

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE BILL 1093*

Short Title: Amend Environmental Laws -1. (Public)

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

Referred to: Environment and Natural Resources.

April 4, 2005

A BILL TO BE ENTITLED

1 AN ACT TO AMEND VARIOUS ENVIRONMENTAL LAWS TO: (1) AUTHORIZE
2 THE COMMISSION FOR HEALTH SERVICES TO MODIFY THE INSPECTION
3 SCHEDULE FOR ESTABLISHMENTS THAT PREPARE OR SERVE FOOD OR
4 DRINK TO THE PUBLIC; (2) AUTHORIZE THE USE OF FUNDS FROM THE
5 SPECIAL ZOO FUND FOR MARKETING PURPOSES; AND (3) PROVIDE
6 THAT MEMBERS OF THE JOINT LEGISLATIVE COMMISSION ON
7 SEAFOOD AND AQUACULTURE WHO ARE NOT REELECTED TO THE
8 GENERAL ASSEMBLY MAY COMPLETE THEIR TERM OF SERVICE ON
9 THE COMMISSION.
10

11 The General Assembly of North Carolina enacts:

12 **SECTION 1.** G.S. 130A-249 reads as rewritten:

13 **"§ 130A-249. Inspections; report and grade card.**

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

1 outside delivery service stations and an internal delivery system, that establishment shall
2 have a grade card posted where it may be readily visible upon entering the
3 establishment and one posted where it may be readily visible in each delivery window
4 or delivery device upon picking up the food outside the establishment. The grade card
5 or cards shall not be removed by anyone, except by or upon the instruction of the
6 Secretary."

7 **SECTION 2.** G.S. 143B-336.1 reads as rewritten:

8 **"§ 143B-336.1. Special Zoo Fund.**

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

24 **SECTION 3.** G.S. 120-70.61 reads as rewritten:

25 **"§ 120-70.61. Membership; ~~cochairmen; cochairs;~~ 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 ~~cochairman~~ cochair, and the Speaker of the House of Representatives shall designate
34 one Representative to serve as ~~cochairman~~ 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 **SECTION 4.** G.S. 120-70.62 reads as rewritten:

2 "**§ 120-70.62. Powers and duties.**

3 The Commission shall have the following powers and duties:

4 ...

5 (4) To evaluate actions of the Division of Marine Fisheries ~~Division~~ of the
6 Department of Environment and Natural Resources, the Wildlife
7 Resources Commission of the Department of Environment and Natural
8 Resources and of any other board, commission, department, or agency
9 of the State or local government as such actions relate to the seafood
10 and aquaculture industries;

11 "

12 **SECTION 5.** G.S. 120-70.63 reads as rewritten:

13 "**§ 120-70.63. Additional powers.**

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

20 **SECTION 6.** The Commission for Health Services shall adopt rules to
21 implement the provisions of Section 1 of this act so that the rules become effective on or
22 before 1 January 2007.

23 **SECTION 7.** Section 1 of this act becomes effective 1 January 2007.
24 Sections 2 through 7 of this act are effective when it becomes law.