

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 2161*
Committee Substitute Favorable 6/27/06

Short Title: Amend Env. & Nat. Resources Laws.

(Public)

Sponsors:

Referred to:

May 18, 2006

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL
3 RESOURCES LAWS TO: (1) CLARIFY THE REQUIREMENT THAT MOTOR
4 VEHICLES OPERATED ON A FEDERAL INSTALLATION IN AN EMISSIONS
5 COUNTY ARE SUBJECT TO EMISSIONS INSPECTION REQUIREMENTS; (2)
6 CLARIFY THE REQUIREMENT THAT LAND-DISTURBING ACTIVITY BE
7 CONDUCTED IN ACCORDANCE WITH AN APPROVED PLAN; (3)
8 AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION AND THE
9 JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND AQUACULTURE
10 TO CONTRACT FOR CONSULTANTS IN CERTAIN CIRCUMSTANCES; (4)
11 PROVIDE THAT A PERSON WHO MANUFACTURES, INSTALLS, REPAIRS,
12 OR PUMPS SEPTIC SYSTEMS MAY PURCHASE AND INSTALL APPROVED
13 EFFLUENT FILTERS; (5) DELAY BY ONE YEAR THE EFFECTIVE DATE OF
14 CERTAIN PROVISIONS OF S.L. 2005-384, AN ACT TO REQUIRE THE
15 REMOVAL, COLLECTION, AND RECOVERY OF MERCURY SWITCHES
16 FROM CERTAIN MOTOR VEHICLES; (6) REMOVE DEER AND ELK FROM
17 THE DEFINITION OF LIVESTOCK; (7) CLARIFY THAT THE FOR HIRE
18 BLANKET COASTAL RECREATIONAL FISHING LICENSE IS ISSUED FOR
19 THE FOR HIRE BOAT; (8) CLARIFY THAT SPECIAL LANDHOLDER AND
20 GUEST FISHING LICENSES ONLY APPLY WHEN THE GUESTS ARE
21 NONPAYING; (9) INCREASE THE TYPES OF LICENSES THAT THE
22 WILDLIFE RESOURCES COMMISSION MAY ESTABLISH AS
23 PERSONALIZED LICENSES; (10) CLARIFY THAT THE LIFETIME UNIFIED
24 INLAND/COASTAL RECREATIONAL FISHING LICENSE IS A
25 RESIDENT-ONLY LICENSE; (11) PROVIDE FOR THE CONFIDENTIALITY
26 OF INFORMATION OBTAINED BY THE WILDLIFE RESOURCES
27 COMMISSION, THE MARINE FISHERIES COMMISSION, AND THE
28 DIVISION OF MARINE FISHERIES; (12) AUTHORIZE THE MARINE
29 FISHERIES COMMISSION TO EXEMPT CERTAIN ORGANIZED FISHING

1 EVENTS FROM LICENSE REQUIREMENTS; AND (13) CLARIFY THE
2 AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL
3 RESOURCES AND THE SECRETARY OF ENVIRONMENT AND NATURAL
4 RESOURCES TO CARRY OUT CERTAIN RESPONSIBILITIES RELATED TO
5 THE PREVENTION AND CONTROL OF LEAD POISONING IN CHILDREN.

6 The General Assembly of North Carolina enacts:

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8 **PART I. AMEND ENVIRONMENTAL LAWS**

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10 **SECTION 1.** G.S. 20-183.2(b)(1) reads as rewritten:

11 "(1) It is subject to registration with the Division under Article 3 of this
12 ~~Chapter.~~Chapter, except for motor vehicles operated on a federal
13 installation as provided in sub-subdivision e. of subdivision (5) of this
14 subsection."

15 **SECTION 2.** G.S. 113A-57 is amended by adding a new subdivision to
16 read:

17 "(5) The land-disturbing activity shall be conducted in accordance with the
18 approved erosion and sedimentation control plan."

19 **SECTION 3.1.** G.S. 120-70.44 reads as rewritten:

20 "**§ 120-70.44. Additional powers.**

21 (a) The Environmental Review Commission, while in the discharge of official
22 duties, may exercise all the powers provided for under the provisions of G.S. 120-19,
23 and G.S. 120-19.1 through G.S. 120-19.4. The Environmental Review Commission may
24 meet at any time upon the call of either cochairman, whether or not the General
25 Assembly is in session. The Environmental Review Commission may meet in the
26 Legislative Building or the Legislative Office Building upon the approval of the
27 Legislative Services Commission.

28 (b) Notwithstanding any rule or resolution to the contrary, proposed legislation to
29 implement any recommendation of the Environmental Review Commission regarding
30 any study the Environmental Review Commission is authorized to undertake or any
31 report authorized or required to be made by or to the Environmental Review
32 Commission may be introduced and considered during any session of the General
33 Assembly.

34 (c) The Commission may contract for consultants or hire employees in
35 accordance with G.S. 120-32.02."

36 **SECTION 3.2.** G.S. 120-70.63 reads as rewritten:

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

38 (a) The Commission, while in the discharge of official duties, may exercise all
39 the powers of a joint committee of the General Assembly provided for under the
40 provisions of G.S. 120-19, and G.S. 120-19.1 through G.S. 120-19.4. The Commission
41 may meet at any time upon the call of either 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.

1 (b) The Commission may contract for consultants or hire employees in
2 accordance with G.S. 120-32.02."

3 **SECTION 4.** G.S. 130A-335.1(a) reads as rewritten:

4 "(a) The manufacturer of each person who manufactures, installs, repairs, or
5 pumps any septic tank to be installed in this State as a part of a septic tank system that is
6 designed to treat 3,000 gallons per day or less of sewage shall provide an effluent filter
7 approved by the Department pursuant to the requirements of G.S. 130A-335, this
8 section, and rules adopted by the Commission. Any person who manufactures, installs,
9 repairs, or pumps systems described in this section may purchase and install any
10 approved filters on the systems. The person who installs the ~~septic tank system effluent~~
11 ~~filter~~ shall install the effluent filter as a part of the septic tank system in accordance with
12 the specifications provided by the manufacturer of the effluent filter. An effluent filter
13 shall:

- 14 (1) Be made of materials that are capable of withstanding the corrosives to
15 which septic tank systems are normally subject.
- 16 (2) Prevent solid material larger than one-sixteenth of an inch, as
17 measured along the shortest axis of the material, from entering the
18 drainfield.
- 19 (3) Be designed and constructed to allow for routine maintenance.
- 20 (4) Be designed and constructed so as not to require maintenance more
21 frequently than once in any three-year period under normally
22 anticipated use."

23 **SECTION 5.** Section 4 of S.L. 2005-384 reads as rewritten:

24 "**SECTION 4.** Sections 1, 3, and 4 of this act are effective when this act becomes
25 law, except that G.S. 130A-310.53, 130A-310.54(c), and 130A-310.55 become effective
26 1 July ~~2006~~2007. Section 2 of this act becomes effective 1 October 2005. Each vehicle
27 manufacturer that is subject to the requirements of this act shall provide the information
28 required by G.S. 130A-310.52(b), either individually or as a group of manufacturers, on
29 or before 1 January ~~2006~~2007. This act expires on 1 July 2026."

30 **PART II. AMEND NATURAL RESOURCES LAWS**

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33 **SECTION 6.** G.S. 106-581.1(3) reads as rewritten:

34 "(3) Dairying and the raising, management, care, and training of livestock,
35 including horses, bees, poultry, ~~deer, elk,~~ and other animals for
36 individual and public use, consumption, and marketing."

37 **SECTION 7.** G.S. 113-174.3(a) reads as rewritten:

38 "(a) License. – A person who operates a for hire boat may purchase a For Hire
39 Blanket CRFL issued by the ~~Division~~ Division for the for hire boat. A For Hire Blanket
40 CRFL authorizes all individuals on the for hire boat who do not hold a license issued
41 under this Article or Article 25A of this Chapter to engage in recreational fishing in
42 coastal fishing waters that are not joint fishing waters. A For Hire Blanket CRFL does
43 not authorize individuals to engage in recreational fishing in joint fishing waters or

1 inland fishing waters. ~~This license~~A For Hire Blanket CRFL is valid for a period of one
2 year from the date of issuance. The fee for a For Hire Blanket CRFL is:

- 3 (1) Two hundred fifty dollars (\$250.00) for a vessel captained by an
4 individual who holds a certification from the United States Coast
5 Guard to carry six or fewer passengers.
6 (2) Three hundred fifty dollars (\$350.00) for a vessel captained by an
7 individual who holds a certification from the United States Coast
8 Guard to carry greater than six passengers."

9 **SECTION 8.** G.S. 113-271(d)(9) reads as rewritten:

10 "(9) Special Landholder and Guest Fishing License – \$50.00. This license
11 shall be issued only to the ~~owner or lessee~~landholder of private
12 property bordering inland or joint fishing waters, ~~including public~~
13 ~~mountain trout waters, and entitles persons~~waters. This license shall
14 entitle the landholder and guests of the landholder to fish from the
15 shore or any pier or dock originating from the property without any
16 additional fishing license. This license is applicable only to private
17 property and private docks and piers and is not valid for any public
18 property, pier, or dock nor for any private property, pier, or dock
19 operated for any commercial purpose whatsoever. ~~The guest~~
20 ~~fishing~~This license shall not be in force unless displayed on the
21 premises of the property and only entitles fishing without additional
22 license to persons fishing from the licensed property and then only
23 when fishing within the private property lines. ~~The guest fishing~~This
24 license is not transferable as to person or location. For purposes of this
25 subdivision, a guest is any individual invited by the landholder to fish
26 from the property at no charge. A charge includes any fee, assessment,
27 dues, rent, or other consideration which must be paid, whether directly
28 or indirectly, in order to be allowed to fish from the property,
29 regardless of the stated reason for such charge."

30 **SECTION 9.** G.S. 113-272.3(d) reads as rewritten:

31 "(d) In issuing lifetime ~~sportsman combination~~ licenses, the Wildlife Resources
32 Commission is authorized to adopt rules to establish a personalized series for certain
33 license types and to charge a five dollar (\$5.00) administrative fee, to be deposited in
34 the Wildlife Fund, to defray the cost of issuance of the personalized license."

35 **SECTION 10.** G.S. 113-351(c)(4)a. reads as rewritten:

36 "(4) Lifetime Unified Inland/Coastal Recreational Fishing Licenses. –
37 Except as provided in sub-subdivisions b. and c. of this subdivision, a
38 license issued under this subdivision is valid for the lifetime of the
39 licensee. A license issued under this subdivision authorizes the
40 licensee to fish with hook and line for all fish in all inland fishing
41 waters and joint fishing waters, including public mountain trout
42 waters, and to engage in recreational fishing in coastal fishing waters.

- 43 a. Resident Lifetime Unified Inland/Coastal Recreational Fishing
44 License. – \$450.00.

...."

SECTION 11.1. G.S. 143-254.5 reads as rewritten:

"§ 143-254.5. **Disclosure of personal identifying information.**

(a) ~~Personal identifying information obtained by the Commission from an applicant for a license, title, permit, or registration issued by the Commission, from a consumer who purchases or subscribes to a good or service offered by the Commission, or from a donor in connection with any gift to the Commission is confidential under G.S. 132-1.2 and shall only be disclosed by the Commission as provided in this section.~~

(b) ~~Personal identifying information obtained from the holder of a license issued under Article 14B or Article 25A of Chapter 113 of the General Statutes shall be disclosed to the Division of Marine Fisheries and the Marine Fisheries Commission.~~

(c) ~~Personal identifying information may be disclosed to any officer, employee, or authorized representative of any federal, state, or local government agency if disclosure is necessary to carry out a proper function of the Commission or other agency.~~

(d) As used in this section, "personal identifying information" includes a person's mailing address, residence address, date of birth, telephone number, electronic mail address, driver license number, and social security number. Social security numbers and identifying information obtained by the Commission shall be treated as provided in G.S. 132-1.10. For purposes of this section, 'identifying information' also includes a person's mailing address, residence address, date of birth, and telephone number."

SECTION 11.2. G.S. 143B-289.52(h) reads as rewritten:

"(h) Neither the Commission nor the Department may disclose personal information provided by an applicant for a license issued under Article 14A or 14B of Chapter 113 of the General Statutes. Social security numbers and identifying information obtained by the Commission or the Division of Marine Fisheries shall be treated as provided in G.S. 132-1.10. For purposes of this subsection, 'identifying information' also includes a person's mailing address, residence address, date of birth, and telephone number."

SECTION 12. G.S. 143B-289.52 is amended by adding a new subsection to read:

"(i) The Commission may adopt rules to exempt individuals who participate in organized fishing events held in coastal or joint fishing waters from recreational fishing license requirements for the specified time and place of the event when the purpose of the event is consistent with the conservation objectives of the Commission."

PART III. CLARIFY AUTHORITY OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES TO IMPLEMENT THE CHILDHOOD LEAD POISONING PREVENTION PROGRAM

SECTION 13.1. G.S. 130A-4(c) reads as rewritten:

"(c) The Secretary of Environment and Natural Resources shall administer and enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this Chapter and the rules of the Commission."

1 **SECTION 13.2.** G.S. 130A-12 reads as rewritten:

2 "**§ 130A-12. Confidentiality of records.**

3 All records containing privileged patient medical ~~information~~ information,
4 information protected under 45 ~~C.F.R. Code of Federal Regulations~~ Code of Federal Regulations Parts 160 and 164
5 164, and information collected under the authority of Part 4 of Article 5 of this Chapter
6 that are in the possession of the Department of Health and Human Services, the
7 Department of Environment and Natural Resources, or local health departments shall be
8 confidential and shall not be public records pursuant to G.S. 132-1. Information
9 contained in the records may be disclosed only when disclosure is authorized or
10 required by State or federal law. Notwithstanding G.S. 8-53 or G.S. 130A-143, the
11 information contained in the records may be disclosed for purposes of treatment,
12 payment, or health care operations. For purposes of this section, the terms "treatment,"
13 "payment," and "health care operations" have the meanings given those terms in 45
14 C.F.R. Code of Federal Regulations § 164.501."

15 **SECTION 13.3.** G.S. 130A-17(b) reads as rewritten:

16 "(b) The Secretary of Environment and Natural Resources and a local health
17 director shall have the same rights enumerated in subsection (a) of this section to
18 enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this
19 Chapter."

20 **SECTION 13.4.** G.S. 130A-18(b) reads as rewritten:

21 "(b) The Secretary of Environment and Natural Resources and a local health
22 director shall have the same rights enumerated in subsection (a) of this section to
23 enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this
24 Chapter."

25 **SECTION 13.5.** G.S. 130A-19(b) reads as rewritten:

26 "(b) The Secretary of Environment and Natural Resources and a local health
27 director shall have the same rights enumerated in subsection (a) of this section to
28 enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this
29 Chapter."

30 **SECTION 13.6.** G.S. 130A-20(b) reads as rewritten:

31 "(b) The Secretary of Environment and Natural Resources and a local health
32 director shall have the same rights enumerated in subsection (a) of this section to
33 enforce the provisions of Part 4 of Article 5 and Articles 8, 9, 10, 11, and 12 of this
34 Chapter."
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36 **PART IV. EFFECTIVE DATE**

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38 **SECTION 14.** Section 5 of this act is effective retroactively to 1 July 2006.

39 All other sections of this act are effective when the act becomes law.