

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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SENATE BILL 539

Short Title: Environmental Regulatory Reform Act of 2017. (Public)

Sponsors: Senators Cook, Sanderson, and Brock (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 3, 2017

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FURTHER ENVIRONMENTAL REGULATORY RELIEF TO THE  
3 CITIZENS OF NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5  
6 **CONDEMNATION CONFORMING CHANGES AND PUBLIC USE RESTRICTION**

7 **SECTION 1.1.(a)** G.S. 40A-3(a) reads as rewritten:

8 "(a) Private Condemnors. – For the public ~~use or benefit,~~ use, the persons or  
9 organizations listed below shall have the power of eminent domain and may acquire by  
10 purchase or condemnation property for the stated purposes and other works which are  
11 authorized by ~~law,~~ law:

12 (1) Corporations, bodies politic or persons have the power of eminent domain  
13 for the construction of railroads, power generating facilities, substations,  
14 switching stations, microwave towers, roads, alleys, access railroads,  
15 turnpikes, street railroads, plank roads, tramroads, canals, ~~telegraphs,~~  
16 ~~telephones,~~ communication facilities, electric power lines, electric lights,  
17 public water supplies, public sewerage systems, flumes, bridges, facilities  
18 related to the distribution of natural gas, and pipelines or mains ~~originating~~  
19 ~~in North Carolina~~ for the transportation of petroleum products, coal, natural  
20 gas, limestone or minerals. Land condemned for any liquid pipelines  
21 ~~shall~~ shall meet both of the following requirements:

22 a. Not be less than 50 feet nor more than 100 feet in ~~width,~~ and width.

23 b. Comply with the provisions of G.S. 62-190(b).

24 The width of land condemned for any natural gas pipelines shall not be more  
25 than 100 feet.

26 ...."

27 **SECTION 1.1.(b)** G.S. 40A-3(b) reads as rewritten:

28 "(b) Local Public Condemnors – Standard Provision. – For the public ~~use or benefit,~~ use,  
29 the governing body of each municipality or county shall possess the power of eminent domain  
30 and may acquire by purchase, gift or condemnation any property, either inside or outside its  
31 boundaries, for the following ~~purposes,~~ purposes:

32 ...."

33 **SECTION 1.1.(c)** G.S. 40A-3(b1) reads as rewritten:

34 "(b1) Local Public Condemnors – Modified Provision for Certain Localities. – For the  
35 public ~~use or benefit,~~ use, the governing body of each municipality or county shall possess the



1 power of eminent domain and may acquire by purchase, gift or condemnation any property or  
2 interest therein, either inside or outside its boundaries, for the following ~~purposes:~~purposes:

3 ...."

4 **SECTION 1.1.(d)** G.S. 40A-3(c) reads as rewritten:

5 "(c) Other Public Condemnors. – For the public ~~use or benefit,~~use, the following  
6 political entities shall possess the power of eminent domain and may acquire property by  
7 purchase, gift, or condemnation for the stated ~~purposes:~~purposes:

8 ...."

9 **SECTION 1.1.(e)** G.S. 40A-3 is amended by adding a new subsection to read:

10 "(d) Connection of Customers. – For the public use, private condemnors, local public  
11 condemnors, and other public condemnors in subsections (a), (b), (b1), and (c) of this section  
12 shall possess the power of eminent domain and may acquire by purchase, gift, or condemnation  
13 any property for the connection of any customer or customers."

14 **SECTION 1.1.(f)** This section is effective when it becomes law and applies to  
15 takings occurring on or after that date.

## 16 17 **REPEAL PLASTIC BAG BAN**

18 **SECTION 2.1.(a)** Part 2G of Article 9 of Chapter 130A of the General Statutes is  
19 repealed.

20 **SECTION 2.1.(b)** G.S. 130A-22 reads as rewritten:

21 "(a) The Secretary of Environmental Quality may impose an administrative penalty on a  
22 person who violates Article 9 of this Chapter, rules adopted by the Commission pursuant to  
23 Article 9, or any term or condition of a permit or order issued under Article 9. Each day of a  
24 continuing violation shall constitute a separate violation. The penalty shall not exceed fifteen  
25 thousand dollars (\$15,000) per day in the case of a violation involving nonhazardous waste.  
26 The penalty shall not exceed thirty-two thousand five hundred dollars (\$32,500) per day in the  
27 case of a first violation involving hazardous waste as defined in G.S. 130A-290 or involving  
28 the disposal of medical waste as defined in G.S. 130A-290 in or upon water in a manner that  
29 results in medical waste entering waters or lands of the State; and shall not exceed fifty  
30 thousand dollars (\$50,000) per day for a second or further violation involving the disposal of  
31 medical waste as defined in G.S. 130A-290 in or upon water in a manner that results in medical  
32 waste entering waters or lands of the State. The penalty shall not exceed thirty-two thousand  
33 five hundred dollars (\$32,500) per day for a violation involving a voluntary remedial action  
34 implemented pursuant to G.S. 130A-310.9(c) or a violation of the rules adopted pursuant to  
35 G.S. 130A-310.12(b). ~~The penalty shall not exceed one hundred dollars (\$100.00) for a first~~  
36 ~~violation; two hundred dollars (\$200.00) for a second violation within any 12-month period;~~  
37 ~~and five hundred dollars (\$500.00) for each additional violation within any 12-month period for~~  
38 ~~any violation of Part 2G of Article 9 of this Chapter. For violations of Part 7 of Article 9 of this~~  
39 Chapter and G.S. 130A-309.10(m): (i) a warning shall be issued for a first violation; (ii) the  
40 penalty shall not exceed two hundred dollars (\$200.00) for a second violation; and (iii) the  
41 penalty shall not exceed five hundred dollars (\$500.00) for subsequent violations. If a person  
42 fails to pay a civil penalty within 60 days after the final agency decision or court order has been  
43 served on the violator, the Secretary of Environmental Quality shall request the Attorney  
44 General to institute a civil action in the superior court of any county in which the violator  
45 resides or has his or its principal place of business to recover the amount of the assessment.  
46 Such civil actions must be filed within three years of the date the final agency decision or court  
47 order was served on the violator.

48 ...."

49 **SECTION 2.1.(c)** Section 13.10(c) of S.L. 2010-31 is repealed.

50 **SECTION 2.1.(d)** This section becomes effective July 1, 2017.

1 **SEVERABILITY CLAUSE AND EFFECTIVE DATE**

2           **SECTION 3.1.** If any section or provision of this act is declared unconstitutional or  
3 invalid by the courts, it does not affect the validity of this act as a whole or any part other than  
4 the part declared to be unconstitutional or invalid.

5           **SECTION 3.2.** Except as otherwise provided, this act is effective when it becomes  
6 law.