

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1205

Short Title: Franchise Not Req. Smokestacks Landfills. (Public)

Sponsors: Representatives McComas, Gibson, Sherrill, Haire (Primary Sponsors);
Brubaker, Goforth, and Saunders.

Referred to: Environment and Natural Resources.

April 10, 2003

A BILL TO BE ENTITLED

1 AN ACT TO FACILITATE THE IMPLEMENTATION OF THE "CLEAN
2 SMOKESTACKS ACT" BY EXEMPTING SANITARY LANDFILLS USED FOR
3 THE DISPOSAL OF WASTE GENERATED BY INVESTOR-OWNED PUBLIC
4 UTILITY COAL-FIRED GENERATING UNITS THAT ARE SUBJECT TO THE
5 "CLEAN SMOKESTACKS ACT" FROM THE REQUIREMENT THAT
6 FRANCHISES BE OBTAINED FOR THE OPERATION OF THOSE
7 LANDFILLS.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 130A-294(b1) is amended by adding a new subdivision to
11 read:

12 "(5) As used in this subdivision, 'coal-fired generating unit' and 'investor-
13 owned public utility' have the same meaning as in G.S.
14 143-215.107D(a). Notwithstanding subdivisions (a)(4), (b1)(3), or
15 (b1)(4) of this section, no franchise shall be required for a sanitary
16 landfill used only to dispose of waste generated by a coal-fired
17 generating unit that is owned or operated by an investor-owned utility
18 subject to the requirements of G.S. 143-215.107D."

19 **SECTION 2.** This act is effective when it becomes law.