

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1096*

Short Title: Environmental Technical Corrections. (Public)

Sponsors: Representatives Gibson, Harrell, Justice, and McComas (Primary Sponsors).

Referred to: Environment and Natural Resources.

April 4, 2005

A BILL TO BE ENTITLED

AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90A-55 reads as rewritten:

"§ 90A-55. State Board of Sanitarian Examiners; appointment and term of office.

(a) Board Membership. – The Board shall consist of nine members: the Secretary of Environment and Natural Resources, or the Secretary's duly authorized representative, one public-spirited citizen, one environmental sanitation educator from an accredited college or university, one local health director, a representative of the Division of Environmental Health ~~Division~~ of the Department of Environment and Natural Resources, and four practicing sanitarians who qualify by education and experience for registration under this Article, three of whom will represent the Western, Piedmont, and Eastern Regions of the State as described more specifically in the rules adopted by the Board.

(b) Term of Office. – Each member of the State Board of Sanitarian Examiners shall be appointed by the Governor for a term of four years. ~~Members of the Board serving on October 1, 1982, shall serve until the expiration of the terms for which they were appointed.~~ As the term of each current member expires, the Governor shall appoint a successor in accordance with the provisions of this section. If a vacancy occurs on the Board for any other reason than the expiration of a member's term, the Governor shall appoint a successor for the remainder of the unexpired term. No person shall serve as a member of the Board for more than two consecutive four-year terms.

(c) The Environmental Health ~~Section~~, Section of the North Carolina Public Health Association, Inc., shall submit a recommended list of Board member candidates to the Governor for his consideration in appointments.

1 (d) The Governor may remove an appointee member for misconduct in office,
2 incompetency, neglect of duty, or other sufficient cause."

3 **SECTION 2.** G.S. 102-1.1 reads as rewritten:

4 **"§ 102-1.1. Name and description in relation to 1983 North American Datum.**

5 From and after the date and time the North Carolina Geodetic Survey Section in the
6 Division of Land Resources~~Division~~ of the Department of Environment and Natural
7 Resources receives from the National Geodetic Survey, official notice of a complete,
8 published definition of the North American Datum of 1983 including the State plane
9 coordinate constants applicable to North Carolina, the official survey base for North
10 Carolina shall be a system of plane coordinates to be known as the "North Carolina
11 Coordinate System of 1983," said system being defined as a Lambert conformal
12 projection of the "Geodetic Reference System (GRS 80 Ellipsoid)" having a central
13 meridian of 79° - 00' west from Greenwich and standard parallels of latitude of 34° - 20'
14 and 36° - 10' north of the equator, along which parallels the scale shall be exact. All
15 coordinates of the system are expressed in metres, the x coordinate being measured
16 easterly along the grid and the y coordinate being measured northerly along the grid.
17 The U.S. Survey Foot, 1 meter = 39.37 inches or 3.2808333333 feet, shall be used as a
18 conversion factor. The origin of the coordinates is hereby established on the meridian
19 79° - 00' west from Greenwich at the intersection of the parallels 33° - 45' north
20 latitude, such origin being given the coordinates x = 609,601.22 metres, y = 0 metres.
21 The precise position of said system shall be as marked on the ground by triangulation or
22 traverse stations or monuments established in conformity with the standards adopted by
23 the National Geodetic Survey for first- and second-order work, whose geodetic
24 positions have been rigidly adjusted on the North American Datum of 1983, and whose
25 plane coordinates have been computed on the system defined. Whenever plane
26 coordinates are used in the description or identification of surface area or location
27 within this State, the coordinates shall be identified as "NAD 83", indicating North
28 American Datum of 1983, or as "NAD 27", indicating North American Datum of 1927."

29 **SECTION 3.** G.S. 105-277.7(a) reads as rewritten:

30 "(a) Creation and Membership. – The Use-Value Advisory Board is established
31 under the supervision of the Agricultural Extension Service of North Carolina State
32 University. The Director of the Agricultural Extension Service of North Carolina State
33 University shall serve as the chair of the Board. The Board shall consist of the following
34 additional members, to serve ex officio:

- 35 (1) A representative of the Department of Agriculture and Consumer
36 Services, designated by the Commissioner of Agriculture.
- 37 (2) A representative of the Division of Forest Resources~~Division~~ of the
38 Department of Environment and Natural Resources, designated by the
39 Director of that Division.
- 40 (3) A representative of the Agricultural Extension Service at North
41 Carolina Agricultural and Technical State University, designated by
42 the Director of the Extension Service.
- 43 (4) A representative of the North Carolina Farm ~~Bureau~~Bureau
44 Federation, Inc., designated by the President of the Bureau.

- 1 (5) A representative of the North Carolina Association of Assessing
2 Officers, designated by the President of the Association.
3 (6) The Director of the Property Tax Division of the North Carolina
4 Department of Revenue or the Director's designee.
5 (7) A representative of the North Carolina Association of County
6 Commissioners, designated by the President of the Association.
7 (8) A representative of the North Carolina Forestry Association,
8 designated by the President of the Association."

9 **SECTION 4.** G.S. 105-296(j) reads as rewritten:

10 "(j) The assessor must annually review at least one eighth of the parcels in the
11 county classified for taxation at present-use value to verify that these parcels qualify for
12 the classification. By this method, the assessor must review the eligibility of all parcels
13 classified for taxation at present-use value in an eight-year period. The period of the
14 review process is based on the average of the preceding three years' data. The assessor
15 may request assistance from the Farm Service Agency, the Cooperative Extension
16 Service, the Division of Forest Resources~~Division~~ of the Department of Environment
17 and Natural Resources, or other similar organizations.

18 The assessor may require the owner of classified property to submit any information,
19 including sound management plans for forestland, needed by the assessor to verify that
20 the property continues to qualify for present-use value taxation. The owner has 60 days
21 from the date a written request for the information is made to submit the information to
22 the assessor. If the assessor determines the owner failed to make the information
23 requested available in the time required without good cause, the property loses its
24 present-use value classification and the property's deferred taxes become due and
25 payable as provided in G.S. 105-277.4(c). The assessor must reinstate the property's
26 present-use value classification when the owner submits the requested information
27 unless the information discloses that the property no longer qualifies for present-use
28 value classification. When a property's present-use value classification is reinstated, it is
29 reinstated retroactive to the date the classification was revoked and any deferred taxes
30 that were paid as a result of the revocation must be refunded to the property owner.

31 In determining whether property is operating under a sound management program,
32 the assessor must consider any weather conditions or other acts of nature that prevent
33 the growing or harvesting of crops or the realization of income from cattle, swine, or
34 poultry operations. The assessor must also allow the property owner to submit
35 additional information before making this determination."

36 **SECTION 5.** G.S. 113-56.1 reads as rewritten:

37 **"§ 113-56.1. Overtime compensation for forest fire fighting.**

38 The Department shall, within funds appropriated to the Department, provide
39 overtime compensation to the professional employees of the Division of Forest
40 Resources~~Division~~ involved in fighting forest fires."

41 **SECTION 6.** G.S. 113-60.32(1) reads as rewritten:

42 "(1) 'Fire fighter' means an employee of the Division of Forest Resources
43 Division of the Department of Environment and Natural Resources
44 who engages in fire suppression duties."

1 **SECTION 7.** G.S. 113-291.10(a)(4) reads as rewritten:
2 "(4) The Director of the Division of Soil and Water Conservation~~Division~~
3 of the Department of Environment and Natural Resources, or a
4 designee;"

5 **SECTION 8.** Section 14 of S.L. 2004-163 reads as rewritten:
6 **"SECTION 14.** Notwithstanding G.S. 164-10, the Revisor of Statutes shall not
7 codify any of the provisions of this act. The Revisor of Statutes shall set out the text of
8 Sections 1 through 13 of this act as a note to G.S. 143-214.7 and may make notes
9 concerning this act to other sections of the General Statutes as the Revisor of Statutes
10 deems appropriate. The Revisor of Statutes shall set out the text of the Stormwater
11 Management Rule, as defined in Section ~~11~~12 of this act, and the text of Section 6 of
12 the temporary rule adopted by the Environmental Management Commission on 10
13 October 2002 as notes to G.S. 143-214.7."

14 **SECTION 9.** This act is effective when it becomes law.