

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 823\*  
House Committee Substitute Favorable 7/13/04  
House Committee Substitute #2 Favorable 7/16/04

Short Title: Amend Environmental Laws-3/Appointments.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO AMEND VARIOUS LAWS RELATED TO THE ENVIRONMENT,  
ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES TO: (1) MAKE  
CLARIFYING, CONFORMING, AND TECHNICAL AMENDMENTS; (2)  
MODIFY ENVIRONMENTAL REPORTING REQUIREMENTS; (3) ABOLISH  
OBSOLETE AND INACTIVE COUNCILS; (4) EXTEND BY ONE YEAR THE  
TIME FOR THE DEVELOPMENT OF PERMANENT RULES RELATED TO  
WATER CONSERVATION PURSUANT TO SECTION 3 OF S.L. 2002-167; (5)  
PROVIDE FOR STAGGERED TERMS FOR THE MEMBERS OF THE  
AGRICULTURAL FINANCE AUTHORITY, TO MAKE APPOINTMENTS TO  
THE AUTHORITY, AND SPECIFY THE MAXIMUM NUMBER OF  
SUCCESSIVE TERMS THAT MEMBERS OF THE AUTHORITY MAY SERVE;  
AND (6) PROHIBIT THE SALE OR DISPENSING OF RAW MILK, AND TO  
PROVIDE FOR FILLING VACANCIES IN LEGISLATIVE APPOINTMENTS IN  
CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

**PART I. TECHNICAL CORRECTIONS**

**SECTION 1.1.** G.S. 113-301.1 reads as rewritten:

**"§ 113-301.1. Wildlife Resources Commission obligated to make efforts to notify members of the public who may be affected by operative provisions of statutes and ~~regulations~~ rules.**

(a) The Wildlife Resources Commission must prepare and distribute to license agents informational materials relating to hunting, fishing, trapping, and boating laws and ~~regulations~~ rules administered by the Wildlife Resources Commission. The materials furnished an agent should be appropriate to the types of licenses ~~he~~ the agent customarily handles, and in a quantity reasonably anticipated to be sufficient to meet the needs of licensees obtaining licenses from the agent.

1 (b) In issuing new licenses and permits from the Raleigh office by mail, the  
2 Wildlife Resources Commission must generally inform the licensee or permittee of  
3 governing provisions of law and ~~regulations~~ rules applicable to the type of license or  
4 permit secured. In issuing renewal licenses and permits by mail, the Wildlife Resources  
5 Commission must inform the licensee or permittee of any substantial changes in the law  
6 or ~~regulations~~ which rules that may affect the activities of the licensee or permittee.

7 (c) After adopting ~~regulations~~ which rules that impose new restrictions upon the  
8 activities of members of the public who do not normally hold licenses or permits to  
9 engage in the activity in question, the Wildlife Resources Commission must take  
10 appropriate steps to publicize the new restrictions. These steps may include press  
11 releases to the media, informing local authorities, and other forms of communication  
12 that give promise of reaching the segment of the public affected.

13 (d) After adopting new restrictions on hunting, fishing, trapping, or boating at a  
14 time other than when usual annual changes in the ~~regulations~~ rules affecting those  
15 activities are adopted, the Wildlife Resources Commission must take appropriate steps  
16 to publicize the new restrictions in a manner designed to reach persons who may be  
17 affected.

18 (e) Repealed by Session Laws 1987, c. 827, s. 9."

19 **SECTION 1.2.** G.S. 113A-115.1(b) reads as rewritten:

20 "(b) No person shall construct a permanent erosion control structure in an ocean  
21 shoreline. The Commission shall not permit the construction of a temporary erosion  
22 control structure that consists of anything other than sandbags in an ocean shoreline.  
23 This section shall not apply to (i) any permanent erosion control structure that is  
24 approved pursuant to an exception set out in a rule adopted by the Commission prior to  
25 1 July 2003 or (ii) any permanent erosion control structure that was originally  
26 constructed prior to 1 July 1974 and that has since been in continuous use to protect an  
27 inlet that is maintained for navigation. This section shall not be construed to limit the  
28 authority of the Commission to adopt rules to designate or protect areas of  
29 environmental concern, to govern the use of sandbags, or to govern the use of erosion  
30 ~~coastal control~~ structures in estuarine shorelines."

31 **SECTION 1.3.** G.S. 121-34 reads as rewritten:

32 "**§ 121-34. Short title.**

33 The title of this Article shall be known as the "~~Historic~~ Conservation and Historic  
34 Preservation and Conservation Agreements Act. "

35 **SECTION 1.4.** G.S. 121-42 reads as rewritten:

36 "**§ 121-42. Citation of Article.**

37 This Article shall be known and may be cited as "~~Uniform Conservation~~ the  
38 'Conservation and Historic Preservation Agreement Agreements Act.' "

39 **SECTION 1.5.** G.S. 143-215.1 reads as rewritten:

40 "**§ 143-215.1. Control of sources of water pollution; permits required.**

41 ...

42 (c2) Any person who is required to obtain an individual wastewater permit under  
43 this section for a facility discharging to the surface waters of the State that have been  
44 classified as nutrient sensitive waters (NSW) under rules adopted by the Commission

1 where ~~phosphorous~~phosphorus is designated by the Commission as a nutrient of  
2 concern shall not discharge more than an average annual mass load of total  
3 ~~phosphorous~~phosphorus than would result from a discharge of the permitted flow,  
4 determined at the time the Commission makes a finding that those waters are  
5 experiencing or are subject to excessive growth of microscopic or macroscopic  
6 vegetation, having a total ~~phosphorous~~phosphorus concentration of two milligrams of  
7 ~~phosphorous~~phosphorus per liter (2.0 mg/l). The total ~~phosphorous~~phosphorus  
8 concentration of 2.0 mg/l for nutrient sensitive waters required by this subsection  
9 applies only to:

10 (1) Facilities that were placed into operation prior to 1 July 1997 or for  
11 which an authorization to construct was issued prior to 1 July 1997 and  
12 that have a design capacity to discharge 500,000 gallons per day or  
13 more.

14 (2) Facilities for which an authorization to construct is issued on or after 1  
15 July 1997.

16 (c3) A person to whom subsection (c1) or (c2) of this section applies may meet the  
17 limits established under those subsections either individually or on the basis of a  
18 cooperative agreement with other persons who hold individual wastewater permits if the  
19 cooperative agreement is approved by the Commission. A person to whom subsection  
20 (c1) or (c2) of this section applies whose agreement to accept wastewater from another  
21 wastewater treatment facility that discharges into the same water body and that results  
22 in the elimination of the discharge from that wastewater treatment facility shall be  
23 allowed to increase the average annual mass load of total nitrogen and total  
24 ~~phosphorous~~phosphorus that person discharges by the average annual mass load of total  
25 nitrogen and total ~~phosphorous~~phosphorus of the wastewater treatment facility that is  
26 eliminated. If the wastewater treatment facility that is eliminated has a permitted flow of  
27 less than 500,000 gallons per day, the average annual mass load of total nitrogen or  
28 ~~phosphorous~~phosphorus shall be calculated from the most recent available data. A  
29 person to whom this subsection applies shall comply with nitrogen and  
30 ~~phosphorous~~phosphorus discharge monitoring requirements established by the  
31 Commission. This average annual load of nitrogen or ~~phosphorous~~phosphorus shall be  
32 assigned to the wastewater discharge allocation of the wastewater treatment facility that  
33 accepts the wastewater.

34 (c4) A person to whom subsection (c1) of this section applies may request the  
35 Commission to approve a total nitrogen concentration greater than that set out in  
36 subsection (c1) of this section at a decreased permitted flow so long as the average  
37 annual mass load of total nitrogen is equal to or is less than that required under  
38 subsection (c1) of this section. A person to whom subsection (c2) of this section applies  
39 may request the Commission to approve a total ~~phosphorous~~phosphorus concentration  
40 greater than that set out in subsection (c2) of this section at a decreased permitted flow  
41 so long as the average annual mass load of total ~~phosphorous~~phosphorus is equal to or is  
42 less than that required under subsection (c2) of this section. If, after any 12-month  
43 period following approval of a greater concentration at a decreased permitted flow, the  
44 Commission finds that the greater concentration at a decreased permitted flow does not

1 result in an average annual mass load of total nitrogen or total ~~phosphorous~~phosphorus  
2 equal to or less than those that would be achieved under subsections (c1) and (c2) of this  
3 section, the Commission shall rescind its approval of the greater concentration at a  
4 decreased permitted flow and the requirements of subsections (c1) and (c2) of this  
5 section shall apply.

6 (c5) For surface waters to which the limits set out in subsection (c1) or (c2) of this  
7 section apply and for which a calibrated nutrient response model that meets the  
8 requirements of this subsection has been approved by the Commission, mass load limits  
9 for total nitrogen or total ~~phosphorous~~phosphorus shall be based on the results of the  
10 nutrient response model. A calibrated nutrient response model shall be developed and  
11 maintained with current data, be capable of predicting the impact of nitrogen or  
12 ~~phosphorous~~phosphorus in the surface waters, and incorporated into nutrient  
13 management plans by the Commission. The maximum mass load for total nitrogen or  
14 total ~~phosphorous~~phosphorus established by the Commission shall be substantiated by  
15 the model and may require individual discharges to be limited at concentrations that are  
16 different than those set out in subsection (c1) or (c2) of this section. A calibrated  
17 nutrient response model shall be developed by the Department in conjunction with the  
18 affected parties and is subject to approval by the Commission.

19 ...."

20 **SECTION 1.6.** G.S. 143-215.1B reads as rewritten:

21 "**§ 143-215.1B. Extension of date for compliance with nitrogen and**  
22 **~~phosphorous~~phosphorus discharge limits.**

23 ...

24 (d) A permit holder who is granted an extended compliance date under this  
25 section shall:

- 26 (1) Develop a calibrated nutrient response model in conjunction with other  
27 affected parties and in accordance with a timetable for the  
28 development of the model that has been approved by the Commission.  
29 The model shall be based on current data, capable of predicting the  
30 impact of nitrogen and ~~phosphorous~~phosphorus in the surface waters,  
31 capable of being incorporated into any nutrient management plan  
32 developed by the Commission, and approved by the Commission.

33 ...."

34 **SECTION 1.7.** G.S. 159G-3(18) reads as rewritten:

35 "(18) 'Wastewater treatment works' means the various facilities and devices  
36 used in the treatment of sewage, industrial waste or other wastes of a  
37 liquid nature, including the necessary interceptor sewers, outfall  
38 sewers, ~~phosphorous~~phosphorus removal equipment, pumping, power  
39 and other equipment and their appurtenances."

40 **SECTION 1.8.** G.S. 159G-10(b)(5) reads as rewritten:

41 "(5) Wastewater Treatment Works Improvements to Meet Nitrogen and  
42 ~~Phosphorous-Phosphorus~~ Limits. – The Environmental Management  
43 Commission shall adopt a rule specifying priority criteria for  
44 modifications to existing permitted wastewater treatment facilities that

1 are owned or operated by local government units and that are subject  
2 to G.S. 143-215.1(c1) or G.S. 143-215.1(c2) to enable local  
3 government units to comply with G.S. 143-215.1(c1) and  
4 G.S. 143-215.1(c2)."

5 **SECTION 1.9.** If House Bill 1112, 2003 Regular Session, becomes law,  
6 then Section 8 of House Bill 1112 is rewritten to read:

7 "**SECTION 8.** Sections 1 through 6 of this act become effective 1 January 2005.  
8 Sections 7 and 8 of this act are effective when this act becomes law."

9 **PART II. MODIFY REPORTING REQUIREMENTS**

10 **SECTION 2.1.** Article 4 of Chapter 113A of the General Statutes is  
11 amended by adding a new section to read:

12 "**§ 113A-67. Annual report.**

13 The Department shall report to the Environmental Review Commission on the  
14 implementation of this Article on or before 1 October of each year. The Department  
15 shall include in the report an analysis of how the implementation of the Sedimentation  
16 Pollution Control Act of 1973 is affecting activities that contribute to the sedimentation  
17 of streams, rivers, lakes, and other waters of the State. The report shall also include a  
18 review of the effectiveness of local erosion and sedimentation control programs."

19 **SECTION 2.2.** G.S. 113A-235(c) reads as rewritten:

20 "(c) Report. – The Department shall report on the implementation of this Article  
21 to the Environmental Review Commission no later than 1 ~~November~~October of each  
22 year. The Department shall maintain an inventory of all conservation easements held by  
23 the Department. The inventory shall be included in the report required by this  
24 subsection."

25 **SECTION 2.3.** G.S. 113A-241(c) reads as rewritten:

26 "(c) The Secretary of Environment and Natural Resources shall report to the  
27 Governor and the Environmental Review Commission on or before 1 ~~September~~  
28 October of each year on the State's progress towards attaining the goal established in  
29 this section."

30 **SECTION 2.4.** G.S. 143-215.107C(b) reads as rewritten:

31 "(b) It shall be the goal of the State that on and after 1 January 2004 at least  
32 seventy-five percent (75%) of the new or replacement light duty cars and trucks  
33 purchased by the State will be alternative-fueled vehicles or low emission vehicles. The  
34 Department of Administration, the Department of Transportation, and the Department  
35 of Environment and Natural Resources shall jointly develop a plan to achieve this goal  
36 and to fuel and maintain these vehicles. ~~The Department of Administration shall report~~  
37 ~~on progress in developing and implementing this plan and achieving this goal to the~~  
38 ~~Environmental Review Commission on 1 September of each year beginning 1~~  
39 ~~September 2000.~~ For purposes of this section, a light duty car or truck is one that is  
40 rated at 8,500 pounds or less Gross Vehicle Weight Rating (GVWR)."

41 **SECTION 2.5.** G.S. 143-355.1 is amended by adding a new subsection to  
42 read:

43 "(g) The Council shall report on the implementation of this section to the  
44 Secretary, the Governor, and the Environmental Review Commission no later than 1

1 October of each year. The report shall include a review of drought advisories issued by  
2 the Council and any recommendations to improve coordination among local, State, and  
3 federal agencies; public water systems; and water users to improve the management and  
4 mitigation of the harmful effects of drought."

5 **SECTION 2.6.** The Department of Environment and Natural Resources shall  
6 submit the first report required by G.S. 113A-67, as enacted by Section 2.1 of this act,  
7 to the Environmental Review Commission on or before 1 October 2005. The Drought  
8 Management Advisory Council shall submit the first report required by G.S. 143-355.1,  
9 as enacted by Section 2.5 of this act, to the Secretary of Environment and Natural  
10 Resources, the Governor, and the Environmental Review Commission on or before 1  
11 October 2005.

### 12 **PART III. ABOLISH INACTIVE COUNCILS**

13 **SECTION 3.1.** G.S. 143-214.6 (Watershed Protection Advisory Council),  
14 G.S. 143-215.22J (Scientific Advisory Council on Water Resources and Coastal  
15 Fisheries Management established; membership, compensation), and G.S. 143-215.22K  
16 (Scientific Advisory Council on Water Resources and Coastal Fisheries Management;  
17 functions and responsibilities) are repealed.

18 **SECTION 3.2.** G.S. 143-215.8C reads as rewritten:

19 **"§ 143-215.8C. Neuse River Modeling and Monitoring Project reports.**

20 The Primary Investigator or Researcher receiving funding pursuant to Subsection  
21 14.14(a) of S.L. 1998-212 shall provide progress reports to the Environmental Review  
22 Commission, the Joint Legislative Commission on Governmental Operations, ~~the~~  
23 ~~Scientific Advisory Council on Water Resources and Coastal Fisheries Management,~~  
24 and the Fiscal Research Division on 1 January and 1 July of each year until the project  
25 or study is complete. Upon completion of the project or study, the Primary Investigator  
26 or Researcher shall provide a final report to the entities listed above."

27 **SECTION 3.3.** G.S. 143-215.8D(a) reads as rewritten:

28 "(a) The Department of Environment and Natural Resources and North Carolina  
29 State University shall jointly establish the North Carolina Water Quality Workgroup.  
30 The Workgroup shall work collaboratively with the appropriate divisions of the  
31 Department of Environment and Natural Resources and North Carolina State  
32 University, ~~the Scientific Advisory Council on Water Resources and Coastal Fisheries~~  
33 ~~Management,~~ the Environmental Management Commission, and the Environmental  
34 Review Commission to identify the scientific and State agency databases that can be  
35 used to formulate public policy regarding the State's water quality, evaluate those  
36 databases to determine the information gaps in those databases, and establish the  
37 priorities for obtaining the information lacking in those databases. The Workgroup shall  
38 have the following duties:

- 39 (1) To address specifically the ongoing need of evaluation, synthesis, and  
40 presentation of current scientific knowledge that can be used to  
41 formulate public policy on water quality issues.
- 42 (2) To identify knowledge gaps in the current understanding of water  
43 quality problems and fill these gaps with appropriate research projects.
- 44 (3) To maintain a web-based water quality data distribution site.

- 1 (4) To organize and evaluate existing scientific and State agency water  
2 quality databases.  
3 (5) To prioritize recognized knowledge gaps in water quality issues for  
4 immediate funding."

5 **SECTION 3.4.** G.S. 143-215.8D(e) reads as rewritten:

6 "(e) The Chair of the North Carolina Water Quality Workgroup shall report each  
7 year by January 30 to the ~~Scientific Advisory Council on Water Resources and Coastal~~  
8 ~~Fisheries Management, to the Environmental Review Commission, to the Cochairs of~~  
9 the House of Representatives and Senate Appropriations Subcommittees on Natural and  
10 Economic Resources, and to the Chancellor of North Carolina State University or the  
11 Chancellor's designee on the previous year's activities, findings, and recommendations  
12 of the North Carolina Water Quality Workgroup."

13 **PART IV. EXTEND THE TIME FOR DEVELOPMENT OF RULES RELATED**  
14 **TO WATER CONSERVATION**

15 **SECTION 4.** Section 3(c) of S.L. 2002-167 reads as rewritten:

16 "SECTION 3.(c) Rules adopted pursuant to subsection (a) of this section shall not  
17 supercede or modify existing rules governing water used in the generation of electricity.  
18 This section shall not be construed to authorize the Commission to adopt temporary  
19 rules. The Commission shall adopt permanent rules so that the rules will become  
20 effective following legislative review pursuant to G.S. 150B-21.3(b) by the 2005-2006  
21 Regular Session of the 2005 General Assembly."

22 **PART V. STAGGER TERMS OF AGRICULTURAL FINANCE AUTHORITY**

23 **SECTION 5.1.** G.S. 122D-4 reads as rewritten:

24 "§ 122D-4. **North Carolina Agricultural Finance Authority.**

25 (a) The North Carolina Agricultural Finance Authority, a body politic and  
26 corporate, is hereby created within the Department of Agriculture and Consumer  
27 Services. The Authority shall be constituted a public agency and an instrumentality of  
28 the State for the performance of essential public functions.

29 (b) The Authority shall be composed of ~~10 members.~~ members appointed to  
30 three-year terms as follows:

- 31 (1) One member appointed by the Governor to a term that expires on 1  
32 July of years that precede by one year those years that are evenly  
33 divisible by three.  
34 (2) One member appointed by the Governor to a term that expires on 1  
35 July of years that are evenly divisible by three.  
36 (3) One member appointed by the Governor to a term that expires on 1  
37 July of years that follow by one year those years that are evenly  
38 divisible by three.  
39 (4) One member appointed by the General Assembly upon the  
40 recommendation of the President Pro Tempore of the Senate to a term  
41 that expires on 1 July of years that precede by one year those years that  
42 are evenly divisible by three.

- 1           (5) One member appointed by the General Assembly upon the  
2 recommendation of the President Pro Tempore of the Senate to a term  
3 that expires on 1 July of years that are evenly divisible by three.
- 4           (6) One member appointed by the General Assembly upon the  
5 recommendation of the President Pro Tempore of the Senate to a term  
6 that expires on 1 July of years that follow by one year those years that  
7 are evenly divisible by three.
- 8           (7) One member appointed by the General Assembly upon the  
9 recommendation of the Speaker of the House of Representatives to a  
10 term that expires on 1 July of years that precede by one year those  
11 years that are evenly divisible by three.
- 12           (8) One member appointed by the General Assembly upon the  
13 recommendation of the Speaker of the House of Representatives to a  
14 term that expires on 1 July of years that are evenly divisible by three.
- 15           (9) One member appointed by the General Assembly upon the  
16 recommendation of the Speaker of the House of Representatives to a  
17 term that expires on 1 July of years that follow by one year those years  
18 that are evenly divisible by three.
- 19           (10) The Commissioner or the Commissioner's designee shall serve ex  
20 officio, with the same rights and privileges, including voting rights, as  
21 other members. ~~The other nine members shall be appointed in the~~  
22 following manner:
- 23               (1) ~~Three members appointed by the General Assembly upon the~~  
24 ~~recommendation of the Speaker of the House under G.S. 120-121;~~
- 25               (2) ~~Three members appointed by the General Assembly upon the~~  
26 ~~recommendation of the President Pro Tempore of the Senate under~~  
27 ~~G.S. 120-121; and~~
- 28               (3) ~~Three members appointed by the Governor.~~
- 29           (c) ~~Members shall serve for three year terms. Initial terms shall commence July~~  
30 ~~1, 1986. Appointed members shall serve until their successors are appointed and~~  
31 ~~qualify. A member appointed under subdivisions (1) through (9) of subsection (b) of~~  
32 ~~this section may be reappointed to no more than two successive three-year terms. Upon~~  
33 ~~the expiration of a three-year term, a member shall continue to serve until a successor is~~  
34 ~~appointed and duly qualified as provided by G.S. 128-7.~~
- 35           (d) Vacancies in the offices of any appointed members of the Authority shall be  
36 filled in accordance with G.S. 120-122 for the remainder of the unexpired term. No  
37 vacant office shall be included in the determination of a quorum. No vacancy in office  
38 shall impair the rights of the members to exercise all rights and to conduct official  
39 business of the Authority.
- 40           (e) The domicile of the Authority shall be the City of Raleigh.
- 41           (f) A majority of the members shall constitute a quorum for the transaction of  
42 official business. All official actions of the Authority shall require an affirmative vote of  
43 a majority of the members present and voting at any meeting.



1 (g) Members of the Authority shall not receive any salary for the performance of  
2 their duties as members. Appointed members may ~~be reimbursed for such actual~~  
3 ~~expenses as may be incurred for travel and subsistence in the performance of official~~  
4 ~~duties and such per diem as is allowed by law for members of other State boards,~~  
5 ~~commissions and committees.~~ receive per diem and necessary travel and subsistence  
6 expenses in accordance with the provisions of G.S. 138-5.

7 (h) The Authority shall meet quarterly and may meet more frequently upon call.

8 (i) The Authority may delegate to one or more of its members, officers,  
9 employees or agents such powers and duties as it may deem proper."

10 **SECTION 5.2.** In order to alter the schedule of staggered terms of three  
11 years for the North Carolina Agricultural Finance Authority so that the same number of  
12 terms will expire each year and to provide for an orderly transition in membership of the  
13 Authority to the terms specified in G.S. 122D-4(b), as amended by Section 5.1 of this  
14 act, the following provisions shall apply:

15 (1) The Governor shall appoint a member to serve in the position  
16 established by G.S. 122D-4(b)(1) through 1 July 2006.

17 (2) The Governor shall appoint a member to serve in the position  
18 established by G.S. 122D-4(b)(2) through 1 July 2007.

19 (3) The Governor shall appoint a member to serve in the position  
20 established by G.S. 122D-4(b)(3) through 1 July 2008.

21 (4) George Graham of Lenoir County is appointed to serve in the position  
22 established by G.S. 122D-4(b)(4) through 1 July 2006.

23 (5) James R. Britt of Duplin County is appointed to serve in the position  
24 established by G.S. 122D-4(b)(5) through 1 July 2007.

25 (6) Deborah Mae Johnson of Sampson County is appointed to serve in the  
26 position established by G.S. 122D-4(b)(6) through 1 July 2008.

27 (7) Ira S. Cline of Catawba County is appointed to serve in the position  
28 established by G.S. 122D-4(b)(7) through 1 July 2006.

29 (8) Stan Crowe of Martin County is appointed to serve in the position  
30 established by G.S. 122D-4(b)(8) to serve through 1 July 2007.

31 (9) David Hall of Rowan County is appointed to serve in the position  
32 established by G.S. 122D-4(b)(9) through 1 July 2008.

33 **SECTION 5.3.** The limitation on the number of successive three-year terms  
34 that a member of the North Carolina Agricultural Finance Authority may serve as  
35 provided in G.S. 122D-4(c), as amended by Section 5.1 of this act, shall not apply to  
36 any person who is a member of the Authority at the time this act becomes effective.

## 37 **PART VI. PROHIBIT SALE OR DISPENSING OF RAW MILK**

38 **SECTION 6.1.** G.S. 130A-274(2) reads as rewritten:

39 "(2) 'Milk' means the lacteal secretion practically free from colostrum  
40 obtained by the ~~complete~~-milking of one or more ~~cows or goats.~~ cows,  
41 goats, or other lactating animals."

42 **SECTION 6.2.** G.S. 130A-279 reads as rewritten:

43 "**§ 130A-279. Sale or dispensing of milk.**

1        Only milk ~~which~~ that is Grade 'A' pasteurized milk may be sold or dispensed directly  
2 to consumers for human consumption. Raw milk and raw milk products shall be sold or  
3 dispensed only to a permitted milk hauler or to a processing facility at which the  
4 processing of milk is permitted, graded, or regulated by a local, State, or federal agency.  
5 The Commission may adopt rules to provide exceptions for dispensing raw milk and  
6 raw milk products for nonhuman consumption. 'Sale' or 'sold' shall mean any transaction  
7 that involves the transfer or dispensing of milk and milk products or the right to acquire  
8 milk and milk products through barter or contractual arrangement or in exchange for  
9 any other form of compensation including, but not limited to, the sale of shares or  
10 interest in a cow, goat, or other lactating animal or herd."

## 11 **PART VII. VACANCIES IN LEGISLATIVE APPOINTMENTS/EXPIRATION** 12 **OF TERM**

13            **SECTION 7.** G.S. 120-122 reads as rewritten:

### 14 **"§ 120-122. Vacancies in legislative appointments.**

15        When a vacancy ~~occurs, other than by the expiration of term,~~ occurs in any office  
16 subject to appointment by the General Assembly upon the recommendation of the  
17 Speaker of the House of Representatives, upon the recommendation of the President Pro  
18 Tempore of the Senate, or upon the recommendation of the President of the Senate, and  
19 the vacancy occurs either: (i) after election of the General Assembly but before  
20 convening of the regular session; (ii) when the General Assembly has adjourned to a  
21 date certain, which date is more than 20 days after the date of adjournment; ~~or~~ (iii) after  
22 sine die adjournment of the regular ~~session,~~ session; or (iv) when the term of office  
23 expires and a successor has not been appointed, then the Governor may appoint a person  
24 to serve until the expiration of the term or until the General Assembly fills the vacancy,  
25 whichever occurs first. The General Assembly may fill the vacancy in accordance with  
26 G.S. 120-121 during a regular or extra session. When a person is holding over in office  
27 after the expiration of the term, for the purpose of this section that office may be filled  
28 as if it were vacant. Before making an appointment, the Governor shall consult the  
29 officer who recommended the original appointment to the General Assembly (the  
30 Speaker of the House of Representatives, the President Pro Tempore of the Senate, or  
31 the President of the Senate), and ask for a written recommendation. After receiving the  
32 written recommendation, the Governor must within 30 days either appoint the person  
33 recommended or inform the officer who made the recommendation that he is rejecting  
34 the recommendation. Failure to act within 30 days as required under the provisions of  
35 the preceding sentence shall be deemed to be approval of the candidate, and the  
36 candidate shall be eligible to enter the office in as full and ample extent as if the  
37 Governor had executed the appointment. The Governor shall not appoint a person other  
38 than the person so recommended. Any position subject to initial appointment by the  
39 General Assembly but not filled prior to sine die adjournment of the Session at which  
40 the position was created or adjournment to a date certain which date is more than 20  
41 days after the date of adjournment of the session at which the position was created may  
42 be filled by the Governor under this section as if it were a vacancy occurring after the  
43 General Assembly had made an appointment."

## 44 **PART VIII. EFFECTIVE DATE**

1

**SECTION 8.** This act is effective when it becomes law.