

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 531
House Committee Substitute Favorable 7/1/91

Short Title: Cherokees/Solid Waste Regions/Loans.

(Public)

Sponsors:

Referred to:

April 10, 1991

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE EASTERN BAND OF CHEROKEE INDIANS SHALL BE ELIGIBLE TO: (1) BE A MEMBER OF A REGIONAL SOLID WASTE MANAGEMENT AUTHORITY, AND (2) APPLY FOR FINANCING A PROJECT WITH A LOAN FROM THE NORTH CAROLINA SOLID WASTE MANAGEMENT CAPITAL PROJECTS FINANCING AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 153A-421(a) reads as rewritten:

"(a) Unless a different meaning is required by the context, terms relating to the management of solid waste used in this Article have the same meaning as in G.S. 130A-2 and in G.S. 130A-290. As used in this Article, the term 'solid waste' means nonhazardous solid waste, that is, solid waste as defined in G.S. 130A-290 but not including hazardous waste or sludge. In addition to the meaning set out in G.S. 130A-290, the term 'unit of local government' means the Eastern Band of the Cherokee Indians in North Carolina."

Sec. 2. G.S. 153A-430 is amended by adding a new subsection to read:

"(c) A unit of local government that is exempt from compliance with federal or State laws, regulations, or rules enacted or adopted for the management of solid waste or for the protection of the environment shall, by becoming a member of a regional solid waste management authority created under this Article and as a condition of such membership, agree to comply with and to be bound by all applicable federal and State laws, regulations, and rules enacted or adopted for the management of solid waste and for the protection of the environment with respect to all solid waste management

1 activities of the authority within the territorial jurisdiction of the unit of local
2 government and with respect to all solid waste management activities performed by the
3 unit of local government in connection with membership in the authority, including all
4 enforcement provisions of such laws, regulations, and rules."

5 Sec. 3. G.S. 159I-3(a)(13) reads as rewritten:

6 "(13) 'Unit of local government' or 'unit' means:

- 7 a. A unit of local government as defined in G.S. 159-44(4);
8 b. Any combination of units, as defined in G.S. 160A-460(2),
9 entering into a contract or agreement with each other under G.S.
10 160A-461;
11 c. Any joint agency established under G.S. 160A-462; as any such
12 section may be amended from time to time; or
13 d. Any regional solid waste management authority created
14 pursuant to G.S. ~~153A-421~~-153A-421; or
15 e. The Eastern Band of the Cherokee Indians in North Carolina."

16 Sec. 4. G.S. 159I-10 is amended by adding a new subsection to read:

17 "(d) A unit of local government that is exempt from compliance with federal or
18 State laws, regulations, or rules enacted or adopted for the management of solid waste
19 or for the protection of the environment, in order to be eligible to participate in any
20 financing program under this Chapter and as a condition of such participation, shall
21 agree to comply with and to be bound by all applicable federal and State laws,
22 regulations, and rules enacted or adopted for the management of solid waste and for the
23 protection of the environment with respect to all solid waste management activities for
24 which any financing is obtained under this Chapter including all enforcement provisions
25 of such laws, regulations, and rules."

26 Sec. 5. This act is effective upon ratification.