



## The Daily Bulletin: 2013-06-07

### PUBLIC/SENATE BILLS

S 9 (2013-2014) [UTILITIES/DESIGN/SURVEY LOCATION SERVICES](#). Filed Jan 30 2013, *A BILL TO BE ENTITLED AN ACT REQUIRING UTILITY OWNERS TO LOCATE AND DESCRIBE UNDERGROUND UTILITIES UPON WRITTEN OR ORAL REQUEST FROM A PERSON WHO IS RESPONSIBLE FOR DESIGNING OR SURVEYING UNDERGROUND FACILITIES OR REQUIRES A GENERAL DESCRIPTION AND LOCATION OF EXISTING UNDERGROUND FACILITIES IN AN AREA.*

House amendment makes the following changes to the 5th edition. Amends 87-107.1(c) to delete requirement that a utility owner or the utility owner's designated representative or association be allowed at least 10 days before the proposed start date of a survey to provide required information to the surveyor.

**Intro. by Meredith.**

[GS 87](#)

[View summary](#)

[Public Enterprises and Utilities](#)

S 76 (2013-2014) [DOMESTIC ENERGY JOBS ACT](#). Filed Feb 11 2013, *A BILL TO BE ENTITLED AN ACT TO (1) PROVIDE FOR AUTOMATIC REVIEW OF MINING AND ENERGY COMMISSION RULES BY THE GENERAL ASSEMBLY; (2) EXEMPT THE MINING AND ENERGY COMMISSION, THE ENVIRONMENTAL MANAGEMENT COMMISSION, AND THE COMMISSION FOR PUBLIC HEALTH FROM PREPARING FISCAL NOTES FOR RULES THAT PERTAIN TO THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT; (3) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY DEVELOPMENT OF A COMPREHENSIVE ENVIRONMENTAL PERMIT FOR OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS; (4) REQUIRE THE MINING AND ENERGY COMMISSION AND THE DEPARTMENT OF REVENUE TO STUDY ESTABLISHMENT OF A TAX FOR THE SEVERANCE OF ENERGY MINERALS FROM THE SOIL OR WATER OF THE STATE IN AN AMOUNT SUFFICIENT TO COVER ALL COSTS ASSOCIATED WITH ADMINISTRATION OF A MODERN REGULATORY PROGRAM FOR THE MANAGEMENT OF OIL AND GAS EXPLORATION AND DEVELOPMENT ACTIVITIES USING THE PROCESSES OF HORIZONTAL DRILLING AND HYDRAULIC FRACTURING TREATMENTS FOR THAT PURPOSE, INCLUDING CREATION OF AN EMERGENCY FUND TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (5) DIRECT THE MINING AND ENERGY COMMISSION TO STUDY MATTERS RELATED TO REGISTRATION OF LANDMEN; (6) MODIFY APPOINTMENTS TO THE MINING AND ENERGY COMMISSION; (7) MODIFY PROVISIONS IN THE OIL AND GAS CONSERVATION ACT CONCERNING THE MINING AND ENERGY COMMISSION'S AUTHORITY TO SET "ALLOWABLES"; (8) CLARIFY BONDING REQUIREMENTS ASSOCIATED WITH OIL AND GAS ACTIVITIES; (9) ASSIGN FUTURE REVENUE FROM ENERGY EXPLORATION, DEVELOPMENT, AND PRODUCTION OF ENERGY RESOURCES IN ORDER TO PROTECT AND PRESERVE THE STATE'S NATURAL RESOURCES, CULTURAL HERITAGE, AND QUALITY OF LIFE; (10) ENCOURAGE THE GOVERNOR TO DEVELOP THE REGIONAL INTERSTATE OFFSHORE ENERGY POLICY COMPACT; (11) AMEND THE ENERGY POLICY ACT OF 1975 AND THE ENERGY POLICY COUNCIL; AND (12) DIRECT THE MEDICAL CARE COMMISSION TO ADOPT RULES AUTHORIZING FACILITIES LICENSED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES TO USE COMPRESSED NATURAL GAS AS AN EMERGENCY FUEL.*

House amendments make the following changes to the 6th edition.

#### **Part VII. Regional Interstate Offshore Energy Policy Compact**

Directs the Secretary of State to provide, upon enactment, certified copies of this act to each member of the North Carolina congressional delegation, the governors and the legislative bodies of South Carolina and Virginia, the Secretary of the United States Department of the Interior, and the President of the United States.

## Part VIII. Energy Policy Act and Energy Policy Council Amendments

Deletes the changes which renamed the title of GS Chapter 113B as the "NC Energy Policy and Jobs Act," and Article 1 as "Energy Jobs Council." Instead reverts to the previous titles for GS Chapter 113, "North Carolina Energy Policy Act of 1975" and Article 1, "Energy Policy Council." Makes conforming changes wherever either title occurs and deletes the following statutes in which changes only served to indicate the previous title changes, GS 113B-5, 113B-8(a), 113B-24(c), 143-58.5(c), and 143-345.113. Deletes directive to the Revisor of Statutes to make conforming statutory changes to reflect the titles as amended in the first edition. Makes technical corrections, renaming subsections of Section 8 of this act accordingly and amending references to those subsections.

**Intro. by Newton, Rucho, Brock.**

[STUDY, GS 113, GS 113B, GS 143B](#)

[View summary](#)

**Energy, Environment/Natural Resources, Executive,  
Department of Environmental Quality (formerly DENR), Tax**

S 328 (2013-2014) [SOLID WASTE MANAGEMENT REFORM ACT OF 2013](#). Filed Mar 14 2013, *A BILL TO BE ENTITLED AN ACT TO (1) EXTEND THE DURATION OF PERMITS FOR SANITARY LANDFILLS AND TRANSFER STATIONS TO THIRTY YEARS; (2) MODIFY THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES' AUTHORITY TO ISSUE AND TRANSFER PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES; (3) MODIFY CERTAIN REQUIREMENTS GOVERNING SANITARY LANDFILLS, INCLUDING APPLICABLE BUFFERS, CLEANING AND INSPECTION OF LEACHATE COLLECTION LINES, ALTERNATIVE DAILY COVER, AND REQUIRED STUDIES FOR CERTAIN LANDFILL OWNERS AND OPERATORS; (4) MODIFY REQUIREMENTS FOR FINANCIAL RESPONSIBILITY APPLICABLE TO APPLICANTS AND PERMIT HOLDERS FOR SOLID WASTE MANAGEMENT FACILITIES; (5) AMEND THE RULE GOVERNING COLLECTION AND TRANSPORT OF SOLID WASTE TO REQUIRE THAT CONTAINERS BE "LEAK-RESISTANT" RATHER THAN "LEAK-PROOF," AND AMEND A STATUTE THAT REQUIRES VEHICLES TO BE CONSTRUCTED AND LOADED TO PREVENT LEAKAGE; (6) AMEND THE DEFINITION OF LEACHATE TO EXCLUDE LIQUID ADHERING TO TIRES OF VEHICLES LEAVING SANITARY LANDFILLS AND TRANSFER STATIONS; (7) AUTHORIZE CITIES AND COUNTIES THAT ACCEPT SOLID WASTE FROM OTHER LOCAL GOVERNMENTS TO LEVY A SURCHARGE ON FEES FOR USE OF THEIR DISPOSAL FACILITIES, AND AUTHORIZE THEM TO MAKE APPROPRIATIONS FROM A UTILITY OR PUBLIC SERVICE ENTERPRISE FUND USED FOR OPERATION OF A LANDFILL TO THE JURISDICTION'S GENERAL FUND UPON CERTAIN FINDINGS; (8) REQUIRE THE RETURN OF A PORTION OF THE REIMBURSEMENTS PAID OUT PURSUANT TO S.L. 2007-543 IN CERTAIN CIRCUMSTANCES; AND (9) MAKE RELATED CLARIFYING, CONFORMING, AND TECHNICAL CHANGES.*

Senate committee substitute makes the following changes to the 1st edition.

Changes the long title.

Includes whereas clauses regarding solid waste services management.

### **Part I, Extension of Duration of Permits for Sanitary Landfills and Transfer Stations to Thirty Year ("Life of Site") and Conforming Changes.**

Enacts new subsection GS 130A-294(a2), providing that all permits for sanitary landfills (landfill) and transfer stations will be issued for a design and operation phase of 30 years, unless revoked or upon the expiration of any local government franchise required for the facility pursuant to (b1) of this section. Establishes that each permit will have a limited review of five years after issuance of the initial permit, with reviews following at each five year interval until the expiration.

Directs the Commission for Public Health (Commission) to adopt rules, no later than July 1, 2014, to allow applicants for permits for landfills to apply for a permit to construct and operate a 30-year phase of landfill development. Also requires the Commission, no later than July 1, 2014, to adopt rules allowing applicants for permits for transfer stations to apply for a permit with a 30-year duration to construct and operate a transfer station.

Amends GS 130A-295.8, concerning fees applicable to solid waste facility permits, providing that an application for a five-year limited review of a 30-year permit, as required by GS 130A-294(a2), is considered to be permit modification. Adds a new term for use in the section, *Major permit modification*, which means and is considered to be an application for any change to

approved engineering plans for a landfill or transfer station permitted for a 30 year design capacity that does not constitute a *permit amendment, new permit, or permit modification*. Provides a schedule for payment of the application fee, with due dates and the amount due specified in regards to the type of facility applied for. Specifies increases to the fees applicable to new landfills and transfer stations permitted on or after July 1, 2014. Directs DENR to adjust these fees annually for inflation on January 1. Specifies fee increases for specified permitted solid waste management facilities.

Amends GS 130A-295.3, concerning environmental compliance review requirements, making a conforming change, striking the word "renewal", reflecting the extension of permit duration to 30 years.

Repeals Section 15.1 of SL 2012-187, concerning applications for 5-year and 10-year landfills.

Repeals SL 2013-25, concerning construction/demolition landfill siting.

Repeals House Bill 135 and Senate Bill 380 of the 2013 Regular Session if they become law, both concerning landfill and transfer station permit fee timing.

Part 1 is effective August 1, 2013, except that GS 130A-294(a2), as enacted by Section 1(a) of the act, and GS 130A-295.8, as amended by Section 1(b) of the act, apply only to applications for new permits submitted on or after July 1, 2014.

## **Part II, Miscellaneous Modifications to the Department of Environment and Natural Resources' Authority to Issue and Transfer Permits for Solid Waste Management Facilities and Conforming Changes.**

Amends GS 130A-294, concerning the solid waste management program, making conforming changes reflecting the extension to 30 year permits. Repeals specified bases on which DENR must deny a permit for a solid waste management facility, including denial because the construction or operation of the facility would result in significant damage to ecological systems, natural resources, cultural sites, recreation areas, or historic sites of more than local significance, or because there is a practical alternative that would accomplish the purposes of the proposed facility with less adverse impact on public resources, considering engineering requirements and economic costs. Amends the basis on which DENR can transfer a permit for a solid waste management facility, providing that DENR can do so upon a 30 days' written notice that includes such information as DENR can reasonably require to complete review (previously, provided that permits only required the approval of DENR to be approved). Amends GS 130A-294(b1), modifying the definition of "substantial amendment", deleting language that provided that a "substantial amendment" includes, among other things, any change to the permit application that the Commission or DENR determines to be substantial. Makes conforming changes, reflecting permit extension.

## **Part III, Modifications to Certain Requirements Governing Sanitary Landfills Including Environmental Impacts Study, Applicable Buffers, Cleaning and Inspection of Leachate Collection Lines, Alternative Daily Cover, and Landfill Gas to Energy Feasibility Study.**

Amends GS 130A-295.6, concerning requirements for sanitary landfills, eliminating requirements that DENR must study the environmental impact of proposed landfills, issue an environmental impact statement if required, and consider the impact study in deciding whether to issue or deny a permit. Provides that DENR will require a 200 foot buffer between surface water impoundments or any stream with continuous flow and the nearest disposal unit of a landfill (previously, required a buffer between any perennial stream or wetland) and also provides that DENR may approve a variance for a buffer of less than 100 feet if specified criteria are met (previously, buffer variances were allowed but could not be approved for less than 200 feet). Provides that a waste disposal unit of a landfill cannot be constructed within a 100 year floodplain, as shown on current floodplain maps prepared pursuant to the National Flood Insurance Program.

Deletes the prohibition on citing a waste disposal landfill on land that has been removed from the 100 year floodplain designation area. Provides that a waste disposal unit cannot be constructed within a wetland classified as waters of the US, except in compliance with applicable federal and state laws (previously, siting in a wetland was not allowed unless several specified criteria involving state and federal law were met, these criteria and showings are now deleted). Deletes various buffers to waste disposal units, including five miles of the outermost boundary of a National Wildlife Refuge and two mile of the outermost boundary of a component of the State Parks System. Prohibits landfill construction within designated critical habitats for a threatened or endangered species, historically or archeologically sensitive sites with more than local significance, and within 1500 of a national or State park, forest, wilderness area, recreation area, or various other environmental and natural resources. Deletes requirements for the annual cleaning of leachate collection lines and remote camera inspections of the lines every five years.

Enacts new requirements regarding the requirements for daily cover at sanitary landfills, providing that when DENR has approved the use of an alternative method of daily cover for use at landfills, that alternative method will be approved for use at all landfills located in the State.

Sets out new requirements that provide for the study, research, and development of alternative disposal techniques and waste-to-energy matters by landfills that are authorized to receive more than 240,000 tons of waste per year, including, researching the development of alternative disposal technologies by providing access to nonproprietary information and site resources to local community or State colleges and universities and other parties, and the performance of a feasibility study of landfill gas-to-energy, and other waste-to-energy technology.

Amends provisions regarding the issuance of permits for landfills regarding maximum height, providing that DENR will require a maximum height, including the cap and vegetation, not to exceed 300 feet (was, 250). Also provides new enhanced closure requirements concerning vegetative cover and reclamation of property, for permits issued for landfills which authorize a maximum height, including the cap and cover vegetation, between 101 feet and 300 feet above the mean natural elevation of the disposal area.

Part III is effective August 1, 2013, except that the repeal of GS 130A-295.6(d)(2) applies retroactively to applications for permits submitted on or after January 1, 2013. New GS 130A-295.6(h2) applies to landfills for which a permit is issued on or after August 1, 2013.

#### **Part IV, Modifications to Requirements for Financial Responsibility Applicable to Applicants and Permit Holders for Solids Waste Management Facilities.**

Amends GS 130A-295.2, concerning financial responsibility requirements for solid waste facilities, deleting a requirement that applicants and permit holders for solid waste facilities establish financial assurance sufficient to cover at least \$2 million in costs for potential assessment and corrective action at the facility. Makes conforming changes.

#### **Part V, Specify that Cleanup of On-Site Leachate is not Required When Conducting Risk-Based Remediation of Landfills.**

Amends GS 130A-310.68, concerning risk-based remediation standards, providing that with respect to landfills, a permit holder cannot be required to take assessment or corrective action to address leachate unless leachate has reached the compliance boundary of the facility.

#### **Part VI, Limit Frequency of Changes to Groundwater Standards.**

Amends GS 143-214.1, concerning groundwater standards, providing that the Commission will not adopt and DENR will not enforce any rule providing for a review of groundwater standards more frequently than on a five-year basis.

#### **Part VII, Amend Rule Governing Collection and Transport of Solid Waste to Require that Containers be "Leak-Resistant" Rather than "Leak-Proof".**

Makes technical changes to provisions that appeared in the previous edition.

#### **Part VIII, Amend Rules Governing Control of Leachate to Clarify that Liquid Adhering to Tires of Vehicles Leaving Sanitary Landfills or Liquid Generated During the Transport of Solid Waste Shall not be Treated as Violations of Leachate Control Requirements.**

Amends GS 130A-290 by adding a new subdivision which defines *Leachate*, as meaning a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such waste. Directs the Commission and DENR to adopt and implement the Leachate Storage Requirements Rule and any other applicable rule, until the effective date of the revised permanent rule. Directs the Commission to adopt a rule to replace the Leachate Storage Requirements Rule and other rule governing control of leachate. Sets out the applicability of the adopted replacement rules. Provides that liquid adhering to the tires of vehicles at a landfill or during transportation is not a violation of control requirements.

Section 8(c) of this Part expired when permanent rules to replace Section 8(c) have become effective, as provided for in Section (8)(e).

**Part IX, Authorize: Cities and Counties that Accept Solid Waste From Other Local Government to Levy a Surcharge on Fees for Use of Their Disposal Facilities, and to Make Appropriations from a Utility or Public Service Enterprise Fund Used for Operation of a Landfill to the Jurisdiction's General Fund Upon Certain Findings.**

Amends GS 153A-292(b) and GS 160A-314.1, concerning fees for collection of solid waste, clarifies that, except as provided in these subsections, a fee for use of a disposal facility may not exceed the cost of operating the facility. Provides that the fee can exceed costs if the city or county enters into a contract with another county or city to accept the other entity's solid waste and the city or county by ordinance levies a surcharge on the fee which can be used for any purpose for which the county or city can appropriate funds.

Authorizes cities and counties to transfer excess funds from a utility or public service enterprise fund used for the operation of a landfill in order to be used to support other services provided for by the city or county's general fund.

Amends GS 130A-294(b1), providing that local governments can elect to include a surcharge on other local governments' waste as part of a franchise agreement entered into with a private landfill owner or operator.

Effective August 1, 2013.

**Part X, Severability and Effective Date**

Provides a severability clause. Provides that except where otherwise provided, the act becomes effective when it becomes law.

**Intro. by Wade, Brown, Jackson.**

UNCODIFIED, [GS 130A](#), [GS 143](#), [GS 153A](#), [GS 160A](#)

[View summary](#)

**Department of Environmental Quality (formerly DENR),  
Public Health**

## ACTIONS ON BILLS

### PUBLIC BILLS

**H 24: DV ABUSER TREATMENT PROGRAM/AMENDMENTS (NEW).**

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 06/10/2013*

**H 25: AMEND FELONY BREAKING OR ENTERING.**

*Pres. To Gov. 6/7/2013*

**H 88: LIEN AGENTS/TECHNICAL CORRECTIONS (NEW).**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 125: PUBLIC AGENCY COMPUTER CODE NOT PUBLIC RECORD.**

*Pres. To Gov. 6/7/2013*

**H 254: ZONING CHANGES/NOTICE TO MILITARY BASES.**

*Pres. To Gov. 5/23/2013*

**H 276: ZONING/BOARD OF ADJUSTMENT CHANGES.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 279: TRANSFER ENVIRONMENTAL PERMITS.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 315: PLASTICS LABELING REQUIREMENTS.**

*Pres. To Gov. 6/7/2013*

**H 317: IMPROVE ED. FOR CHILDREN WHO ARE DEAF.**

*House: Concurred In S/Com Sub*

*House: Ordered Enrolled*

**H 361: JUSTICE REINVESTMENT TECHNICAL CORRECTIONS.-AB**

*Pres. To Gov. 6/7/2013*

**H 384: AMEND DEFINITIONS/PROPERTY CLASSIF/EQU. DIST.**

*Pres. To Gov. 6/7/2013*

**H 407: TRUSTEE-ATTY FEE/FORECLOSURES/CLERK APPROVAL.**

*Pres. To Gov. 6/7/2013*

**H 480: ENVIRONMENTAL PERMITTING REFORM.**

*Pres. To Gov. 6/7/2013*

**H 505: EXTEND DSWC ANIMAL WASTE INSPECTIONS (NEW).**

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 06/10/2013*

**H 581: TROPHY WILDLIFE SALE PERMIT.**

*Pres. To Gov. 6/7/2013*

**H 591: REPORTING AND TERMS FOR LONG. DATA BOARD.**

*Pres. To Gov. 6/7/2013*

**H 610: MODIFY REQUIREMENTS FOR IN-STAND BEER SALES.**

*Pres. To Gov. 6/7/2013*

**H 774: BUILDING CODE EXCLUSION/PRIMITIVE STRUCTURES.**

*Pres. To Gov. 6/7/2013*

**H 789: USTS ELIGIBLE FOR BROWNFIELDS.**

*Pres. To Gov. 6/7/2013*

**H 816: TOBACCO GROWERS ASSESSMENT ACT (NEW).**

*House: Postponed To 06/10/2013*

**H 821: TRIAD FARMERS MKT/RENAME FOR SEN. BOB SHAW.**

*Pres. To Gov. 6/7/2013*

**H 829: SALE OF GROWLERS BY CERTAIN ABC PERMITTEES.**

*Pres. To Gov. 6/7/2013*

**H 998: TAX SIMPLIFICATION AND REDUCTION ACT (NEW)**

*House: Amend Tabled A1*

*House: Amend Tabled A2*

*House: Amend Tabled A3*

*House: Passed 2nd Reading*

**S 9: UTILITIES/DESIGN/SURVEY LOCATION SERVICES.**

*House: Amend Adopted A1*

*House: Passed 2nd Reading*

**S 76: DOMESTIC ENERGY JOBS ACT.**

*House: Amend Failed A1*

*House: Amend Adopted A2*

*House: Passed 2nd Reading*

*House: Amend Adopted A3*

*House: Passed 3rd Reading*

*House: Ordered Engrossed*

**S 208: EFFECTIVE OPERATION OF 1915(B)/(C) WAIVER.**

*Pres. To Gov. 06/07/2013*

**S 280: DCR/HISTORIC SITES/FEES (NEW).**

*House: Withdrawn From Com*

*House: Re-ref Com On Finance*

**S 379: EXP. OF NATURAL GAS & PROPANE FOR AGRICULTURE (NEW).**

*House: Serial Referral To Transportation Stricken*

*House: Withdrawn From Com*

*House: Re-ref Com On Public Utilities and Energy*

**S 433: PREVENT PAY FOR WEIGHT EXCEEDING ALLOWANCE.**

*Pres. To Gov. 06/07/2013*

**S 460: RAIL CORRIDOR LEASE/CITY OF BELMONT (NEW).**

*Pres. To Gov. 06/07/2013*

**S 558: TREASURER'S INVESTMENTS.**

*House: Reptd Fav*

*House: Re-ref Com On Rules, Calendar, and Operations of the House*

**S 603: CLARIFY ISSUANCE OF PLATES/CERTIFICATES LAW.-AB**

*Pres. To Gov. 06/07/2013*

**S 634: INCREASE PENALTIES/UTILITIES THEFT (NEW).**

*Pres. To Gov. 06/07/2013*

**LOCAL BILLS**

**H 456: DV FATALITY REVIEW TEAM/MECKLENBURG CO.**

*House: Cal Pursuant 36(b)*

*House: Placed On Cal For 06/10/2013*

**H 1005: STANLY COUNTY COMMISSIONERS AND BD. OF ED.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

**S 67: SURRY COMM. COLLEGE/YADKIN CTY. LAND TRANSFER (NEW).**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

**S 257: ALAMANCE/GUILFORD COUNTY BOUNDARY.**

*House: Passed 2nd Reading*

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

**S 268: SUNSET BEACH/CANAL DREDGING/MAINTENANCE FEE.**

*House: Passed 3rd Reading*

*House: Ordered Enrolled*

**S 325: WAKE COUNTY SCHOOL BOARD DISTRICTS.**

*House: Postponed To 06/10/2013*

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