



NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 600

AMENDMENT NO.
(to be filled in by
Principal Clerk)

H600-ABR-43 [v.6]

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Amends Title [NO]
Fourth Edition

Date ,2023

Senator Sanderson

moves to amend the bill on page 5, lines 17-51, by rewriting the lines to read:

"PHASED-IN MANDATORY COMMERCIAL AND RECREATIONAL REPORTING
OF CERTAIN FISH HARVESTS

SECTION 6.(a) G.S. 113-170.3 reads as rewritten:

"§ 113-170.3. Record-keeping requirements; mandatory reporting for
certain fisheries.

...

(d) Any person who recreationally harvests a fish listed in this subsection from coastal
fishing waters, joint fishing waters, and inland fishing waters adjacent to coastal or joint fishing
waters shall report that harvest to the Division of Marine Fisheries within the Department of
Environment Quality in a manner consistent with rules adopted by the Marine Fisheries
Commission and the Wildlife Resources Commission. The harvest of the following finfish
species shall be reported:

- (1) Red Drum.
(2) Flounder.
(3) Spotted Seatrout.
(4) Striped Bass.
(5) Weakfish.

(e) Any person holding a commercial fishing license engaged in a commercial fishing
operation who harvests any fish in coastal or joint fishing waters, regardless of sale, shall report
that harvest to the Division of Marine Fisheries within the Department of Environmental Quality
in a manner consistent with rules adopted by the Marine Fisheries Commission.

(f) Violation of subsection (d) or (e) of this section shall only be punishable by a verbal
warning."

SECTION 6.(b) G.S. 113-170.3(f), as enacted by subsection (a) of this section, reads
as rewritten:

(f) Violation of subsection (d) or (e) of this section shall only be punishable by a verbal
warning. issuance of a warning ticket pursuant to G.S. 113-140. Notwithstanding G.S. 113-
140(c), an inspector or protector may issue additional warning tickets for repeat violations of
subsection (d) or (e) of this section."



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1 **SECTION 6.(c)** G.S. 113-170.3(f), as enacted by subsection (b) of this section, reads
2 as rewritten:

3 "(f) Violation of subsection (d) or (e) of this section shall only be punishable by issuance
4 of a warning ticket pursuant to G.S. 113-140. Notwithstanding G.S. 113-140(e), a marine
5 fisheries inspector may issue additional warning tickets for repeat violations of subsection (d) or
6 (e) of this section be an infraction as provided in G.S. 14-3.1, punishable by a fine of thirty-five
7 dollars (\$35.00). A person responsible for an infraction under this subsection shall not be assessed
8 court costs, but the Fisheries Director of the North Carolina Division of Marine Fisheries, or the
9 Executive Director of the Wildlife Resources Commission, as applicable, is authorized to revoke
10 or refuse to issue a commercial or recreational fishing license for any individual guilty of an
11 infraction for violations of subsection (d) or (e) of this section for two consecutive years or upon
12 failure to pay outstanding infraction fines when required to do so."

13 **SECTION 6.(d)** The Marine Fisheries Commission and the Wildlife Resources
14 Commission shall adopt temporary rules to implement this section and shall adopt permanent
15 rules to replace the temporary rules. Temporary rules adopted in accordance with this section
16 shall remain in effect until permanent rules that replace the temporary rules become effective.";

17
18 and on page 6, lines 7–50, by deleting those lines;

19
20 and on page 8, lines 8–12, by rewriting those lines to read:

21
22 "(c) Except as required by section 402(o) of the federal Clean Water Act (33 U.S.C. §
23 1342(o)), or upon waiver by a permittee in the permittee's sole discretion, no numeric water-
24 quality based effluent limitation for a pollutant shall be included in a wastewater discharge permit
25 issued pursuant to this Article unless a numeric water quality standard for the pollutant has been
26 established by rule in compliance with the requirements of Article 2A of Chapter 150B of the
27 General Statutes. This subsection does not apply to technology-based effluent permit limitations
28 established by State or federal rule.";

29
30 and on page 10, lines 30–34, by rewriting those lines to read:

31
32 "section shall be substantively identical to the provisions of subsection (c) of this section.";

33
34 and on page 12, lines 29–31, by rewriting the lines to read:

35
36 "(g) All State guidelines, statements of objectives, policies, and standards to be followed
37 in the use of land and water within the coastal area shall be available to the public on the
38 Department's website and directly reference the enabling statute or rule.";

39
40 and on page 17, line 50, and page 18, line 1, by inserting between those lines:

41
42 **"WASTEWATER DESIGN FLOW RATE RULE CHANGE**

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1 **SECTION 15.5.(a)** Definitions. – For purposes of this section and its
2 implementation, "Dwelling Wastewater Design Flow Rate Rule" means 15A NCAC 02T .0114
3 (Wastewater Design Flow Rates) as it applies to dwelling units.

4 **SECTION 15.5.(b)** Dwelling Wastewater Design Flow Rate Rule. – Until the
5 effective date of the revised permanent rule that the Environmental Management Commission is
6 required to adopt pursuant to subsection (d) of this section, the Commission shall implement the
7 Dwelling Wastewater Design Flow Rate Rule as provided in subsection (c) of this section.

8 **SECTION 15.5.(c)** Implementation. – In determining the volume of sewage from
9 dwelling units, the flow rate shall be 75 gallons per day per bedroom. The minimum volume of
10 sewage from each dwelling unit shall be 75 gallons per day, and each additional bedroom shall
11 increase the volume by 75 gallons per day. The Department of Environmental Quality may
12 approve a flow rate lower than 75 gallons per day per bedroom on a case-by-case basis at its
13 discretion.

14 **SECTION 15.5.(d)** Additional Rulemaking Authority. – The Commission shall
15 adopt a rule to amend the Dwelling Wastewater Design Flow Rate Rule consistent with
16 subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the
17 Commission pursuant to this section shall be substantively identical to the provisions of
18 subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of
19 Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall
20 become effective as provided in G.S. 150B-21.3(b1), as though 10 or more written objections
21 had been received as provided in G.S. 150B-21.3(b2).

22 **SECTION 15.5.(e)** Applicability and Sunset. – This section and rules adopted
23 pursuant to this section apply to all dwelling units sewer system permits issued on or after August
24 1, 2023. This section expires when permanent rules adopted as required by subsection (d) of this
25 section become effective.";

26
27 and on page 19, lines 4–6, by rewriting those lines to read:

28
29 "for reuse, are incapable of being recycled, and do not meet the definition of hazardous waste
30 shall be properly disposed of in (i) an industrial landfill or (ii) a municipal solid waste landfill.
31 PV modules that meet the definition of a hazardous waste shall comply with hazardous waste
32 requirements for recycling and disposal, as applicable. For purposes of this";

33
34 and on page 26, line 17, by rewriting the line to read:

35
36 "development fee charged as set forth in G.S. 162A-207(c).

37 f. A charge or fee paid by one local government unit to another local
38 government unit for capacity in, or reserve capacity supplied by,
39 capital improvements or facilities."";

40
41 and on page 28, lines 23–24, by inserting between those lines:

42

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**"MODIFY THE RULES RELATED TO THE INSPECTION OF ESTABLISHMENTS
THAT PREPARE OR SERVE FOOD**

SECTION 25.1.(a) Definitions. – "Reinspections Rule" means subsection (h) of 15A NCAC 18A .2661 (Inspections and Reinspections) for purposes of this section and its implementation.

SECTION 25.1.(b) Reinspection Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Reinspection Rule as provided in subsection (c) of this section.

SECTION 25.1.(c) Implementation. – Upon request of the permit holder, or his or her representative, a reinspection shall be made. In the case of a food establishment that requests an inspection for the purpose of raising the alphabetical grade and that holds an unrevoked permit, the regulatory authority shall make an unannounced inspection within five business days from the date of the request.

SECTION 25.1.(d) Additional Rulemaking Authority. – The Commission shall adopt a rule to amend the Reinspections Rule consistent with subsection (c) of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes. Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

SECTION 25.1.(e) Sunset. – This section expires when permanent rules adopted as required by subsection (d) of this section become effective.

SECTION 25.2.(a) Definitions. – "Frequency of Inspections for Risk Category IV Food Service Establishments Rule" means the item addressing Risk Category IV Establishments in subdivision (a)(1) of 10A NCAC 46 .0213 (Food, Lodging/Inst. Sanitation/Public Swimming Pools/Spas) for purposes of this section and its implementation.

SECTION 25.2.(b) Frequency of Inspections for Risk Category IV Food Service Establishments Rule. – Until the effective date of the revised permanent rule that the Commission for Public Health is required to adopt pursuant to subsection (d) of this section, the Commission shall implement the Frequency of Inspections for Risk Category IV Establishments Rule as provided in subsection (c) of this section.

SECTION 25.2.(c) Implementation. – A local health department shall provide food, lodging, and institutional sanitation and public swimming pools and spas services within the jurisdiction of the local health department. A local health department shall establish, implement, and maintain written policies which shall include the frequency of inspections of food, lodging, and institutional facilities and public swimming pools and spas. At minimum, a Risk Category IV Food Service Establishment shall be inspected once during every four month period per fiscal year. In addition, a Risk Category IV Food Service Establishment shall undergo an educational visit once per fiscal year. The educational visit shall not result in the issuance of a new grade or grade card. During an educational visit, the local health department shall review all of the following with the permit holder for the establishment:

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- 1 (1) Any priority violations that occurred during the three previous inspections of
2 the establishment.
3 (2) The public health risk factors identified on the inspection form furnished by
4 the local health department.
5 (3) If applicable, any required Hazard Analysis Critical Control Plan.

6 **SECTION 25.2.(d)** Additional Rulemaking Authority. – The Commission shall
7 adopt a rule to amend the Frequency of Inspections for Risk Category IV Food Service
8 Establishments Rule consistent with subsection (c) of this section. Notwithstanding
9 G.S. 150B-19(4), the rule adopted by the Commission pursuant to this section shall be
10 substantively identical to the provisions of subsection (c) of this section. Rules adopted pursuant
11 to this section are not subject to Part 3 of Article 2A of Chapter 150B of the General Statutes.
12 Rules adopted pursuant to this section shall become effective as provided in G.S. 150B-21.3(b1)
13 as though 10 or more written objections had been received as provided in G.S. 150B-21.3(b2).

14 **SECTION 25.2.(e)** Sunset. – This section expires when permanent rules adopted as
15 required by subsection (d) of this section become effective.

16 **SECTION 25.3.(a)** Definitions. – "Calculation of Rate of Compliance Rule" means
17 subdivision (a)(5) of 15A NCAC 18A .2901 (Restaurant and Lodging Fee Collection and
18 Inventory Program) for purposes of this section and its implementation.

19 **SECTION 25.3.(b)** Calculation of Rate of Compliance Rule. – Until the effective
20 date of the revised permanent rule that the Commission for Public Health is required to adopt
21 pursuant to subsection (d) of this section, the Commission shall implement the Calculation of
22 Rate of Compliance Rule as provided in subsection (c) of this section.

23 **SECTION 25.3.(c)** Implementation. – "Rate of compliance" means the number of
24 inspections and educational visits for food and lodging establishments conducted by the local
25 health department during the previous State fiscal year divided by the number of inspections and
26 educational visits mandated to be conducted by the local health department per State fiscal year
27 pursuant to G.S. 130A-249 and 10A NCAC 46 .0213, not to exceed a value of 1.

28 **SECTION 25.3.(d)** Additional Rulemaking Authority. – The Commission shall
29 adopt a rule to amend the Calculation of Rate of Compliance Rule consistent with subsection (c)
30 of this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant
31 to this section shall be substantively identical to the provisions of subsection (c) of this section.
32 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
33 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
34 in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in
35 G.S. 150B-21.3(b2).

36 **SECTION 25.3.(e)** Sunset. – This section expires when permanent rules adopted as
37 required by subsection (d) of this section become effective."

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SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____