

March 4, 1999

**S 247. PRESCRIBED BURNING IN FORESTS (=H 316). TO ENCOURAGE PRESCRIBED BURNING FOR FORESTRY AND WILDLIFE PURPOSES UNDER CERTAIN CONDITIONS.**

Adds new Art. 4E ("North Carolina Prescribed Burning Act") to GS Ch. 113. Cites the benefits to controlled burning of forestlands under certain conditions. Provides immunity to a landowner or landowner's agent from any civil liability for smoke damage or smoke injury for a non-negligent prescribed burn under the provisions of the new article; also provides that such a prescribed burn is not a public or private nuisance. Such immunity applies when the fire is conducted by a prescribed burner certified by the DENR Div'n of Forest Resources pursuant to a prescription developed by the prescribed burner which contains specifics (outlined in the bill) of the plan for the burn. The burn must be conducted throughout by the certified prescribed burner, except that a landowner may himself or herself conduct a burn pursuant to a prescription developed by a certified prescribed burner if the tract to be burned is forestland under 50 acres. Prescribed burnings must comply with open burning permit requirements and air pollution control statutes. Effective Jan. 1, 2000.

**Intro. by Lee and Wellons.**

Ref. to Agriculture

GS 113

July 19, 1999

**S 247. SOUTHEAST COMPACT COMMISSION.** Intro. 3/4/99. House committee substitute makes the following changes to 1st edition. Replaces original bill with AN ACT TO WITHDRAW NORTH CAROLINA FROM THE SOUTHEAST INTERSTATE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT COMPACT, TO LIMIT THE AUTHORITY OF THE LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT AUTHORITY AND TO DIRECT THE RADIATION PROTECTION COMMISSION TO STUDY AND FORMULATE A PLAN FOR LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT. As title indicates. Specifies that NC withdraws from membership as a party state in cited compact, in accordance with the provisions of GS 104F-1, Art. VII, Sec.(g), and repeals GS Ch. 104F (containing and dealing with Compact). Provides that notwithstanding any contrary provision of GS Ch. 104G, sole function of NC Low-Level Radioactive Waste Management Authority is to complete process of closing and restoring proposed Wake County low-level radioactive waste site, and to finalize all other responsibilities and business of Authority relating to closure and restoration by June 30, 2000. Repeals GS Ch. 104G (dealing with Authority).

Directs cited Comm'n to conduct cited study concerning current and projected availability and adequacy of facilities for management of waste produced by NC generators. Plan is to deal with NC's responsibilities under cited federal laws, and Comm'n is to report to General Assembly by May 15, 2000. No license application for a low-level facility is to be issued or considered by DENR before legislature acts to establish a plan for future management of low-level radioactive waste. Repeal of GS Ch. 104G is effective July 1, 2000. Rest of act is effective when it becomes law.