

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**SESSION LAW 2003-37  
HOUSE BILL 1205**

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

The General Assembly of North Carolina enacts:

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

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

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

In the General Assembly read three times and ratified this the 5<sup>th</sup> day of May, 2003.

s/ Marc Basnight  
President Pro Tempore of the Senate

s/ Richard T. Morgan  
Speaker of the House of Representatives

s/ Michael F. Easley  
Governor

Approved 12:39 p.m. this 14<sup>th</sup> day of May, 2003