
5 143 of the General Statutes.

6 (j) The regulatory requirements for the establishment, operation, and monitoring of a
7 compensatory mitigation bank or full delivery project shall vest at the time of the execution of
8 the mitigation banking instrument or the award of a full delivery contract."

9 **SECTION 5.(b)** Sections 1.2 and 1.3 of S.L. 2011-343 are repealed.

10 **SECTION 6.** G.S. 143B-279.8(f) reads as rewritten:

11 "(f) The Secretary of Environment and Natural Resources shall report to the
12 Environmental Review Commission and the ~~Joint Legislative Commission on Seafood and~~
13 ~~Aquaculture [Joint Legislative Commission on Governmental Operations]~~ Joint Legislative
14 Commission on Governmental Operations within 30 days of the completion or substantial
15 revision of each draft Coastal Habitat Protection Plan. The Environmental Review Commission
16 and the Joint Legislative Commission on Governmental Operations shall concurrently review
17 each draft Coastal Habitat Protection Plan within 30 days of the date the draft Plan is submitted
18 by the Secretary. The Environmental Review Commission and the Joint Legislative
19 Commission on Governmental Operations may submit comments and recommendations on the
20 draft Plan to the Secretary within 30 days of the date the draft Plan is submitted by the
21 Secretary."

22 **SECTION 7.** G.S. 143B-344.37(b)(1) reads as rewritten:

23 **"§ 143B-344.37. (Expires June 30, 2016) North Carolina Sustainable Communities Grant**
24 **Fund.**

25 ...

26 (b) Purposes. – Funds in the North Carolina Sustainable Communities Grant Fund shall
27 be used, as available, to provide funding to regional bodies, cities, or counties to improve
28 regional planning efforts that integrate housing and transportation decisions, to increase the
29 capacity to improve land use and zoning and to provide up to fifty percent (50%) of any
30 required local matching funds for recipients of Federal Sustainable Communities Planning
31 Grants and any other federal grants related to sustainable development and requiring local
32 matching funds. In order to receive funds under this section, regions must meet all of the
33 following requirements:

34 (1) The regional body, city, or county is a part of a regional sustainable
35 development partnership that includes any of the metro regions as defined in
36 ~~G.S. 143B-344.38(b)~~-G.S. 143B-344.38(c). Partnerships may also include
37 any Metropolitan Planning Organizations, Regional Planning Organizations,
38 regional transit agencies, and representation from involved State agencies.

39"

40 **SECTION 8.** G.S. 143B-344.38 reads as rewritten:

41 **"§ 143B-344.38. (Expires June 30, 2016) North Carolina Sustainable Communities Task**
42 **Force – reports.**

43 (a) Beginning in 2011, the Task Force shall report to the Governor, the chairs of the
44 ~~House Commerce, Small Business, and Entrepreneurship Committee~~ House Committee on
45 Commerce and Job Development, ~~and~~ the Senate Commerce Committee, and the Joint
46 Legislative Commission on Governmental Operations no later than October 1 each year. The
47 report shall include the following elements:

48 ...

49 (b) Prior to awarding any funding under G.S. 143B-344.37 and no later than February
50 1, 2011, the Task Force shall report to the ~~House Commerce, Small Business, and~~
51 ~~Entrepreneurship Committee~~ House Committee on Commerce and Job Development and the

1 Senate Commerce Committee regarding the sustainable practices scoring system developed in
2 accordance with G.S. 143B-344.35(7).

3"

4 **SECTION 9.** G.S. 143B-432(a) reads as rewritten:

5 "(a) The Division of Economic Development of the Department of Natural and
6 Economic Resources, the Science and Technology Committee of the Department of Natural
7 and Economic Resources, and the Science and Technology Research Center of the Department
8 of Natural and Economic Resources Resources, and the Western North Carolina Public Lands
9 Council of the Department of Natural and Economic Resources are each hereby transferred to
10 the Department of Commerce by a Type I transfer, as defined in G.S. 143A-6."

11 **SECTION 10.** G.S. 18B-1105(b) reads as rewritten:

12 **"§ 18B-1105. Authorization of distillery permit.**

13 ...

14 (b) Distilleries for Fuel Alcohol. – Any person in possession of a Federal Operating
15 Permit pursuant to Title 27, Code of Federal Regulations, Part 19 (April 1, 2010 Edition),
16 201.64 through 201.65 or Part 201.131 through 201.138 shall obtain a fuel alcohol permit
17 before manufacturing any alcohol. The permit shall entitle the permittee to perform only those
18 acts allowed by the Federal Operating Permit, and all conditions of the Federal Operating
19 Permit shall apply to the State permit."

20 **SECTION 11.** This act is effective when it becomes law.