

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1099

Short Title: Amend Environmental Laws 2009. (Public)

Sponsors: Representatives Allen, Gibson (Primary Sponsors); and Lucas.

Referred to: Environment and Natural Resources, if favorable, Finance.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO AMEND CERTAIN ENVIRONMENTAL AND NATURAL RESOURCES LAWS TO: (1) REPEAL THE REQUIREMENT THAT SEASONAL STATE PARK EMPLOYEES WEAR A UNIFORM VEST; (2) REQUIRE ELECTRONIC REPORTING OF ENVIRONMENTAL LEAD TEST RESULTS AND BLOOD LEAD TEST RESULTS; (3) CLARIFY THE FEE STRUCTURE FOR FOOD AND LODGING PERMITS; (4) REVISE THE SUNSET PROVISION FOR NUTRIENT OFFSET PAYMENTS; AND (5) AMEND THE SOLID WASTE DISPOSAL TAX TO STREAMLINE THE PROCESS WHEN A LOCAL GOVERNMENT IS SERVED BY A SOLID WASTE MANAGEMENT AUTHORITY.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 113-35.1 is repealed.

**SECTION 2.** G.S. 130A-131.8 reads as rewritten:

"§ 130A-131.8. ~~Laboratory Reports reports of blood levels in children.~~

(a) All laboratories doing business in this State shall report to the Department all environmental lead test results and blood lead test results for children less than six years of age and for individuals whose ages are unknown at the time of testing. Reports shall be made by electronic submission within five working days after test ~~completion on forms provided by the Department or on self-generated forms containing completion.~~

(b) Reports of blood lead test results shall contain:

(1) ~~the~~ The child's full name, date of birth, sex, race, ethnicity, address, and Medicaid number, if any; any.

(2) ~~the~~ The name, address, and telephone number of the requesting health care provider; provider.

(3) ~~the~~ The name, address, and telephone number of the testing laboratory; laboratory.

(4) ~~the~~ The laboratory results, whether the specimen type—type is venous or capillary; the laboratory sample number, and the dates the sample was collected and analyzed. The reports may be made by electronic submissions.

(c) Reports of environmental lead test results shall contain:

(1) The address where the samples were collected.

(2) Sample type, such as dust, paint, soil, or water.

(3) Surface type, such as floor, window sill, or window trough.

(4) Collection location.

(5) The name, address, and telephone number of the testing laboratory.

(6) The laboratory results, unit of measurement, the laboratory sample number, and the dates the sample was collected and analyzed."



1           **SECTION 3.** G.S. 130A-248(d) reads as rewritten:

2           "(d) The Department shall charge each establishment subject to this section, except  
3 nutrition programs for the elderly administered by the Division of Aging of the Department of  
4 Health and Human Services, establishments that prepare and sell meat food products or poultry  
5 products, and public school cafeterias, ~~an annual fee of fifty dollars (\$50.00). cafeterias, a fee~~  
6 of fifty dollars (\$50.00) for each permit issued. This fee shall be reassessed annually for  
7 permits that do not expire. The Commission shall adopt rules to implement this subsection.  
8 Fees collected under this subsection shall be used for State and local food, lodging, and  
9 institution sanitation programs and activities. No more than thirty-three and one-third percent  
10 (33 1/3%) of the fees collected under this subsection may be used to support State health  
11 programs and activities."

12           **SECTION 4.** Section 5 of S.L. 2007-438 reads as rewritten:

13           **"SECTION 5.** This act becomes effective 1 September 2007 and applies to all nutrient  
14 offset payments, including those set out in 15A NCAC 2B .0240, as adopted by the  
15 Environmental Management Commission on 12 January 2006. The fee schedule set out in  
16 Section 1 of this act expires ~~1 September 2009, on the effective date of the rules adopted by the~~  
17 Environmental Management Commission pursuant to Section 2 of this act."

18           **SECTION 5.** G.S. 105-187.63 reads as rewritten:

19           **"§ 105-187.63. Use of tax proceeds.**

20           From the taxes received pursuant to this Article, the Secretary may retain the costs of  
21 collection, not to exceed two hundred twenty-five thousand dollars (\$225,000) a year, as  
22 reimbursement to the Department. The Secretary must credit or distribute taxes received  
23 pursuant to this Article, less the cost of collection, on a quarterly basis as follows:

- 24           (1) Fifty percent (50%) to the Inactive Hazardous Sites Cleanup Fund  
25 established by G.S. 130A-310.11.
- 26           (2) Thirty-seven and one-half percent (37.5%) to cities and counties in the State  
27 on a per capita basis, using the most recent annual estimate of population  
28 certified by the State Budget Officer. One-half of this amount must be  
29 distributed to cities, and one-half of this amount must be distributed to  
30 counties. For purposes of this distribution, the population of a county does  
31 not include the population of a city located in the county.

32           A city or county is excluded from the distribution under this subdivision  
33 if it does not provide solid waste management programs and services and is  
34 not responsible by contract for payment for these programs and services.  
35 ~~services, unless it is served by a regional solid waste management authority~~  
36 ~~established under Article 22 of Chapter 153A of the General Statutes.~~ The  
37 Department of Environment and Natural Resources must provide the  
38 Secretary with a list of the cities and counties that are excluded under this  
39 subdivision. The list must be provided by May 15 of each year and applies to  
40 distributions made in the fiscal year that begins on July 1 of that year.

41           Funds distributed under this subdivision must be used by a city or county  
42 solely for solid waste management programs and services. ~~A city or county~~  
43 ~~that receives funds under this subdivision and is served by a regional solid~~  
44 ~~waste management authority must forward the amount it receives to that~~  
45 ~~authority.~~

- 46           (3) Twelve and one-half percent (12.5%) to the Solid Waste Management Trust  
47 Fund established by G.S. 130A-309.12."

48           **SECTION 6.** Sections 3 and 5 of this act become effective July 1, 2009. Sections  
49 1, 2, 4, and 6 of this act are effective when this act becomes law.