

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005**

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**HOUSE BILL 1096\***  
**Senate Agriculture/Environment/Natural Resources Committee Substitute**  
**Adopted 8/11/05**

Short Title: Amend Environmental Laws 2005.

(Public)

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Sponsors:

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Referred to:

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April 4, 2005

A BILL TO BE ENTITLED

1 AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS RELATED TO THE  
2 ENVIRONMENT, ENVIRONMENTAL HEALTH, AND NATURAL  
3 RESOURCES TO: (1) MAKE CLARIFYING, CONFORMING, AND  
4 TECHNICAL AMENDMENTS; (2) MODIFY ENVIRONMENTAL REPORTING  
5 REQUIREMENTS; (3) CHANGE THE NAME OF THE WETLANDS  
6 RESTORATION PROGRAM TO THE ECOSYSTEM ENHANCEMENT  
7 PROGRAM AND TO CHANGE THE NAME OF THE WETLANDS  
8 RESTORATION FUND TO THE ECOSYSTEM RESTORATION FUND; (4)  
9 AUTHORIZE THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE  
10 INSPECTION SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR  
11 SERVE FOOD OR DRINK TO THE PUBLIC; (5) AUTHORIZE THE USE OF  
12 FUNDS FROM THE SPECIAL ZOO FUND FOR MARKETING PURPOSES; (6)  
13 PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION  
14 ON SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE  
15 GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON  
16 THE COMMISSION; (7) MAKE CLARIFYING AMENDMENTS TO THE  
17 SEDIMENTATION POLLUTION CONTROL ACT OF 1973; (8) CHANGE THE  
18 NAME OF THE AIR QUALITY COMPLIANCE ADVISORY PANEL TO THE  
19 SMALL BUSINESS ENVIRONMENTAL ADVISORY PANEL; AND (9)  
20 PROVIDE EXEMPTIONS FROM WELL CONTRACTOR CERTIFICATION  
21 REQUIREMENTS FOR CERTAIN PERSONS AND CERTAIN ACTIVITIES.  
22

23 The General Assembly of North Carolina enacts:

24  
25 **PART I. TECHNICAL CORRECTIONS.**

26  
27 **SECTION 1.1.** G.S. 90A-55 reads as rewritten:

28 **"§ 90A-55. State Board of Sanitarian Examiners; appointment and term of office.**

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

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

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

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

23 **SECTION 1.2.** G.S. 102-1.1 reads as rewritten:

24 **"§ 102-1.1. Name and description in relation to 1983 North American Datum.**

25 From and after the date and time the North Carolina Geodetic Survey Section in the  
26 Division of Land Resources ~~Division~~ of the Department of Environment and Natural  
27 Resources receives from the National Geodetic Survey, official notice of a complete,  
28 published definition of the North American Datum of 1983 including the State plane  
29 coordinate constants applicable to North Carolina, the official survey base for North  
30 Carolina shall be a system of plane coordinates to be known as the "North Carolina  
31 Coordinate System of 1983," said system being defined as a Lambert conformal  
32 projection of the "Geodetic Reference System (GRS 80 Ellipsoid)" having a central  
33 meridian of 79° - 00' west from Greenwich and standard parallels of latitude of 34° - 20'  
34 and 36° - 10' north of the equator, along which parallels the scale shall be exact. All  
35 coordinates of the system are expressed in metres, the x coordinate being measured  
36 easterly along the grid and the y coordinate being measured northerly along the grid.  
37 The U.S. Survey Foot, 1 meter = 39.37 inches or 3.2808333333 feet, shall be used as a  
38 conversion factor. The origin of the coordinates is hereby established on the meridian  
39 79° - 00' west from Greenwich at the intersection of the parallels 33° - 45' north  
40 latitude, such origin being given the coordinates x = 609,601.22 metres, y = 0 metres.  
41 The precise position of said system shall be as marked on the ground by triangulation or  
42 traverse stations or monuments established in conformity with the standards adopted by  
43 the National Geodetic Survey for first- and second-order work, whose geodetic  
44 positions have been rigidly adjusted on the North American Datum of 1983, and whose

1 plane coordinates have been computed on the system defined. Whenever plane  
2 coordinates are used in the description or identification of surface area or location  
3 within this State, the coordinates shall be identified as "NAD 83", indicating North  
4 American Datum of 1983, or as "NAD 27", indicating North American Datum of 1927."

5 **SECTION 1.3.** G.S. 105-277.7(a) reads as rewritten:

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

- 11 (1) A representative of the Department of Agriculture and Consumer  
12 Services, designated by the Commissioner of Agriculture.
- 13 (2) A representative of the Division of Forest Resources~~Division~~ of the  
14 Department of Environment and Natural Resources, designated by the  
15 Director of that Division.
- 16 (3) A representative of the Agricultural Extension Service at North  
17 Carolina Agricultural and Technical State University, designated by  
18 the Director of the Extension Service.
- 19 (4) A representative of the North Carolina Farm ~~Bureau~~,Bureau  
20 Federation, Inc., designated by the President of the Bureau.
- 21 (5) A representative of the North Carolina Association of Assessing  
22 Officers, designated by the President of the Association.
- 23 (6) The Director of the Property Tax Division of the North Carolina  
24 Department of Revenue or the Director's designee.
- 25 (7) A representative of the North Carolina Association of County  
26 Commissioners, designated by the President of the Association.
- 27 (8) A representative of the North Carolina Forestry Association,  
28 designated by the President of the Association."

29 **SECTION 1.4.** G.S. 105-296(j) reads as rewritten:

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

38 The assessor may require the owner of classified property to submit any information,  
39 including sound management plans for forestland, needed by the assessor to verify that  
40 the property continues to qualify for present-use value taxation. The owner has 60 days  
41 from the date a written request for the information is made to submit the information to  
42 the assessor. If the assessor determines the owner failed to make the information  
43 requested available in the time required without good cause, the property loses its  
44 present-use value classification and the property's deferred taxes become due and

1 payable as provided in G.S. 105-277.4(c). The assessor must reinstate the property's  
2 present-use value classification when the owner submits the requested information  
3 unless the information discloses that the property no longer qualifies for present-use  
4 value classification. When a property's present-use value classification is reinstated, it is  
5 reinstated retroactive to the date the classification was revoked and any deferred taxes  
6 that were paid as a result of the revocation must be refunded to the property owner.

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

12 **SECTION 1.5.** G.S. 113-56.1 reads as rewritten:

13 **"§ 113-56.1. Overtime compensation for forest fire fighting.**

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

17 **SECTION 1.6.** G.S. 113-60.32(1) reads as rewritten:

18 "(1) 'Fire fighter' means an employee of the Division of Forest Resources  
19 ~~Division~~ of the Department of Environment and Natural Resources  
20 who engages in fire suppression duties."

21 **SECTION 1.7.** G.S. 113-291.10(a)(4) reads as rewritten:

22 "(4) The Director of the Division of Soil and Water Conservation ~~Division~~  
23 of the Department of Environment and Natural Resources, or a  
24 designee;"

25 **SECTION 1.8.** G.S. 120-70.62 reads as rewritten:

26 **"§ 120-70.62. Powers and duties.**

27 The Commission shall have the following powers and duties:

28 ....

29 (4) To evaluate actions of the Division of Marine Fisheries ~~Division~~ of the  
30 Department of Environment and Natural Resources, the Wildlife  
31 Resources Commission of the Department of Environment and Natural  
32 Resources and of any other board, commission, department, or agency  
33 of the State or local government as such actions relate to the seafood  
34 and aquaculture industries;

35 ...."

36 **SECTION 1.9.** G.S. 120-70.63 reads as rewritten:

37 **"§ 120-70.63. Additional powers.**

38 The Commission, while in the discharge of official duties, may exercise all the  
39 powers of a joint committee of the General Assembly provided for under the provisions  
40 of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet  
41 at any time upon the call of either ~~each~~ chairman, cochair, whether or not the General  
42 Assembly is in session. The Commission may meet in the Legislative Building or the  
43 Legislative Office Building upon the approval of the Legislative Services Commission."

44 **SECTION 1.10.** Section 14 of S.L. 2004-163 reads as rewritten:

1       **"SECTION 14.** Notwithstanding G.S. 164-10, the Revisor of Statutes shall not  
2 codify any of the provisions of this act. The Revisor of Statutes shall set out the text of  
3 Sections 1 through 13 of this act as a note to G.S. 143-214.7 and may make notes  
4 concerning this act to other sections of the General Statutes as the Revisor of Statutes  
5 deems appropriate. The Revisor of Statutes shall set out the text of the Stormwater  
6 Management Rule, as defined in Section ~~4~~12 of this act, and the text of Section 6 of  
7 the temporary rule adopted by the Environmental Management Commission on 10  
8 October 2002 as notes to G.S. 143-214.7."  
9

10 **PART II. MODIFY REPORTING REQUIREMENTS.**

11  
12               **SECTION 2.1.** G.S. 143-215.8C is repealed.

13               **SECTION 2.2.** G.S. 143-215.107C reads as rewritten:

14 **"§ 143-215.107C. State agency goals, plans, duties, and reports.**

15       ...

16       (d) The Department of Administration, the Office of State Personnel, the  
17 Department of Transportation, and the Department of Environment and Natural  
18 Resources shall jointly develop and periodically update a plan to reduce vehicle miles  
19 traveled by State employees and vehicle emissions resulting from job-related travel,  
20 including commuting to and from work. The plan shall consider the use of carpooling,  
21 vanpooling, public transportation, incentives, and other appropriate strategies. The  
22 ~~Office of State Personnel~~Department of Transportation shall report on the development  
23 and implementation of the plan to the Joint Legislative Transportation Oversight  
24 Committee and the Environmental Review Commission on or before 1 October of each  
25 year beginning 1 October 2000.

26       (e) The Department of Transportation, the Department of Commerce, and the  
27 Department of Environment and Natural Resources shall jointly develop and  
28 periodically update a plan to reduce vehicle miles traveled by private sector employees  
29 and vehicle emissions resulting from job-related travel, including commuting to and  
30 from work. The plan shall consider the use of incentives for both private sector  
31 employees and ~~employers~~employers to promote carpooling, vanpooling, use of public  
32 transportation, and other appropriate strategies. The Department of Transportation shall  
33 report on the development and implementation of the plan to the Joint Legislative  
34 Transportation Oversight Committee and the Environmental Review Commission on or  
35 before 1 October of each year beginning 1 October 2000.

36       (f) The Office of State Personnel shall implement a policy that promotes  
37 telework/telecommuting for State employees as recommended by the report of the State  
38 Auditor entitled "Establishing a Formal Telework/Telecommuting Program for State  
39 Employees" and dated October 1997. It shall be the goal of the State to reduce State  
40 employee vehicle miles traveled in commuting by twenty percent (20%) without  
41 reducing total work hours or productivity. ~~The Office of State Personnel shall report on~~  
42 ~~progress in implementing this section to the Environmental Review Commission on or~~  
43 ~~before 1 October of each year beginning 1 October 2000."~~

1           **SECTION 2.3.** The primary investigator or researcher for the Neuse River  
2 Modeling and Monitoring Project shall provide a final report summarizing the findings  
3 and outcomes of the Project to the Environmental Review Commission no later than 1  
4 November 2005.

5  
6 **PART III. RENAME WETLANDS RESTORATION PROGRAM AS THE**  
7 **ECOSYSTEM ENHANCEMENT PROGRAM.**

8  
9           **SECTION 3.1.** G.S. 143-214.8 reads as rewritten:

10 "**§ 143-214.8. ~~Wetlands—Restoration~~Ecosystem Enhancement Program:**  
11 **established.**

12 The ~~Wetlands Restoration~~Ecosystem Enhancement Program is established within the  
13 Department of Environment and Natural Resources. The ~~Wetlands~~  
14 ~~Restoration~~Ecosystem Enhancement Program shall be developed by the Department as  
15 a nonregulatory statewide ~~wetlands restoration~~ecosystem enhancement program for the  
16 acquisition, maintenance, restoration, enhancement, and creation of wetland and  
17 riparian resources that contribute to the protection and improvement of water quality,  
18 flood prevention, fisheries, wildlife habitat, and recreational opportunities. The  
19 ~~Wetlands Restoration~~Ecosystem Enhancement Program shall consist of the following  
20 components:

- 21           (1) Restoration and perpetual maintenance of wetlands.
- 22           (2) Development of restoration plans.
- 23           (3) Landowner contact and land acquisition.
- 24           (4) Evaluation of site plans and engineering studies.
- 25           (5) Oversight of construction and monitoring of restoration sites.
- 26           (6) Land ownership and management.
- 27           (7) Mapping, site identification, and assessment of wetlands functions.
- 28           (8) Oversight of private wetland mitigation banks to facilitate the  
29 components of the ~~Wetlands—Restoration~~Ecosystem Enhancement  
30 Program."

31           **SECTION 3.2.** G.S. 143-214.9 reads as rewritten:

32 "**§ 143-214.9. ~~Wetlands—Restoration~~Ecosystem Enhancement Program: purposes.**

33 The purposes of the program are as follows:

- 34           (1) To restore wetlands functions and values across the State to replace  
35 critical functions lost through historic wetlands conversion and  
36 through current and future permitted impacts. It is not the policy of the  
37 State to destroy upland habitats unless it would further the purposes of  
38 the ~~Wetlands Restoration~~Ecosystem Enhancement Program.
- 39           (2) To provide a consistent and simplified approach to address mitigation  
40 requirements associated with permits or authorizations issued by the  
41 United States Army Corps of Engineers under 33 U.S.C. § 1344.
- 42           (3) To streamline the wetlands permitting process, minimize delays in  
43 permit decisions, and decrease the burden of permit applicants of  
44 planning and performing compensatory mitigation for wetlands losses.

1 (4) To increase the ecological effectiveness of compensatory mitigation.

2 (5) To achieve a net increase in wetland acres, functions, and values in  
3 each major river basin.

4 (6) To foster a comprehensive approach to environmental protection."

5 **SECTION 3.3.** G.S. 143-214.10 reads as rewritten:

6 "**§ 143-214.10. ~~Wetlands—Restoration~~Ecosystem Enhancement Program:**  
7 **development and implementation of basinwide restoration plans.**

8 Develop Basinwide Restoration Plans. – The Department shall develop basinwide  
9 plans for wetlands and riparian area restoration with the goal of protecting and  
10 enhancing water quality, flood prevention, fisheries, wildlife habitat, and recreational  
11 opportunities within each of the 17 major river basins in the State. ~~Beginning July 1,~~  
12 ~~1997, the~~ The Department shall develop and ~~begin implementing~~implement a basinwide  
13 restoration plan for each of the 17 river basins in the State in accordance with the  
14 basinwide schedule currently established by the Division of Water Quality."

15 **SECTION 3.4.** G.S. 143-214.11 reads as rewritten:

16 "**§ 143-214.11. ~~Wetlands—Restoration~~Ecosystem Enhancement Program:**  
17 **compensatory mitigation.**

18 (a) Definition. – For purposes of this section, the term "compensatory mitigation"  
19 means the restoration, creation, enhancement, or preservation of wetlands or other areas  
20 required as a condition of a section 404 permit issued by the United States Army Corps  
21 of Engineers.

22 (b) Department of Environment and Natural Resources to Coordinate  
23 Compensatory Mitigation. – All compensatory mitigation required by permits or  
24 authorizations issued by the United States Army Corps of Engineers under 33 U.S.C. §  
25 1344 shall be coordinated by the Department consistent with the basinwide plans for  
26 wetlands restoration and rules developed by the Environmental Management  
27 Commission. All compensatory wetlands mitigation, whether performed by the  
28 Department or by permit applicants, shall be consistent with the basinwide restoration  
29 plans.

30 (c) Mitigation Emphasis on Replacing Ecological Function Within Same River  
31 Basin. – The emphasis of mitigation is on replacing functions within the same river  
32 basin unless it is demonstrated that restoration of other areas would be more beneficial  
33 to the overall purposes of the ~~Wetlands—Restoration~~Ecosystem Enhancement Program.

34 (d) Compensatory Mitigation Options Available to Applicant. – An applicant  
35 may satisfy compensatory wetlands mitigation requirements by the following actions, if  
36 those actions are consistent with the basinwide restoration plans and also meet or  
37 exceed the requirements of the United ~~State~~States Army Corps of Engineers:

38 (1) Payment of a fee established by the Department into the ~~Wetlands~~  
39 Ecosystem Restoration Fund established in G.S. 143-214.12.

40 (2) Donation of land to the ~~Wetlands—Restoration~~Ecosystem Enhancement  
41 Program or to other public or private nonprofit conservation  
42 organizations as approved by the Department.

43 (3) Participation in a private wetlands mitigation bank.

44 (4) Preparing and implementing a wetlands restoration plan.

1 (e) Payment Schedule. – A standardized schedule of per-acre payment amounts  
2 shall be established by the Environmental Management Commission. The monetary  
3 payment shall be based on the ecological functions and values of wetlands permitted to  
4 be lost and on the cost of restoring or creating wetlands capable of performing the same  
5 or similar functions, including directly related costs of wetlands restoration planning,  
6 long-term monitoring, and maintenance of restored areas.

7 (f) Mitigation Banks. – State agencies and private mitigation banking companies  
8 shall demonstrate that adequate, dedicated financial surety exists to provide for the  
9 perpetual land management and hydrological maintenance of lands acquired by the  
10 State as mitigation banks, or proposed to the State as privately operated and permitted  
11 mitigation banks.

12 (g) Payment for Taxes. – A State agency acquiring land to restore, enhance,  
13 preserve, or create wetlands must also pay a sum in lieu of ad valorem taxes lost by the  
14 county in accordance with G.S. 146-22.3."

15 **SECTION 3.5.** G.S. 143-214.12 reads as rewritten:

16 "**§ 143-214.12. Wetlands Restoration Ecosystem Enhancement Program: Wetlands**  
17 **Ecosystem Restoration Fund.**

18 (a) ~~Wetlands Ecosystem~~ Restoration Fund. – The ~~Wetlands Ecosystem~~  
19 Restoration Fund is established as a nonreverting fund within the Department. The Fund  
20 shall be treated as a special trust fund and shall be credited with interest by the State  
21 Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3. The ~~Wetlands Ecosystem~~  
22 Restoration Fund shall provide a repository for monetary contributions and donations or  
23 dedications of interests in real property to promote projects for the restoration,  
24 enhancement, preservation, or creation of wetlands and riparian areas and for payments  
25 made in lieu of compensatory mitigation as described in subsection (b) of this section.  
26 No funds shall be expended from this Fund for any purpose other than those directly  
27 contributing to the acquisition, perpetual maintenance, enhancement, restoration, or  
28 creation of wetlands and riparian areas in accordance with the basinwide plan as  
29 described in G.S. 143-214.10. The cost of acquisition includes a payment in lieu of ad  
30 valorem taxes required under G.S. 146-22.3 when the Department is the State agency  
31 making the acquisition.

32 (a1) The Department may distribute funds from the ~~Wetlands Ecosystem~~  
33 Restoration Fund directly to a federal or State agency, a local government, or a private,  
34 nonprofit conservation organization to acquire, manage, and maintain real property or  
35 an interest in real property for the purposes set out in subsection (a) of this section. A  
36 recipient of funds under this subsection shall grant a conservation easement in the real  
37 property or interest in real property acquired with the funds to the Department in a form  
38 that is acceptable to the Department. The Department may convey real property or an  
39 interest in real property that has been acquired under the ~~Wetlands~~  
40 ~~Restoration Ecosystem Enhancement~~ Program to a federal or State agency, a local  
41 government, or a private, nonprofit conservation organization to acquire, manage, and  
42 maintain real property or an interest in real property for the purposes set out in  
43 subsection (a) of this section. A grantee of real property or an interest in real property



1 under this subsection shall grant a conservation easement in the real property or interest  
2 in real property to the Department in a form that is acceptable to the Department.

3 (b) Authorized Methods of Payment. – A person subject to a permit or  
4 authorization issued by the United States Army Corps of Engineers under 33 U.S.C. §  
5 ~~1344, 1344~~ may contribute to the ~~Wetlands Restoration~~Ecosystem Enhancement  
6 ~~Program, Program~~ in order to comply with conditions to, or terms of, the permit or  
7 ~~authorization, authorization~~ if participation in the ~~Wetlands Restoration~~Ecosystem  
8 Enhancement Program will meet the mitigation requirements of the United States Army  
9 Corps of Engineers. The Department shall, at the discretion of the applicant, accept  
10 payment into the ~~Wetlands-Ecosystem~~ Restoration Fund in lieu of other compensatory  
11 mitigation requirements of any authorizations issued by the United States Army Corps  
12 of Engineers under 33 U.S.C. § 1344 if the contributions will meet the mitigation  
13 requirements of the United States Army Corps of Engineers. Payment may be made in  
14 the form of monetary contributions according to a fee schedule established by the  
15 Environmental Management Commission or in the form of donations of real property  
16 provided that the property is approved by the Department as a suitable site consistent  
17 with the basinwide wetlands restoration plan.

18 (c) Accounting of Payments. – The Department shall provide an itemized  
19 statement that accounts for each payment into the Fund. The statement shall include the  
20 expenses and activities financed by the payment."

21 **SECTION 3.6.** G.S. 143-214.13 reads as rewritten:

22 "**§ 143-214.13. ~~Wetlands Restoration~~Ecosystem Enhancement Program: reporting**  
23 **requirement.**

24 (a) The Department of Environment and Natural Resources shall report each year  
25 by November 1 to the Environmental Review Commission regarding its progress in  
26 implementing the ~~Wetlands Restoration~~Ecosystem Enhancement Program and its use of  
27 the funds in the ~~Wetlands-Ecosystem~~ Restoration Fund. The report shall document  
28 statewide wetlands losses and gains and compensatory mitigation performed under  
29 G.S. 143-214.8 through G.S. 143-214.12. The report shall also provide an accounting of  
30 receipts and disbursements of the ~~Wetlands-Ecosystem~~ Restoration Fund, an analysis of  
31 the per-acre cost of wetlands restoration, and a cost comparison on a per-acre basis  
32 between the State's ~~Wetlands Restoration~~Ecosystem Enhancement Program and private  
33 mitigation banks. The Department shall also send a copy of its report to the Fiscal  
34 Research Division of the General Assembly.

35 (b) The Department shall maintain an inventory of all property that is held,  
36 managed, maintained, enhanced, restored, or used to create wetlands under the  
37 ~~Wetlands Restoration~~Ecosystem Enhancement Program. The inventory shall also list all  
38 conservation easements held by the Department. The inventory shall be included in the  
39 annual report required under subsection (a) of this section."

40 **SECTION 3.7.** G.S. 143-214.14(c) reads as rewritten:

41 "(c) Legislative Goals and Policies. – It is the goal of the General Assembly that,  
42 to the extent practicable, the State shall adopt water quality protection plans that are  
43 developed and implemented in cooperation and coordination with local governments  
44 and that the State shall adopt water quality protection requirements that are proportional

1 to the relative contributions of pollution from all sources in terms of both the loading  
2 and proximity of those sources. Furthermore, it is the goal of the General Assembly to  
3 encourage and support State-local partnerships for improved water quality protection  
4 through the provision of technical and financial assistance available through the Clean  
5 Water Management Trust Fund, the ~~Wetlands~~ Ecosystem Enhancement Program, the  
6 Ecosystem Restoration Fund, water quality planning and project grant programs, the  
7 State's revolving loan and grant programs for water and wastewater facilities, other  
8 funding sources, and future appropriations. The Commission shall implement these  
9 goals in accordance with the standards, procedures, and requirements set out in this  
10 section."

11  
12 **PART IV. AMEND INSPECTION SCHEDULE FOR FOOD SERVICE**  
13 **ESTABLISHMENTS.**

14  
15 **SECTION 4.1.** G.S. 130A-249 reads as rewritten:

16 "**§ 130A-249. Inspections; report and grade card.**

17 The Secretary may enter any establishment that is subject to the provisions of  
18 G.S. 130A-248 for the purpose of making inspections. The Secretary shall inspect each  
19 ~~restaurant at least quarterly, except that the quarterly inspection requirement shall not~~  
20 ~~apply to temporary food establishments.~~ food service establishment at a frequency  
21 established by the Commission. In establishing a schedule for inspections, the  
22 Commission shall consider the risks to the population served by the establishment and  
23 the type of food or drink served by the establishment. The person responsible for the  
24 management or control of an establishment shall permit the Secretary to inspect every  
25 part of the establishment and shall render all aid and assistance necessary for the  
26 inspection. The Secretary shall leave a copy of the inspection form and a card or cards  
27 showing the grade of the establishment with the responsible person. The Secretary shall  
28 post the grade card in a conspicuous place as determined by the Secretary where it may  
29 be readily observed by the public upon entering the establishment or upon picking up  
30 food prepared inside but received and paid for outside the establishment through  
31 delivery windows or other delivery devices. If a single establishment has one or more  
32 outside delivery service stations and an internal delivery system, that establishment shall  
33 have a grade card posted where it may be readily visible upon entering the  
34 establishment and one posted where it may be readily visible in each delivery window  
35 or delivery device upon picking up the food outside the establishment. The grade card  
36 or cards shall not be removed by anyone, except by or upon the instruction of the  
37 Secretary."

38 **SECTION 4.2.** The Commission for Health Services shall adopt rules to  
39 implement the provisions of Section 4.1 of this act so that the rules become effective on  
40 or before 1 January 2007.

41  
42 **PART V. AUTHORIZE THE USE OF FUNDS FROM THE SPECIAL ZOO**  
43 **FUND FOR MARKETING PURPOSES.**  
44

1           **SECTION 5.** G.S. 143B-336.1 reads as rewritten:

2   "**§ 143B-336.1. Special Zoo Fund.**

3       A special continuing and nonreverting fund, to be called the Special Zoo Fund, is  
4   created. The North Carolina Zoological Park shall retain unbudgeted receipts at the end  
5   of each fiscal year, beginning June 30, 1989, and deposit these receipts into this Fund.  
6   This Fund shall be used for maintenance, repairs, and renovations of exhibits in existing  
7   habitat clusters and visitor services facilities, construction of visitor services facilities  
8   and support facilities such as greenhouses and temporary animal holding areas, ~~and~~ for  
9   the replacement of tram equipment as required to maintain adequate service to the  
10   ~~public-public, and for marketing the Zoological Park.~~ The Special Zoo Fund may also  
11   be used to match private funds ~~which~~ that are raised for these purposes. Funds may be  
12   expended for these purposes by the Department of Environment and Natural Resources  
13   on the advice of the North Carolina Zoological Park Council and with the approval of  
14   the Office of State Budget and Management. The Department of Environment and  
15   Natural Resources shall provide an annual report to the Office of State Budget and  
16   Management and to the Fiscal Research Division of the Legislative Services Office on  
17   the use of fees collected pursuant to this section."  
18

19   **PART VI. PROVIDE THAT MEMBERS OF THE JOINT LEGISLATIVE**  
20   **COMMISSION ON SEAFOOD AND AQUACULTURE WHO ARE NOT**  
21   **REELECTED TO THE GENERAL ASSEMBLY MAY COMPLETE THEIR**  
22   **TERM OF SERVICE ON THE COMMISSION.**  
23

24           **SECTION 6.** G.S. 120-70.61 reads as rewritten:

25   "**§ 120-70.61. Membership; ~~each~~ chairmen; cochair; ~~vacancies~~; quorum.**

26    (a)   The Joint Legislative Commission on Seafood and Aquaculture shall consist  
27   of 15 members: four Senators appointed by the President Pro Tempore of the Senate;  
28   four Representatives appointed by the Speaker of the House of Representatives; four  
29   members appointed by the Governor; and three members appointed by the  
30   Commissioner of Agriculture. The members shall serve at the pleasure of their  
31   appointing officer.

32    (b)   The President Pro Tempore of the Senate shall designate one Senator to serve  
33   as ~~each~~ chairman-cochair, and the Speaker of the House of Representatives shall designate  
34   one Representative to serve as ~~each~~ chairman-cochair.

35    (c)   Except as otherwise provided in this section, a member of the Commission  
36   shall continue to serve for so long as the member remains a member of the General  
37   Assembly and no successor has been appointed. A member of the General Assembly  
38   who does not seek reelection or is not reelected to the General Assembly may complete  
39   a term of service on the Commission until the day on which a new General Assembly  
40   convenes. A member of the Commission who resigns or is removed from service in the  
41   General Assembly shall be deemed to have resigned or been removed from office on the  
42   Commission. Any vacancy that occurs—~~Vacancies occurring~~ on the Commission shall  
43   be filled in the same manner as ~~initial appointments~~ the original appointment.

44    (d)   A quorum of the Commission shall consist of eight members."

1  
2 **PART VII. AMENDMENTS TO SEDIMENTATION POLLUTION CONTROL**  
3 **ACT OF 1973.**

4  
5 **SECTION 7.1.** G.S. 113A-54.1(a) reads as rewritten:

6 **"§ 113A-54.1. Approval of erosion control plans.**

7 (a) A draft erosion and sedimentation control plan must contain the applicant's  
8 address and, if the applicant is not a resident of North Carolina, designate a North  
9 Carolina agent for the purpose of receiving notice from the Commission or the  
10 Secretary of compliance or noncompliance with the plan, this Article, or any rules  
11 adopted pursuant to this Article. If the applicant is not the owner of the land to be  
12 disturbed, the draft erosion and sedimentation control plan must include the owner's  
13 written consent for the applicant to submit a draft erosion and sedimentation control  
14 plan and to conduct the anticipated land-disturbing activity. The Commission shall  
15 approve, approve with modifications, or disapprove a draft erosion and sedimentation  
16 control plan for those land-disturbing activities for which prior plan approval is required  
17 within 30 days of receipt. The Commission shall condition approval of a draft erosion  
18 and sedimentation control plan upon the applicant's compliance with federal and State  
19 water quality laws, regulations, and rules. Failure to approve, approve with  
20 modifications, or disapprove a completed draft erosion and sedimentation control plan  
21 within 30 days of receipt shall be deemed approval of the plan. If the Commission  
22 disapproves a draft erosion and sedimentation control plan or a revised erosion and  
23 sedimentation control plan, it must state in writing the specific reasons that the plan was  
24 disapproved. Failure to approve, approve with modifications, or disapprove a revised  
25 erosion and sedimentation control plan within 15 days of receipt shall be deemed  
26 approval of the plan. The Commission may establish an expiration date for erosion and  
27 sedimentation control plans approved under this Article.

28 (b) If, following commencement of a land-disturbing activity pursuant to an  
29 approved erosion and sedimentation control plan, the Commission determines that the  
30 plan is inadequate to meet the requirements of this Article, the Commission may require  
31 any revision of the plan that is necessary to comply with this Article. Failure to approve,  
32 approve with modifications, or disapprove a revised erosion and sedimentation control  
33 plan within 15 days of receipt shall be deemed approval of the plan.

34 (c) The Commission shall disapprove an erosion and sedimentation control plan  
35 if implementation of the plan would result in a violation of rules adopted by the  
36 Environmental Management Commission to protect riparian buffers along surface  
37 waters. The Director of the Division of Land Resources may disapprove an erosion and  
38 sedimentation control plan upon finding that an applicant or a parent, subsidiary, or  
39 other affiliate of the applicant:

- 40 (1) Is conducting or has conducted land-disturbing activity without an  
41 approved plan, or has received notice of violation of a plan previously  
42 approved by the Commission or a local government pursuant to this  
43 Article and has not complied with the notice within the time specified  
44 in the notice;

- 1 (2) Has failed to pay a civil penalty assessed pursuant to this Article or a  
2 local ordinance adopted pursuant to this Article by the time the  
3 payment is due;
- 4 (3) Has been convicted of a misdemeanor pursuant to G.S. 113A-64(b) or  
5 any criminal provision of a local ordinance adopted pursuant to this  
6 Article; or
- 7 (4) Has failed to substantially comply with State rules or local ordinances  
8 and regulations adopted pursuant to this Article.

9 (d) In the event that an erosion and sedimentation control plan is disapproved by  
10 the Director pursuant to subsection (c) of this section, the Director shall state in writing  
11 the specific reasons that the plan was disapproved. The applicant may appeal the  
12 Director's disapproval of the plan to the Commission. For purposes of this subsection  
13 and subsection (c) of this section, an applicant's record may be considered for only the  
14 two years prior to the application date."

15 **SECTION 7.2.** G.S. 113A-57 reads as rewritten:

16 "**§ 113A-57. Mandatory standards for land-disturbing activity.**

17 No land-disturbing activity subject to this Article shall be undertaken except in  
18 accordance with the following mandatory requirements:

- 19 (1) No land-disturbing activity during periods of construction or  
20 improvement to land shall be permitted in proximity to a lake or  
21 natural watercourse unless a buffer zone is provided along the margin  
22 of the watercourse of sufficient width to confine visible siltation within  
23 the twenty-five percent (25%) of the buffer zone nearest the  
24 land-disturbing activity. Waters that have been classified as trout  
25 waters by the Environmental Management Commission shall have an  
26 undisturbed buffer zone 25 feet wide or of sufficient width to confine  
27 visible siltation within the twenty-five percent (25%) of the buffer  
28 zone nearest the land-disturbing activity, whichever is greater.  
29 Provided, however, that the Sedimentation Control Commission may  
30 approve plans which include land-disturbing activity along trout  
31 waters when the duration of said disturbance would be temporary and  
32 the extent of said disturbance would be minimal. This subdivision  
33 shall not apply to a land-disturbing activity in connection with the  
34 construction of facilities to be located on, over, or under a lake or  
35 natural watercourse.
- 36 (2) The angle for graded slopes and fills shall be no greater than the angle  
37 ~~which~~that can be retained by vegetative cover or other adequate  
38 erosion-control devices or structures. In any event, slopes left exposed  
39 will, within 15 working days or 30 calendar days of completion of any  
40 phase of grading, whichever period is shorter, be planted or otherwise  
41 provided with ground cover, devices, or structures sufficient to restrain  
42 erosion.
- 43 (3) Whenever land-disturbing activity that will disturb more than one acre  
44 is undertaken on a ~~tract-tract, comprising more than one acre, if more~~

1 ~~than one acre is uncovered~~, the person conducting the land-disturbing  
2 activity shall install erosion and sedimentation control devices and  
3 practices that are sufficient to retain the sediment generated by the  
4 land-disturbing activity within the boundaries of the tract during  
5 construction upon and development of the tract, and shall plant or  
6 otherwise provide a permanent ground cover sufficient to restrain  
7 erosion after completion of construction or development within a time  
8 period to be specified by rule of the Commission.

- 9 (4) No person shall initiate any land-disturbing activity that will disturb  
10 more than one acre on a tract ~~if more than one acre is to be uncovered~~  
11 unless, 30 or more days prior to initiating the activity, an erosion and  
12 sedimentation control plan for ~~such~~ the activity is filed with the agency  
13 having ~~jurisdiction~~ jurisdiction and approved by the agency. An  
14 erosion and sedimentation control plan may be filed less than 30 days  
15 prior to initiation of a land-disturbing activity if the plan is submitted  
16 under an approved express permit program, and the land-disturbing  
17 activity may be initiated and conducted in accordance with the plan  
18 once the plan has been approved. The agency having jurisdiction shall  
19 forward to the Director of the Division of Water Quality a copy of  
20 each erosion and sedimentation control plan for a land-disturbing  
21 activity that involves the utilization of ditches for the purpose of  
22 de-watering or lowering the water table of the tract."

23 **SECTION 7.3.** G.S. 113A-65.1(h) reads as rewritten:

24 "(h) The Attorney General shall file a cause of action to abate the violations which  
25 resulted in the issuance of a stop-work order within two business days of the service of  
26 the stop-work order. The cause of action shall include a motion for an ex parte  
27 temporary restraining order to abate the violation and to effect necessary remedial  
28 measures. The resident superior court judge, or any judge assigned to hear the motion  
29 for the temporary restraining order, shall hear and determine the motion within two days  
30 of the filing of the complaint. The clerk of superior court shall accept complaints filed  
31 pursuant to this section without the payment of filing fees. Filing fees shall be paid to  
32 the clerk of superior court within 30 days of the filing of the complaint."  
33

34 **PART VIII. RENAME AIR QUALITY COMPLIANCE ADVISORY PANEL.**

35  
36 **SECTION 8.1.** G.S. 143-215.3A(b) reads as rewritten:

37 "(b) The Title V Account is established as a nonreverting account within the  
38 Department. Revenue in the Account shall be used for developing and implementing a  
39 permit program that meets the requirements of Title V. The Title V Account shall  
40 consist of fees collected pursuant to G.S. 143-215.3(a)(1d) and G.S. 143-215.106A.  
41 Fees collected under G.S. 143-215.3(a)(1d) shall be used only to cover the direct and  
42 indirect costs required to develop and administer the Title V permit program, and fees  
43 collected under G.S. 143-215.106A shall be used only for the eligible expenses of the  
44 Title V program. Expenses of the ~~Air Quality Compliance~~ Small Business

1 Environmental Advisory Panel, the ombudsman for the Small Business Stationary  
2 Source Technical and Environmental Compliance Assistance Program, support staff,  
3 equipment, legal services provided by the Attorney General, and contracts with  
4 consultants and program expenses listed in section 502(b)(3)(A) of Title V shall be  
5 included among Title V program expenses."

6 **SECTION 8.2.** Part 15 of Article 7 of Chapter 143B of the General Statutes  
7 reads as rewritten:

8 "~~Part 15. Air Quality Control.~~Small Business Environmental Advisory Panel.

9 "**§ 143B-317. ~~Air Quality Compliance~~Small Business Environmental Advisory**  
10 **Panel – creation; powers and duties.**

11 There is hereby created the ~~Air Quality Compliance~~Small Business Environmental  
12 Advisory Panel of the Department of Environment and Natural Resources. The ~~Air~~  
13 ~~Quality Compliance~~Small Business Environmental Advisory Panel shall have the  
14 following functions and duties:

- 15 (1) To render advisory opinions concerning the effectiveness of the small  
16 business stationary source technical and environmental compliance  
17 assistance program, difficulties encountered, and degree and severity  
18 of enforcement.
- 19 (2) To make periodic reports to the Administrator of the United States  
20 Environmental Protection Agency concerning the compliance of the  
21 State Small Business Stationary Source Technical and Environmental  
22 Compliance Assistance Program with the requirements of the  
23 Paperwork Reduction Act, 44 U.S.C. §§ 3501 et. seq.; the Regulatory  
24 Flexibility Act, 5 U.S.C. §§ 601 et seq.; and the Equal Access to  
25 Justice Act, 5 U.S.C. §§ 504 et seq.
- 26 (3) To review information for small business stationary sources to assure  
27 such information is understandable by the layperson.

28 "**§ 143B-318. ~~Air Quality Compliance~~Small Business Environmental Advisory**  
29 **Panel – members; ~~chairman;~~chair; selection; removal; compensation;**  
30 **quorum; services.**

31 (a) The ~~Air Quality Compliance~~Small Business Environmental Advisory Panel  
32 ~~of the Department of Environment and Natural Resources~~ shall consist of two members  
33 who are not owners or representatives of owners of small business stationary sources,  
34 appointed by the Governor to represent the general public; two members appointed one  
35 each by the Speaker and the minority leader of the House of Representatives, and who  
36 are owners, or who represent owners, of small business stationary sources; two  
37 members appointed one each by the President Pro Tempore and the minority leader of  
38 the Senate, who are owners, or who represent owners, of small business stationary  
39 sources; and one member appointed by the Secretary of Environment and Natural  
40 Resources.

41 (b) The Governor shall designate one member of the Panel to serve as ~~chairman~~  
42 ~~chair at his pleasure.~~the pleasure of the Governor.

43 (c) Members shall serve staggered terms of four years. In order to achieve  
44 staggered terms, the Speaker and the minority leader of the House of Representatives

1 shall initially appoint members for terms of two years, the President Pro Tempore and  
2 the minority leader of the Senate shall initially appoint members for terms of three  
3 years. At the end of the respective terms of office of the initial members, their  
4 successors shall be appointed for terms of four years and until their successors are  
5 appointed and qualify. Any appointment to fill a vacancy on the Panel created by the  
6 resignation, dismissal, death or disability of a member shall be for the balance of the  
7 unexpired term.

8 (d) The Governor shall have the power to remove any member of the Panel from  
9 office for misfeasance, malfeasance or nonfeasance in accordance with the provisions of  
10 G.S. 143B-16.

11 (e) The members of the Panel shall receive per diem and necessary travel and  
12 subsistence expenses in accordance with the provisions of G.S. 138-5.

13 (f) A majority of the Panel shall constitute a quorum for the transaction of their  
14 business.

15 (g) The Secretary of Environment and Natural Resources shall designate an  
16 office within the Department of Environment and Natural Resources to serve as  
17 ombudsman for the Small Business Stationary Source Technical and Environmental  
18 Compliance Assistance Program established by the Department pursuant to section 507  
19 of Title V of the 1990 amendments to the federal Clean Air Act (Pub. L. 101-549, 104  
20 Stat. 2645, 42 U.S.C. § 7661f(a)(3)). The Small Business Stationary Source Technical  
21 and Environmental Compliance Assistance Program shall serve as the secretariat for the  
22 development and dissemination of reports and advisory opinions issued by the Panel.  
23 The Panel and the ombudsman shall exercise their powers consistent with  
24 G.S. 143B-14(b).

25 (h) All clerical and other services required by the Panel shall be supplied by the  
26 Secretary of Environment and Natural Resources.

27 "**§ 143B-319. ~~Air Quality Compliance~~Small Business Environmental Advisory**  
28 **Panel – meetings.**

29 The Panel shall meet at least semiannually and may hold special meetings at any  
30 time and place at the call of the ~~chairman~~chair or upon the written request of at least  
31 three members."  
32

33 **PART IX. AMEND WELL CONTRACTOR CERTIFICATION**  
34 **REQUIREMENTS AND USES OF FUNDS IN THE WELL CONSTRUCTION**  
35 **FUND.**

36  
37 **SECTION 9.** G.S. 87-98.4 reads as rewritten:

38 "**§ 87-98.4. Well contractor certification required; ~~applicability exemptions.~~**

39 (a) Certification Required. – No ~~well contractor~~person shall ~~perform or offer to~~  
40 ~~perform~~perform, manage, or supervise any well contractor activity without being  
41 certified under this Article. A person who is not a certified well contractor or who is not  
42 employed by a certified well contractor shall not offer to perform any well contractor  
43 activity unless the person utilizes a certified well contractor to perform the well  
44 contractor activity and, prior to the performance of the well contractor activity, the



1 person discloses to the landowner in writing the name of the certified well contractor  
2 who will perform the well contractor activity, the certification number of the well  
3 contractor, and the name of the company that employs the certified well contractor. The  
4 Commission may specify the types of general construction activities or geophysical  
5 activities that are not directly related to locating, testing, or withdrawing groundwater;  
6 evaluating, testing, developing, draining, or recharging any groundwater reservoir or  
7 aquifer; or controlling, diverting, or otherwise causing the movement of water from or  
8 into any aquifer and are therefore not well construction activities.

9 (b) Applicability. Exempt persons and activities. – This Article does not apply to  
10 a person who meets any of the following descriptions: any of the following persons or  
11 activities:

- 12 (1) Is A person who is employed by, or performs labor or services for, a  
13 certified well contractor in connection with well contractor activity  
14 performed under the personal supervision of the certified well  
15 contractor.
- 16 (2) Constructs, A person who constructs, repairs, or abandons a well that  
17 is located on land owned or leased by that person.
- 18 (3) A person who is employed by a government agency and who performs  
19 well contractor activity solely within the scope of the person's  
20 government employment.
- 21 (4) A person who is licensed as a professional engineer under Chapter 89C  
22 of the General Statutes, a geologist under Chapter 89E of the General  
23 Statutes, or a soil scientist under Chapter 89F of the General Statutes  
24 who uses a hand auger to collect soil or water samples or to measure  
25 water levels. This exemption does not include the construction of a  
26 monitoring well.
- 27 (5) Construction, repair, or abandonment of a well used for a temporary  
28 dewatering activity that is associated with, and necessary to complete  
29 construction of, a utility distribution or collection system, a building or  
30 other structure, or a transportation system, if all of the following  
31 conditions are met:
  - 32 a. The dewatering well is constructed solely for the purpose of  
33 removing water from or lowering the water table in the  
34 immediate area of the construction activity.
  - 35 b. The dewatering well is located within 25 feet of the excavation  
36 and is not greater than 25 feet deeper than the excavation.
  - 37 c. The dewatering well is abandoned in accordance with rules  
38 governing the abandonment of wells adopted by the  
39 Environmental Management Commission pursuant to  
40 G.S. 87-87 within 30 days of installation of the well or within  
41 10 days of completion of the project, whichever is later.
- 42 (6) Construction, repair, or abandonment of a well used for a temporary  
43 dewatering activity that is associated with the construction of a borrow

1                    pit if the dewatering activity is located within 15 feet of the proposed  
2                    perimeter of the borrow pit.

3                    (7) Exploratory drilling for mining-related investigations.

4                    (8) Installation of a water level observation well on property for which a  
5                    mining permit has been issued under the Mining Act of 1971, Article 7  
6                    of Chapter 74 of the General Statutes.

7                    (9) Drilling of a blast hole.

8                    (10) Installation of a cathodic protection anode.

9                    (11) Installation of a wetland monitoring gauge at a depth of eight feet or  
10                    less for the purpose of monitoring fluctuations in the water table.

11                    (12) Installation of a caisson, piling, or structural pier.

12                    (c) Additional Exemptions. – In addition to the exemptions set out in subsection  
13                    (b) of this section, the Commission may exempt by rule a geophysical activity,  
14                    construction activity, or other well contractor activity from the requirements of this  
15                    Article if the Commission finds that the activity has a negligible impact on the  
16                    environment; public health, safety, and welfare; and the groundwater resources of the  
17                    State."

18  
19                    **PART X. EFFECTIVE DATE.**

20  
21                    **SECTION 10.** Section 2.1 of this act becomes effective 1 December 2005.  
22                    Section 4.1 of this act becomes effective 1 January 2007. Part VII of this act becomes  
23                    effective 1 January 2006. The remaining sections of this act become effective when this  
24                    act becomes law.