

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 513
HOUSE BILL 179

AN ACT TO DELETE THE REQUIREMENT THAT CERTAIN REPORTS ON ENVIRONMENTAL ISSUES BE MADE TO THE JOINT LEGISLATIVE COMMISSION ON GOVERNMENTAL OPERATIONS, TO SET A DATE BY WHICH LOCAL GOVERNMENTS SHALL SUBMIT LOCAL WATER SUPPLY PLANS, AND TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL CHANGES TO VARIOUS LAWS RELATING TO ENVIRONMENT, HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 130A-309.12(c) reads as rewritten:

"(c) ~~The Department shall report on an annual basis beginning 1 September 1992 to the Joint Legislative Commission on Governmental Operations and to annually on or before 1 September to the Environmental Review Commission as to the condition of the Solid Waste Management Trust Fund and as to the use of all funds allocated from the Solid Waste Management Trust Fund.~~"

Sec. 2. (a) Section 2 of Chapter 1082 of the 1989 Session Laws, as rewritten by Section 1 of Chapter 20 of the 1991 Session Laws and Section 8 of Chapter 990 of the 1991 Session Laws, is repealed.

(b) G.S. 130A-295.02(k) is amended by adding a new subsection to read:

"(k) The Department shall report annually on or before 1 September to the Environmental Review Commission on the implementation of the resident inspectors program."

Sec. 3. G.S. 74-54.1 reads as rewritten:

"§ 74-54.1. Permit fees.

(a) The Commission may establish a fee schedule for the processing of permit applications and permit renewals and modifications. The fees may vary on the basis of the acreage, size, and nature of the proposed or permitted operations or modifications. In establishing the fee schedule, the Commission shall consider the administrative and personnel costs incurred by the Department for processing applications for permits and permit renewals and modifications and for related compliance activities and safeguards to prevent unusual fee assessments that would impose a serious economic burden on an individual applicant or a class of applicants.

(b) The total amount of permit fees collected for any fiscal year may not exceed one-third of the total personnel and administrative costs incurred by the Department for processing applications for permits and permit renewals and modifications and for related compliance costs in the prior fiscal year. A fee for an application for a new

permit may not exceed two thousand five hundred dollars (\$2,500), and a fee for an application to renew or modify a permit may not exceed five hundred dollars (\$500.00). Fees collected under this section shall be applied to the costs of administering this Article.

(c) The Department shall ~~make an annual~~ annually report on or before 1 ~~September~~ to the ~~Joint Legislative Commission on Governmental Operations and the Director of the Fiscal Research Division~~ Environmental Review Commission on the cost of the ~~State's mining permit program~~ implementing this Article. The report shall include the fees established, collected, and disbursed under this section and any other information requested by the General Assembly or the Commission."

Sec. 4. Section 3 of Chapter 197 of the 1993 Session Laws reads as rewritten:

"Sec. 3. This act becomes effective 1 January ~~1~~, 1994. The Department of Administration and the Department of Transportation shall ~~prepare~~ make the first report to the Environmental Review Commission on or before 1 October ~~1~~, 1994."

Sec. 5. G.S. 106-769(a) reads as rewritten:

"(a) There is created the Genetic Engineering Review Board in the Department of Agriculture. The Board shall consist of 10 members as follows:

- (1) The Secretary of Environment, Health, and Natural Resources or his designee;
- (2) ~~The Secretary of Human Resources~~ State Health Director or his designee;
- (3) The Commissioner of Agriculture or his designee;
- (4) The President of the North Carolina Biotechnology Center or his designee;
- (5) The Dean of the College of Agriculture and Life Sciences at North Carolina State University, or his designee, and the Dean of the School of Agriculture at North Carolina Agricultural and Technical State University, or his designee;
- (6) The Dean of the School of Public Health of the University of North Carolina at Chapel Hill or his designee;
- (7) A practicing farmer who is an active member of a farm organization, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives;
- (8) A representative of a nonprofit public interest organization appointed by the General Assembly upon the recommendation of the President Pro Tempore of the Senate; and
- (9) A representative of the biotechnology industry appointed by the Governor."

Sec. 6. G.S. 130A-33 reads as rewritten:

"§ 130A-33. Commission for Health Services – regular and special meetings.

Each year there shall be four regular meetings of the Commission for Health Services, one of which shall be held ~~during the annual meeting and~~ conjointly with a general session of the annual meeting of the North Carolina Medical Society ~~at which~~

~~time and place the annual report shall be submitted by the Secretary of Environment, Health, and Natural Resources or his designee. Society. The State Health Director shall submit an annual report on public health at this meeting. The other three meetings shall be at such times and places as the chairman of the Commission shall designate. Special meetings of the Commission may be called by the chairman, or by a majority of the members of the Commission."~~

Sec. 7. (a) G.S. 143-355(l) reads as rewritten:

"(l) Each unit of local government that provides public water services or that plans to provide ~~such~~ public water service shall, either individually or together with other ~~such~~ units of local government, prepare a local water supply plan ~~and submit it to the Department.~~ The Department shall provide technical assistance with the preparation of ~~such~~ plans to units of local government upon request and to the extent that the Department has resources available to provide ~~such~~ assistance. At a minimum, local units of government shall include in local water supply plans ~~such information as all information that is readily available to them.~~ However this subsection shall be construed to require the preparation of local water supply plans only to the extent that technical assistance is made available to units of local government from the Department. ~~Such plans~~ Plans shall include present and projected ~~population~~ population, industrial development, and water use within the service area, present and future water supplies, an estimate of ~~such~~ the technical assistance ~~as that~~ may be needed at the local level to address projected water needs, and ~~such~~ any other related information as the Department may require in the preparation of a State water supply plan. Local plans shall be revised to reflect changes in relevant data and projections at least once each five years unless the Department requests more frequent revisions. Local plans and revised plans shall be submitted to the Department once they have been approved by the unit(s) of local government."

(b) Each unit of local government that is required to submit a plan under G.S. 143-355(l) shall submit its plan to the Department on or before 1 January 1995.

Sec. 8. G.S. 74-24.4(c) reads as rewritten:

"(c) ~~The Division of Health Services of the Department of Environment, Health, and Natural Resources~~ State Health Director shall have primary responsibility for research and the recommendation of health standards to the Commissioner to effectuate the purposes of this Article, and nothing in this subsection shall affect the authority of the Commissioner with respect to the promulgation and enforcement of both safety and health standards."

Sec. 9. G.S. 110-91(2) reads as rewritten:

"(2) Health-Related Activities. – Each child in a day-care facility shall receive nutritious food and refreshments under rules to be adopted by the Commission. After consultation with the ~~Division of Health Services of the Department of Environment, Health, and Natural Resources,~~ State Health Director, nutrition standards shall provide for specific requirements for infants. Nutrition standards shall provide for specific requirements for children older than infants, including a daily food plan for meals and snacks served that shall be adequate for good

nutrition. The number and size of servings and snacks shall be appropriate for the ages of the children and shall be planned according to the number of hours the child is in care. Menus for meals and snacks shall be planned at least one week in advance, dated, and posted where they can be seen by parents.

Each day-care facility shall arrange for each child in care to be out-of-doors each day if weather conditions permit.

Each day-care facility shall have a rest period for each child in care after lunch or at some other appropriate time.

No day-care facility shall care for more than 25 children in one group. Facilities providing care for 26 or more children shall provide for two or more groups according to the ages of children and shall provide separate supervisory personnel for each group."

Sec. 10. G.S. 147-54.12(2) reads as rewritten:

"(2) 'Environmental license' means any certificate, permit, or other approval by whatever name called, pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with the resources of land, air, or water, which is required to be obtained from a State agency or instrumentality, including, but not limited to, any certificate, permit, or other approval by whatever name called, pertaining to a pollution control rule or standard established by the ~~Division of Health Services, Department of Human Resources or the Secretary of the Department of Human Resources.~~ Commission for Health Services."

Sec. 11. G.S. 105-164.13(38) reads as rewritten:

"(38) Food and other items lawfully purchased with coupons issued under the Food Stamp Program, 7 U.S.C. § 51, and supplemental foods lawfully purchased with a food instrument issued under the Special Supplemental Food Program, 42 U.S.C. § ~~1786.~~ 1786, and supplemental foods purchased for direct distribution by the Special Supplemental Food Program."

Sec. 12. G.S. 130A-247, as amended by Section 1 of Chapter 262 of the 1993 Session Laws, reads as rewritten:

"§ 130A-247. Definitions.

The following definitions shall apply throughout this Part:

- (1) 'Establishment' means ~~an establishment that prepares or serves drink, an establishment that prepares or serves food, or an establishment that provides lodging.~~ (i) an establishment that prepares or serves drink, (ii) an establishment that prepares or serves food, (iii) an establishment that provides lodging, or (iv) a bed and breakfast inn.
- (1a) 'Permanent house guest' means a person who receives room or board for periods of a week or longer. The term includes visitors of the permanent house guest.

- (2) 'Private club' means an ~~establishment~~ organization that maintains selective members, is operated by the membership, does not provide food or lodging for pay to anyone who is not a member or a member's guest, and is either incorporated as a nonprofit corporation in accordance with Chapter 55A of the General Statutes or is exempt from federal income tax under the Internal Revenue Code as defined in G.S. 105-130.2(1).
- (3) 'Regular boarder' means a person who receives food for periods of a week or longer.
- (4) 'Establishment that prepares or serves drink' means a business or other entity that puts together, portions, sets out, or hands out drinks in unpackaged portions using containers that are reused on the premises rather than single-service containers.
- (5) 'Establishment that prepares or serves food' means a business or other entity that cooks, puts together, portions, sets out, or hands out food in unpackaged portions for human consumption.
- (6) 'Bed and breakfast inn' means a business ~~establishment~~ of not more than 12 guest rooms that offers bed and breakfast accommodations to at least nine but not more than 23 persons per night for a period of less than one week, and that:
 - a. Does not serve food or drink to the general public for pay;
 - b. Serves only the breakfast meal, and that meal is served only to overnight guests of the ~~establishment~~; business;
 - c. Includes the price of breakfast in the room rate; and
 - d. Is the permanent residence of the owner or the manager of the ~~establishment~~. business."

Sec. 13. G.S. 130A-248(a), as amended by Section 2 of Chapter 262 of the 1993 Session Laws, reads as rewritten:

"(a) For the protection of the public health, the Commission shall adopt rules governing the sanitation of restaurants, school cafeterias, summer camps, food or drink stands, mobile food units, ~~pushcarts~~ pushcarts, and other establishments that prepare or serve food or drink for pay. However, any establishment that prepares or serves food or drink to the public, regardless of pay, shall be subject to the provisions of this Article if the establishment that prepares or serves food or drink holds an ABC permit, as defined in G.S. 18B-101, meets any of the definitions in G.S. 18B-1000, and does not meet the definition of a private club as provided in G.S. 130A-247(2)."

Sec. 14. G.S. 130A-250, as amended by Section 4 of Chapter 262 of the 1993 Session Laws, reads as rewritten:

"§ 130A-250. Exemptions.

The following shall be exempt from this Part:

- (1) ~~Lodging establishments~~ Establishments that provide lodging described in G.S. 130A-248(a1) with four or fewer lodging units;
- (2) Condominiums;

- (3) Establishments that prepare or serve food or provide lodging to regular boarders or permanent house guests only;
- (4) Private homes that occasionally offer lodging accommodations, which may include the providing of food, for two weeks or less to persons attending special events, provided these homes are not bed and breakfast homes or bed and breakfast inns;
- (5) Private clubs;
- (6) Curb markets operated by the State Agricultural Extension Service;
- (7) Establishments that prepare or serve food or drink for pay no more frequently than once a month for a period not to exceed two consecutive days; and
- (8) Establishments that put together, portion, set out, or hand out only drinks using single service containers that are not reused on the premises."

Sec. 15. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 24th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives