

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 354*

Short Title: Environmental Agency Consolidation.

(Public)

Sponsors: Senators Walker; Winner, Tally, Basnight, and Conder.

Referred to: Environment and Natural Resources.

March 6, 1989

A BILL TO BE ENTITLED

1
2 AN ACT TO CREATE THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND
3 NATURAL RESOURCES AND TO PROVIDE FOR ITS ORGANIZATION, TO
4 CONSOLIDATE ENVIRONMENTAL PROGRAMS, TO ABOLISH THE
5 DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY
6 DEVELOPMENT, TO TRANSFER THE DIVISIONS, AGENCIES, POWERS,
7 DUTIES, AND FUNCTIONS OF THE DEPARTMENT OF NATURAL
8 RESOURCES AND COMMUNITY DEVELOPMENT, TO PROVIDE FOR
9 FURTHER STUDY OF ENVIRONMENTAL AGENCY CONSOLIDATION AND
10 REORGANIZATION, AND TO MAKE CONFORMING STATUTORY
11 CHANGES.

12 The General Assembly of North Carolina enacts:

13 Section 1. Article 7 of Chapter 143B of the General Statutes is amended by
14 deleting the existing title and substituting "**Department of Environment, Health, and**
15 **Natural Resources**".

16 Sec. 2. G.S. 143B-275 through G.S. 143B-281 are repealed.

17 Sec. 3. Part 1 of Article 7 of Chapter 143B of the General Statutes is
18 amended by adding the following new sections:

19 "§ 143B-279.1. Department of Environment, Health, and Natural Resources–
20 creation.

21 (a) There is hereby created and constituted a department to be known as the
22 Department of Environment, Health, and Natural Resources, with the organization,
23 powers, and duties defined in this Article and other applicable provisions of law.

1 (b) The provisions of Article 1 of this Chapter not inconsistent with this Article
2 shall apply to the Department of Environment, Health, and Natural Resources.

3 **"§ 143B-279.2. Department of Environment, Health, and Natural Resources–**
4 **duties.**

5 It shall be the duty of the Department:

- 6 (1) To provide for the protection of the environment;
- 7 (2) To provide for the protection and enhancement of the public health;
8 and
- 9 (3) To provide for the management of the State's natural resources.

10 **"§ 143B-279.3. Department of Environment, Health, and Natural Resources–**
11 **structure.**

12 (a) All functions, powers, duties, and obligations heretofore vested in the
13 following commissions, boards, councils, committees, and sub-units of the following
14 departments are hereby transferred to and vested in the Department of Environment,
15 Health, and Natural Resources by a Type I transfer, as defined in G.S. 143A-6:

- 16 (1) Governor's Waste Management Board, Department of Human
17 Resources.
- 18 (2) Radiation Protection Section, Division of Facility Services,
19 Department of Human Resources.
- 20 (3) Radiation Protection Commission, Department of Human Resources.
- 21 (4) Division of Health Services, Department of Human Resources.
- 22 (5) Commission for Health Services, Department of Human Resources.
- 23 (6) Water Treatment Facility Operators Board of Certification,
24 Department of Human Resources.
- 25 (7) Council on Sickle Cell Syndrome, Department of Human Resources.
- 26 (8) Perinatal Advisory Council, Department of Human Resources.
- 27 (9) Adolescent Pregnancy Advisory Board, Department of Human
28 Resources.
- 29 (10) Governor's Council on Physical Fitness and Health, Department of
30 Human Resources.
- 31 (11) Commission of Anatomy, Department of Human Resources.
- 32 (12) Coastal Management Division, Department of Natural Resources and
33 Community Development.
- 34 (13) Coastal Resources Commission, Department of Natural Resources and
35 Community Development.
- 36 (14) Environmental Management Division, Department of Natural
37 Resources and Community Development.
- 38 (15) Environmental Management Commission, Department of Natural
39 Resources and Community Development.
- 40 (16) Air Quality Council, Department of Natural Resources and
41 Community Development.
- 42 (17) Wastewater Treatment Plant Operators Certification Commission,
43 Department of Natural Resources and Community Development.

- 1 (18) Forest Resources Division, Department of Natural Resources and
2 Community Development.
- 3 (19) Forestry Council, Department of Natural Resources and Community
4 Development.
- 5 (20) Land Resources Division, Department of Natural Resources and
6 Community Development.
- 7 (21) North Carolina Mining Commission, Department of Natural Resources
8 and Community Development.
- 9 (22) Advisory Committee and Land Records, Department of Natural
10 Resources and Community Development.
- 11 (23) Marine Fisheries Division, Department of Natural Resources and
12 Community Development.
- 13 (24) Marine Fisheries Commission, Department of Natural Resources and
14 Community Development.
- 15 (25) Parks and Recreation Division, Department of Natural Resources and
16 Community Development.
- 17 (26) Parks and Recreation Council, Department of Natural Resources and
18 Community Development.
- 19 (27) North Carolina Trails Committee, Department of Natural Resources
20 and Community Development.
- 21 (28) Soil and Water Conservation Division, Department of Natural
22 Resources and Community Development.
- 23 (29) Sedimentation Control Commission, Department of Natural Resources
24 and Community Development.
- 25 (30) State Soil and Water Conservation Commission, Department of
26 Natural Resources and Community Development.
- 27 (31) Water Resources Division, Department of Natural Resources and
28 Community Development.
- 29 (32) North Carolina Zoological Park, Department of Natural Resources and
30 Community Development.
- 31 (33) North Carolina Zoological Park Council, Department of Natural
32 Resources and Community Development.
- 33 (34) Albermarle-Pamlico Study.

34 (b) The Department of Environment, Health, and Natural Resources is vested
35 with all other functions, powers, duties, and obligations as are conferred by the
36 Constitution and laws of this State.

37 **"§ 143B-279.4. The Department of Environment, Health, and Natural Resources—**
38 **Secretary; Deputy Secretary.**

39 (a) The Secretary of the Department of Environment, Health, and Natural
40 Resources shall be the head of the Department.

41 (b) The Secretary shall appoint a Deputy Secretary.

42 **"§ 143B-279.5. Department of Environment, Health, and Natural Resources—**
43 **organization.**

1 (a) The divisions and functions of the Department shall be grouped into four
2 major functional areas. The head of each major functional area shall report to the
3 Secretary through the Deputy Secretary. The major functional areas and the heads
4 thereof are as follows:

- 5 (1) Office of the Environment, whose head shall be the Assistant Secretary
6 for the Environment;
- 7 (2) Office of Public Health, whose head shall be the State Health Director;
- 8 (3) Office of Natural Resources Management, whose head shall be the
9 Assistant Secretary for Natural Resources; and
- 10 (4) Office of Administrative Services, whose head shall be the Assistant
11 Secretary for Administration.

12 (b) The Office of the Environment shall initially include the following divisions:

- 13 (1) Coastal Management Division;
- 14 (2) Division of Environmental Management;
- 15 (3) Public Water Supply Division;
- 16 (4) Radiation Protection Division; and
- 17 (5) Solid Waste Management Division.

18 (c) The Office of Public Health shall initially include the following divisions and
19 suboffices:

- 20 (1) Division of Adult Health Services;
- 21 (2) Dental Health Division;
- 22 (3) Epidemiology Division;
- 23 (4) Division of Environmental Health;
- 24 (5) Maternal and Child Care Division;
- 25 (6) Suboffice of the Chief Medical Examiner; and
- 26 (7) Suboffice of the Chief Medical Examiner.

27 (d) The Office of Natural Resources Management shall initially include the
28 following divisions:

- 29 (1) Forest Resources Division;
- 30 (2) Land Resources Division;
- 31 (3) Marine Fisheries Division;
- 32 (4) Parks and Recreation Division;
- 33 (5) Soil and Water Conservation Division;
- 34 (6) Water Resources Division;
- 35 (7) Zoological Parks Division;
- 36 (8) Albemarle-Pamlico Study; and
- 37 (9) Wildlife Resources Commission.

38 (e) The Office of Administrative Services shall initially include the following
39 divisions:

- 40 (1) Laboratory Services Division;
- 41 (2) Land Resources Information Systems Division;
- 42 (3) Division of Education and Assistance;
- 43 (4) Public Affairs Division;
- 44 (5) Budget and Management Division;

- 1 (6) Purchase and Contract Division;
 2 (7) Personnel Division;
 3 (8) Computer Systems Division; and
 4 (9) General Services Division.

5 (f) Administrative functions of the Department which are not grouped within one
 6 of the major functional areas shall be included within the Office of the Secretary and
 7 shall initially include the following:

- 8 (1) Governor's Waste Management Board;
 9 (2) Legal Affairs Division;
 10 (3) Planning Division;
 11 (4) Division of Intergovernmental Relations; and
 12 (5) The regional offices of the Department.

13 **"§ 143B-279.6. Biennial State of the Environment Report.**

14 The Secretary of the Department of Environment, Health, and Natural Resources
 15 shall report on the state of the environment to the General Assembly and the
 16 Environmental Review Commission no later than 1 January of each odd-numbered year
 17 beginning 1 January 1991. The report shall include:

- 18 (1) An identification and analysis of current environmental protection
 19 issues and problems within or affecting the State and its people;
 20 (2) Trends in the quality and use of North Carolina's air and water
 21 resources;
 22 (3) An inventory of areas of the State where air or water pollution is in
 23 evidence or may occur during the upcoming biennium;
 24 (4) Current efforts and resources allocated by the Department to correct
 25 identified pollution problems and an estimate, if necessary, of
 26 additional resources needed to study, identify, and implement solutions
 27 to solve potential problems;
 28 (5) Departmental goals and strategies to protect the natural resources of
 29 the State;
 30 (6) Any information requested by the General Assembly or the
 31 Environmental Review Commission;
 32 (7) Suggested legislation, if necessary; and
 33 (8) Any other information on the state of the environment the Secretary
 34 considers appropriate.

35 Other State agencies involved in protecting the State's natural resources and
 36 environment shall cooperate with the Department of Environment, Health, and Natural
 37 Resources in preparing this report."

38 Sec. 4. Part 2 of Article 7 of Chapter 143B of the General Statutes is
 39 amended by adding the following new section:

40 **"§ 143B-279.7. Board of Environment, Health, and Natural Resources—duties;**
 41 **members, selection; meetings; quorums; compensation; services.**

- 42 (a) The Board of Environment, Health, and Natural Resources shall consider and
 43 advise the Secretary of Environment, Health, and Natural Resources upon any matter
 44 that the Secretary may refer to it. The Board shall assist the Secretary of Environment,

1 Health, and Natural Resources in the development of major programs and recommend
2 priorities for programs within the Department. The Board of Environment, Health, and
3 Natural Resources shall perform other duties as may be specifically given to it.

4 (b) The Board of Environment, Health, and Natural Resources shall consist of the
5 following members:

6 (1) The Chairmen of each of the following commissions and boards:

7 a. Coastal Resources Commission;

8 b. Environmental Management Commission;

9 c. Marine Fisheries Commission;

10 d. Soil and Water Conservation Commission;

11 e. Commission for Health Services;

12 f. Radiation Protection Commission;

13 g. Governor's Waste Management Board; and

14 h. Wildlife Resources Commission.

15 (2) Chairmen of each of the following councils:

16 a. Air Quality Council;

17 b. Forestry Council;

18 c. Parks and Recreation Council; and

19 d. North Carolina Zoological Park Council.

20 (3) Ten members-at-large appointed by the Governor to serve at his
21 pleasure; and

22 (4) The Secretary of Environment, Health, and Natural Resources who
23 shall be a member and chairman ex officio.

24 (c) The Board of Environment, Health, and Natural Resources shall meet at least
25 once in each quarter and may hold special meetings at any time and place within the
26 State at the call of its chairman.

27 (d) All clerical and other services required by the Board shall be supplied by the
28 Secretary of Environment, Health, and Natural Resources."

29 Sec. 5. Part 3 of Article 7 of Chapter 143B of the General Statutes is
30 amended by adding the following new section:

31 **"§ 143B-279.8. Wildlife Resources Commission—transfer; independence preserved;**
32 **appointment of Executive Director and employees.**

33 The Wildlife Resources Commission, as established by Chapters 75A, 113, and 143
34 of the General Statutes and other applicable laws of this State, is hereby transferred to
35 the Department of Environment, Health, and Natural Resources by a Type II transfer as
36 defined in G.S. 143A-6. The Wildlife Resources Commission shall exercise all its
37 prescribed statutory powers independently of the Secretary of Environment, Health, and
38 Natural Resources and, other provisions of this Chapter notwithstanding, shall be
39 subject to the direction and supervision of the Secretary only with respect to the
40 management functions of coordinating and reporting. Any other provisions of this
41 Chapter to the contrary notwithstanding, the Executive Director of the Wildlife
42 Resources Commission shall be appointed by the Commission and the employees of the
43 Commission shall be employed as now provided in G.S. 143-246 of the laws of this
44 State."

1 Sec. 6. G.S. 143B-432 reads as rewritten:

2 **"§ 143B-432. Transfers to Department of Commerce.**

3 (a) The Division of Economic Development of the Department of Natural and
4 Economic Resources, the Science and Technology Committee of the Department of
5 Natural and Economic Resources, the Science and Technology Research Center of the
6 Department of Natural and Economic Resources, and the North Carolina National Park,
7 Parkway and Forests Development Council of the Department of Natural and Economic
8 Resources are each hereby transferred to the Department of Commerce by a Type I
9 transfer, as defined in G.S. 143A-6.

10 (b) All functions, powers, duties and obligations heretofore vested in the
11 following commissions, boards, councils, committees or sub-units of the Department of
12 Natural Resources and Community Development are hereby transferred to and vested in
13 the Department of Commerce by a Type I transfer as defined in G.S. 143A-6:

14 (1) Community Assistance Division, Department of Natural Resources
15 and Community Development.

16 (2) Community Development Council, Department of Natural Resources
17 and Community Development."

18 Sec. 7. G.S. 143B-138 reads as rewritten:

19 **"§ 143B-138. Department of Human Resources – functions.**

20 (a) The functions of the Department of Human Resources shall comprise, except
21 as otherwise expressly provided by the Executive Organization Act of 1973 or by the
22 Constitution of North Carolina, all executive functions of the State in relation to general
23 and mental health and health rehabilitation and further including those prescribed
24 powers, duties, and functions enumerated in Article 13 of Chapter 143A of the General
25 Statutes of this State.

26 (b) All such functions, powers, duties, and obligations heretofore vested in any
27 agency enumerated in Article 13 of Chapter 143A of the General Statutes are hereby
28 transferred to and vested in the Department of Human Resources, except as otherwise
29 provided by the Executive Organization Act of 1973. They shall include, by way of
30 extension and not of limitation, the functions of:

31 (1) The State Board of Health,

32 (2) The Salt Marsh Mosquito Advisory Commission,

33 (3) The Office of Chief Medical Examiner,

34 (4) The State Department of Social Services,

35 (5) The State Board of Social Services,

36 (6) The Advisory Committee for Medical Assistance,

37 (7) The State Department of Mental Health,

38 (8) The State Board of Mental Health,

39 (9) The Medical Advisory Council to the State Board of Mental Health,

40 (10) The Mental Health Council,

41 (11) The Advisory Council on Alcoholism to the North Carolina Board of
42 Mental Health,

43 (12) The State Advisory Council to the North Carolina Medical Care
44 Commission,

- 1 (13) The North Carolina State Commission for the Blind,
- 2 (14) The Blind Advisory Committee, Professional Advisory Committee,
- 3 (15) The Vocational Rehabilitation Division,
- 4 (16) The Eugenics Board of North Carolina,
- 5 (17) The Governor Morehead School,
- 6 (18) The North Carolina School for the Deaf, the Eastern North Carolina
- 7 School for the Deaf,
- 8 (19) The North Carolina Orthopedic Hospital,
- 9 (20) The North Carolina Cerebral Palsy Hospital,
- 10 (21) The North Carolina Sanatoriums for the Treatment of Tuberculosis,
- 11 (22) The Interstate Compact on Mental Health,
- 12 (23) The Council on Mental Retardation and Developmental Disabilities,
- 13 (24) The North Carolina Cancer Study Commission,
- 14 (25) The Interstate Compact on Juveniles,
- 15 (26) The North Carolina Board of Anatomy,
- 16 (27) The Governor's Coordinating Council on Aging,
- 17 (28) The Confederate Women's Home,
- 18 (29) The Medical Care Commission,
- 19 (30) The Governor's Committee on Employment of the Handicapped, and
- 20 (31) The Human Resources Division.

21 (c) All functions, powers, duties and obligations heretofore vested in the
22 Economic Opportunity Division of the Department of Natural Resources and
23 Community Development are hereby transferred to and vested in the Department of
24 Human Resources by a Type I transfer as defined in G.S. 143A-6."

25 Sec. 8. A new section is added to Chapter 143A of the General Statutes to
26 read:

27 "**§ 143A-72. Division of Employment and Training and related councils; transfer.**

28 All functions, powers, duties and obligations heretofore vested in the following
29 division and councils of the Department of Natural Resources and Community
30 Development are hereby transferred to and vested in the Department of Labor by a Type
31 I transfer as defined in G.S. 143A-6:

- 32 (1) Employment and Training Division, Department of Natural Resources
33 and Community Development.
- 34 (2) Job Training Coordinating Council, Department of Natural Resources
35 and Community Development.
- 36 (3) Rural Service Delivery Area - Private Industry Council, Department
37 of Natural Resources and Community Development."

38 Sec. 9. G.S. 95-4 reads as rewritten:

39 "**§ 95-4. Authority, powers and duties of Commissioner.**

40 The Commissioner of Labor shall be the executive and administrative head of the
41 Department of Labor. In addition to the other powers and duties conferred upon the
42 Commissioner of Labor by this Article, the said Commissioner shall have authority and
43 be charged with the duty:

- 1 (1) To appoint and assign to duty such clerks, stenographers, and other
2 employees in the various divisions of the Department, with approval of
3 said director of division, as may be necessary to perform the work of
4 the Department, and fix their compensation, subject to the approval of
5 the Department of Administration. The Commissioner of Labor may
6 assign or transfer stenographers, or clerks, from one division to
7 another, or inspectors from one division to another, or combine the
8 clerical force of two or more divisions, or require from one division
9 assistance in the work of another division, as he may consider
10 necessary and advisable: Provided, however, the provisions of this
11 subdivision shall not apply to the Industrial Commission, or the
12 Division of Workmen's Compensation.
- 13 (2) To make such rules and regulations with reference to the
14 work of the Department and of the several divisions thereof as shall
15 be necessary to properly carry out the duties imposed upon the said
16 Commissioner and the work of the Department; such rules and
17 regulations to be made subject to the approval of the Governor.
- 18 (3) To take and preserve testimony, examine witnesses, administer oaths,
19 and under proper restriction enter any public institution of the State,
20 any factory, store, workshop, laundry, public eating house or mine, and
21 interrogate any person employed therein or connected therewith, or the
22 proper officer of a corporation, or file a written or printed list of
23 interrogatories and require full and complete answers to the same, to
24 be returned under oath within 30 days of the receipt of said list of
25 questions.
- 26 (4) To secure the enforcement of all laws relating to the inspection of
27 factories, mercantile establishments, mills, workshops, public eating
28 places, and commercial institutions in the State. To aid him in the
29 work, he shall have power to appoint factory inspectors and other
30 assistants. The duties of such inspectors and other assistants shall be
31 prescribed by the Commissioner of Labor.
- 32 (5) To visit and inspect, personally or through his assistants and factory
33 inspectors, at reasonable hours, as often as practicable, the factories,
34 mercantile establishments, mills, workshops, public eating places, and
35 commercial institutions in the State, where goods, wares, or
36 merchandise are manufactured, purchased, or sold, at wholesale or
37 retail.
- 38 (6) To enforce the provisions of this section and to prosecute all violations
39 of laws relating to the inspection of factories, mercantile
40 establishments, mills, workshops, public eating houses, and
41 commercial institutions in this State before any court of competent
42 jurisdiction. It shall be the duty of the district attorney of the proper
43 district upon the request of the Commissioner of Labor, or any of his

1 assistants or deputies, to prosecute any violation of a law, which it is
2 made the duty of the said Commissioner of Labor to enforce.

3 (7) To accept and administer federal funds provided to the State through
4 the Job Training Partnership Act or succeeding programs."

5 Sec. 10. G.S. 143B-344.14 reads as rewritten:

6 **"§ 143B-344.14. Coordinating Council.**

7 (a) The State Job Training Coordinating Council is established within the
8 Department of ~~Natural Resources and Community Development~~ Labor.

9 (b) Operating funds and staff for the Council shall be supported with funds from
10 the Job Training Partnership Act.

11 (c) Adequate office space shall be provided by the Department of ~~Natural~~
12 ~~Resources and Community Development~~ Labor.

13 (d) The initial staffing level of the Council and the level of funding support
14 required shall be determined by the ~~Secretary of Natural Resources and Community~~
15 ~~Development~~ Commissioner of Labor. However, the initial staffing level shall not
16 exceed 10 personnel as may be necessary to carry out its functions under this ~~Part~~
17 Article and the Job Training Partnership Act.

18 (e) Duties and responsibilities of the Council include but shall not be limited to
19 the following:

- 20 (1) Overseeing the meeting of the State's goals for employment and
21 training.
- 22 (2) Continuously reviewing the plans and programs of agencies operating
23 federally funded programs related to employment and training and of
24 other agencies providing employment and training-related services in
25 the State that may be funded with State funds.
- 26 (3) Conducting studies, preparing reports and analyses, including an
27 annual published report to the Governor and General Assembly, and
28 providing such advisory services as may be authorized or directed by
29 the Governor.
- 30 (4) Recommending the allocation of Job Training Partnership Act funds
31 not subject to the seventy-eight percent (78%) that flows directly to
32 service delivery areas.
- 33 (5) Recommending program goals to insure job training for unskilled
34 youth and adults is a matter of the highest priority and encouraging
35 Service Delivery Areas (SDA's) to reflect these goals in their SDA
36 plans.
- 37 (6) Developing a long term tracking system to measure the effectiveness
38 of the Job Training Partnership Act with respect to permanent job
39 placements. Such a tracking system shall not be less than one year and
40 shall be implemented by July 1, 1986.
- 41 (7) Insuring compliance with the provisions of Sections 122(b)(7)A and B
42 and 122(b)(8) of the Job Training Partnership Act no later than May 30
43 of every year, requiring the following:

- 1 a. Identification of employment and training and vocational
- 2 education needs throughout the State;
- 3 b. Assessing the extent to which existing programs are meeting
- 4 these needs.
- 5 c. Repealed by Session Laws 1985, c. 791, s. 26.1(b), effective
- 6 July 1, 1985.
- 7 (8) Annually measuring the increase in employment and earnings and the
- 8 reductions in welfare dependency by SDA resulting from participating
- 9 in the Job Training Partnership Act program and reporting those
- 10 findings to the Governor and General Assembly.
- 11 (9) Annually reporting to the Governor and General Assembly on funds
- 12 expended by each SDA for job training services and the reason service
- 13 providers were chosen.
- 14 (10) Providing management guidance and review of all State administered
- 15 employment and training programs and encouraging compliance by
- 16 the SDA's with the goals and purposes outlined by the General
- 17 Assembly, the Governor, and the State Council.
- 18 (11) Insuring that service delivery area plans are submitted to the General
- 19 Assembly within 30 days after received by the Council as prescribed in
- 20 Section 105(a)(1)A and B of Public Law 97-300.
- 21 (12) Obtaining other information from recipients of Job Training
- 22 Partnership Act funds, as requested by the Governor and General
- 23 Assembly.
- 24 (f) The State Job Training Coordinating Council:
- 25 (1) Shall be appointed by the Governor in a manner consistent with
- 26 Section 122 of Public Law 97-300.
- 27 (2) Shall meet at the call of the chairman. A majority of the Council shall
- 28 constitute a quorum for the transaction of business. Members shall
- 29 receive per diem and necessary travel and subsistence expenses in
- 30 accordance with the provisions of G.S. 138-5, 138-6 or 120-3.1, as the
- 31 case may be.
- 32 (3) The Council shall have a standing Committee to be known as the Job
- 33 Training Interagency Committee. The members of the committee shall
- 34 be the ~~Secretaries of Natural Resources and Community Development~~
- 35 ~~and~~ Secretary of Commerce, the President of the Department of
- 36 Community Colleges, the Commissioner of Labor, and the
- 37 Superintendent of Public Instruction or their designees. This
- 38 committee shall jointly develop and implement a plan to integrate the
- 39 Job Training Partnership Act program and participants into the
- 40 economic development efforts of the State. Such a plan shall make
- 41 maximum use of customized training and on-the-job training efforts of
- 42 existing, new, or expanding businesses. This plan shall be developed
- 43 and implemented no later than February 1, 1986. A copy of the plan
- 44 shall be submitted to the President of the North Carolina Senate and

1 the Speaker of the North Carolina House of Representatives no later
2 than December 15, 1985. In addition, the Joint Legislative
3 Commission on Governmental Operations shall review the plan prior
4 to implementation and offer suggested changes.

- 5 (4) The Council may create such committees as may be necessary to the
6 proper conduct of its business. The Governor may establish such
7 additional advisory bodies, in accordance with existing law, related to
8 employment and training as may be necessary and appropriate to the
9 conduct of federally-supported employment and training-related
10 programs."

11 Sec. 11. Part 27 of Article 7 of Chapter 143B of the General Statutes is
12 recodified as Article 18 of Chapter 95 of the General Statutes. G.S. 143B-344.11
13 through G.S. 143B-344.15 are recodified as G.S. 95-221 through G.S. 95-225.

14 Sec. 12. G.S. 20-128(c) reads as rewritten:

15 "(c) No motor vehicle registered in this State which was manufactured after model
16 year 1967 shall be operated in this State unless it is equipped with such emission-control
17 devices to reduce air pollution as were installed at the time of manufacture, provided the
18 foregoing requirement shall not apply where such devices have been removed for the
19 purpose of converting the motor vehicle to operate on natural or liquefied petroleum gas
20 or other modifications have been made in order to reduce air pollution, further provided
21 that such modifications shall have first been approved by the Department of ~~Water and~~
22 ~~Air Resources [Department of Natural Resources and Community Development]~~
23 Environment, Health, and Natural Resources."

24 Sec. 13. G.S. 20-183.3(a) reads as rewritten:

25 "(a) Before an approval certificate may be issued for a motor vehicle, the vehicle
26 must be inspected by a safety equipment inspection station, and if required by Chapter
27 20 of the General Statutes of North Carolina, must be found to possess in safe operating
28 condition the following articles and equipment:

- 29 (1) Brakes,
30 (2) Lights,
31 (3) Horn,
32 (4) Steering mechanism,
33 (5) Windshield wiper,
34 (6) Directional signals,
35 (7) Tires,
36 (8) Rearview mirror or mirrors.

37 No inspection certificate shall be issued by a safety equipment inspection station for
38 a motor vehicle manufactured after model year 1967 unless the vehicle is equipped with
39 such emission control devices to reduce air pollution as were installed at the time of
40 manufacture which are readily visible, provided the foregoing requirements shall not
41 apply where such devices have been removed for the purpose of converting the motor
42 vehicle to operate on natural or liquified petroleum gas or other modifications have been
43 made in order to reduce air pollution, further provided that such modifications shall
44 have first been approved by the Department of ~~Water and Air Resources [Department of~~

1 ~~Natural Resources and Community Development~~ Environment, Health, and Natural
2 Resources.

3 In addition to the items listed above, safety inspection equipment stations shall
4 inspect the exhaust systems of all vehicles inspected and report the condition of each
5 exhaust system to the owners or to the persons offering the vehicles for inspection.

6 The inspection requirements herein provided for shall not exceed the standards
7 provided in the current General Statutes for such equipment."

8 Sec. 14. G.S. 74-51 reads as rewritten:

9 **"§ 74-51. Permits – Application, granting, conditions.**

10 Any operator desiring to engage in mining shall make written application to the
11 Department for a permit. Such application shall be upon a form furnished by the
12 Department and shall fully state the information called for; in addition, the applicant
13 may be required to furnish such other information as may be deemed necessary by the
14 Department in order adequately to enforce this Article.

15 The application shall be accompanied by a reclamation plan which meets the
16 requirements of G.S. 74-53. No permit shall be issued until such plan has been
17 approved by the Department.

18 The application shall be accompanied by a signed agreement, in a form specified by
19 the Department, that in the event a bond forfeiture is ordered pursuant to G.S. 74-59, the
20 Department and its representatives and its contractors shall have the right to make
21 whatever entries on the land and to take whatever actions may be necessary in order to
22 carry out reclamation which the operator has failed to complete.

23 Before deciding whether to grant a new permit, the Department shall circulate copies
24 of a notice of application for review and comment as it deems advisable. The
25 Department shall grant or deny the permit requested as expeditiously as possible, but in
26 no event later than 60 days after the application form and any relevant and material
27 supplemental information reasonably required shall have been filed with the
28 Department, or if a public hearing is held, within 30 days following the hearing and the
29 filing of any relevant and material supplemental information reasonably required by the
30 Department. Priority consideration shall be given to applicants who submit evidence
31 that the mining proposed will be for the purpose of supplying materials to the Board of
32 Transportation.

33 Upon its determination that significant public interest exists, the Department shall
34 conduct a public hearing on any application for a new mining permit. Such hearing
35 shall be held before the Department reaches a final decision on the application, and in
36 making its determination, the Department shall give full consideration to all comments
37 submitted at the public hearing. Such public hearing shall be held within 60 days of the
38 filing of the application.

39 The Department may deny such permit upon finding:

- 40 (1) That any requirement of this Article or any rule promulgated
41 hereunder will be violated by the proposed operation;
- 42 (2) That the operation will have unduly adverse effects on wildlife or fresh
43 water, estuarine, or marine fisheries;

- 1 (3) That the operation will violate standards of air quality, surface water
2 quality, or groundwater quality which have been promulgated by the
3 Department of Natural Resources and Community Development;
4 (4) That the operation will constitute a substantial physical hazard to a
5 neighboring dwelling house, school, church, hospital, commercial or
6 industrial building, public road or other public property;
7 (5) That the operation will have a significantly adverse effect on the
8 purposes of a publicly owned park, forest or recreation area;
9 (6) That previous experience with similar operations indicates a
10 substantial possibility that the operation will result in substantial
11 deposits of sediment in stream beds or lakes, landslides, or acid water
12 pollution; or
13 (7) That the operator has not corrected all violations which he may have
14 committed under any prior permit and which resulted in,
15 a. Revocation of his permit,
16 b. Forfeiture of part or all of his bond or other security,
17 c. Conviction of a misdemeanor under G.S. 74-64, or
18 d. Any other court order issued under G.S. 74-64.

19 In the absence of any such findings, a permit shall be granted.

20 Any permit issued shall be expressly conditioned upon compliance with all
21 requirements of the approved reclamation plan for the operation and with such further
22 reasonable and appropriate requirements and safeguards as may be deemed necessary
23 by the Department to assure that the operation will comply fully with the requirements
24 and objectives of this Article. Such conditions may, among others, include a
25 requirement of visual screening, vegetative or otherwise, so as to screen the view of the
26 operation from public highways, public parks, or residential areas, where the
27 Department finds such screening to be feasible and desirable. Violation of any such
28 conditions shall be treated as a violation of this Article and shall constitute a basis for
29 suspension or revocation of the permit.

30 Any operator wishing any modification of the terms and conditions of his permit or
31 of the approved reclamation plan shall submit a request for modification in accordance
32 with the provisions of G.S. 74-52.

33 If the Department denies an application for a permit, it shall notify the operator in
34 writing, stating the reasons for its denial and any modifications in the application which
35 would make it acceptable. The operator may thereupon modify his application or file an
36 appeal, as provided in G.S. 74-61, but no such appeal shall be taken more than 60 days
37 after notice of disapproval has been mailed to him at the address shown on his
38 application.

39 Upon approval of an application, the Department shall set the amount of the
40 performance bond or other security which is to be required pursuant to G.S. 74-54. The
41 operator shall have 60 days following the mailing of such notification in which to
42 deposit the required bond or security with the Department. The operating permit shall
43 not be issued until receipt of this deposit.

1 When one operator succeeds to the interest of another in any uncompleted mining
2 operation, by virtue of a sale, lease, assignment, or otherwise, the Department may
3 release the first operator from the duties imposed upon him by this Article with
4 reference to such operation and transfer the permit to the successor operator; provided,
5 that both operators have complied with the requirements of this Article and that the
6 successor operator assumes the duties of the first operator with reference to reclamation
7 of the land and posts a suitable bond or other security.”

8 Sec. 15. G.S. 74-78(a) reads as rewritten:

9 "(a) A person desiring to engage in exploration activities for discovery of uranium
10 shall make written application to the Department for an exploration permit. An
11 application shall be upon a form furnished by the Department and shall fully state the
12 information called for. In addition, the applicant may be required to furnish any other
13 information the Department deems necessary in order to enforce this Article.

14 The application shall be accompanied by a signed agreement, in form specified by
15 the Department, that in the event a bond or other security forfeiture is ordered pursuant
16 to G.S. 74-81, the Department and its representatives and contractors may make any
17 necessary entries on the land and take any necessary action to carry out abandonment
18 procedures not completed by the permit holder.

19 The Department shall also notify the Radiation Protection Commission ~~of the~~
20 ~~Department of Human Resources~~ of the application and request its views and comments
21 on the application.

22 The applicant shall make a reasonable effort, satisfactory to the Department, to
23 notify all owners of record of land adjoining the proposed site and the chief
24 administrative officer of the county or municipality in which the proposed site is located
25 that he intends to explore for uranium on the site."

26 Sec. 16. G.S. 87-88(j) reads as rewritten:

27 "(j) Use of Well for Recharge or Disposal. – No well shall be used for recharge,
28 injection or disposal purposes without prior permission from the Environmental
29 Management Commission ~~after consultation with and recommendation by the~~
30 ~~Department of Human Resources.~~"

31 Sec. 17. G.S. 87-91(b) reads as rewritten:

32 "(b) Such notice shall be served on the person by sending the same to such person
33 by registered or certified mail to his last known post-office address or by personal
34 service by an agent or employee of the Department of ~~Natural Resources and~~
35 ~~Community Development~~ Environment, Health, and Natural Resources, and may be
36 accompanied by an order of the Environmental Management Commission requiring
37 described remedial action, which if taken within the time specified in such order, will
38 effect compliance with the requirements of this Article and the rules ~~and regulations~~
39 issued hereunder. Such order shall become final unless a request for a hearing as
40 hereinafter provided is made within 30 days from the date of service of such order. In
41 addition to, or in lieu of such order, the Environmental Management Commission may
42 appoint a time and place for such person to be heard. Notice by the Environmental
43 Management Commission or Department may be given to any person upon whom a
44 summons may be served in accordance with the provisions of law governing civil

1 actions in the superior courts of this State. The Environmental Management
2 Commission may prescribe the form and content of any particular notice."

3 Sec. 18. G.S. 87-95 reads as rewritten:

4 **"§ 87-95. Injunctive relief.**

5 Upon violation of any of the provisions of or any order issued pursuant to this
6 Article, or duly adopted ~~regulation~~rule of the Commission implementing the provisions
7 of this Article, the Secretary of the Department of ~~Natural Resources and Community~~
8 ~~Development~~Environment, Health, and Natural Resources may, either before or after
9 the institution of proceedings for the collection of the penalty imposed by this Article
10 for such violations, request the Attorney General to institute a civil action in the
11 superior court in the name of the State upon the relation of the Department of ~~Natural~~
12 ~~Resources and Community Development~~Environment, Health, and Natural Resources
13 for injunctive relief to restrain the violation or require corrective action, and for such
14 other or further relief in the premises as said court shall deem proper. Neither the
15 institution of the action nor any of the proceedings thereon shall relieve any party to
16 such proceedings from the penalty prescribed by this Article for any violation of same."

17
18 Sec. 19. G.S. 87-96 reads as rewritten:

19 **"§ 87-96. Conflict with other laws.**

20 ~~The provisions of any law, or regulation of the State or any municipality establishing~~
21 ~~standards affording greater protection to the public welfare, safety, health and~~
22 ~~groundwater resources shall prevail within the jurisdiction of such agency or~~
23 ~~municipality over the provisions of this Article and regulations adopted hereunder. The~~
24 provisions of any law, rule, or local ordinance which establish standards affording
25 greater protection to groundwater resources or public health, safety, or welfare shall
26 prevail, within the jurisdiction to which they apply, over the provisions of this Article
27 and rules adopted pursuant to this Article.

28 ~~This Article or any rules or regulations adopted pursuant thereto, shall not be in~~
29 ~~conflict with any laws, rules, or regulations of the Commission for Health Services~~
30 ~~pertaining to public health, wells and groundwater supplies. All laws, rules, and~~
31 ~~regulations presently in effect that are administered by the Department of Human~~
32 ~~Resources shall remain in effect. Rules relating to public health, wells, or groundwater~~
33 adopted by the Commission for Health Services shall prevail over this Article or rules
34 adopted pursuant to this Article. This Article shall not be construed to repeal and law or
35 rule in effect as of the effective date of this Article."

36 Sec. 20. G.S. 90A-25(c) reads as rewritten:

37 "(c) Certificates in an appropriate grade will be issued to operators who, on July 1,
38 1969, hold certificates of competency issued under the voluntary certification program
39 now being administered through the ~~Division of Sanitary Engineering of the~~
40 ~~Department of Human Resources~~Department of Environment, Health, and Natural
41 Resources with the cooperation of the North Carolina Water Works Operators
42 Association, the North Carolina Section of the American Water Works Association, and
43 the North Carolina League of Municipalities."

44 Sec. 21. G.S. 90A-55(a) reads as rewritten:

1 "(a) Board Membership. – The Board shall consist of nine members: the
2 Secretary of ~~Human Resources~~Environment, Health, and Natural Resources, or his duly
3 authorized representative; one public-spirited citizen, one environmental sanitation
4 educator from an accredited college or university, one local health director, a
5 representative of the ~~Environmental Health Section, North Carolina Division of Health~~
6 ~~Services~~Environmental Health Division of the Department of Environment, Health, and
7 Natural Resources; and four practicing sanitarians who qualify by education and
8 experience for registration under this Article, three of whom will represent the Western,
9 Piedmont, and Eastern Regions of the State as described more specifically in the rules
10 and regulations adopted by the Board."

11 Sec. 22. G.S. 95-149 reads as rewritten:

12 "**§ 95-149. Authority to enter into contracts with other State agencies and**
13 **subdivisions of government.**

14 The Commissioner is authorized and empowered to enter into contracts with the
15 Department of ~~Public Health~~Environment, Health, and Natural Resources or any other
16 State officer or State agency or State instrumentality, or any municipality, county, or
17 other political subdivision of the State, for the enforcement, administration, and any
18 other application of the provisions of this Article."

19 Sec. 23. G.S. 100-13 reads as rewritten:

20 "**§ 100-13. Fees for use of improvements; fees for other privileges; leases; rules and**
21 **regulations.**

22 The Department of ~~Natural Resources and Community Development~~Environment,
23 Health, and Natural Resources is further authorized and empowered to charge and
24 collect fees for the use of such improvements as have already been constructed, or may
25 hereafter be constructed, on the park, and for other privileges connected with the full
26 use of the park by the public; to lease sites for camps, houses, hotels, and places of
27 amusement and business; and to make and enforce such necessary rules ~~and regulations~~
28 as may best tend to protect, preserve and increase the value and attractiveness of the
29 park."

30 Sec. 24. G.S.100-14 reads as rewritten:

31 "**§ 100-14. Use of fees and other collections.**

32 All fees and other money collected and received by the Department of ~~Natural~~
33 ~~Resources and Community Development~~Environment, Health, and Natural Resources
34 in connection with its proper administration of Mount Mitchell State Park shall be used
35 by said Department of ~~Natural Resources and Community Development~~ for the
36 administration, protection, improvement, and maintenance of said park."

37 Sec. 25. G.S. 100-15 reads as rewritten:

38 "**§ 100-15. Annual reports.**

39 The Department of ~~Natural Resources and Community Development~~ shall make an
40 annual report to the Governor of all money received and expended by it in the
41 administration of Mount Mitchell State Park, and of such other items as may be called
42 for by him or by the General Assembly."

43 Sec. 26. G.S. 105-122(b) reads as rewritten:

1 "(b) Every such corporation taxed under this section shall determine the total
2 amount of its issued and outstanding capital stock, surplus and undivided profits; no
3 reservation or allocation from surplus or undivided profits shall be allowed other than
4 for definite and accrued legal liabilities, except as herein provided; taxes accrued,
5 dividends declared and reserves for depreciation of tangible assets as permitted for
6 income tax purposes shall be treated as deductible liabilities. There shall also be treated
7 as a deductible liability reserves for the entire cost of any air-cleaning device or sewage
8 or waste treatment plant, including waste lagoons, and pollution abatement equipment
9 purchased or constructed and installed which reduces the amount of air or water
10 pollution resulting from the emission of air contaminants or the discharge of sewage and
11 industrial wastes or other polluting materials or substances into the outdoor atmosphere
12 or streams, lakes, or rivers, upon condition that the corporation claiming such deductible
13 liability shall furnish to the Secretary a certificate from the Department of ~~Natural~~
14 ~~Resources and Community Development of Environment, Health, and Natural~~
15 Resources certifying that said Environmental Management Commission has found as a
16 fact that the air-cleaning device, waste treatment plant or pollution abatement equipment
17 purchased or constructed and installed as above described has actually been constructed
18 and installed and that such plant or equipment complies with the requirements of said
19 Environmental Management Commission with respect to such devices, plants or
20 equipment, that such device, plant or equipment is being effectively operated in
21 accordance with the terms and conditions set forth in the permit, certificate of approval,
22 or other document of approval issued by the Environmental Management Commission
23 and that the primary purpose thereof is to reduce air or water pollution resulting from
24 the emission of air contaminants or the discharge of sewage and waste and not merely
25 incidental to other purposes and functions. The cost of purchasing and installing
26 equipment or constructing facilities for the purpose of recycling or resource recovering
27 of or from solid waste or for the purpose of reducing the volume of hazardous waste
28 generated shall be treated as deductible for the purposes of this section upon condition
29 that the corporation claiming such deductible liability shall furnish to the Secretary a
30 certificate from the Department of ~~Human Resources-Environment, Health, and Natural~~
31 Resources certifying that the Department of ~~Human Resources-Environment, Health,~~
32 and Natural Resources has found as a fact that the equipment or facility has actually
33 been purchased, installed or constructed, that it is in conformance with all rules and
34 regulations of the Department of ~~Human Resources~~Environment, Health, and Natural
35 Resources, and the recycling or resource recovering is the primary purpose of the
36 facility or equipment. The cost of constructing facilities of any private or public utility
37 built for the purpose of providing sewer service to residential and outlying areas shall be
38 treated as deductible for the purposes of this section; the deductible liability allowed by
39 this section shall apply only with respect to such pollution abatement plants or
40 equipment constructed or installed on or after January 1, 1955. Treasury stock shall not
41 be considered in computing the capital stock, surplus and undivided profits as the basis
42 for franchise tax, but shall be excluded proportionately from said capital stock, surplus
43 and undivided profits as the case may be upon the basis and to the extent of the cost
44 thereof. In the case of an international banking facility, the capital base shall be reduced

1 by the excess of the amount as of the end of the taxable year of all assets of an
2 international banking facility which are employed outside the United States over
3 liabilities of the international banking facility owed to foreign persons. For purposes of
4 such reduction, foreign persons shall have the same meaning as defined in G.S. 105-
5 130.5(b) (13)d.

6 Every corporation doing business in this State which is a parent, subsidiary, or
7 affiliate of another corporation shall add to its capital stock, surplus and undivided
8 profits all indebtedness owed to or endorsed or guaranteed by a parent, subsidiary or
9 affiliated corporation as a part of its capital used in its business and as a part of the base
10 for franchise tax under this section. The term 'indebtedness' as used in this paragraph
11 shall include all loans, credits, goods, supplies or other capital of whatsoever nature
12 furnished by a parent, subsidiary, or affiliated corporation. The terms 'parent,'
13 'subsidiary,' and 'affiliate' as used in this paragraph shall have the meaning specified in
14 G.S. 105-130.6. If any part of the capital of the creditor corporation is capital borrowed
15 from a source other than a parent, subsidiary or affiliate, the debtor corporation, which
16 is required under this paragraph to include in its tax base the amount of debt by reason
17 of being a parent, subsidiary, or affiliate of the said creditor corporation, may deduct
18 from the debt thus included a proportionate part determined on the basis of the ratio of
19 such borrowed capital as above specified of the creditor corporation to the total assets of
20 the said creditor corporation. Further, in case the creditor corporation as above
21 specified is also taxable under the provisions of this section, such creditor corporation
22 shall be allowed to deduct from the total of its capital, surplus and undivided profits the
23 amount of any debt owed to it by a parent, subsidiary or affiliated corporation to the
24 extent that such debt has been included in the tax base of said parent, subsidiary or
25 affiliated debtor corporation reporting for taxation under the provisions of this section."

26 Sec. 27. G.S. 105-130.10(2) reads as rewritten:

27 "(2) Purchasing and installing equipment or constructing facilities for the purpose
28 of recycling or resource recovering of or from solid waste, or for the purpose of
29 reducing the volume of hazardous waste generated. The deduction provided for in this
30 subdivision shall be allowed by the Secretary of Revenue only upon the condition that
31 the corporation claiming such allowance shall furnish to the Secretary a certificate from
32 the Department of ~~Human Resources-Environment, Health, and Natural Resources~~
33 Resources certifying that the Department of ~~Human Resources-Environment, Health, and Natural~~
34 Resources has found as a fact that the equipment or facility has actually been purchased,
35 installed or constructed, that it is in conformance with all rules ~~and regulations~~ of the
36 Department of ~~Human Resources-Environment, Health, and Natural Resources~~ and that
37 recycling or resource recovering is the primary purpose of the facility or equipment."

38 Sec. 28. G.S. 105-149(a)(8a) reads as rewritten:

39 "(8a) In the case of hemophiliacs meeting the criteria herein contained, such
40 persons shall be entitled to an additional exemption of one thousand one hundred dollars
41 (\$1,100) in addition to all other exemptions provided by law. Eligible hemophiliacs
42 shall be those who submit to the ~~Division of Health Services of the Department of~~
43 Human Resources-Department of Environment, Health, and Natural Resources a
44 certificate from a physician or local health department, certifying that their condition is

1 medically characterized as moderate or severe in the case of deficiencies of Factor VII
2 or Factor IX, or in the case of deficiencies in Factors I – VIII or Factors X – XIII
3 certifying that their condition causes physical or financial conditions similar to those
4 resulting from Factor VIII or Factor IX deficiencies; and who attach a supporting
5 statement to their North Carolina income tax return, including verification that said
6 certificate has been obtained and submitted to the ~~Division of Health Services of the~~
7 ~~Department of Human Resources~~Department of Environment, Health, and Natural
8 Resources.

9 An additional exemption of one thousand one hundred dollars (\$1,100) is allowed in
10 addition to all other exemptions provided by law, for each dependent (as defined in
11 subdivision (a)(5) above), who is a hemophiliac meeting the criteria set out in the above
12 paragraph. The ~~Division of Health Services of the Department of Human Resources~~
13 Department of Environment, Health, and Natural Resources is directed to develop said
14 certificate and inform physicians and local health departments of its availability."

15 Sec. 29. G.S.105-149(a)(8c) reads as rewritten:

16 "(8c) In the case of persons suffering from chronic irreversible renal disease, whose
17 condition requires that they utilize dialysis in connection with the amelioration of that
18 condition, such persons shall be entitled to an additional exemption of one thousand one
19 hundred dollars (\$1,100) in addition to all other exemptions provided by law. Persons
20 eligible for this exemption shall be those who submit to the ~~Division of Health Services~~
21 ~~of the Department of Human Resources~~Department of Environment, Health, and
22 Natural Resources a certificate from a physician or local health department certifying
23 that their condition is such that dialysis is required, as above provided, and who attach a
24 supporting statement to their North Carolina income tax return, including verification
25 that said certificate has been obtained and submitted to the ~~Division of Health Services~~
26 ~~of the Department of Human Resources~~Department of Environment, Health, and
27 Natural Resources.

28 An additional exemption of one thousand one hundred dollars (\$1,100) is allowed in
29 addition to all other exemptions provided by law, for each dependent (as defined in
30 subdivision (a) above) who suffers from chronic irreversible renal disease and who
31 meets the criteria set out in the above paragraph. The ~~Division of Health Services of the~~
32 ~~Department of Human Resources~~Department of Environment, Health, and Natural
33 Resources is directed to develop said certificate and inform physicians and local health
34 departments of its availability."

35 Sec. 30. G.S. 105-149(a)(8e) reads as rewritten:

36 "(8e) In the case of persons with cystic fibrosis meeting the criteria herein
37 contained, such persons shall be entitled to an additional exemption of one thousand one
38 hundred dollars (\$1,100) in addition to all other exemptions provided by law. Eligible
39 persons with cystic fibrosis shall be those who submit to the ~~Division of Health Services~~
40 ~~of the Department of Human Resources~~Department of Environment, Health, and
41 Natural Resources a certificate from a physician or local health department certifying
42 that such condition exists.

1 An additional exemption of one thousand one hundred dollars (\$1,100) is allowed in
2 addition to all other exemptions provided by law for each dependent as defined above,
3 who has cystic fibrosis and meets the criteria as set out above."

4 Sec. 31. G.S. 105-149(a)(8f) reads as rewritten:

5 "(8f) In the case of an individual who has an open neural tube defect or whose
6 dependent has an open neural tube defect, an additional exemption of one thousand one
7 hundred dollars (\$1,100) for that individual or dependent. This exemption is in addition
8 to all other exemptions allowed by this subsection. To claim this exemption, a taxpayer
9 must submit to the ~~Division of Health Services of the Department of Human Resources~~
10 Department of Environment, Health, and Natural Resources a certificate from a
11 physician or local health department certifying that the individual or dependent for
12 whom the exemption is claimed has an open neural tube defect. Upon receipt of a valid
13 certificate, the Division will send the taxpayer a verification form which the taxpayer
14 must attach to the tax return on which the exemption is claimed. The Division shall
15 develop the certificate and verification form and shall inform physicians and local
16 health departments of the availability of the certificate."

17 Sec. 32. G.S. 105-275(6) reads as rewritten:

18 "(6) Special nuclear materials held for or in the process of manufacture,
19 processing, or delivery by the manufacturer or processor thereof, regardless whether the
20 manufacturer or processor owns the special nuclear materials. The terms 'manufacture'
21 and 'processing' do not include the use of special nuclear materials as fuel. The term
22 'special nuclear materials' includes (i) uranium 233, uranium enriched in the isotope 233
23 or in the isotope 235; and (ii) any material artificially enriched by any of the foregoing,
24 but not including source material. 'Source material' means any material except special
25 nuclear material which contains by weight one twentieth of one percent (0.05%) or
26 more of (i) uranium, (ii) thorium, or (iii) any combination thereof. Provided however,
27 that to qualify for this exemption no such nuclear materials shall be discharged into any
28 river, creek or stream in North Carolina. The classification and exclusion provided for
29 herein shall be denied to any manufacturer, fabricator or processor who permits burial
30 of such material in North Carolina or who permits the discharge of such nuclear
31 materials into the air or into any river, creek or stream in North Carolina if such
32 discharge would contravene in any way the applicable health and safety standards
33 established and enforced by the Department of ~~Human Resources, the North Carolina~~
34 Department of Natural Resources and Community Development, Environment, Health,
35 and Natural Resources or the ~~Federal Atomic Energy Nuclear Regulatory~~ Commission.
36 The most stringent of these standards shall govern."

37 Sec. 33. G.S. 105-275(8) reads as rewritten:

38 "(8) a. Real and personal property that is used or, if under construction, is
39 to be used exclusively for air cleaning or waste disposal or to abate,
40 reduce, or prevent the pollution of air or water (including, but not
41 limited to, waste lagoons and facilities owned by public or private
42 utilities built and installed primarily for the purpose of providing sewer
43 service to areas that are predominantly residential in character or areas
44 that lie outside territory already having sewer service), if the

1 ~~{Department of Natural Resources and Community Development}~~
2 Department of Environment, Health, and Natural Resources furnishes
3 a certificate to the tax supervisor of the county in which the property is
4 situated or to be situated stating that the Environmental Management
5 Commission has found that the described property:

- 6 1. Has been or will be constructed or installed;
 - 7 2. Complies with or that plans therefor which have been
8 submitted to the Environmental Management
9 Commission indicate that it will comply with the
10 requirements of the Environmental Management
11 Commission;
 - 12 3. Is being effectively operated or will, when completed, be
13 required to operate in accordance with the terms and
14 conditions of the permit, certificate of approval, or other
15 document of approval issued by the Environmental
16 Management Commission; and
 - 17 4. Has or, when completed, will have as its primary rather
18 than incidental purpose the reduction of water pollution
19 resulting from the discharge of sewage and waste or the
20 reduction of air pollution resulting from the emission of
21 air contaminants.
- 22 b. Real or personal property that is used or, if under construction,
23 is to be used exclusively for recycling or resource recovering of
24 or from solid waste, if the Department of ~~Human Resources~~
25 Environment, Health, and Natural Resources furnishes a
26 certificate to the tax supervisor of the county in which the
27 property is situated stating the Department of ~~Human Resources~~
28 Environment, Health, and Natural Resources has found that the
29 described property has been or will be constructed or installed,
30 complies or will comply with the regulations of the Department
31 of ~~Human Resources~~Environment, Health, and Natural
32 Resources, and has, or will have as its primary purpose
33 recycling or resource recovering of or from solid waste.
- 34 c. Tangible personal property that is used exclusively, or if being
35 installed, is to be used exclusively, for the prevention or
36 reduction of cotton dust inside a textile plant for the protection
37 of the health of the employees of the plant, in accordance with
38 occupational safety and health standards adopted by the State of
39 North Carolina pursuant to Article 16 of G.S. Chapter 95. The
40 Department of Revenue shall adopt guidelines to assist the tax
41 supervisors in administering this exclusion."

42 Sec. 34. G.S. 110-92 reads as rewritten:

43 "**§ 110-92. Duties of State and local agencies.**

1 When requested by an operator of a day-care facility or by the Secretary of Human
2 Resources, it shall be the duty of local and district health departments to visit and
3 inspect a day-care facility to determine whether the facility complies with the health and
4 sanitation standards required by this Article and with the minimum health and sanitation
5 standards adopted as rules the Commission for Health Services as authorized by G.S.
6 110-91(1), and to submit written reports on such visits or inspections to the ~~Department~~
7 ~~on forms approved and provided by the Department~~ Department of Human Resources on
8 forms approved and provided by the Department of Environment, Health, and Natural
9 Resources.

10 When requested by an operator of a day-care facility or by the Secretary, it shall be
11 the duty of the local and district health departments, and any building inspector, fire
12 prevention inspector, or fireman employed by local government, or any fireman having
13 jurisdiction, or other officials or personnel of local government to visit and inspect a
14 day-care facility for the purposes specified in this Article, including plans for
15 evacuation of the premises and protection of children in case of fire, and to report on
16 such visits or inspections in writing to the Secretary of Human Resources on forms
17 provided by the Department so that such reports may serve as the basis for action or
18 decisions by the Secretary or Department as authorized by this Article."

19 Sec. 35. G.S. 113, Article 1 is amended, in its title, by deleting "**Natural**
20 **Resources and Community Development**" and substituting "**Environment, Health,**
21 **and Natural Resources**".

22 Sec. 36. G.S. 113-8 reads as rewritten:

23 "**§ 113-8. Powers and duties of the Department of ~~Natural Resources and~~**
24 **~~Community Development~~ Environment, Health, and Natural Resources.**

25 The Department of ~~Natural Resources and Community Development~~ Environment,
26 Health, and Natural Resources shall make investigations of the natural resources of the
27 State, and take such measures as it may deem best suited to promote the conservation
28 and development of such resources.

29 It shall have charge of the work of forest maintenance, forest fire prevention,
30 reforestation, and the protection of lands and water supplies by the preservation of
31 forests; it shall also have the care of State forests and parks, and other recreational areas
32 now owned or to be acquired by the State, including the lakes referred to in G.S. 146-7.

33 It shall make such examination, survey and mapping of the geology, mineralogy and
34 topography of the State, including their industrial and economic utilization, as it may
35 consider necessary; make investigations of water supplies and water powers, prepare
36 and maintain a general inventory of the water resources of the State, and take such
37 measures as it may consider necessary to promote their development.

38 It shall have the duty of enforcing all laws relating to the conservation of marine and
39 estuarine resources.

40 The Department of ~~Natural Resources and Community Development~~ may take such
41 other measures as it may deem advisable to obtain and make public a more complete
42 knowledge of the State and its resources, and it is authorized to cooperate with other
43 departments and agencies of the State in obtaining and making public such information.

1 The Department of ~~Natural Resources and Community Development~~ may acquire
2 such real and personal property as may be found desirable and necessary for the
3 performance of the duties and functions of the Department and pay for same out of any
4 funds appropriated for the Department or available unappropriated revenues of the
5 Department, when such acquisition is approved by the Governor and Council of State.
6 The title to any real estate acquired shall be in the name of the State of North Carolina
7 for the use and benefit of the Department."

8 Sec. 37. G.S. 113-14.1(b) reads as rewritten:

9 "(b) The following powers are hereby granted to the Secretary of ~~Natural Resources~~
10 ~~and Community Development~~ and may be delegated to the administrative head of an
11 existing or new division of the Department as herein authorized:

12 (1) to (3) Repealed by Session Laws 1977, c. 198, s. 18.

13 (4) Study the development of the seacoast areas and implement policies
14 which will promote the development of the coastal area, with
15 particular emphasis upon the development of the scenic and
16 recreational resources of the seacoast;

17 (5) Advise and confer with various interested individuals, organizations
18 and State, federal and local agencies which are interested in
19 development of the seacoast area and use its facilities and efforts in
20 planning, developing and carrying out overall programs for the
21 development of the area as a whole;

22 (6) Act as liaison between agencies of the State, local government, and
23 agencies of the federal government concerned with development of the
24 seacoast region;

25 (7) Repealed by Session Laws 1973, c. 1262, s. 28;

26 (8) Make such reports to the Governor as he may request;

27 (9) File such recommendations or suggestions as it may deem proper with
28 other agencies of the State, local or federal governments."

29 Sec. 38. G.S. 113-14.3 reads as rewritten:

30 **"§ 113-14.3. Publications.**

31 The Department of ~~Natural Resources and Community Development~~ shall publish,
32 from time to time, reports and statements, with illustrations, maps, and other
33 descriptions, which shall adequately set forth the natural and material resources of the
34 State for the purpose of furnishing information to educate the people about the natural
35 and material resources of the State."

36 Sec. 39. G.S. 113-16 reads as rewritten:

37 **"§ 113-16. Cooperation with agencies of the federal government.**

38 The Department of ~~Natural Resources and Community Development~~ is authorized to
39 arrange for and accept such aid and cooperation from the several United States
40 government bureaus and other sources as may assist in completing topographic surveys
41 and in carrying out the other objects of the Department.

42 The Department of ~~Natural Resources and Community Development~~ is further
43 authorized and directed to cooperate with the Federal Power Commission in carrying
44 out the rules and regulations promulgated by that Commission; and to act in behalf of

1 the State in carrying out any regulations that may be passed relating to water powers in
2 this State other than those related to making and regulating rates. The provisions of this
3 section are extended to apply to cooperation with authorized agencies of other states."

4 Sec. 40. G.S. 113-17 reads as rewritten:

5 **"§ 113-17. Agreements, negotiations and conferences with federal government.**

6 The Department of ~~Natural Resources and Community Development~~ is delegated as
7 the State agency to represent North Carolina in any agreements, negotiations, or
8 conferences with authorized agencies of adjoining or other states, or agencies of the
9 federal government, relating to the joint administration or control over the surface or
10 underground waters passing or flowing from one state to another: ~~Provided, that in all~~
11 ~~matters relating to pollution of said waters the Department and the Department of~~
12 ~~Human Resources, acting jointly, are hereby designated as the official agency~~ under the
13 provisions of this section."

14 Sec. 41. G.S. 113-18 reads as rewritten: *♦

15 **"§ 113-18. Department authorized to receive funds from Federal Power**
16 **Commission.**

17 All sums payable to the State of North Carolina by the Treasurer of the United States
18 of America under the provisions of section 17 and other sections of the Federal Water
19 Power Act shall be paid to the account of the ~~State Department of Natural Resources~~
20 ~~and Community Development~~ as the authorized agent of the State for receipt of said
21 payments. Such sums shall be used by the ~~Department of Natural Resources and~~
22 ~~Community Development~~ in prosecuting investigations for the utilization and
23 development of the water resources of the State."

24 Sec. 42. G.S. 113-19 reads as rewritten:

25 **"§ 113-19. Cooperation with other State departments.**

26 The Department of ~~Natural Resources and Community Development~~ is authorized to
27 cooperate with the North Carolina Utilities Commission in investigating the
28 waterpowers in the State, and to furnish the Utilities Commission such information as is
29 possible regarding the location of the waterpower sites, developed waterpowers, and
30 such other information as may be desired in regard to waterpower in the State; the
31 ~~Department of Natural Resources and Community Development~~ shall also cooperate as
32 far as possible with the Department of Labor, the State Department of Agriculture, and
33 other departments and institutions of the State in collecting information in regard to the
34 resources of the State and in preparing the same for publication in such manner as may
35 best advance the welfare and improvement of the State."

36 Sec. 43. G.S. 113-20 reads as rewritten:

37 **"§ 113-20. Cooperation with counties and municipal corporations.**

38 The Department of ~~Natural Resources and Community Development~~ is authorized to
39 cooperate with the counties of the State in any surveys to ascertain the natural resources
40 of the county; and with the governing bodies of cities and towns, with boards of trade
41 and other like civic organizations, in examining and locating water supplies and in
42 advising and recommending plans for other municipal improvements and enterprises.
43 Such cooperation is to be conducted upon such terms as the Department of ~~Natural~~
44 ~~Resources and Community Development~~ may direct."

1 Sec. 44. G.S. 113-21 reads as rewritten:

2 **"§ 113-21. Cooperation of counties with State in making water resource survey.**

3 The board of county commissioners of any county of North Carolina is authorized
4 and empowered, in their discretion, to cooperate with the Department of ~~Natural~~
5 ~~Resources and Community Development~~ or other association, organization, or
6 corporation in making surveys of any of the natural resources of their county, and to
7 appropriate and pay out of the funds under their control such proportional part of the
8 cost of such survey as they may deem proper and just."

9 Sec. 45. G.S. 113-22 reads as rewritten:

10 **"§ 113-22. Control of State forests.**

11 The Department of ~~Natural Resources and Community Development~~ and Secretary
12 of ~~Natural Resources and Community Development~~ shall have charge of all State
13 forests, and measures for forest fire prevention."

14 Sec. 46. G.S. 113-23 reads as rewritten:

15 **"§ 113-23. Control of Mount Mitchell Park and other State parks.**

16 The Department of ~~Natural Resources and Community Development~~ shall have the
17 control and management of Mount Mitchell Park and of any other parks which have
18 been or may be acquired by the State as State parks."

19 Sec. 47. G.S. 113-26.1 reads as rewritten:

20 **"§ 113-26.1. Bureau of Mines; mineral museum.**

21 The Governor and the Council of State are hereby authorized, in their discretion and
22 at such times as the development of the mineral resources and the expansion of mining
23 operations in the State justify and make reasonably necessary, to create and establish as
24 a part of the Department of ~~Natural Resources and Community Development~~ a Bureau
25 of Mines, or a mineral museum in cooperation with the National Park Service, to be
26 located in the western part of the State, with a view to rendering such aid and assistance
27 to mining developments in this State as may be helpful in this expanding industry, and
28 to allocate from the Contingency and Emergency Fund such funds as may reasonably be
29 necessary for the establishment and operation of such Bureau of Mines or mineral
30 museum.

31 The Department of ~~Natural Resources and Community Development~~ may adopt
32 rules governing the operation of a Bureau of Mines or mineral museum established
33 under this section."

34 Sec. 48. G.S. 113-28 reads as rewritten: *♦ *♦

35 **"§ 113-28. Reimbursement of government for expense of emergency conservation**
36 **work.**

37 When and if, upon the sale of State lands or its products, the Secretary of ~~Natural~~
38 ~~Resources and Community Development~~ determines that the State has derived a direct
39 profit as a result of work on the land sold, or on land the products of which are sold,
40 done or to be done, under a project carried on pursuant to an act of Congress entitled,
41 'An act for the relief of unemployment through the performance of useful public work,
42 and for other purposes' approved March 31, 1933, one half of such profit from such sale
43 of land, or one half the proceeds of the sale of such products, or such lesser amount as
44 may be sufficient, shall be applied to or toward reimbursing the United States

1 government for moneys expended by it under such act, for the work so done, to the
 2 extent and at the rate of one dollar (\$1.00) per man per day, for the time spent in such
 3 work, but not exceeding in the aggregate three dollars (\$3.00) per acre. The Secretary
 4 ~~of Natural Resources and Community Development~~ shall fix and determine the amount
 5 of such profit or proceeds. Such one-half part of such proceeds or profits, as the case
 6 may be, shall be retained by the Department ~~of Natural Resources and Community~~
 7 ~~Development~~, or paid over to it by any other authorized agency making the sale, to be
 8 so retained by such Department until the account of the United States government, with
 9 respect to such sale, becomes liquidated. Upon completion of the sale, the Department
 10 ~~of Natural Resources and Community Development~~ is hereby authorized to settle with
 11 the proper federal authority an account fixing the amount due the United States
 12 government and to pay over to it the amount so fixed. The unexpended remainder, if
 13 any, of such one-half part of such profit or proceeds shall then be paid over or applied
 14 by said Department ~~of Natural Resources and Community Development~~ as now
 15 authorized and directed by law. This section shall not be construed to authorize the sale
 16 of State lands or products, but applies only to a sale now or hereafter authorized by
 17 other provisions of law. This section is enacted to procure a continuance of the
 18 emergency conservation work within the State, under such act of Congress."

19 Sec. 49. G.S. 113-28.1 reads as rewritten:

20 "**§ 113-28.1. Designated employees commissioned special peace officers by**
 21 **Governor.**

22 Upon application by the Secretary of ~~Natural Resources and Community~~
 23 ~~Development~~ Environment, Health, and Natural Resources, the Governor is hereby
 24 authorized and empowered to commission as special peace officers such of the
 25 employees of the Department of ~~Natural Resources and Community Development~~
 26 Environment, Health, and Natural Resources as the Secretary may designate for the
 27 purpose of enforcing the laws, rules ~~and regulations~~ enacted or adopted for the
 28 protection, preservation and government of State parks, lakes, reservations and other
 29 lands or waters under the control or supervision of the Department of ~~Natural Resources~~
 30 ~~and Community Development~~ Environment, Health, and Natural Resources."

31 Sec. 50. G.S. 113-28.2 reads as rewritten:

32 "**§ 113-28.2. Powers of arrest.**

33 Any employee of the Department of ~~Natural Resources and Community~~
 34 ~~Development~~ Environment, Health, and Natural Resources commissioned as a special
 35 peace officer shall have the right to arrest with warrant any person violating any law, ~~or~~
 36 ~~rule or regulation~~ on or relating to the State parks, lakes, reservations and other lands or
 37 waters under the control or supervision of the Department of ~~Natural Resources and~~
 38 ~~Community Development~~ Environment, Health, and Natural Resources, and shall have
 39 the power to pursue and arrest without warrant any person violating in his presence any
 40 law, ~~or rule or regulation~~ on or relating to said parks, lakes, reservations and other lands
 41 or waters under the control or supervision of the Department of ~~Natural Resources and~~
 42 ~~Community Development~~ Environment, Health, and Natural Resources."

43 Sec. 51. G.S. 113-28.3 reads as rewritten:

44 "**§ 113-28.3. Bond required.**

1 Each employee of the State ~~Department of Natural Resources and Community~~
2 ~~Development-Environment, Health, and Natural Resources~~ commissioned as a special
3 peace officer under this Article shall give a bond with a good surety, payable to the
4 State of North Carolina in a sum not less than one thousand dollars (\$1,000),
5 conditioned upon the faithful discharge of his duty as such peace officer. The bond
6 shall be duly approved by and filed in the office of the Commissioner of Insurance, and
7 copies of the same, certified by the Commissioner of Insurance, shall be received in
8 evidence in all actions and proceedings in this State."

9 Sec. 52. G.S. 113-28.4 reads as rewritten:

10 **"§ 113-28.4. Oaths required.**

11 Before any employee of the Department of ~~Natural Resources and Community~~
12 ~~Development-Environment, Health, and Natural Resources~~ commissioned as a special
13 peace officer shall exercise any power of arrest under this Article he shall take the oaths
14 required of public officers before an officer authorized to administer oaths."

15 Sec. 53. G.S. 113-28.23 reads as rewritten:

16 **"§ 113-28.23. Designation of administering agency powers and responsibilities.**

17 The Department of ~~Natural Resources and Community Development-Commerce~~
18 (hereinafter 'Department') is directed to carry out the purposes and provisions of this
19 Article. In carrying out this directive, the Secretary of the Department (hereinafter
20 'Secretary') shall promulgate rules consistent with the purposes and provisions of this
21 Article."

22 Sec. 54. G.S. 113-29 reads as rewritten:

23 **"§ 113-29. Policy and plan to be inaugurated by Department of ~~Natural Resources~~**
24 **~~and Community Development~~Environment, Health, and Natural**
25 **Resources.**

26 (a) In this Article, unless the context requires otherwise, the expression
27 'Department' means the Department of Environment, Health, and Natural Resources:
28 'Secretary' means the Secretary of Environment, Health, and Natural Resources.

29 (b) The Department of ~~Natural Resources and Community Development~~
30 ~~Environment, Health, and Natural Resources~~ shall inaugurate the following policy and
31 plan looking to the cooperation with private and public forest owners in this State
32 insofar as funds may be available through legislative appropriation, gifts of money or
33 land, or such cooperation with landowners and public agencies as may be available:

- 34 (1) The extension of the forest fire prevention organization to all counties
35 in the State needing such protection.
- 36 (2) To cooperate with federal and other public agencies in the restoration
37 of forest growth on land unwisely cleared and subsequently neglected.
- 38 (3) To furnish trained and experienced experts in forest management, to
39 inspect private forestlands and to advise with forest landowners with a
40 view to the general observance of recognized and practical rules of
41 growing, cutting and marketing timber. The services of such trained
42 experts of the Department must naturally be restricted to those
43 landowners who agree to carry out so far as possible the
44 recommendations of said Department.

1 (4) To prepare and distribute printed and other material for the use of
 2 teachers and club leaders and to provide instruction to schools and
 3 clubs and other groups of citizens in order to train the younger
 4 generation in the principles of wise use of our forest resources.

5 (5) To acquire small areas of suitable land in the different regions of the
 6 State on which to establish small, model forests which shall be
 7 developed and used by the said Department of ~~Natural Resources and~~
 8 ~~Community Development~~ as State demonstration forests for
 9 experiment and demonstration in forest management."

10 Sec. 55. G.S. 113-29.1 reads as rewritten:

11 **"§ 113-29.1. Growing of timber on unused State lands authorized.**

12 The Department of Administration may allocate to the Department of ~~Natural~~
 13 ~~Resources and Community Development~~, for management as a State forest, any vacant
 14 and unappropriated lands, any marshlands or swamplands, and any other lands title to
 15 which is vested in the State or in any State agency or institution, where such lands are
 16 not being otherwise used and are not suitable for cultivation. Lands under the
 17 supervision of the Wildlife Resources Commission and designated and in use as wildlife
 18 management areas, refuges, or fishing access areas and lands used as research stations
 19 shall not be subject to the provisions of this section. The Department of ~~Natural~~
 20 ~~Resources and Community Development~~ shall plant timber-producing trees on all lands
 21 allocated to it for that purpose by the Department of Administration. The Secretary of
 22 ~~Natural Resources and Community Development~~ may contract with the appropriate
 23 prison authorities for the furnishing, upon such conditions as may be agreed upon from
 24 time to time between such prison authorities and the Secretary of ~~Natural Resources and~~
 25 ~~Community Development~~, of prison labor for use in the planting, cutting, and removal
 26 of timber from State forests which are under the management of the Department of
 27 ~~Natural Resources and Community Development~~."

28 Sec. 56. G.S. 113-30 reads as rewritten:

29 **"§ 113-30. Use of lands acquired by counties through tax foreclosures as**
 30 **demonstration forests.**

31 The boards of county commissioners of the various counties of North Carolina are
 32 herewith authorized to turn over to the said Department of ~~Natural Resources and~~
 33 ~~Community Development~~ title to such tax-delinquent lands as may have been acquired
 34 by said counties under tax sale and as in the judgment of the Secretary of ~~Natural~~
 35 ~~Resources and Community Development~~ may be suitable for the purposes named in
 36 G.S. 113-29, subdivision (5)."

37 Sec. 57. G.S. 113-31 reads as rewritten:

38 **"§ 113-31. Procedure for acquisition of delinquent tax lands from counties.**

39 In the carrying out of the provisions of G.S. 113-30, the several boards of county
 40 commissioners shall furnish forthwith on written request of the Department of ~~Natural~~
 41 ~~Resources and Community Development~~ a complete list of all properties acquired by
 42 the county under tax sale and which have remained unredeemed for a period of two
 43 years or more. On receipt of this list the Secretary of the Department of ~~Natural~~
 44 ~~Resources and Community Development~~ shall have the lands examined and if any one

1 or more of these properties is in his judgment suitable for the purposes set forth in G.S.
2 113-30, request shall be made to the county commissioners for the acquisition of such
3 land by the Department at a price not to exceed the actual amount of taxes due without
4 penalties. On receipt of this request the county commissioners shall make permanent
5 transfer of such tract or tracts of land to the Department through fee-simple deed or
6 other legal transfer, said deed to be approved by the Attorney General of North
7 Carolina, and shall then receive payment from the Department as above outlined."

8 Sec. 58. G.S. 113-32 reads as rewritten:

9 **"§ 113-32. Purchase of lands for use as demonstration forests.**

10 Where no suitable tax-delinquent lands are available and in the judgment of the
11 Department of Natural Resources and Community Development the establishment of a
12 demonstration forest is advisable, the Department may purchase sufficient land for the
13 establishment of such a demonstration forest at a fair and agreed-upon price, the deed
14 for such land to be subject to approval of the Attorney General, but nothing in G.S. 113-
15 29 to 113-33 shall allow the Department of Natural Resources and Community
16 Development to acquire land under the right of eminent domain."

17 Sec. 59. G.S. 113-34 reads as rewritten:

18 **"§ 113-34. Power to acquire lands as State forests, parks, etc.; donations or leases**
19 **by United States; leases for recreational purposes; rules governing public**
20 **use.**

21 The Governor of the State is authorized upon recommendation of the Department of
22 ~~Natural Resources and Community Development~~ to accept gifts of land to the State, the
23 same to be held, protected, and administered by said Department of Natural Resources
24 ~~and Community Development~~ as State forests, and to be used so as to demonstrate the
25 practical utility of timber culture and water conservation, and as refuges for game. Such
26 gifts must be absolute except in such cases as where the mineral interest on the land has
27 previously been sold. The State Department of Natural Resources and Community
28 ~~Development~~ shall have the power to purchase lands in the name of the State, suitable
29 chiefly for the production of timber, as State forests, for experimental, demonstration,
30 educational, park, and protection purposes, using for such purposes any special
31 appropriations or funds available. The State Department of Natural Resources and
32 ~~Community Development~~ shall also have the power to acquire by condemnation under
33 the provisions of Chapter 40, such areas of land in different sections of the State as may
34 in the opinion of the Department of Natural Resources and Community Development be
35 necessary for the purpose of establishing and/or developing State forests, State parks
36 and other areas and developments essential to the effective operation of the State
37 forestry and State park activities with which the Department of Natural Resources and
38 ~~Community Development~~ has been or may be entrusted. Such condemnation
39 proceedings shall be instituted and prosecuted in the name of the State of North
40 Carolina, and any property so acquired shall be administered, developed and used for
41 experiment and demonstration in forest management, for public recreation and for such
42 other purposes authorized or required by law: Provided, that before any action or
43 proceeding under this section can be exercised, the approval of the Governor and
44 Council of State shall be obtained and filed with the clerk of the superior court in the

1 county or counties where such property may be situate, and until such approval is
2 obtained, the rights and powers conferred by this section shall not be exercised. The
3 Attorney General of the State is directed to see that all deeds to the State for land
4 mentioned in this section are properly executed before the gift is accepted or payment of
5 the purchase money is made.

6 ~~The Department of Natural Resources and Community Development~~ is further
7 authorized and empowered to accept as gifts to the State of North Carolina such forest
8 and submarginal farmland acquired by said federal government as may be suitable for
9 the purpose of creating and maintaining State-controlled forests, game refuges, public
10 shooting grounds, State parks, State lakes, and other recreational areas, or to enter into
11 longtime leases with the federal government for such areas and administer them with
12 such funds as may be secured from their administration in the best interest of longtime
13 public use, supplemented by such necessary appropriations as may be made by the
14 General Assembly. ~~The Department of Natural Resources and Community~~
15 ~~Development~~ is further empowered to segregate State hunting and fishing licenses, use
16 permits, and concessions and other proper revenue secured through the administration
17 of such forests, game refuges, public shooting grounds, State parks, State lakes, and
18 other recreational areas to be deposited in the State treasury to the credit of the
19 Department to be used for the administration of these areas.

20 ~~The Department of Natural Resources and Community Development~~, with the
21 approval of the Governor and Council of State, is further authorized and empowered to
22 enter into leases of lands and waters for State parks, State lakes and recreational
23 purposes; and the ~~State Department of Natural Resources and Community Development~~
24 may construct, operate and maintain on said lands and waters suitable public service
25 facilities and conveniences and may charge and collect reasonable fees for

- 26 (1) The erection, maintenance and use of docks, piers and such other
27 structures as may be permitted in or on said waters under its own
28 ~~regulations~~rules;
- 29 (2) Fishing privileges in said waters, provided that such privileges shall be
30 extended only to holders of bona fide North Carolina fishing licenses,
31 and provided further that all State fishing laws and rules are complied
32 with.

33 ~~The Department of Natural Resources and Community Development~~ may make
34 reasonable rules for the operation and use of boats or other craft on the surface of the
35 said waters but shall not be authorized to charge or collect fees for such operation or
36 use.

37 The Department may make reasonable rules for the regulation of the use by the
38 public of said lands and waters and of public service facilities and conveniences
39 constructed thereon, and said rules shall have the force and effect of law and any
40 violation of such rules shall constitute a misdemeanor and shall be punishable by a fine
41 of not more than fifty dollars (\$50.00) or imprisonment of not more than 30 days.

42 The authority herein granted is in addition to other authority now held and exercised
43 by the ~~Department of Natural Resources and Community Development~~.

44 Sec. 60. G.S. 113-35 reads as rewritten:

1 "§ 113-35. State timber may be sold by Department of ~~Natural Resources and~~
2 ~~Community Development~~Environment, Health, and Natural Resources;
3 forest nurseries; control over parks, etc.; operation of public service
4 facilities; concessions to private concerns.

5 Timber and other products of such State forestlands may be sold, cut and removed
6 under rules of the Department of ~~Natural Resources and Community Development~~. The
7 Department shall have authority to establish and operate forest tree nurseries and forest
8 tree seed orchards. Forest tree seedlings and seed from these nurseries and seed
9 orchards may be sold to landowners of the State for purposes of forestation under rules
10 of the Department of ~~Natural Resources and Community Development~~. When the
11 Secretary of ~~Natural Resources and Community Development~~ determines that a surplus
12 of seedlings or seed exists, this surplus may be sold, and such sale shall be in
13 conformity with the following priority of sale: first, to agencies of the federal
14 government for planting in the State of North Carolina; second, to commercial nurseries
15 and nurserymen within this State; and third, without distinction, to federal agencies, to
16 other states, and to recognized research organizations for planting either within or
17 outside of this State. The Department shall make reasonable rules for the regulation of
18 the use by the public of such and all State forests, State parks, State lakes, game refuges
19 and public shooting grounds under its charge, which rules, after having been posted in
20 conspicuous places on and adjacent to such properties of the State and at the courthouse
21 of the county or counties in which such properties are situated shall have the force and
22 effect of law and any violation of such rules shall constitute a misdemeanor and shall be
23 punishable by a fine of not more than fifty dollars (\$50.00) or by imprisonment for not
24 exceeding 30 days.

25 The Department may construct and operate within the State forests, State parks,
26 State lakes and any other areas under its charge suitable public service facilities and
27 conveniences, and may charge and collect reasonable fees for the use of same; it may
28 also charge and collect reasonable fees for:

- 29 (1) The erection, maintenance and use of docks, piers and such other
30 structures as may be permitted in or on State lakes under its own
31 regulations;
- 32 (2) Hunting privileges on State forests and fishing privileges in State
33 forests, State parks and State lakes, provided that such privileges shall
34 be extended only to holders of bona fide North Carolina hunting and
35 fishing licenses, and provided further that all State game and fish laws
36 are complied with.

37 The Department of ~~Natural Resources and Community Development~~ may make
38 reasonable rules for the operation and use of boats or other craft on the surface of the
39 said waters but shall not be authorized to charge or collect fees for such operation or
40 use.

41 The Department may also grant to private individuals or companies concessions for
42 operation of public service facilities for such periods and upon such conditions as the
43 Department of ~~Natural Resources and Community Development~~ shall deem to be in the
44 public interest. The department may make reasonable rules for the ~~regulations~~

1 ~~[regulation]~~—regulation of the use by the public of the public service facilities and
2 conveniences herein authorized, which rules shall have the force and effect of law, and
3 any violation of such rules shall constitute a misdemeanor and shall be punishable by a
4 fine of not more than fifty dollars (\$50.00) or by imprisonment for not exceeding 30
5 days."

6 Sec. 61. G.S. 113-35.1 reads as rewritten:

7 "**§ 113-35.1. Uniforms for seasonal park employees.**

8 The Department of ~~Natural Resources and Community Development~~ shall design
9 and adopt a distinguishing uniform vest for seasonal park employees. This vest shall be
10 designed in one size to fit all seasonal employees. The Department shall furnish each
11 seasonal employee with a uniform vest. The seasonal employee shall be required to
12 wear the vest during working hours and shall be required to return the vest at the end of
13 the season or upon termination of employment."

14 Sec. 62. G.S. 113-36(a) reads as rewritten:

15 "(a) Application of Proceeds Generally. – Except as provided in subsection (b) of
16 this section, all money received from the sale of wood, timber, minerals, or other
17 products from the State forests shall be paid into the State treasury and to the credit of
18 the Department of ~~Natural Resources and Community Development~~; and such money
19 shall be expended in carrying out the purposes of this Article and of forestry in general,
20 under the direction of the Secretary, ~~Department of Natural Resources and Community~~
21 ~~Development~~."

22 Sec. 63. G.S. 113-36(b) reads as rewritten: *♦

23 "(b) Tree Cone and Seed Purchase Fund. – A percentage of the money obtained
24 from the sale of seedlings and remaining unobligated at the end of a fiscal year, shall be
25 placed in a special, continuing and nonreverting Tree Cone and Seed Purchase Fund
26 under the control and direction of the Secretary, ~~Department of Natural Resources and~~
27 ~~Community Development~~. The percentage of the sales placed in the fund shall not
28 exceed ten percent (10%). At the beginning of each fiscal year, the secretary shall
29 select the percentage for the upcoming fiscal year depending upon the anticipated costs
30 of tree cones and seeds which the department must purchase. Money in this fund shall
31 not be allowed to accumulate in excess of the amount needed to purchase a four-year
32 supply of tree cones and seed, and shall be used for no purpose other than the purchase
33 of tree cones and seeds."

34 Sec. 64. G.S. 113-40 reads as rewritten:

35 "**§ 113-40. Donations of property for forestry or park purposes; agreements with**
36 **federal government or agencies for acquisition.**

37 The Department of ~~Natural Resources and Community Development~~ is hereby
38 authorized and empowered to accept gifts, donations or contributions of land suitable
39 for forestry or park purposes and to enter into agreements with the federal government
40 or other agencies for acquiring by lease, purchase or otherwise such lands as in the
41 judgment of the Department are desirable for State forests or State parks."

42 Sec. 65. G.S. 113-44.5(b) reads as rewritten:

43 "(b) The purpose of this Article is to direct the Secretary of the Department of ~~of~~
44 ~~Natural Resources and Community Development~~ to conduct continuing studies and

1 investigations and make recommendations to future sessions of the General Assembly.
2 These investigations and recommendations should be:

- 3 (1) Designed to assure the continuous growing and harvesting of forest
4 tree species and to protect the soil, air, and water resources, including
5 but not limited to streams, lakes, and estuaries;
- 6 (2) Designed to coordinate activities among State agencies that are
7 concerned with the forest environment;
- 8 (3) Designed to develop programs to deal with emerging forestry
9 problems, including but not limited to forest taxation, forest incentives,
10 and forest practices;
- 11 (4) Designed to keep the General Assembly fully informed concerning
12 forestry and its related problems and needs; and
- 13 (5) Designed to develop needed legislation to further the purposes of this
14 Article."

15 Sec. 66. G.S. 113-51 reads as rewritten:

16 "**§ 113-51. Powers of Department of Natural Resources and Community**
17 **Development**Environment, Health, and Natural Resources.

18 (a) The State Department of Natural Resources and Community Development
19 Environment, Health, and Natural Resources may take such action as it may deem
20 necessary to provide for the prevention and control of forest fires in any and all parts of
21 this State, and it is hereby authorized to enter into an agreement with the Secretary of
22 Agriculture of the United States for the protection of the forested watersheds of streams
23 in this State.

24 (b) In this Article, unless the context requires otherwise, the expression
25 'Department' means the Department of Environment, Health, and Natural Resources:
26 'Secretary' means the Secretary of Environment, Health, and Natural Resources."

27 Sec. 67. G.S. 113-52 reads as rewritten:

28 "**§ 113-52. Forest rangers.**

29 The Secretary of ~~Natural Resources and Community Development~~ may appoint one
30 county forest ranger and one or more deputy forest rangers in each county of the State in
31 which, after careful investigation, the amount of forestland and the risks from forest
32 fires shall, in his judgment, warrant the establishment of a forest fire organization."

33 Sec. 68. G.S. 113-54 reads as rewritten:

34 "**§ 113-54. Duties of forest rangers; payment of expenses by State and counties.**

35 Forest rangers shall have charge of measures for controlling forest fires, protection
36 of forests from pests and diseases, and the development and improvement of the forests
37 for maximum production of forest products; shall post along highways and in other
38 conspicuous places copies of the forest fire laws and warnings against fires, which shall
39 be supplied by the Secretary of ~~Natural Resources and Community Development~~; shall
40 patrol and man lookout towers and other points during dry and dangerous seasons under
41 the direction of the Secretary of ~~Natural Resources and Community Development~~, and
42 shall perform such other acts and duties as shall be considered necessary by the
43 Secretary of ~~Natural Resources and Community Development~~ in the protection,
44 development and improvement of the forested area of each of the counties within the

1 State. No county may be held liable for any part of the expenses thus incurred unless
2 specifically authorized by the board of county commissioners under prior written
3 agreement with the Secretary of Natural Resources and Community Development;
4 appropriations for meeting the county's share of such expenses so authorized by the
5 board of county commissioners shall be provided annually in the county budget. For
6 each county in which financial participation by the county is authorized, the Secretary
7 of Natural Resources and Community Development shall keep or cause to be kept an
8 itemized account of all expenses thus incurred and shall send such accounts periodically
9 to the board of county commissioners of said county; upon approval by the board of the
10 correctness of such accounts, the county commissioners shall issue or cause to be issued
11 a warrant on the county treasury for the payment of the county's share of such
12 expenditures, said payment to be made within one month after receipt of such statement
13 from the Secretary of Natural Resources and Community Development. Appropriations
14 made by a county for the purposes set out in Articles 4, 4A, 4C and 6A of this Chapter
15 in the cooperative forest protection, development and improvement work are not to
16 replace State and federal funds which may be available to the Secretary of Natural
17 Resources and Community Development for the work in said county, but are to serve as
18 a supplement thereto. The funds appropriated to the Department of Natural Resources
19 and Community Development in the biennial budget appropriation act for the purposes
20 set out in Articles 4, 4A, 4C and 6A of this Chapter shall not be expended in a county
21 unless that county shall contribute at least twenty-five percent (25%) of the total cost of
22 the forestry program."

23 Sec. 69. G.S. 113-55(a) reads as rewritten:

24 "(a) Forest rangers shall prevent and extinguish forest fires and shall have control
25 and direction of all persons and equipment while engaged in the extinguishing of forest
26 fires. During a season of drought, the Secretary of the Department of Natural Resources
27 and Community Development or his designate may establish a fire patrol in any district,
28 and in case of fire in or threatening any forest or woodland, the forest ranger shall attend
29 forthwith and use all necessary means to confine and extinguish such fire. The forest
30 ranger or deputy forest ranger may summon any resident between the ages of 18 and 45
31 years, inclusive, to assist in extinguishing fires and may require the use of crawler
32 tractors and other property needed for such purposes; any person so summoned and who
33 is physically able who refuses or neglects to assist or to allow the use of equipment and
34 such other property required shall be guilty of a misdemeanor and upon conviction shall
35 be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred
36 dollars (\$100.00). No action for trespass shall lie against any forest ranger, deputy
37 forest ranger, or person summoned by him for crossing lands, backfiring, burning out or
38 performing his duties as a forest ranger or deputy forest ranger."

39 Sec. 70. G.S. 113-55.1 reads as rewritten:

40 "**§ 113-55.1. Powers of forest law-enforcement officers.**

41 The Secretary of the Department of Natural Resources and Community
42 Development is authorized to appoint as many forest law-enforcement officers as he
43 deems necessary to carry out the forest law-enforcement responsibilities of the
44 Department of Natural Resources and Community Development. Forest law-

1 enforcement officers shall have all the powers and the duties of a forest ranger
2 enumerated in G.S. 113-54 and 113-55. Forest law-enforcement officers shall, in
3 addition to their other duties, have the powers of peace officers to enforce the forest
4 laws. Any forest law-enforcement officer may arrest, without warrant, any person or
5 persons committing any crime in his presence or whom such officer has probable cause
6 for believing has committed a crime in his presence and bring such person or persons
7 forthwith before a district court or other officer having jurisdiction. Forest law-
8 enforcement officers shall also have authority to obtain and serve warrants including
9 warrants for violation of any duly promulgated ~~regulation~~ rule of the Department of
10 ~~Natural Resources and Community Development.~~"

11 Sec. 71. G.S. 113-56 reads as rewritten:

12 **"§ 113-56. Compensation of forest rangers.**

13 Forest rangers shall receive compensation from the Department of ~~Natural~~
14 ~~Resources and Community Development~~ at a reasonable rate to be fixed by said
15 Department of ~~Natural Resources and Community Development~~ for the time actually
16 engaged in the performance of their duties; and reasonable expenses for equipment,
17 transportation, or food supplies incurred in the performance of their duties, according to
18 an itemized statement to be rendered the Secretary of ~~Natural Resources and~~
19 ~~Community Development~~ every month, and approved by him. Forest rangers shall
20 render to the Secretary of ~~Natural Resources and Community Development~~ a statement
21 of the services rendered by the men employed by them or their deputy rangers, as
22 provided in this Article, within one month of the date of service, which bill shall show
23 in detail the amount and character of the service performed, the exact duration thereof,
24 the name of each person employed, and any other information required by the Secretary
25 of ~~Natural Resources and Community Development~~. If said bill be duly approved by
26 the Secretary of ~~Natural Resources and Community Development~~, it shall be paid by
27 direction of the Department of ~~Natural Resources and Community Development~~ out of
28 any funds provided for that purpose."

29 Sec. 72. G.S. 113-56.1 reads as rewritten:

30 **"§ 113-56.1. Overtime compensation for forest fire fighting.**

31 The Department of ~~Natural Resources and Community Development~~ shall, within
32 funds appropriated to the Department, provide overtime compensation to the
33 professional employees of the Forest Resources Division involved in fighting forest
34 fires."

35 Sec. 73. G.S. 113-58 reads as rewritten:

36 **"§ 113-58. Misdemeanor to destroy posted forestry notice.**

37 Any person who shall maliciously or willfully destroy, deface, remove, or disfigure
38 any sign, poster, or warning notice, posted by order of the Secretary of ~~Natural~~
39 ~~Resources and Community Development~~, under the provisions of this Article, or any
40 other act which may be passed for the purpose of protecting and developing the forests
41 in this State, shall be guilty of a misdemeanor and upon conviction shall be punishable
42 by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00), or
43 imprisoned not exceeding 30 days."

44 Sec. 74. G.S. 113-59 reads as rewritten:

1 **"§ 113-59. Cooperation between counties and State in forest protection and**
2 **development.**

3 The board of county commissioners of any county is hereby authorized and
4 empowered to cooperate with the Department of ~~Natural Resources and Community~~
5 ~~Development~~ in the protection, reforestation, and promotion of forest management of
6 their own forests within their respective counties, and to appropriate and pay out of the
7 funds under their control such amount as is provided in G.S. 113-54."

8 Sec. 75. G.S. 113-60 reads as rewritten:

9 **"§ 113-60. Instructions on forest preservation and development.**

10 It shall be the duty of all district, county, township rangers, and all deputy rangers
11 provided for in this Chapter to distribute in all of the public schools and high schools of
12 the county in which they are serving as such fire rangers all such tracts, books,
13 periodicals and other literature that may, from time to time, be sent out to such rangers
14 by the State and federal forestry agencies touching or dealing with forest preservation,
15 development, and forest management.

16 It shall be the duty of the various rangers herein mentioned under the direction of the
17 ~~Secretary of Natural Resources and Community Development~~, and the duty of the
18 teachers of the various schools, both public and high schools, to keep posted at some
19 conspicuous place in the various classrooms of the school buildings such appropriate
20 bulletins and posters as may be sent out from the forestry agencies herein named for that
21 purpose and keep the same constantly before their pupils; and said teachers and rangers
22 shall prepare lectures or talks to be made to the pupils of the various schools on the
23 subject of forest fires, their origin and their destructive effect on the plant life and tree
24 life of the forests of the State, the development and scientific management of the forests
25 of the State, and shall be prepared to give practical instruction to their pupils from time
26 to time and as often as they shall find it possible so to do."

27 Sec. 76. G.S. 113-60.1 reads as rewritten:

28 **"§ 113-60.1. Authority of Governor to close forests and woodlands to hunting,**
29 **fishing and trapping.**

30 During periods of protracted drought or when other hazardous fire conditions
31 threaten forest and water resources and appear to require extraordinary precautions, the
32 Governor of the State, upon the joint recommendation of the Secretary of ~~Natural~~
33 ~~Resources and Community Development~~ and the Executive Director of the North
34 Carolina Wildlife Resources Commission, may by official proclamation:

- 35 (1) Close any or all of the woodlands and inland waters of the State to
36 hunting, fishing and trapping for the period of the emergency.
- 37 (2) Forbid for the period of the emergency the building of campfires and
38 the burning of brush, grass or other debris within 500 feet of any
39 woodland in any county, counties, or parts thereof.
- 40 (3) Close for the period of the emergency any or all of the woodlands of
41 the State to such other persons and activities as he deems proper under
42 the circumstances, except to the owners or tenants of such property
43 and their agents and employees, or persons holding written permission

1 from any owner or his recognized agent to enter thereon for any lawful
2 purpose other than hunting, fishing or trapping."

3 Sec. 77. G.S. 113-60.2 reads as rewritten:

4 **"§ 113-60.2. Publication of proclamation; annulment thereof.**

5 Such proclamation shall become effective 24 hours after certified time of issue, and
6 shall be published in such newspapers and posted in such places and in such manner as
7 the Governor may direct. It shall be annulled in the same manner by another
8 proclamation by the Governor when he is satisfied, upon joint recommendation of the
9 Secretary of ~~Natural Resources and Community Development~~ and the Executive
10 Director of the North Carolina Wildlife Resources Commission, that the period of the
11 emergency has passed."

12 Sec. 78. G.S. 113-60.4 reads as rewritten:

13 **"§ 113-60.4. Purpose and intent.**

14 (a) The purpose of this Article is to place within the Department of ~~Natural~~
15 ~~Resources and Community Development~~ Environment, Health, and Natural Resources,
16 the authority and responsibility for investigating insect infestations and disease
17 infections which affect stands of forest trees, the devising of control measures for
18 interested landowners and others, and taking measures to control, suppress, or eradicate
19 outbreaks of forest insect pests and tree diseases.

20 (b) In this Article, unless the context requires otherwise, the expression
21 'Department' means the Department of Environment, Health, and Natural Resources:
22 'Secretary' means the Secretary of Environment, Health, and Natural Resources.'

23 Sec. 79. G.S. 113-60.5 reads as rewritten:

24 **"§ 113-60.5. Authority of the Department of Natural Resources and Community**
25 **Development.**

26 The authority and responsibility for carrying out the purpose, intent and provisions
27 of this Article are hereby delegated to the Department of ~~Natural Resources and~~
28 ~~Community Development~~. The administration of the provisions of this Article shall be
29 under the general supervision of the Secretary of ~~Natural Resources and Community~~
30 ~~Development~~. The provisions of this Article shall not abrogate or change any power or
31 authority as may be vested in the North Carolina Department of Agriculture under
32 existing statutes."

33 Sec. 80. G.S. 113-60.6(4) reads as rewritten:

34 "(4) 'Infection' means attack by any disease affecting forest trees which is
35 declared by the Secretary of ~~Natural Resources and Community Development~~ to be
36 dangerously injurious thereto."

37 Sec. 81. G.S. 113-60.6(5) reads as rewritten:

38 "(5) 'Infestation' means attack by means of any insect, which is by the Secretary
39 of ~~Natural Resources and Community Development~~ declared to be dangerously
40 injurious to forest trees."

41 Sec. 82. G.S. 113-60.7 reads as rewritten:

42 **"§ 113-60.7. Action against insects and diseases.**

43 Whenever the Secretary of ~~Natural Resources and Community Development~~, or his
44 agent, determines that there exists an infestation of forest insect pests or an infection of

1 forest tree diseases, injurious or potentially injurious to the timber or forest trees within
2 the State of North Carolina, and that said infestation or infection is of such a character
3 as to be a menace to the timber or forest growth of the State, the Secretary of ~~Natural~~
4 ~~Resources and Community Development~~ shall declare the existence of a zone of
5 infestation or infection and shall declare and fix boundaries so as to definitely describe
6 and identify said zone of infestation or infection, and the Secretary of ~~Natural Resources~~
7 ~~and Community Development~~ or his agent shall give notice in writing by mail or
8 otherwise to each forest landowner within the designated control zone advising him of
9 the nature of the infestation or infection, the recommended control measures, and offer
10 him technical advice on methods of carrying out controls."

11 Sec. 83. G.S. 113-60.8 reads as rewritten:

12 **"§ 113-60.8. Authority of Secretary of ~~Natural Resources and Community~~**
13 **~~Development~~ and his agents to go upon private land within control zones.**

14 The Secretary of ~~Natural Resources and Community Development~~ or his agents
15 shall have the power to go upon the land within any zone of infestation or infection and
16 take measures to control, suppress or eradicate the insect, infestation or disease
17 infection. If any person refuses to allow the Secretary of ~~Natural Resources and~~
18 ~~Community Development~~ or his agents to go upon his land, or if any person refuses to
19 adopt adequate means to control or eradicate the insect, infestation or disease infection,
20 the Secretary of ~~Natural Resources and Community Development~~ may apply to the
21 superior court of the county in which the land is located for an injunction or other
22 appropriate remedy to restrain the landowner from interfering with the Secretary of
23 ~~Natural Resources and Community Development~~ or his agents in entering the control
24 zone and adopting measures to control, suppress or eradicate the insect infestation or
25 disease infection, provided the cost of court or control thereof shall not be a liability
26 against the forest landowner nor constitute a lien upon the real property of such infested
27 area."

28 Sec. 84. G.S. 113-60.9 reads as rewritten:

29 **"§ 113-60.9. Cooperative agreements.**

30 In order to more effectively carry out the purposes of this Article, the Department of
31 ~~Natural Resources and Community Development~~ is hereby authorized to enter into
32 cooperative agreement with the federal government and other public and private
33 agencies, and with the owners of forestland."

34 Sec. 85. G.S. 113-60.10 reads as rewritten:

35 **"§ 113-60.10. Annulment of control zone.**

36 Whenever the Secretary of ~~Natural Resources and Community Development~~
37 determines that the forest insect or disease control work within a designated control
38 zone is no longer necessary or feasible, then the Secretary of ~~Natural Resources and~~
39 ~~Community Development~~ shall declare the zone of infestation or infection no longer
40 pertinent to the purposes of this Article and such zone will then no longer be
41 recognized."

42 Sec. 86. G.S. 113-61 reads as rewritten:

43 **"§ 113-61. Private limited dividend corporations may be formed.**

1 (a) In this Article, unless the context requires otherwise, the expression
2 'Department' means the Department of Environment, Health, and Natural Resources;
3 'Secretary' means the Secretary of Environment, Health, and Natural Resources.

4 (b) Three or more persons, who associate themselves by an agreement in writing
5 for the purpose, may become a private limited dividend corporation to finance and carry
6 out projects for the protection and development of forests and for such other related
7 purposes as the Secretary of Natural Resources and Community Development shall
8 approve, subject to all the duties, restrictions and liabilities, and possessing all the
9 rights, powers, and privileges, of corporations organized under the general corporation
10 laws of the State of North Carolina, except where such provisions are in conflict with
11 this Article."

12 Sec. 87. G.S. 113-62 reads as rewritten:

13 **"§ 113-62. Manner of organizing.**

14 A corporation formed under this Article shall be organized and incorporated in the
15 manner provided for organization of corporations under the general corporation laws of
16 the State of North Carolina, except where such provisions are in conflict with this
17 Article. The certificate of organization of any such corporation shall contain a
18 statement that it is organized under the provisions of this Article and that it consents to
19 be and shall be at all times subject to the rules, regulations and supervision of the
20 Secretary of Natural Resources and Community Development, and shall set forth as or
21 among its purposes the protection and development of forests and the purchase,
22 acquisition, sale, conveyance and other dealing in the same and the products therefrom,
23 subject to the rules and regulations from time to time imposed by the Secretary of
24 Natural Resources and Community Development."

25 Sec. 88. G.S. 113-63 reads as rewritten:

26 **"§ 113-63. Directors.**

27 There shall not be less than three directors, one of whom shall always be a person
28 designated by the Secretary of Natural Resources and Community Development, which
29 one need not be a stockholder."

30 Sec. 89. G.S. 113-64 reads as rewritten:

31 **"§ 113-64. Duties of supervision by Secretary of Natural Resources and
32 Community Development Health and Environment.**

33 Corporations formed under this Article shall be regulated by the Secretary of Natural
34 Resources and Community Development in the manner provided in this Article.
35 Traveling and other expenses incurred by him in the discharge of the duties imposed
36 upon him by this Article shall be charged to, and paid by, the particular corporation or
37 corporations on account of which such expenses are incurred. His general expenses
38 incurred in the discharge of such duties which cannot be fairly charged to any particular
39 corporation or corporations shall be charged to, and paid by, all the corporations then
40 organized and existing under this Article pro rata according to their respective stock
41 capitalizations. The Secretary of Natural Resources and Community Development
42 shall:

- 43 (1) Adopt rules to implement this Article and to protect and develop
44 forests subject to its jurisdiction.

- 1 (2) Order all corporations organized under this Article to do such acts as
2 may be necessary to comply with the provisions of law and the rules
3 ~~and regulations~~ adopted by the Secretary of Natural Resources and
4 ~~Community Development~~, or to refrain from doing any acts in
5 violation thereof.
- 6 (3) Keep informed as to the general condition of all such corporations,
7 their capitalization and the manner in which their property is
8 permitted, operated or managed with respect to their compliance with
9 all provisions of law and orders of the Secretary of Natural Resources
10 ~~and Community Development~~.
- 11 (4) Require every such corporation to file with the Secretary of Natural
12 ~~Resources and Community Development~~ annual reports and, if the
13 Secretary of Natural Resources and ~~Community Development~~ shall
14 consider it advisable, other periodic and special reports, setting forth
15 such information as to its affairs as the Secretary of Natural Resources
16 ~~and Community Development~~ may require."

17 Sec. 90. G.S. 113-65 reads as rewritten:

18 "**§ 113-65. Powers of Secretary.**

19 The Secretary of Natural Resources and ~~Community Development~~ may:

- 20 (1) Examine at any time all books, contracts, records, documents and
21 papers of any such corporation.
- 22 (2) In his discretion prescribe uniform methods and forms of keeping
23 accounts, records and books to be observed by such corporation, and
24 prescribe by order accounts in which particular outlays and receipts are
25 to be entered, charged or credited. The Secretary of Natural Resources
26 ~~and Community Development~~ shall not, however, have authority to
27 require any revaluation of the real property or other fixed assets of
28 such corporations, but he shall allow proper charges for the depletion
29 of timber due to cutting or destruction.
- 30 (3) Enforce the provisions of this Article, a rule implementing this Article,
31 or an order issued under this Article by filing a petition for a writ of
32 mandamus or application for an injunction in the superior court of the
33 county in which the respondent corporation has its principal place of
34 business. The final judgment in any such proceeding shall either
35 dismiss the proceeding or direct that a writ of mandamus or an
36 injunction, or both, issue as prayed for in the petition or in such
37 modified or other form as the court may determine will afford
38 appropriate relief."

39 Sec. 91. G.S. 113-66 reads as rewritten:

40 "**§ 113-66. Provision for appeal by corporations to Governor.**

41 If any corporation organized under this Article is dissatisfied with or aggrieved at
42 any ~~regulation~~, rule or order imposed upon it by the Secretary of Natural Resources and
43 ~~Community Development~~, or any valuation or appraisal of any of its property made by
44 the Secretary of Natural Resources and ~~Community Development~~, or any failure of or

1 refusal by the Secretary of Natural Resources and Community Development to approve
2 of or consent to any action which it can take only with such approval or consent, it may
3 appeal to the Governor by filing with him a claim of appeal upon which the decision of
4 the Governor shall be final. Such determination, if other than a dismissal of the appeal,
5 shall be set forth by the Governor in a written mandate to the Secretary of Natural
6 Resources and Community Development, who shall abide thereby and take such actions
7 as the same may direct."

8 Sec. 92. G.S. 113-68 reads as rewritten:

9 **"§ 113-68. Issuance of securities restricted.**

10 No such corporation shall issue stock, bonds or other securities except for money,
11 timberlands, or interests therein, located in the State of North Carolina or other property,
12 actually received, or services rendered, for its use and its lawful purposes. Timberlands,
13 or interests therein, and other property or services so accepted therefor, shall be upon a
14 valuation approved by the Secretary of Natural Resources and Community
15 Development."

16 Sec. 93. G.S. 113-70 reads as rewritten:

17 **"§ 113-70. Earnings above dividend requirements payable to State.**

18 Any earnings of such corporation in excess of the amounts necessary to pay
19 dividends to stockholders at the rate set forth in G.S. 113-67 shall be paid over to the
20 State of North Carolina prior to the dissolution of such corporation. Net income or net
21 losses (determined in such manner as the Secretary of Natural Resources and
22 Community Development shall consider properly to show such income or losses) from
23 the sale of the capital assets of such corporation, whether such sale be upon dissolution
24 or otherwise, shall be considered in determining the earnings of such corporation for the
25 purposes of this section. In determining such earnings unrealized appreciation or
26 depreciation of real estate or other fixed assets shall not be considered."

27 Sec. 94. G.S. 113-71 reads as rewritten:

28 **"§ 113-71. Dissolution of corporation.**

29 Any such corporation may be dissolved at any time in the manner provided by and
30 under the provisions of the general corporation laws of the State of North Carolina,
31 except that the court shall dismiss any petition for dissolution of any such corporation
32 filed within 20 years of the date of its organization unless the same is accompanied by a
33 certificate of the Secretary of Natural Resources and Community Development
34 consenting to such dissolution."

35 Sec. 95. G.S. 113-72 reads as rewritten:

36 **"§ 113-72. Cutting and sale of timber.**

37 Any such corporation may cut and sell the timber on its land or permit the cutting
38 thereof, but all such cuttings shall be in accordance with the ~~regulations~~rules,
39 restrictions and limitations imposed by the Secretary of Natural Resources and
40 Community Development, who shall impose such ~~regulations~~rules, restrictions and
41 limitations with respect thereto as may reasonably conform to the accepted custom and
42 usage of good forestry and forest economy, taking into consideration the situation,
43 nature and condition of the tract so cut or to be cut, and the financial needs of such
44 corporation from time to time."

1 Sec. 96. G.S. 113-73 reads as rewritten:

2 **"§ 113-73. Corporation may not sell or convey without consent of Secretary, or pay**
3 **higher interest rate than 6%.**

4 No such corporation shall:

- 5 (1) Sell, assign or convey any real property owned by it or any right, title
6 or interest therein, except upon notice to the Secretary of ~~Natural~~
7 ~~Resources and Community Development~~ of the terms of such sale,
8 transfer or assignment, and unless the Secretary of ~~Natural Resources~~
9 ~~and Community Development~~ shall consent thereto, and if the
10 Secretary of ~~Natural Resources and Community Development~~ shall
11 require it, unless the purchaser thereof shall agree that such real estate
12 shall remain subject to the ~~regulations~~ rules and supervision of the
13 Secretary of ~~Natural Resources and Community Development~~ for such
14 period as the latter may require;
- 15 (2) Pay interest returns on its mortgage indebtedness at a higher rate than
16 six per centum (6%) per annum without the consent of the Secretary of
17 ~~Natural Resources and Community Development~~;
- 18 (3) Mortgage any real property without first having obtained the consent
19 of the Secretary of ~~Natural Resources and Community Development~~."

20 Sec. 97. G.S. 113-74 reads as rewritten:

21 **"§ 113-74. Power to borrow money limited.**

22 Any such corporation formed under this Article may, subject to the approval of the
23 Secretary of ~~Natural Resources and Community Development~~, borrow funds and secure
24 their payment thereof by note or notes and mortgage or by the issue of bonds under a
25 trust indenture. The notes or bonds so issued and secured and the mortgage or trust
26 indenture relating thereto may contain such clauses and provisions as shall be approved
27 by the Secretary of ~~Natural Resources and Community Development~~, including the right
28 to enter into possession in case of default; but the operations of the mortgagee or
29 receiver entering in such event or of the purchaser of the property upon foreclosure shall
30 be subject to the ~~regulations~~ rules of the Secretary of ~~Natural Resources and Community~~
31 ~~Development~~ for such period as the mortgage or trust indenture may specify."

32 Sec. 98. G.S. 113-75 reads as rewritten:

33 **"§ 113-75. Secretary to approve development of forests.**

34 No project for the protection and development of forests proposed by any such
35 corporation shall be undertaken without the approval of the Secretary of ~~Natural~~
36 ~~Resources and Community Development~~, and such approval shall not be given unless:

- 37 (1) The Secretary of ~~Natural Resources and Community Development~~
38 shall have received a statement duly executed and acknowledged on
39 behalf of the corporation proposing such project, in such adequate
40 detail as the Secretary of ~~Natural Resources and Community~~
41 ~~Development~~ shall require of the activities to be included in the
42 project, such statement to set forth the proposals as to
43 a. Fire prevention and protection,
44 b. Protection against insects and tree diseases,

- 1 c. Protection against damage by livestock and game,
2 d. Means, methods and rate of, and restrictions upon, cutting and
3 other utilization of the forests, and
4 e. Planting and spacing of trees.

5 (2) There shall be submitted to the Secretary of ~~Natural Resources and~~
6 ~~Community Development~~ a financial plan satisfactory to him setting
7 forth in detail the amount of money needed to carry out the entire
8 project, and how such sums are to be allocated, with adequate
9 assurances to the Secretary of ~~Natural Resources and Community~~
10 ~~Development~~ as to where such funds are to be secured.

11 (3) The Secretary of ~~Natural Resources and Community Development~~
12 shall be satisfied that the project gives reasonable assurance of the
13 operation of the forests involved on a sustained-yield basis except
14 insofar as the Secretary of ~~Natural Resources and Community~~
15 ~~Development~~ shall consider the same impracticable.

16 (4) The corporation proposing such project shall agree that the project
17 shall at all times be subject to the supervision and inspection of the
18 Secretary of ~~Natural Resources and Community Development~~, and that
19 it will at all times comply with such rules and regulations concerning
20 the project as the Secretary of ~~Natural Resources and Community~~
21 ~~Development~~ shall from time to time impose."

22 Sec. 99. G.S. 113-76 reads as rewritten:

23 **"§ 113-76. Application of corporate income.**

24 The gross annual income of any such corporation, whether received from sales of
25 timber, timber operations, stumpage permits or other sources, shall be applied as
26 follows: first, to the payment of all fixed charges, and all operating and maintenance
27 charges and expenses including taxes, assessments, insurance, amortization charges in
28 amounts approved by the Secretary of ~~Natural Resources and Community Development~~
29 to amortize mortgage or other indebtedness and reserves essential to operation; second,
30 to surplus, and/or to the payment of dividends not exceeding the maximum fixed by this
31 Article; third, the balance, if any, in reduction of debts."

32 Sec. 100. G.S. 113-77 reads as rewritten:

33 **"§ 113-77. Reorganization of corporations.**

34 Reorganization of corporations organized under this Article shall be subject to the
35 supervision of the Secretary of ~~Natural Resources and Community Development~~ and no
36 such reorganization shall be had without the authorization of the Secretary of ~~Natural~~
37 ~~Resources and Community Development~~."

38 Sec. 101. G.S. 113-81.1 reads as rewritten:

39 **"§ 113-81.1. Authority to render scientific forestry services.**

40 (a) In this Article, unless the context requires otherwise, the expression
41 'Department' means the Department of ~~Natural Resources and Community~~
42 ~~Development~~ Environment, Health, and Natural Resources: 'Secretary' means the
43 Secretary of ~~Natural Resources and Community Development~~ Environment, Health, and
44 Natural Resources.

1 (b) The Department of ~~Natural Resources and Community Development~~ is
2 hereby authorized to designate, upon request, forest trees of forest landowners and
3 forest operators for sale or removal, by blazing or otherwise, and to measure or estimate
4 the volume of same under the terms and conditions hereinafter provided. The
5 Department is also authorized to cooperate with landowners of the State and with
6 counties, municipalities and State agencies by making available forestry services
7 consisting of specialized equipment and operators, or by renting such equipment, and to
8 perform such labor and services as may be necessary to carry out approved forestry
9 practices, including site preparation, forest planting, prescribed burning, and other
10 appropriate forestry practices. For such services or rentals, a reasonable fee
11 representing the Secretary's ~~of Natural Resources and Community Development's~~
12 estimate of not less than the costs of such services or rentals shall be charged, provided
13 however, when the Secretary ~~of Natural Resources and Community Development~~
14 deems it in the public interest, said services may be provided without charge, for the
15 purpose of encouraging the use of approved scientific forestry practice on the private or
16 other forestlands within the State, or for the purpose of providing practical
17 demonstrations of said practices. Receipts from these activities and rentals shall be
18 credited to the budget of the Department ~~of Natural Resources and Community~~
19 ~~Development~~ for the furtherance of these activities."

20 Sec. 102. G.S. 113-81.2 reads as rewritten:

21 "**§ 113-81.2. Services under direction of Secretary ~~of Natural Resources and~~**
22 **~~Community Development~~; compensation; when services without charge.**

23 The administration of the provisions of this Article shall be under the direction of the
24 Secretary ~~of Natural Resources and Community Development~~. The Secretary ~~of~~
25 ~~Natural Resources and Community Development~~, or his authorized agent, upon receipt
26 of a request from a forest landowner or operator for technical forestry assistance or
27 service, may designate forest trees for removal for lumber, veneer, poles, piling,
28 pulpwood, cordwood, ties, or other forest products by blazing, spotting with paint or
29 otherwise designating in an approved manner; he may measure or estimate the
30 commercial volume contained in the trees designated; he may furnish the landowner or
31 operator with a statement of the volume of the trees so designated and estimated; he
32 may assist in finding a suitable market for the products so designated, and he may offer
33 general forestry advice concerning the management of the forest.

34 For such designating, measuring or estimating services the Secretary ~~of Natural~~
35 ~~Resources and Community Development~~ may make a charge, on behalf of the
36 Department ~~of Natural Resources and Community Development~~, in an amount not to
37 exceed five percent (5%) of the sale price or fair market value of the stumpage so
38 designated and measured or estimated. Upon receipt from the Secretary ~~of Natural~~
39 ~~Resources and Community Development~~ of a statement of such charges, the landowner
40 or operator or his agent shall make payment to the Secretary ~~of Natural Resources and~~
41 ~~Community Development~~ within 30 days.

42 In those cases where the Secretary ~~of Natural Resources and Community~~
43 ~~Development~~ deems it desirable to so designate and measure or estimate trees without
44 charge, such services shall be given for the purpose of encouraging the use of approved

1 scientific forestry principles on the private or other forestlands within the State, and to
2 establish practical demonstrations of said principles."

3 Sec. 103. G.S. 113-81.3 reads as rewritten:

4 **"§ 113-81.3. Deposit of receipts with State treasury.**

5 All moneys paid to the Secretary of ~~Natural Resources and Community~~
6 ~~Development~~ for services rendered under the provisions of this Article shall be
7 deposited into the State treasury to the credit of the Department of ~~Natural Resources~~
8 ~~and Community Development~~."

9 Sec. 104. G.S. 113-151.1 reads as rewritten:

10 **"§113-151.1. License agents.**

11 The Secretary shall commission such persons as in his discretion he deems necessary
12 to be license agents for the Department of ~~Natural Resources and Community~~
13 ~~Development~~; provided, that at least one such license agent shall be appointed in each
14 county which contains or borders on coastal fishing waters. Such agents together with
15 the Department of ~~Natural Resources and Community Development~~ shall have the
16 authority and duty to sell all licenses provided for by this Article.

17 License agents shall be compensated by retaining fifty cents (50¢) from each license
18 sold. If more than one license is listed on a consolidated license form, the license agent
19 shall be compensated as if a single license were sold and he shall retain fifty cents
20 (50¢)."

21 Sec. 105. G.S. 113-202(a)(6) reads as rewritten:

22 "(6) The area leased must not include an area which the ~~Department of Human~~
23 ~~Resources~~ State Health Director has recommended be closed to shellfish harvest by
24 reason of pollution."

25 Sec. 106. G.S. 113-203(d) reads as rewritten:

26 "(d) It is lawful to transplant to private beds in North Carolina oysters taken from
27 public beds designated by the Marine Fisheries Commission as natural seed oyster
28 areas. Such areas shall be designated as natural seed oyster areas in the following
29 manner:

30 A petition shall be filed with the Secretary by the board of county commissioners of
31 the county in which such area is located requesting the designation of and describing the
32 area proposed as a natural seed oyster area. Upon the receipt of the petition, the
33 Secretary shall, within six weeks of the receipt by him of such petition, cause an
34 investigation of the area proposed to be designated as a natural seed oyster area. Such
35 investigation shall be made by qualified biologists of the Department of ~~Natural~~
36 ~~Resources and Community Development~~. The Secretary shall then make a
37 recommendation to the Marine Fisheries Commission as to whether the area described
38 in the petition should be designated as a natural seed oyster area and such area shall be
39 so designated by the Marine Fisheries Commission only after the Secretary so
40 recommends as being in the best interests of the State.

41 The Secretary shall issue permits to all qualified individuals who are residents of
42 North Carolina without regard to county of residence to transplant seed oysters from
43 said designated natural seed oyster areas, setting out the quantity which may be taken,
44 the times which the taking is permissible and other reasonable restrictions imposed to

1 aid him in his duty of regulating such transplanting operations. Any transplanting
2 operation which does not substantially comply with the restrictions of the permit issued
3 is unlawful."

4 Sec. 107. G.S. 113-204 reads as rewritten:

5 **"§ 113-204. Propagation of shellfish.**

6 The Department of ~~Natural Resources and Community Development~~ is authorized to
7 close areas of public bottoms under coastal fishing waters for such time as may be
8 necessary in any program of propagation of shellfish. The Department of ~~Natural~~
9 ~~Resources and Community Development~~ is authorized to expend State funds planting
10 such areas and to manage them in ways beneficial to the overall productivity of the
11 shellfish industry in North Carolina. The Department of ~~Natural Resources and~~
12 ~~Community Development~~ in its discretion in accordance with desirable conservation
13 objectives may make shellfish produced by it available to commercial fishermen
14 generally, to those in possession of private shellfish beds, or to selected individuals
15 cooperating with the Department of ~~Natural Resources and Community Development~~ in
16 demonstration projects concerned with the cultivation, harvesting, or processing of
17 shellfish."

18 Sec. 108. G.S. 113-206(d) reads as rewritten:

19 "(d) In the interest of conservation of the marine and estuarine resources of North
20 Carolina, the Department of ~~Natural Resources and Community Development~~ may
21 institute an action in the superior court to contest the claim of title or claimed right of
22 fishery in any navigable waters of North Carolina registered with the Secretary. In such
23 proceeding, the burden of showing title or right of fishery, by the preponderance of the
24 evidence, shall be upon the claiming title or right holder. In the event the claiming title
25 or right holder prevails, the trier of fact shall fix the monetary worth of the claim. The
26 Department of ~~Natural Resources and Community Development~~ may elect to condemn
27 the claim upon payment of the established owners or right holders their pro rata shares
28 of the amount so fixed. The Department of ~~Natural Resources and Community~~
29 ~~Development~~ may make such payments from such funds as may be available to it. An
30 appeal lies to the appellate division by either party both as to the validity of the claim
31 and as to the fairness of the amount fixed. The Department of ~~Natural Resource and~~
32 ~~Community Development~~ in such actions may be represented by the Attorney General.
33 In determining the availability of funds to the Department of ~~Natural Resources and~~
34 ~~Community Development~~ to underwrite the costs of litigation or make condemnation
35 payments, the use which the Department of ~~Natural Resources and Community~~
36 ~~Development~~ proposes to make of the area in question may be considered; such
37 payments are to be deemed necessary expenses in the course of operations attending
38 such use or of developing or attempting to develop the area in the proposed manner."

39 Sec. 109. G.S. 113-207 reads as rewritten:

40 **"§ 113-207. Clamming on posted oyster rocks forbidden; penalty.**

41 (a) The Department of ~~Natural Resources and Community Development~~ shall
42 post to the extent that funds are available oyster rocks or appropriate landing sites to
43 forbid the taking of clams upon such rocks by use of rakes or tongs or any other device
44 which will disturb or damage the oysters thereon. Within the meaning of this section,

1 oyster rocks shall be defined as those rocks producing oysters upon which the tide rises
2 and falls.

3 (b) It shall be unlawful for any person to take clams on oyster rocks posted by the
4 Department of Natural Resources and Community Development by use of rakes, tongs,
5 or any other device which will disturb or damage the oysters growing thereon. This
6 section will not apply to the taking of clams by signing. A violation of this section shall
7 constitute a misdemeanor, punishable by imprisonment not to exceed 30 days, or by a
8 fine of one hundred dollars (\$100.00), or by both such fine and imprisonment."

9 Sec. 110. G.S. 113-223 reads as rewritten:

10 **"§ 113-223. Reciprocal agreements by Department of Natural Resources and**
11 **Community Development generally.**

12 Subject to the specific provisions of G.S. 113-153 and G.S. 113-161 relating to
13 reciprocal provisions as to landing and selling catch and as to licenses, the Department
14 of Natural Resources and Community Development is empowered to make reciprocal
15 agreements with other jurisdictions respecting any of the matters governed in this
16 Subchapter. Pursuant to such agreements the Department of Natural Resources and
17 Community Development may modify provisions of this Subchapter in order to
18 effectuate the purposes of such agreements, in the overall best interests of the
19 conservation of marine and estuarine resources."

20 Sec. 111. G.S. 113-224 reads as rewritten:

21 **"§ 113-224. Cooperative agreements by Department of Natural Resources and**
22 **Community Development.**

23 The Department of Natural Resources and Community Development is empowered
24 to enter into cooperative agreements with public and private agencies and individuals
25 respecting the matters governed in this Subchapter. Pursuant to such agreements the
26 Department of Natural Resources and Community Development may expend funds,
27 assign employees to additional duties within or without the State, assume additional
28 responsibilities, and take other actions that may be required by virtue of such
29 agreements, in the overall best interests of the conservation of marine and estuarine
30 resources."

31 * Sec. 112. G.S. 113-226 reads as rewritten:

32 **"§ 113-226. Administrative authority of Department of Natural Resources and**
33 **Community Development; administration of funds; delegation of powers.**

34 (a) In the overall best interests of the conservation of marine and estuarine
35 resources, the Department of Natural Resources and Community Development may
36 lease or purchase lands, equipment, and other property; accept gifts and grants on behalf
37 of the State; establish boating and fishing access areas; establish fisheries, fishery
38 processing or storage plants, planted seafood beds, fish farms, and other enterprises
39 related to the conservation of marine and estuarine resources as research or
40 demonstration projects either alone or in cooperation with some individual or agency;
41 sell the catch or processed fish or other marine and estuarine resources resulting from
42 research fishing operations or demonstration projects; provide matching funds for
43 entering into projects with some other governmental agency or with some scientific,
44 educational, or charitable foundation or institution; condemn lands in accordance with

1 the provisions of Chapter 40A of the General Statutes and other governing provisions of
2 law; and sell, lease, or give away property acquired by it. Provided, that any private
3 person selected to receive gifts or benefits by the Department be selected:

4 (1) With regard to the overall public interest that may result, and

5 (2) From a defined class upon such a rational basis open to all within the
6 class as to prevent constitutional infirmity with respect to requirements
7 of equal protection of the laws or prohibitions against granting
8 exclusive privileges or emoluments.

9 (b) All money credited to, held by, or to be received by the Department in respect
10 of the conservation of marine and estuarine resources must be deposited with the
11 Department. In administering such funds and recommending expenditures, the
12 Department must give attention to the sources of the revenues received so as to
13 encourage disbursements to be made on an equitable basis; nevertheless, except as
14 provided in this section, separate funds may not be established and particular projects
15 and programs deemed to be of sufficient importance in the conservation of marine and
16 estuarine resources may receive proportional shares of Department expenditures that are
17 greater than the proportional shares of license and other revenues produced by such
18 projects or programs for the Department.

19 (c) If as a precondition of receiving funds under any cooperative program there
20 must be a separation of license revenues received from certain classes of licensees and
21 utilization of such revenues for limited purposes, the Department is directed to make
22 such arrangements for separate accounting or for separate funding as may be necessary
23 to insure the use of the revenues for the required purposes and eligibility for the
24 cooperative funds. In such instance, if required, such revenues may be retained by the
25 Department until expended upon the limited purposes in question. This subsection
26 applies whether the cooperative program is with a public or private agency and whether
27 the Department acts alone on behalf of the State or in conjunction with the Wildlife
28 Resources Commission or some other State agency.

29 (d) Repealed by Session Laws 1973, c. 1262, s. 28."

30 Sec. 113. G.S. 113-229 reads as rewritten:

31 **"§ 113-229. Permits to dredge or fill in or about estuarine waters or state-owned**
32 **lakes.**

33 (a) Except as hereinafter provided before any excavation or filling project is
34 begun in any estuarine waters, tidelands, marshlands, or state-owned lakes, the party or
35 parties desiring to do such shall first obtain a permit from the Department of Natural
36 Resources and Community Development. Granting of the State permit shall not relieve
37 any party from the necessity of obtaining a permit from the United States Army Corps
38 of Engineers for work in navigable waters, if the same is required. The North Carolina
39 Department of Natural Resources and Community Development shall continue to
40 coordinate projects pertaining to navigation with the United States Army Corps of
41 Engineers.

42 (b) All applications for such permits shall include a plat of the areas in which the
43 proposed work will take place, indicating the location, width, depth and length of any
44 proposed channel, the disposal area, and a copy of the deed or other instrument under

1 which the applicant claims title to the property adjoining the waters in question, (or any
2 land covered by waters), tidelands, or marshlands, or if the applicant is not the owner,
3 then a copy of the deed or other instrument under which the owner claims title plus
4 written permission from the owner to carry out the project on his land.

5 (c) In lieu of a deed or other instrument referred to in subsection (b) of this
6 section, the agency authorized to issue such permits may accept some other reasonable
7 evidence of ownership of the property in question or other lawful authority to make use
8 of the property.

9 (c1) The Coastal Resources Commission may, by rule, designate certain classes of
10 major and minor development for which a general or blanket permit may be issued. In
11 developing these rules, the Commission shall consider:

- 12 (1) The size of the development;
- 13 (2) The impact of the development on areas of environmental concern;
- 14 (3) How often the class of development is carried out;
- 15 (4) The need for on-site oversight of the development; and
- 16 (5) The need for public review and comment on individual development
17 projects.

18 General permits may be issued by the Commission as rules under the provisions of G.S.
19 113A-107. Individual development carried out under the provisions of general permits
20 shall not be subject to the mandatory notice provisions of this section. The Commission
21 may impose reasonable notice provisions and other appropriate conditions and
22 safeguards on any general permit it issues. The variance, appeals, and enforcement
23 provisions of this Article shall apply to any individual development projects undertaken
24 under a general permit.

25 (d) An applicant for a permit, other than an emergency permit, shall send a copy
26 of his application to the owner of each tract of riparian property that adjoins that of the
27 applicant. The copy shall be served by certified mail or, if the owner's address is
28 unknown and cannot be ascertained with due diligence or if a diligent but unsuccessful
29 effort has been made to serve the copy by certified mail, by publication in accordance
30 with the rules of the Commission. An owner may file written objections to the permit
31 with the Department for 30 days after he is served with a copy of the application. In the
32 case of a special emergency dredge or fill permit the applicant must certify that he took
33 all reasonable steps to notify adjacent riparian owners of the application for a special
34 emergency dredge and fill permit prior to submission of the application. Upon receipt
35 of this certification, the Secretary shall issue or deny the permit within the time period
36 specified in (e) of this section, upon the express understanding from the applicant that
37 he will be entirely liable and hold the State harmless for all damage to adjacent riparian
38 landowners directly and proximately caused by the dredging or filling for which
39 approval may be given.

40 (e) Applications for permits except special emergency permit applications shall
41 be circulated by the Department of ~~Natural Resources and Community Development~~
42 among all State agencies and, in the discretion of the Secretary, appropriate federal
43 agencies having jurisdiction over the subject matter which might be affected by the
44 project so that such agencies will have an opportunity to raise any objections they might

1 have. The Department may deny an application for a dredge or fill permit upon finding:
2 (1) that there will be significant adverse effect of the proposed dredging and filling on
3 the use of the water by the public; or (2) that there will be significant adverse effect on
4 the value and enjoyment of the property of any riparian owners; or (3) that there will be
5 significant adverse effect on public health, safety, and welfare; or (4) that there will be
6 significant adverse effect on the conservation of public and private water supplies; or
7 (5) that there will be significant adverse effect on wildlife or fresh water, estuarine or
8 marine fisheries. In the absence of such findings, a permit shall be granted. Such
9 permit may be conditioned upon the applicant amending his proposal to take whatever
10 measures are reasonably necessary to protect the public interest with respect to the
11 factors enumerated in this subsection. Permits may allow for projects granted a permit
12 the right to maintain such project for a period of up to 10 years. The right to maintain
13 such project shall be granted subject to such conditions as may be reasonably necessary
14 to protect the public interest. The Coastal Resources Commission shall coordinate the
15 issuance of permits under this section and G.S. 113A-118 to avoid duplication and to
16 create a single, expedited permitting process. The Coastal Resources Commission may
17 adopt rules interpreting and applying the provisions of this section and rules specifying
18 the procedures for obtaining a permit under this section. Maintenance work as defined
19 in this subsection shall be limited to such activities as are required to maintain the
20 project dimensions as found in the permit granted. The Department shall act on an
21 application for permit within 75 days after the completed application is filed, provided
22 the Department may extend such deadline by not more than an additional 75 days if
23 necessary properly to consider the application, except for applications for a special
24 emergency permit, in which case the Department shall act within two working days
25 after an application is filed, and failure to so act shall automatically approve the
26 application.

27 ~~(e1) The Secretary of the Department of Natural Resources and Community~~
28 ~~Development~~ is empowered to issue special emergency dredge or fill permits upon
29 application. Emergency permits may be issued only when life or structural property is
30 in imminent danger as a result of rapid recent erosion or sudden failure of a man-made
31 structure. The Coastal Resources Commission may elaborate by rule upon what
32 conditions the Secretary may issue a special emergency dredge or fill permit. The
33 Secretary may condition the emergency permit upon any reasonable conditions,
34 consistent with the emergency situation, he feels are necessary to reasonably protect the
35 public interest. Where an application for a special emergency permit includes work
36 beyond which the Secretary, in his discretion, feels necessary to reduce imminent
37 dangers to life or property he shall issue the emergency permit only for that part of the
38 proposed work necessary to reasonably reduce the imminent danger. All further work
39 must be applied for by application for an ordinary dredge or fill permit. The Secretary
40 shall deny an application for a special dredge or fill permit upon a finding that the
41 detriment to the public which would occur on issuance of the permit measured by the
42 five factors in G.S. 113-229(e) clearly outweighs the detriment to the applicant if such
43 permit application should be denied.

1 (f) A permit applicant who is dissatisfied with a decision on his application may
2 file a petition for a contested case hearing under G.S. 150B-23 within 20 days after the
3 decision is made. Any other person who is dissatisfied with a decision to deny or grant
4 a permit may file a petition for a contested case hearing only if the Coastal Resources
5 Commission determines, in accordance with G.S. 113A-121.1(c), that a hearing is
6 appropriate. A permit is suspended from the time a person seeks administrative review
7 of the decision concerning the permit until the Commission determines that the person
8 seeking the review cannot commence a contested case or the Commission makes a final
9 decision in a contested case, as appropriate, and no action may be taken during that time
10 that would be unlawful in the absence of the permit.

11 (g) G.S. 113A-122 applies to an appeal of a permit decision under subsection (f).

12 (h) Repealed by Session Laws 1987, c. 827, s. 105.

13 (i) All materials excavated pursuant to such permit, regardless of where placed,
14 shall be encased or entrapped in such a manner as to minimize their moving back into
15 the affected water.

16 (j) None of the provisions of this section shall relieve any riparian owner of the
17 requirements imposed by the applicable laws and regulations of the United States.

18 (k) Any person, firm, or corporation violating the provisions of this section shall
19 be guilty of a misdemeanor, and shall be punished by a fine of not more than five
20 hundred dollars (\$500.00), or by imprisonment of not more than 90 days, or both. Each
21 day's continued operation after notice by the Department to cease shall constitute a
22 separate offense. A notice to cease shall be served personally or by certified mail.

23 (l) The Secretary may, either before or after the institution of proceedings under
24 subsection (k) of this section, institute a civil action in the superior court in the name of
25 the State upon the relation of the Secretary, for damages, and injunctive relief, and for
26 such other and further relief in the premises as said court may deem proper, to prevent
27 or recover for any damage to any lands or property which the State holds in the public
28 trust, and to restrain any violation of this section or of any provision of a dredging or
29 filling permit issued under this section. Neither the institution of the action nor any of
30 the proceedings thereon shall relieve any party to such proceedings from the penalty
31 prescribed by this section for any violation of the same.

32 (m) This section shall apply to all persons, firms, or corporations, their
33 employees, agents, or contractors proposing excavation or filling work in the estuarine
34 waters, tidelands, marshlands and state-owned lakes within the State, and the work to be
35 performed by the State government or local governments. Provided, however, the
36 provisions of this section shall not apply to the activities and functions of the ~~North~~
37 ~~Carolina~~ Department of ~~Human Resources~~ and local health departments that are
38 engaged in mosquito control for the protection of the health and welfare of the people of
39 the coastal area of North Carolina as provided under G.S. ~~130-206-130A-346~~ through
40 ~~130-209-G.S. 130A-349.~~ Provided, further, this section shall not impair the riparian
41 right of ingress and egress to navigable waters.

42 (n) Within the meaning of this section:

43 (1) 'State-owned lakes' include man-made as well as natural lakes.

- 1 (2) 'Estuarine waters' means all the waters of the Atlantic Ocean within
2 the boundary of North Carolina and all the waters of the bays, sounds,
3 rivers, and tributaries thereto seaward of the dividing line between
4 coastal fishing waters and inland fishing waters agreed upon by the
5 Department of Natural Resources and Community Development and
6 the Wildlife Resources Commission, within the meaning of G.S. 113-
7 129.
- 8 (3) 'Marshland' means any salt marsh or other marsh subject to regular or
9 occasional flooding by tides, including wind tides (whether or not the
10 tidewaters reach the marshland areas through natural or artificial
11 watercourses), provided this shall not include hurricane or tropical
12 storm tides. Salt marshland or other marsh shall be those areas upon
13 which grow some, but not necessarily all, of the following salt marsh
14 and marsh plant species: Smooth or salt water Cordgrass (*Spartina*
15 *alterniflora*), Black Needlerush (*Juncus roemerianus*), Glasswort
16 (*Salicornia* spp.), Salt Grass (*Distichlis spicata*), Sea Lavender
17 (*Limonium* spp.), Bulrush (*Scirpus* spp.), Saw Grass (*Cladium*
18 *jamaicense*), Cattail (*Typha* spp.), Salt-Meadow Grass (*Spartina*
19 *patens*), and Salt Reed-Grass (*Spartina cynosuroides*)."

20 Sec. 114. G.S. 113-230 reads as rewritten: ♦ * ♦

21 **"§ 113-230. Orders to control activities in coastal wetlands.**

22 (a) ~~The Secretary of Natural Resources and Community Development,~~ with the
23 approval of the Coastal Resources Commission, may from time to time, for the purpose
24 of promoting the public safety, health, and welfare, and protecting public and private
25 property, wildlife and marine fisheries, adopt, amend, modify, or repeal orders
26 regulating, restricting, or prohibiting dredging, filling, removing or otherwise altering
27 coastal wetlands. In this section, the term 'coastal wetlands' shall mean any marsh as
28 defined in G.S. 113- 229(n)(3), as amended, and such contiguous land as the Secretary
29 reasonably deems necessary to affect by any such order in carrying out the purposes of
30 this section.

31 (b) The Secretary shall, before adopting, amending, modifying or repealing any
32 such order, hold a public hearing thereon in the county in which the coastal wetlands to
33 be affected are located, giving notice thereof to interested State agencies and each
34 owner or claimed owner of such wetlands by certified or registered mail at least 21 days
35 prior thereto.

36 (c) Upon adoption of any such order or any order amending, modifying or
37 repealing the same, the Secretary shall cause a copy thereof, together with a plan of the
38 lands affected and a list of the owners or claimed owners of such lands, to be recorded
39 in the register of deeds office in the county where the land is located, and shall mail a
40 copy of such order and plan to each owner or claimed owner of such lands affected
41 thereby.

42 (d) Any person, firm or corporation that violates any order issued under the
43 provisions of this section shall be guilty of a misdemeanor, and shall be punished by a

1 fine of not more than five hundred dollars (\$500.00), or by imprisonment for not more
2 than six months, or both in the discretion of the court.

3 (e) The superior court shall have jurisdiction in equity to restrain violations of
4 such orders.

5 (f) Any person having a recorded interest in or registered claim to land affected
6 by any such order may, within 90 days after receiving notice thereof, petition the
7 superior court to determine whether the petitioner is the owner of the land in question,
8 and in case he is adjudged the owner of the subject land, whether such order so restricts
9 the use of his property as to deprive him of the practical uses thereof and is therefore an
10 unreasonable exercise of the police power because the order constitutes the equivalent
11 of a taking without compensation. If the court finds the order to be an unreasonable
12 exercise of the police power, as aforesaid, the court shall enter a finding that such order
13 shall not apply to the land of the petitioner; provided, however, that such finding shall
14 not affect any other land than that of the petitioner. The Secretary shall cause a copy of
15 such finding to be recorded forthwith in the register of deeds office in the county where
16 the land is located. The method provided in this subsection for the determination of the
17 issue of whether any such order constitutes a taking without compensation shall be
18 exclusive, and such issue shall not be determined in any other proceeding.

19 (g) After a finding has been entered that such order shall not apply to certain land
20 as provided in the preceding subsection, the Department of Administration, upon the
21 request of the Coastal Resources Commission, shall take the fee or any lesser interest in
22 such land in the name of the State by eminent domain under the provisions of Chapter
23 146 of the General Statutes and hold the same for the purposes set forth in this section.

24 (h) This section shall not repeal the powers, duties and responsibilities of the
25 Department of Natural Resources and Community Development under the provisions of
26 G.S. 113-229."

27 Sec. 115. G.S. 113-251 reads as rewritten:

28 "**§ 113-251. Definition of terms.**

29 (a) As used in this Article, the word 'Commission' refers to the Atlantic States
30 Marine Fisheries Commission and the word 'commissioner' refers to a member of that
31 Commission.

32 (b) The reference in Article III of the Compact set out in G.S. 113-252 to the
33 chairman of the committee on commercial fisheries shall be deemed to refer to the
34 chairman of the Marine Fisheries Commission.

35 (c) The reference in Article III of the Compact set out in G.S. 113-252 to the
36 Commissioner of Commercial Fisheries shall be deemed to refer to the Secretary of
37 ~~Natural Resources and Community Development.~~

38 (d) The reference in Article III of the Compact set out in G.S. 113-252 to the
39 Board of the North Carolina Department of Conservation and Development shall be
40 deemed to refer to the Secretary of ~~Natural Resources and Community Development.~~"

41 Sec. 116. G.S. 113-254 reads as rewritten:

42 "**§ 113-254. North Carolina members of Commission.**

43 In pursuance of Article III of said Compact there shall be three members (hereinafter
44 called commissioners) of the Atlantic States Marine Fisheries Commission (hereinafter

1 called Commission) from the State of North Carolina. The first commissioner from the
2 State of North Carolina shall be the Fisheries Director of the Division of Marine
3 Fisheries of the Department ~~of Natural Resources and Community Development~~, ex
4 officio, and the term of such ex officio commissioner shall terminate at the time he
5 ceases to hold such office, and his successor as commissioner shall be his successor as
6 Fisheries Director of the Division of Marine Fisheries ~~of the Department of Natural
7 Resources and Community Development~~. The second commissioner from the State of
8 North Carolina shall be a legislator and member of the Commission on Interstate
9 Cooperation of the State of North Carolina, ex officio, designated by said Commission
10 on Interstate Cooperation, and the term of any such ex officio commissioner shall
11 terminate at the time he ceases to hold said legislative office or said office as
12 Commissioner on Interstate Cooperation, and his successor as commissioner shall be
13 named in like manner. The Governor (by and with the advice and consent of the
14 Senate) shall appoint a citizen as a third commissioner who shall have a knowledge of
15 and interest in the marine fisheries problem. The term of said Commissioner shall be
16 three years and he shall hold office until his successor shall be appointed and qualified.
17 Vacancies occurring in the office of such Commissioner from any reason or cause shall
18 be filled by appointment by the Governor (by and with the advice and consent of the
19 Senate) for the unexpired term. The Fisheries Director of the Division of Marine
20 Fisheries appointed pursuant to Article III as ex officio commissioner may delegate,
21 from time to time, to any deputy or other subordinate of the Fisheries Director, the
22 power to be present and participate, including voting, as his representative or substitute
23 at any meeting of or hearing by or other proceedings of the Commission. The terms of
24 each of the initial three members shall begin at the date of the appointment of the
25 appointive commissioner, provided the said Compact shall then have gone into effect in
26 accordance with Article II of the Compact; otherwise they shall begin upon the date
27 upon which said Compact shall become effective in accordance with said Article II.

28 Any commissioner may be removed from office by the Governor upon charges and
29 after a hearing."

30 Sec. 117. G.S. 113-259(b) reads as rewritten:

31 "(b) The first Council member shall be the principal State official with marine
32 fishery management responsibility and expertise in the State which official is the
33 Fisheries Director of the Division of Marine Fisheries of the Department ~~of Natural
34 Resources and Community Development~~, or the designee of such official."

35 Sec. 118. G.S. 113-268(e) reads as rewritten:

36 "(e) The Department may, either before or after the institution of any other action
37 or proceeding authorized by this section, institute a civil action for injunctive relief to
38 restrain a violation or threatened violation of subsections (a), (b), or (c) of this section
39 pursuant to G.S. 113-131. The action shall be brought in the superior court of the
40 county in which the violation or threatened violation is occurring or about to occur and
41 shall be in the name of the State upon the relation of the Secretary ~~of Natural Resources
42 and Community Development~~. The court, in issuing any final order in any action
43 brought pursuant to this subsection may, in its discretion, award costs of litigation
44 including reasonable attorney and expert-witness fees to any party."

1 Sec. 119. G.S. 113-291.4(i) reads as rewritten:

2 "(i) Upon notification by the ~~North Carolina Division of Health Services State~~
3 Health Director of the presence of a contagious animal disease in a local fox population,
4 the Commission is authorized to establish such population control measures as are
5 appropriate until notified by public health authorities that the problem is deemed to have
6 passed."

7 Sec. 120. G.S. 113-291.6(f) reads as rewritten:

8 "(f) Nothing in this section prohibits the use of steel- or metal-jaw traps by county
9 or State public health officials or their agents to control the spread of disease when the
10 use of these traps has been declared necessary by the ~~Department of Human Resources~~
11 State Health Director."

12 Sec. 121. G.S. 113-315.9 reads as rewritten:

13 **"§ 113-315.9. Bond of financial officer; audit.**

14 Before collecting and receiving such assessments, such treasurer or financial officer
15 shall give bond to the agency to run in favor of the agency in the amount of the
16 estimated total of such assessments as will be collected, and from time to time the
17 agency may alter the amount of such bond which, at all times, must be equal to the total
18 financial assets of the agency, such bond to have as surety thereon a surety company
19 licensed to do business in the State of North Carolina, and to be in the form and amount
20 approved by the agency and to be filed with the chairman or executive head of such
21 agency.

22 The chairman or executive head of such agency shall cause an annual certified audit
23 to be made of the financial records of the agency. Such audit shall include, among other
24 things, total annual compensation of each employee of the agency and detailed expenses
25 incurred and reimbursed for each employee of the agency. The chairman or executive
26 head of such agency shall cause a copy of the certified audit to be submitted to the
27 ~~Department of Natural Resources and Community Development~~ within 60 days of the
28 end of the agency's fiscal year and shall cause a copy of the audit, or a summary thereof,
29 to be published at least once in one or more newspapers having general circulation in
30 the area where the assessments are made within 60 days of the end of the agency's fiscal
31 year. If the chairman or executive head of the agency shall fail to carry out the
32 provisions of this paragraph, he shall be guilty of a misdemeanor."

33 Sec. 122. G.S. 113-315.18 reads as rewritten:

34 **"§ 113-315.18. Fishermen's Economic Development Program.**

35 The Secretary of ~~Natural Resources and Community Development~~ is hereby
36 authorized to provide through his Department of ~~Natural Resources and Community~~
37 ~~Development~~ and the extension services of the University of North Carolina those
38 services intended to promote the economic development of the fishermen, including but
39 not limited to:

40 (1) Instituting business management services to promote better business
41 management practices throughout the fishing and seafood industry,
42 and to promote the better use of credit and other business management
43 techniques.

1 (2) Providing counseling services to the fishermen at all levels and
2 assisting them in meeting the federal and State environmental, safety
3 and health requirements.

4 (3) Improving waterways, harbors, inlets, and generally the water
5 transportation system of North Carolina so as to more efficiently and
6 safely accommodate commercial and sport fishing craft, and to provide
7 access to and from fishing grounds."

8 Sec. 123. G.S. 113-316 reads as rewritten:

9 **"§ 113-316. General statement of purpose and effect of revisions of Subchapter IV**
10 **made in 1965 and 1979.**

11 To clarify the conservation laws of the State and the authority and jurisdiction of the
12 Department of ~~Natural Resources and Community Development~~ and the North
13 Carolina Wildlife Resources Commission: commercial fishing waters are renamed
14 coastal fishing waters and the Department is given jurisdiction over and responsibility
15 for the marine and estuarine resources in coastal fishing waters; the laws pertaining to
16 commercial fishing operations and marine fishing and fisheries regulated by the
17 Department are consolidated and revised generally and broadened to reflect the
18 jurisdictional change respecting coastal fisheries; laws relating to the conservation of
19 wildlife resources administered by the Wildlife Resources Commission are consolidated
20 and revised; and the enforcement authority of marine fisheries inspectors and wildlife
21 protectors is clarified, including the authority of wildlife protectors over boating and
22 other activities other than conservation within the jurisdiction of the Wildlife Resources
23 Commission."

24 Sec. 124. G.S. 113-378 reads as rewritten:

25 **"§ 113-378. Persons drilling for oil or gas to register and furnish bond.**

26 Any person, firm or corporation before making any drilling exploration in this State
27 for oil or natural gas shall register with the Department of ~~Natural Resources and~~
28 ~~Community Development~~ Environment, Health, and Natural Resources or such other
29 State agency as may hereafter be established to control the conservation of oil or gas in
30 this State. To provide for such registration, the drilling operator must furnish the name
31 and address of such person, firm or corporation, and the location of the proposed
32 drilling operations, and file with the aforesaid Department of ~~Natural Resources and~~
33 ~~Community Development~~ a bond in the amount of five thousand dollars (\$5,000)
34 running to the State of North Carolina, conditioned that any well opened by the drilling
35 operator upon abandonment shall be plugged in accordance with the rules of said
36 Department of ~~Natural Resources and Community Development~~."

37 Sec. 125. G.S. 113-379 reads as rewritten:

38 **"§ 113-379. Filing log of drilling and development of each well.**

39 Upon the completion or shutting down of any abandoned well, the drilling operator
40 shall file with the Department of ~~Natural Resources and Community Development~~ or
41 other State agency, or with any division thereof hereinafter created for the regulation of
42 drilling for oil or natural gas, a complete log of the drilling and development of each
43 well."

44 Sec. 126. G.S. 113-391 reads as rewritten:

1 **"§ 113-391. Jurisdiction and authority of Department of Natural Resources and**
2 **Community Development; rules and orders.**

3 The Department shall have jurisdiction and authority of and over all persons and
4 property necessary to administer and enforce effectively the provisions of this law and
5 all other laws relating to the conservation of oil and gas.

6 The Department shall have the authority and it shall be its duty to make such
7 inquiries as it may think proper to determine whether or not waste over which it has
8 jurisdiction exists or is imminent. In the exercise of such power the Department shall
9 have the authority to collect data; to make investigations and inspections; to examine
10 properties, leases, papers, books and records; to examine, check, test and gauge oil and
11 gas wells, tanks, refineries, and means of transportation; to hold hearings; and to
12 provide for the keeping of records and the making of reports; and to take such action as
13 may be reasonably necessary to enforce this law.

14 The Department may make rules and orders as may be necessary from time to time
15 in the proper administration and enforcement of this law, including rules or orders for
16 the following purposes:

- 17 (1) To require the drilling, operation, casing and plugging of wells to be
18 done in such manner as to prevent the escape of oil or gas out of one
19 stratum to another; to prevent the intrusion of water into an oil or gas
20 stratum from a separate stratum; to prevent the pollution of freshwater
21 supplies by oil, gas or salt water, or to protect the quality of the water,
22 air, soil or any other environmental resource against injury or damage
23 or impairment; and to require reasonable bond condition for the
24 performance of the duty to plug each dry or abandoned well.
- 25 (2) To require directional surveys upon application of any owner who has
26 reason to believe that a well or wells of others has or have been drilled
27 into the lands owned by him or held by him under lease. In the event
28 such surveys are required, the costs thereof shall be borne by the
29 owners making the request.
- 30 (3) To require the making of reports showing the location of oil and gas
31 wells, and the filing of logs and drilling records.
- 32 (4) To prevent the drowning by water of any stratum or part thereof
33 capable of producing oil or gas in paying quantities, and to prevent the
34 premature and irregular encroachment of water which reduces, or
35 tends to reduce, the total ultimate recovery of oil or gas from any pool.
- 36 (5) To require the operation of wells with efficient gas-oil ratios, and to fix
37 such ratios.
- 38 (6) To prevent 'blow-outs,' 'caving' and 'seepage' in the sense that
39 conditions indicated by such terms are generally understood in the oil
40 and gas business.
- 41 (7) To prevent fires.
- 42 (8) To identify the ownership of all oil or gas wells, producing leases,
43 refineries, tanks, plants, structures and all storage and transportation
44 equipment and facilities.

- 1 (9) To regulate the 'shooting,' perforating, and chemical treatment of
2 wells.
- 3 (10) To regulate secondary recovery methods, including the introduction of
4 gas, air, water or other substances into producing formations.
- 5 (11) To limit and prorate the production of oil or gas, or both, from any
6 pool or field for the prevention of waste as herein defined.
- 7 (12) To require, either generally or in or from particular areas, certificates
8 of clearance or tenders in connection with the transportation of oil or
9 gas.
- 10 (13) To regulate the spacing of wells and to establish drilling units.
- 11 (14) To prevent, so far as is practicable, reasonably avoidable drainage
12 from each developed unit which is not equalized by counter-drainage.
- 13 (15) To prevent where necessary the use of gas for the manufacture of
14 carbon black.
- 15 (16) To regulate and, if necessary in its judgment for the protection of
16 unique environmental values, to prohibit the location of wells in the
17 interest of protecting the quality of the water, air, soil or any other
18 environmental resource against injury, or damage or impairment."

19 Sec. 127. G.S. 113-415 reads as rewritten:

20 **"§ 113-415. Conflicting laws.**

21 No provision of this Article shall be construed to repeal, amend, abridge or
22 otherwise affect the authority and responsibility vested in the ~~North Carolina~~
23 Environmental Management Commission by Article 7 of Chapter 87, pertaining to the
24 location, construction, repair, operation and abandonment of wells, or the authority or
25 responsibility vested in the Department of ~~Human Resources~~ and the Commission for
26 Health Services by Article 13, ~~Chapter 130~~, 10 of Chapter 130A of the General Statutes
27 pertaining to public water-supply requirements."

28 Sec. 128. G.S. 113A-33 reads as rewritten:

29 **"§ 113A-33. Definitions.**

30 As used in this Article, unless the context requires otherwise:

- 31 (1) 'Department' means the Department of ~~Natural Resources and~~
32 ~~Community Development~~Environment, Health, and Natural
33 Resources.
- 34 (2) 'Free-flowing,' as applied to any river or section of a river, means
35 existing or flowing in natural condition without substantial
36 impoundment, diversion, straightening, rip-rapping, or other
37 modification of the waterway. The existence of low dams, diversion
38 works, and other minor structures at the time any river is proposed for
39 inclusion in the North Carolina natural and scenic rivers system shall
40 not automatically bar its consideration for such inclusion: Provided,
41 that this shall not be construed to authorize, intend, or encourage future
42 construction of such structures within components of the system.

- 1 (3) 'River' means a flowing body of water or estuary or a section, portion,
2 or tributary thereof, including rivers, streams, creeks, runs, kills, rills,
3 and small lakes.
- 4 (4) 'Road' means public or private highway, hard-surface road, dirt road,
5 or railroad.
- 6 (5) 'Scenic easement' means a perpetual easement in land which (i) is held
7 for the benefit of the people of North Carolina, (ii) is specifically
8 enforceable by its holder or beneficiary, and (iii) limits or obligates the
9 holder of the servient estate, his heirs, and assigns with respect to their
10 use and management of the land and activities conducted thereon. The
11 object of such limitations and obligations is the maintenance or
12 enhancement of the natural beauty of the land in question or of the
13 areas affected by it.
- 14 (6) 'Secretary' means the Secretary of the Department of Environment,
15 Health, and Natural Resources."

16 Sec. 129. G.S. 113A-36(a) reads as rewritten:

17 "(a) ~~The Department of Natural Resources and Community Development~~ is the
18 agency of the State of North Carolina with the duties and responsibilities to administer
19 and control the North Carolina natural and scenic rivers system."

20 Sec. 130. G.S. 113A-42 reads as rewritten:

21 **"§ 113A-42. Violations.**

22 (a) Civil Action. – Whoever violates, fails, neglects or refuses to obey any
23 provision of this Article or rule or order of the Secretary ~~of Natural Resources and~~
24 ~~Community Development~~ may be compelled to comply with or obey the same by
25 injunction, mandamus, or other appropriate remedy.

26 (b) Penalties. – Whoever violates, fails, neglects or refuses to obey any provision
27 of this Article or regulation or order of the Secretary ~~of Natural Resources and~~
28 ~~Community Development~~ is guilty of a misdemeanor and may be punished by a fine of
29 not more than fifty dollars (\$50.00) for each violation, and each day such person shall
30 fail to comply, where feasible, after having been officially notified by the Department
31 shall constitute a separate offense subject to the foregoing penalty."

32 Sec. 131. G.S. 113A-77 reads as rewritten:

33 **"§ 113A-77. Expenditures authorized.**

34 ~~The Department of Natural Resources and Community Development~~ is authorized to
35 spend any federal, State, local or private funds available for this purpose to the
36 Department for acquisition and development of the Appalachian Trail System."

37 Sec. 132. G.S. 113A-103 reads as rewritten:

38 **"§ 113A-103. Definitions.**

39 As used in this Article:

- 40 (1) 'Advisory Council' means the Coastal Resources Advisory Council
41 created by G.S. 113A-105.
- 42 (2) 'Coastal area' means the counties that (in whole or in part) are adjacent
43 to, adjoining, intersected by or bounded by the Atlantic Ocean
44 (extending offshore to the limits of State jurisdiction, as may be

1 identified by rule of the Commission for purposes of this Article, but
2 in no event less than three geographical miles offshore) or any coastal
3 sound. The Governor, in accordance with the standards set forth in
4 this subdivision and in subdivision (3) of this section, shall designate
5 the counties that constitute the 'coastal area,' as defined by this section,
6 and his designation shall be final and conclusive. On or before May 1,
7 1974, the Governor shall file copies of a list of said coastal-area
8 counties with the chairmen of the boards of commissioners of each
9 county in the coastal area, with the mayors of each incorporated city
10 within the coastal area (as so defined) having a population of 2,000 or
11 more and of each incorporated city having a population of less than
12 2,000 whose corporate boundaries are contiguous with the Atlantic
13 Ocean, and with the Secretary of State. The said coastal-area counties
14 and cities shall thereafter transmit nominations to the Governor of
15 members of the Coastal Resources Commission as provided in
16 G.S.113A-104(d).

17 (3) 'Coastal sound' means Albemarle, Bogue, Core, Croatan, Currituck,
18 Pamlico and Roanoke Sounds. For purposes of this Article, the inland
19 limits of a sound on a tributary river shall be defined as the limits of
20 seawater encroachment on said tributary river under normal
21 conditions. 'Normal conditions' shall be understood to include
22 regularly occurring conditions of low stream flow and high tide, but
23 shall not include unusual conditions such as those associated with
24 hurricane and other storm tides. Unless otherwise determined by the
25 Commission, the limits of seawater encroachment shall be considered
26 to be the confluence of a sound's tributary river with the river or creek
27 entering it nearest to the farthest inland movement of oceanic salt
28 water under normal conditions. For purposes of this Article, the
29 aforementioned points of confluence with tributary rivers shall include
30 the following:

- 31 a. On the Chowan River, its confluence with the Meherrin River;
- 32 b. On the Roanoke River, its confluence with the northeast branch
33 of the Cashie River;
- 34 c. On the Tar River, its confluence with Tranters Creek;
- 35 d. On the Neuse River, its confluence with Swift Creek;
- 36 e. On the Trent River, its confluence with Ready Branch.

37 Provided, however, that no county shall be considered to be within the coastal area
38 which: (i) is adjacent to, adjoining or bounded by any of the above points of confluence
39 and lies entirely west of said point of confluence; or (ii) is not bounded by the Atlantic
40 Ocean and lies entirely west of the westernmost of the above points of confluence.

41 (4) 'Commission' means the Coastal Resources Commission created by
42 G.S. 113A-104.

43 (4a) 'Department' shall mean the North Carolina Department of Environment,
44 Health, and Natural Resources.

1 (5)

- 2 a. 'Development' means any activity in a duly designated area of
3 environmental concern (except as provided in paragraph b of
4 this subdivision) involving, requiring, or consisting of the
5 construction or enlargement of a structure; excavation;
6 dredging; filling; dumping; removal of clay, silt, sand, gravel or
7 minerals; bulkheading, driving of pilings; clearing or alteration
8 of land as an adjunct of construction; alteration or removal of
9 sand dunes; alteration of the shore, bank, or bottom of the
10 Atlantic Ocean or any sound, bay, river, creek, stream, lake, or
11 canal.
- 12 b. The following activities including the normal and incidental
13 operations associated therewith shall not be deemed to be
14 development under this section:
- 15 1. Work by a highway or road agency for the maintenance
16 of an existing road, if the work is carried out on land
17 within the boundaries of the existing right-of-way;
 - 18 2. Work by any railroad company or by any utility and
19 other persons engaged in the distribution and
20 transmission of petroleum products, water, telephone or
21 telegraph messages, or electricity for the purpose of
22 inspecting, repairing, maintaining, or upgrading any
23 existing substations, sewers, mains, pipes, cables, utility
24 tunnels, lines, towers, poles, tracks, and the like on any
25 of its existing railroad or utility property or rights-of-
26 way, or the extension of any of the above distribution-
27 related facilities to serve development approved pursuant
28 to G.S. 113A-121 or 113A-122;
 - 29 3. Work by any utility and other persons for the purpose of
30 construction of facilities for the development,
31 generation, and transmission of energy to the extent that
32 such activities are regulated by other law or by present or
33 future rules of the State Utilities Commission regulating
34 the siting of such facilities (including environmental
35 aspects of such siting), and work on facilities used
36 directly in connection with the above facilities;
 - 37 4. The use of any land for the purposes of planting,
38 growing, or harvesting plants, crops, trees, or other
39 agricultural or forestry products, including normal
40 private road construction, raising livestock or poultry, or
41 for other agricultural purposes except where excavation
42 or filling affecting estuarine waters (as defined in G.S.
43 113-229) or navigable waters is involved;

- 1 5. Maintenance or repairs (excluding replacement)
- 2 necessary to repair damage to structures caused by the
- 3 elements or to prevent damage to imminently threatened
- 4 structures by the creation of protective sand dunes.
- 5 6. The construction of any accessory building customarily
- 6 incident to an existing structure if the work does not
- 7 involve filling, excavation, or the alteration of any sand
- 8 dune or beach;
- 9 7. Completion of any development, not otherwise in
- 10 violation of law, for which a valid building or zoning
- 11 permit was issued prior to ratification of this Article and
- 12 which development was initiated prior to the ratification
- 13 of this Article;
- 14 8. Completion of installation of any utilities or roads or
- 15 related facilities not otherwise in violation of law, within
- 16 a subdivision that was duly approved and recorded prior
- 17 to the ratification of this Article and which installation
- 18 was initiated prior to the ratification of this Article;
- 19 9. Construction or installation of any development, not
- 20 otherwise in violation of law, for which an application
- 21 for a building or zoning permit was pending prior to the
- 22 ratification of this Article and for which a loan
- 23 commitment (evidenced by a notarized document signed
- 24 by both parties) had been made prior to the ratification of
- 25 this Article; provided, said building or zoning
- 26 application is granted by July 1, 1974;
- 27 10. It is the intention of the General Assembly that if the
- 28 provisions of any of the foregoing subparagraphs 1 to 10
- 29 of this paragraph are held invalid as a grant of an
- 30 exclusive or separate emolument or privilege or as a
- 31 denial of the equal protection of the laws, within the
- 32 meaning of Article I, Secs. 19 and 32 of the North
- 33 Carolina Constitution, the remainder of this Article shall
- 34 be given effect without the invalid provision or
- 35 provisions.
- 36 c. The Commission shall define by rule (and may revise from time
- 37 to time) certain classes of minor maintenance and
- 38 improvements which shall be exempted from the permit
- 39 requirements of this Article, in addition to the exclusions set
- 40 forth in paragraph b of this subdivision. In developing such
- 41 rules the Commission shall consider, with regard to the class or
- 42 classes of units to be exempted:
- 43 1. The size of the improved or scope of the maintenance
- 44 work;

1 (a) Creation. – There is hereby created and established a council to be known as
2 the Coastal Resources Advisory Council.

3 (b) The Coastal Resources Advisory Council shall consist of not more than 47
4 members appointed or designated as follows:

5 (1) Two individuals designated by the Secretary of ~~Natural Resources and~~
6 ~~Community Development~~ Environment, Health, and Natural
7 Resources from among the employees of his Department;

8 (1a) The Secretary of the Department of Commerce or his designee;

9 (2) The Secretary of the Department of Administration or his designee;

10 (3) The Secretary of the Department of Transportation and Highway
11 Safety or his designee, and one additional member selected by him
12 from his Department;

13 (4) ~~The Secretary of the Department of Human Resources or his designee;~~
14 State Health Director;

15 (5) The Commissioner of Agriculture or his designee;

16 (6) The Secretary of the Department of Cultural Resources or his
17 designee;

18 (7) One member from each of the four multi-county planning districts of
19 the coastal area to be appointed by the lead regional agency of each
20 district;

21 (8) One representative from each of the counties in the coastal area to be
22 designated by the respective boards of county commissioners;

23 (9) No more than eight additional members representative of cities in the
24 coastal area and to be designated by the Commission;

25 (10) Three members selected by the Commission who are marine scientists
26 or technologists;

27 (11) One member who is a local health director selected by the Commission
28 upon the recommendation of the Secretary of ~~Human~~
29 ~~Resources~~ Environment, Health, and Natural Resources.

30 (c) Functions and Duties. – The Advisory Council shall assist the Secretaries of
31 Administration and of ~~Natural Resources and Community Development~~ Environment,
32 Health, and Natural Resources in an advisory capacity:

33 (1) On matters which may be submitted to it by either of them or by the
34 Commission, including technical questions relating to the development
35 of rules and regulations, and

36 (2) On such other matters arising under this Article as the Council
37 considers appropriate.

38 (d) Multiple Offices. – Membership on the Coastal Resources Advisory Council
39 is hereby declared to be an office that may be held concurrently with other elective or
40 appointive offices (except the office of Commission member) in addition to the
41 maximum number of offices permitted to be held by one person under G.S. 128-1.1.

42 (e) Chairman and Vice-Chairman. – A chairman and vice-chairman shall be
43 elected annually by the Council.

1 (f) Compensation. – The members of the Advisory Council who are not State
2 employees shall receive per diem and necessary travel and subsistence expenses in
3 accordance with the provisions of G.S. 138-5."

4 Sec. 134. G.S. 113A-113(b) reads as rewritten:

5 "(b) The Commission may designate as areas of environmental concern any one or
6 more of the following, singly or in combination:

7 (1) Coastal wetlands as defined in G.S. 113-230(a);

8 (2) Estuarine waters, that is, all the water of the Atlantic Ocean within the
9 boundary of North Carolina and all the waters of the bays, sounds,
10 rivers, and tributaries thereto seaward of the dividing line between
11 coastal fishing waters and inland fishing waters, as set forth in the
12 most recent official published agreement adopted by the Wildlife
13 Resources Commission and the Department of ~~Natural Resources and~~
14 ~~Community Development~~ Environment, Health, and Natural
15 Resources;

16 (3) Renewable resource areas where uncontrolled or incompatible
17 development which results in the loss or reduction of continued long-
18 range productivity could jeopardize future water, food or fiber
19 requirements of more than local concern, which may include:

20 a. Watersheds or aquifers that are present sources of public water
21 supply, as identified by the Department of ~~Human Resources~~ or
22 the Environmental Management Commission, or that are
23 classified for water-supply use pursuant to G.S. 143-214.1;

24 b. Capacity use areas that have been declared by the
25 Environmental Management Commission pursuant to G.S. 143-
26 215.13(c) and areas wherein said Environmental Management
27 Commission (pursuant to G.S. 143-215.3(d) or 143-215.3(a)(8))
28 has determined that a generalized condition of water depletion
29 or water or air pollution exists;

30 c. Prime forestry land (sites capable of producing 85 cubic feet per
31 acre-year, or more, of marketable timber), as identified by the
32 Department of ~~Natural Resources and Community~~
33 ~~Development~~.

34 (4) Fragile or historic areas, and other areas containing environmental or
35 natural resources of more than local significance, where uncontrolled
36 or incompatible development could result in major or irreversible
37 damage to important historic, cultural, scientific or scenic values or
38 natural systems, which may include:

39 a. Existing national or State parks or forests, wilderness areas, the
40 State Nature and Historic Preserve, or public recreation areas;
41 existing sites that have been acquired for any of the same, as
42 identified by the Secretary of ~~Natural Resources and~~
43 ~~Community Development~~; and proposed sites for any of the
44 same, as identified by the Secretary of ~~Natural Resources and~~

- 1 Community Development, provided that the proposed site has
2 been formally designated for acquisition by the governmental
3 agency having jurisdiction;
- 4 b. Present sections of the natural and scenic rivers system;
- 5 c. Stream segments that have been classified for scientific or
6 research uses by the Environmental Management Commission,
7 or that are proposed to be so classified in a proceeding that is
8 pending before said Environmental Management Commission
9 pursuant to G.S. 143-214.1 at the time of the designation of the
10 area of environmental concern;
- 11 d. Existing wildlife refuges, preserves or management areas, and
12 proposed sites for the same, as identified by the Wildlife
13 Resources Commission, provided that the proposed site has
14 been formally designated for acquisition (as hereinafter defined)
15 or for inclusion in a cooperative agreement by the governmental
16 agency having jurisdiction;
- 17 e. Complex natural areas surrounded by modified landscapes that
18 do not drastically alter the landscape, such as virgin forest
19 stands within a commercially managed forest, or bogs in an
20 urban complex;
- 21 f. Areas that sustain remnant species or aberrations in the
22 landscape produced by natural forces, such as rare and
23 endangered botanical or animal species;
- 24 g. Areas containing unique geological formations, as identified by
25 the State Geologist; and
- 26 h. Historic places that are listed, or have been approved for listing
27 by the North Carolina Historical Commission, in the National
28 Register of Historic Places pursuant to the National Historic
29 Preservation Act of 1966; historical, archaeological, and other
30 places and properties owned, managed or assisted by the State
31 of North Carolina pursuant to Chapter 121; and properties or
32 areas that are or may be designated by the Secretary of the
33 Interior as registered natural landmarks or as national historic
34 landmarks;
- 35 (5) Areas such as waterways and lands under or flowed by tidal waters or
36 navigable waters, to which the public may have rights of access or
37 public trust rights, and areas which the State of North Carolina may be
38 authorized to preserve, conserve, or protect under Article XIV, Sec. 5
39 of the North Carolina Constitution;
- 40 (6) Natural-hazard areas where uncontrolled or incompatible development
41 could unreasonably endanger life or property, and other areas
42 especially vulnerable to erosion, flooding, or other adverse effects of
43 sand, wind and water, which may include:
- 44 a. Sand dunes along the Outer Banks;

- 1 b. Ocean and estuarine beaches and shoreline;
2 c. Floodways and floodplains;
3 d. Areas where geologic and soil conditions are such that there is a
4 substantial possibility of excessive erosion or seismic activity,
5 as identified by the State Geologist;
6 e. Areas with a significant potential for air inversions, as
7 identified by the Environmental Management Commission.
8 (7) Areas which are or may be impacted by key facilities."

9 Sec. 135. G.S. 113A-116 reads as rewritten:

10 **"§ 113A-116. Local government letter of intent.**

11 Within two years after July 1, 1974, each county and city within the coastal area
12 shall submit to the Commission a written statement of its intent to act, or not to act, as a
13 permit-letting agency under G.S. 113A-121. If any city or county states its intent not to
14 act as a permit-letting agency or fails to submit a statement of intent within the required
15 period, the Secretary of ~~Natural Resources and Community Development~~ shall issue
16 permits therein under G.S. 113A-121; provided that a county may submit a letter of
17 intent to issue permits in any city within said county that disclaims its intent to issue
18 permits or fails to submit a letter of intent. Provided, however, should any city or
19 county fail to become a permit-letting agency for any reason, but shall later express its
20 desire to do so, it shall be permitted by the Coastal Resources Commission to qualify as
21 such an agency by following the procedure herein set forth for qualification in the first
22 instance."

23 Sec. 136. G.S. 113A-117(a) reads as rewritten:

24 **"§ 113A-117. Implementation and enforcement programs.**

25 (a) The Secretary of ~~Natural Resources and Community Development~~ shall
26 develop and present to the Commission for consideration and to all cities and counties
27 and lead regional organizations within the coastal area for comment a set of criteria for
28 local implementation and enforcement programs. In the preparation of such criteria, the
29 Secretary shall emphasize the necessity for the expeditious processing of permit
30 applications. Said criteria may contain recommendations and guidelines as to the
31 procedures to be followed in developing local implementation and enforcement
32 programs, the scope and coverage of said programs, minimum standards to be
33 prescribed in said programs, staffing of permit-letting agencies, permit-letting
34 procedures, and priorities of regional or statewide concern. Within 20 months after July
35 1, 1974, the Commission shall adopt and transmit said criteria (with any revisions) to
36 each coastal-area county and city that has filed an applicable letter of intent, for its
37 guidance."

38 Sec. 137. G.S. 113A-118 reads as rewritten:

39 **"§ 113A-118. Permit required.**

40 (a) After the date designated by the Secretary of ~~Natural Resources and~~
41 ~~Community Development~~ pursuant to G.S. 113A-125, every person before undertaking
42 any development in any area of environmental concern shall obtain (in addition to any
43 other required State or local permit) a permit pursuant to the provisions of this Part.

1 (b) Under the expedited procedure provided for by G.S. 113A-121, the permit
2 shall be obtained from the appropriate city or county for any minor development;
3 provided, that if the city or county has not developed an approved implementation and
4 enforcement program, the permit shall be obtained from the Secretary of ~~Natural~~
5 ~~Resources and Community Development~~.

6 (c) Permits shall be obtained from the Commission or its duly authorized agent.

7 (d) Within the meaning of this Part:

8 (1) A 'major development' is any development which requires permission,
9 licensing, approval, certification or authorization in any form from the
10 Environmental Management Commission, ~~the Department of Human~~
11 ~~Resources, the State Department of Natural Resources and Community~~
12 ~~Development~~ Environment, Health, and Natural Resources, the State
13 Department of Administration, the North Carolina Mining
14 Commission, the North Carolina Pesticides Board, the North Carolina
15 Sedimentation Control Board, or any federal agency or authority; or
16 which occupies a land or water area in excess of 20 acres; or which
17 contemplates drilling for or excavating natural resources on land or
18 under water; or which occupies on a single parcel a structure or
19 structures in excess of a ground area of 60,000 square feet.

20 (2) A 'minor development' is any development other than a 'major
21 development.'

22 (e) If, within the meaning of G.S. 113A-103(5)b3, the siting of any utility facility
23 for the development, generation or transmission of energy is subject to regulation under
24 this Article rather than by the State Utilities Commission or by other law, permits for
25 such facilities shall be obtained from the Coastal Resources Commission rather than
26 from the appropriate city or county.

27 (f) ~~The Secretary of the Department of Natural Resources and Community~~
28 ~~Development~~ may issue special emergency permits under this Article. These permits
29 may only be issued in those extraordinary situations in which life or structural property
30 is in imminent danger as a result of storms, sudden failure of man-made structures, or
31 similar occurrence. These permits may carry any conditions necessary to protect the
32 public interest, consistent with the emergency situation and the impact of the proposed
33 development. If an application for an emergency permit includes work beyond that
34 necessary to reduce imminent dangers to life or property, the emergency permit shall be
35 limited to that development reasonably necessary to reduce the imminent danger; all
36 further development shall be considered under ordinary permit procedures. This
37 emergency permit authority of the Secretary shall extend to all development in areas of
38 environmental concern, whether major or minor development, and the mandatory notice
39 provisions of G.S. 113A-119(b) shall not apply to these emergency permits. To the
40 extent feasible, these emergency permits shall be coordinated with any emergency
41 permits required under G.S. 113-229(e1)."

42 Sec. 138. G.S. 113A-119(a) reads as rewritten:

43 "(a) Any person required to obtain a permit under this Part shall file with the
44 Secretary of ~~Natural Resources and Community Development~~ and (in the case of a

1 permit sought from a city or county) with the designated local official an application for
2 a permit in accordance with the form and content designated by the Secretary and
3 approved by the Commission. The applicant must submit with the application a check
4 or money order payable to the Department or the city or county, as the case may be,
5 constituting a reasonable fee (not to exceed twenty-five dollars (\$25.00) for a minor
6 development permit and not to exceed one hundred dollars (\$100.00) for a major
7 development permit) set by the Commission to cover the administrative costs in
8 processing the said application."

9 Sec. 139. G.S. 113A-121(b) reads as rewritten:

10 "(b) In cities and counties that have developed approved implementation and
11 enforcement programs, applications for permits for minor developments shall be
12 considered and determined by the designated local official of the city or county as the
13 case may be. In cities and counties that have not developed approved implementation
14 and enforcement programs, such applications shall be considered and determined by the
15 ~~Secretary of Natural Resources and Community Development~~. Minor development
16 projects proposed to be undertaken by a local government within its own permit-letting
17 jurisdiction shall be considered and determined by the ~~Secretary of Natural Resources~~
18 ~~and Community Development~~."

19 Sec. 140. G.S. 113A-123(b) reads as rewritten:

20 "(b) Any person having a recorded interest or interest by operation of law in or
21 registered claim to land within an area of environmental concern affected by any final
22 decision or order of the Commission under this Part may, within 90 days after receiving
23 notice thereof, petition the superior court to determine whether the petitioner is the
24 owner of the land in question, or an interest, therein, and in case he is adjudged the
25 owner of the subject land, or an interest therein, the court shall determine whether such
26 order so restricts the use of his property as to deprive him of the practical uses thereof,
27 being not otherwise authorized by law, and is therefore an unreasonable exercise of the
28 police power because the order constitutes the equivalent of taking without
29 compensation. The burden of proof shall be on petitioner as to ownership and the
30 burden of proof shall be on the Commission to prove that the order is not an
31 unreasonable exercise of the police power, as aforesaid. Either party shall be entitled to
32 a jury trial on all issues of fact, and the court shall enter a judgment in accordance with
33 the issues, as to whether the Commission order shall apply to the land of the petitioner.
34 ~~The Secretary of Natural Resources and Community Development~~ shall cause a copy of
35 such finding to be recorded forthwith in the register of deeds office in the county where
36 the land is located. The method provided in this subsection for the determination of the
37 issue of whether such order constitutes a taking without compensation shall be exclusive
38 and such issue shall not be determined in any other proceeding. Any action authorized
39 by this subsection shall be calendared for trial at the next civil session of superior court
40 after the summons and complaint have been served for 30 days, regardless of whether
41 issues were joined more than 10 days before the session. It is the duty of the presiding
42 judge to expedite the trial of these actions and to give them a preemptory setting over all
43 others, civil or criminal. From any decision of the superior court either party may
44 appeal to the court of appeals as a matter of right."

1 Sec. 141. G.S. 113A-124 reads as rewritten:

2 **"§ 113A-124. Additional powers and duties.**

3 (a) The Secretary of ~~Natural Resources and Community Development~~ shall have
4 the following additional powers and duties under this Article:

5 (1) To conduct or cause to be conducted, investigations of proposed
6 developments in areas of environmental concern in order to obtain
7 sufficient evidence to enable a balanced judgment to be rendered
8 concerning the issuance of permits to build such developments.

9 (2) To cooperate with the Secretary of the Department of Administration
10 in drafting State guidelines for the coastal area.

11 (3) To keep a list of interested persons who wish to be notified of
12 proposed developments and proposed rules designating areas of
13 environmental concern and to so notify these persons of such proposed
14 developments by regular mail. A reasonable registration fee to defray
15 the cost of handling and mailing notices may be charged to any person
16 who so registers with the Commission.

17 (4) To propose rules to implement this Article for consideration by the
18 Commission.

19 (5) To delegate such of his powers as he may deem appropriate to one or
20 more qualified employees of the Department of ~~Natural Resources and~~
21 ~~Community Development~~ or to any local government, provided that
22 the provisions of any such delegation of power shall be set forth in
23 departmental rules.

24 (6) To delegate the power to conduct a hearing, on his behalf, to any
25 member of the Commission or to any qualified employee of the
26 Department of ~~Natural Resources and Community Development~~. Any
27 person to whom a delegation of power is made to conduct a hearing
28 shall report his recommendations with the record of the hearing to the
29 Secretary for decision or action.

30 (b) In order to carry out the provisions of this Article the secretaries of
31 Administration and of ~~Natural Resources and Community Development~~ Environment,
32 Health, and Natural Resources may employ such clerical, technical and professional
33 personnel, and consultants with such qualifications as the Commission may prescribe, in
34 accordance with the State personnel rules and budgetary laws, and are hereby
35 authorized to pay such personnel from any funds made available to them through grants,
36 appropriations, or any other sources. In addition, the said secretaries may contract with
37 any local governmental unit or lead regional organization to carry out the planning
38 provisions of this Article.

39 (c) The Commission shall have the following additional powers and duties under
40 this Article:

41 (1) To recommend to the Secretary of ~~Natural Resources and Community~~
42 ~~Development~~ the acceptance of donations, gifts, grants, contributions
43 and appropriations from any public or private source to use in carrying
44 out the provisions of this Article.

1 (2) To recommend to the Secretary of Administration the acquisition by
2 purchase, gift, condemnation, or otherwise, lands or any interest in any
3 lands within the coastal area.

4 (3) To hold such public hearings as the Commission deems appropriate.

5 (4) To delegate the power to conduct a hearing, on behalf of the
6 Commission, to any member of the Commission or to any qualified
7 employee of the Department of ~~Natural Resources and Community~~
8 ~~Development~~. Any person to whom a delegation of power is made to
9 conduct a hearing shall report his recommendations with the evidence
10 and the record of the hearing to the Commission for decision or action.

11 (5) Repealed by Session Laws 1987, c. 827, s. 141.

12 (d) The Attorney General shall act as attorney for the Commission and shall
13 initiate actions in the name of, and at the request of, the Commission, and shall
14 represent the Commission in the hearing of any appeal from or other review of any
15 order of the Commission."

16 Sec. 142. G.S. 113A-168 reads as rewritten:

17 "**§ 113A-168. Removal, etc., of unlawful advertising.**

18 Any outdoor advertising erected or established after May 26, 1975, in violation of
19 the provisions of this Article shall be unlawful and shall constitute a nuisance. The
20 Department of ~~Natural Resources and Community Development~~ Environment, Health,
21 and Natural Resources shall give 30 days' notice by certified mail to the owner of the
22 nonconforming outdoor advertising structure, if such owner is known or can by
23 reasonable diligence be ascertained, to move the outdoor advertising structure or to
24 make it conform to the provisions of this Article and rules ~~and regulations~~ promulgated
25 by the Department of ~~Natural Resources and Community Development~~ Environment,
26 Health, and Natural Resources hereunder. The Department of ~~Natural Resources and~~
27 ~~Community Development~~ or its agents shall have the right to remove or contract to have
28 removed the nonconforming outdoor advertising at the expense of the said owner if the
29 said owner fails to act within 30 days after receipt of such notice. The Department of ~~of~~
30 ~~Natural Resources and Community Development~~ or its agents or contractor and his
31 employees may enter upon private property for the purpose of removing outdoor
32 advertising prohibited by this Article or its implementing rules without civil or criminal
33 liability."

34 Sec. 143. G.S. 120-123(23) reads as rewritten:

35 "(23) The Governor's Waste Management Board, as established by ~~G.S. 143B-~~
36 ~~216-12-G.S. 143B-344.53.~~

37 Sec. 144. G.S. Chapter 130 is repealed.

38 Sec. 145. G.S. 130A-2 reads as rewritten:

39 "**§ 130A-2. Definitions.**

40 The following definitions shall apply throughout this Chapter unless otherwise
41 specified:

42 (1) 'Commission' means the Commission for Health Services.

43 (2) 'Department' means the Department ~~for Human Resources of~~
44 Environment, Health, and Natural Resources.

- 1 (3) 'Imminent hazard' means a situation which is likely to cause an
 2 immediate threat to life or a serious risk of irreparable damage to the
 3 environment if no immediate action is taken.
 4 (4) 'Local board of health' means a district board of health or a county
 5 board of health.
 6 (5) 'Local health department' means a district health department or a
 7 county health department.
 8 (6) 'Local health director' means the administrative head of a local health
 9 department appointed pursuant to this Chapter.
 10 (7) 'Person' means an individual, corporation, company, association,
 11 partnership, unit of local government or other legal entity.
 12 (8) 'Secretary' means the Secretary of the Department of ~~Human~~
 13 ~~Resources~~Environment, Health, and Natural Resources.
 14 (9) 'Unit of local government' means a county, city, consolidated city-
 15 county, sanitary district or other local political subdivision, authority
 16 or agency of local government.
 17 (10) 'Vital records' means birth, death, fetal death, marriage, annulment and
 18 divorce records registered under the provisions of Article 4 of this
 19 Chapter."

20 Sec. 146. G.S. 130A-231 reads as rewritten:

21 "**§ 130A-231. Agreements between Department of Human Resources and**
 22 **Department of Natural Resources and Community Development**the State
 23 **Health Director and the Division of Marine Fisheries.**

24 Nothing in this Part is intended to limit the authority of the Division of Marine
 25 Fisheries of the Department of Natural Resources and Community Development to
 26 regulate aspects of the harvesting, processing and handling of scallops, shellfish and
 27 crustacea relating to conservation of the fisheries resources of the State. The
 28 Department of Human Resources-State Health Director and the Department of Natural
 29 Resources and Community Development-Division of Marine Fisheries are authorized to
 30 enter into agreements respecting the duties and responsibilities of each agency as to the
 31 harvesting, processing and handling of scallops, shellfish and crustacea."

32 Sec. 147. G.S. 130A-291 reads as rewritten:

33 "**§ 130A-291. Solid Waste Unit in Department of Human Resources.**

34 (a) For the purpose of promoting and preserving an environment that is
 35 conducive to public health and welfare, and preventing the creation of nuisances and the
 36 depletion of our natural resources, the Department of ~~Human Resources~~ shall maintain
 37 an appropriate administrative unit to promote sanitary processing, treatment, disposal,
 38 and statewide management of solid waste and the greatest possible recycling and
 39 recovery of resources, and the Department shall employ and retain such qualified
 40 personnel as may be necessary to effect such purposes. It is the purpose and intent of
 41 the State to be and remain cognizant not only of its responsibility to authorize and
 42 establish the statewide solid waste management program, but also of its responsibility to
 43 monitor and supervise, through the Department of ~~Human Resources~~, the activities and
 44 operations of units of local government implementing a permitted solid waste

1 management facility serving a specified geographic area in accordance with a solid
2 waste management plan.

3 (b) In furtherance of said purpose and intent, it is hereby determined and declared
4 that it is necessary for the health and welfare of the inhabitants of the State that solid
5 waste management facilities permitted hereunder and serving a specified geographic
6 area shall be used by public or private owners or occupants of all lands, buildings, and
7 premises within said area, and a unit of local government may, by ordinance, require
8 that all solid waste generated within said area and placed in the waste stream for
9 disposal, shall be delivered to the permitted solid waste management facility or facilities
10 serving such geographic area. Actions taken pursuant to this Article shall be deemed to
11 be acts of the sovereign power of the State of North Carolina, and to the extent
12 reasonably necessary to achieve the purposes of this section, a unit of local government
13 may displace competition with public service for solid waste management and disposal.
14 It is further determined and declared that no person, firm, corporation, association or
15 entity within said geographic area shall engage in any activities which would be
16 competitive with this purpose or with ordinances, rules or regulations adopted pursuant
17 to the authority granted herein."

18 Sec. 148. G.S. 130A-310.3 reads as rewritten:

19 **"§ 130A-310.3. Remedial action programs for inactive hazardous substance or**
20 **waste disposal sites.**

21 (a) The Secretary may issue a written declaration, based upon findings of fact,
22 that an inactive hazardous substance or waste disposal site endangers the public health
23 or the environment. After issuing such a declaration, and at any time during which the
24 declaration is in effect, the Secretary shall be responsible for:

- 25 (1) Monitoring the inactive hazardous substance or waste disposal site;
- 26 (2) Developing a plan for public notice and for community and local
27 government participation in any inactive hazardous substance or waste
28 disposal site remedial action program to be undertaken;
- 29 (3) Approving an inactive hazardous substance or waste disposal site
30 remedial action program for the site;
- 31 (4) Coordinating the inactive hazardous substance or waste disposal site
32 remedial action program for the site; and
- 33 (5) Ensuring that the hazardous substance or waste disposal site remedial
34 action program is completed.

35 (b) Where possible, the Secretary shall work cooperatively with any owner,
36 operator, responsible party, or any appropriate agency of the State or federal
37 government to develop and implement the inactive hazardous substance or waste
38 disposal site remedial action program. The Secretary shall not take action under this
39 section to the extent that ~~the Secretary of Natural Resources and Community~~
40 ~~Development, or the Environmental Management Commission, or the Commissioner of~~
41 ~~Agriculture, or the Pesticide Board has assumed jurisdiction pursuant to Articles 21 or~~
42 ~~21A of Chapter 143 of the General Statutes.~~

1 (c) Whenever the Secretary has issued such a declaration, and at any time during
2 which the declaration is in effect, the Secretary may, in addition to any other powers he
3 may have, order any responsible party:

- 4 (1) To develop an inactive hazardous substance or waste disposal site
5 remedial action program for the site subject to approval by the
6 Department, and
- 7 (2) To implement the program within reasonable time limits specified in
8 the order.

9 Written notice of such an order shall be provided to all persons subject to the order
10 personally or by certified mail. If given by certified mail, notice shall be deemed to
11 have been given on the date appearing in the return of the receipt. If giving of notice
12 cannot be accomplished either personally or by certified mail, notice shall be given as
13 provided in G.S. 1A-1, Rule 4(j).

14 (d) In any inactive hazardous substance or waste disposal site remedial action
15 program implemented hereunder, the Secretary shall ascertain the most nearly
16 applicable cleanup standard as would be applied under CERCLA/SARA, and shall seek
17 federal approval of any such program to insure concurrent compliance with federal
18 standards. State standards may exceed and be more comprehensive than such federal
19 standards. The Secretary shall ~~consult with the Secretary of Natural Resources and~~
20 ~~Community Development~~ to assure concurrent compliance with applicable standards set
21 by the Environmental Management Commission."

22 Sec. 149. G.S. 130A-325 reads as rewritten:

23 **"§ 130A-325. Prohibited acts.**

24 The following acts are prohibited:

- 25 (1) Failure by a supplier of water to comply with this Article, an order
26 issued under this Article, or the drinking water rules;
- 27 (2) Failure by a supplier of water to comply with the requirements of G.S.
28 130A-324 or the dissemination by a supplier of any false or misleading
29 information with respect to remedial actions being undertaken to
30 achieve compliance with the drinking water rules;
- 31 (3) Refusal by a supplier of water to allow the Department or local health
32 department to inspect a public water system as provided for in G.S.
33 130A-17;
- 34 (4) The willful defiling by any person of any water supply of a public
35 water system or the willful damaging of any pipe or other part of a
36 public water system;
- 37 (5) The discharge by any person of sewage or other waste above the intake
38 of a public water system, unless the sewage or waste has been passed
39 through a system of purification approved by the Department ~~and the~~
40 ~~Department of Natural Resources and Community Development~~; and
- 41 (6) The failure by a person to maintain a system approved by the
42 Department for collecting and disposing of all accumulations of human
43 excrement located on the watershed of a public water system."

44 Sec. 150. G.S. 130A-334 reads as rewritten:

1 **"§ 130A-334. Definitions.**

2 The following definitions shall apply throughout this Article:

- 3 (1) 'Construction' means any work at the site of placement done for the
4 purpose of preparing a residence, place of business or place of public
5 assembly for initial occupancy, or subsequent additions or
6 modifications which increase sewage flow.
- 7 (2) Repealed by Session Laws 1985, c. 462, s. 18, effective June 24, 1985.
- 8 (3) 'Location' means the initial placement for occupancy of a residence,
9 place of business or place of public assembly.
- 10 (4), (5) Repealed by Session Laws 1985, c. 462, s. 18, effective June 24,
11 1985.
- 12 (6) 'Place of business' means a store, warehouse, manufacturing
13 establishment, place of amusement or recreation, service station, office
14 building or any other place where people work.
- 15 (7) 'Place of public assembly' means a fairground, auditorium, stadium,
16 church, campground, theater or any other place where people
17 assemble.
- 18 (8) ~~" Public or community sewage system" means a single system of~~
19 ~~sewage collection, treatment and disposal owned and operated by a~~
20 ~~sanitary district, a metropolitan sewage district, a water and sewer~~
21 ~~authority, a county or municipality or a public utility.~~
- 22 (9) 'Relocation' means the displacement of a residence or place of
23 business from one site to another.
- 24 (10) 'Residence' means a private home, dwelling unit in a multiple family
25 structure, hotel, motel, summer camp, labor work camp, manufactured
26 home, institution or any other place where people reside.
- 27 (11) 'Sanitary sewage system' means a complete system of sewage
28 collection, treatment and disposal including approved privies, septic
29 tank systems, connection to public or community sewage systems,
30 sewage reuse or recycle systems, mechanical or biological treatment
31 systems, or other such systems.
32 Properly managed chemical toilets used only for human waste at mass
33 gatherings, construction sites and labor work camps are considered
34 sanitary sewage systems.
- 35 (12) 'Septic tank system' means a subsurface sanitary sewage system
36 consisting of a settling tank and a subsurface disposal field.
- 37 (13) 'Sewage' means the liquid and solid human body waste and liquid
38 waste generated by water-using fixtures and appliances, including
39 those associated with foodhandling. The term does not include
40 industrial process wastewater or sewage that is combined with
41 industrial process wastewater."

42 Sec. 151. G.S. 130A-335(b) reads as rewritten:

43 "(b) ~~Any public or community sanitary sewage system and any sanitary sewage~~
44 ~~system which is designed to discharge effluent to the land surface or surface waters~~

1 ~~shall be approved by the Department of Natural Resources and Community~~
2 ~~Development under rules adopted by the Environmental Management Commission. Any~~
3 sanitary sewage system that is designed to discharge effluent to the land surface or
4 surface waters shall be approved by the Department under rules adopted by the
5 Environmental Management Commission. All other sanitary sewage systems shall be
6 ~~approved by the Department of Human Resources under rules adopted by the~~
7 ~~Commission for Health Services."~~

8 Sec. 152. G.S. 130A-423(d) reads as rewritten:

9 "(d) (for effective date see note) If any action is brought against a vaccine
10 manufacturer as permitted by subtitle 2 of Title XXI of the Public Health Service Act
11 and subsection (c) of this section, the plaintiff in the action may recover damages only
12 to the extent permitted by subdivisions (1) through (3) of subsection (a) of G.S. 130A-
13 427. The aggregate amount awarded in any such action may not exceed the limitation
14 established by subsection (b) of G.S. 130A-427. Regardless of whether such an action
15 is brought against a vaccine manufacturer, a claimant who has filed an election pursuant
16 to Section 2121 of the Public Health Service Act, as enacted into federal law by Public
17 Law 99-660, permitting such a claimant to file a civil action for damages for a vaccine-
18 related injury or death, or who is otherwise permitted by federal law to file an action
19 against a vaccine manufacturer, may file a petition pursuant to G.S. 130A-425 to obtain
20 services from the Department and the Department of Human Resources pursuant to
21 subdivision (5) of subsection (a) of G.S. 130A-427 and, if no action has been brought
22 against a vaccine manufacturer, to obtain other relief available pursuant to G.S. 130A-
23 427."

24 Sec. 153. G.S. 130A-423(e) reads as rewritten:

25 "(e) (for effective date see note) In order to prevent recovery of duplicate
26 damages, or the imposition of duplicate liability, in the event that an individual seeks an
27 award pursuant to G.S. 130A-427 and also files suit against the manufacturer as
28 permitted by subtitle 2 of Title XXI of the Public Health Service Act and subsection (c)
29 of this section, the following provisions shall apply:

30 (1) If, at the time an award is made pursuant to G.S. 130A-427, an
31 individual has already recovered damages from a manufacturer
32 pursuant to a judgment or settlement, the award shall consist only of a
33 commitment to provide services pursuant to subdivision (5) of
34 subsection (a) of G.S. 130A-427.

35 (2) If, at any time after an award is made to a claimant pursuant to G.S.
36 130A-427, an individual recovers damages for the same vaccine-
37 related injury from a manufacturer pursuant to a judgment or
38 settlement, the individual who recovers the damages shall reimburse
39 the State for all amounts previously recovered from the State in the
40 prior proceeding. Before a defendant in any action for a vaccine-
41 related injury pays any amount to a plaintiff to discharge a judgment or
42 settlement, he shall request from the Secretary and the Secretary of
43 Human Resources a statement itemizing any reimbursement owed by
44 the plaintiff pursuant to this subdivision, and, if ~~the~~ any reimbursement

1 is owed by the ~~plaintiff~~, plaintiff to either department, the defendant
2 shall pay the reimbursable amounts, as determined by ~~the each~~
3 Secretary, directly to ~~the Department of Human Resources~~. the
4 department to which such reimbursement is owed. This payment shall
5 discharge the plaintiff's obligations to the State under this subdivision
6 and any obligation the defendant may have to the plaintiff with respect
7 to these amounts.

8 (3) If:

- 9 a. An award has been made to a claimant for an element of
10 damages pursuant to G.S. 130A-427; and
11 b. An individual has recovered for the same element of damages
12 pursuant to a judgment in, or settlement of, an action for the
13 same vaccine-related injury brought against a manufacturer, and
14 that amount has not been remitted to the State pursuant to
15 subdivision (2) of this subsection; and
16 c. The State seeks to recover the amounts it paid in an action it
17 brings against the manufacturer pursuant to G.S. 130A-430;
18 any judgment obtained by the State under G.S. 130A-430 shall be
19 reduced by the amount necessary to prevent the double recovery of any
20 element of damages from the manufacturer. Nothing in this
21 subdivision limits the State's right to obtain reimbursement from a
22 claimant under subdivision (2) of this subsection with respect to any
23 double payment that might be received by the claimant."

24 Sec. 154. G.S. 130A-425(b) reads as rewritten:

25 "(b) In all claims filed pursuant to this Article, the claimant or the person in whose
26 behalf the claim is made shall file with the Commission a verified petition in duplicate,
27 setting forth the following information:

- 28 (1) The name and address of the claimant;
29 (2) The name and address of each respondent;
30 (3) The amount of compensation in money and services sought to be
31 recovered;
32 (4) The time and place where the injury occurred;
33 (5) A brief statement of the facts and circumstances surrounding the injury
34 and giving rise to the claim; and
35 (6) Supporting documentation and a statement of the claim that the
36 claimant or the person in whose behalf the claim is made suffered a
37 vaccine-related injury and has not previously collected an award or
38 settlement of a civil action for damages for this injury. This
39 supporting documentation shall include all available medical records
40 pertaining to the alleged injury, including autopsy reports, if any, and
41 if the injured person was under two years of age at the time of injury,
42 all prenatal, obstetrical, and pediatric records of care preceding the
43 injury, and an identification of any unavailable records known to the
44 claimant or the person in whose behalf the claim is made.

1 Upon receipt of this verified petition in duplicate, the Commission shall enter the
2 case upon its hearing docket and shall determine the matter in the county where the
3 injury occurred unless the parties agree or the Commission directs that the case may be
4 heard in some other county. All parties shall be given reasonable notice of the date
5 when and the place where the claim will be heard. Immediately upon receipt of the
6 claim, the Commission shall serve a copy of the verified petition on each respondent by
7 registered or certified mail. The Commission shall also send a copy of the verified
8 petition to the Secretary of Human Resources, who shall be a party to all proceedings
9 involving the claim, and to the Attorney General who shall represent the State's interest
10 in all the proceedings involving the claim.

11 The Commission shall adopt rules necessary to govern the proceedings required by
12 this Article. The Rules of Civil Procedure as contained in G.S. 1A-1 **et seq.** and the
13 General Rules of Practice for the Superior and District Courts as authorized by G.S. 7A-
14 34 apply to claims filed with the Industrial Commission under this Article. The
15 Commission shall keep a record of all proceedings conducted under this Article, and has
16 the right to subpoena any persons and records it considers necessary in making its
17 determinations. The Commission may require all persons called as witnesses to testify
18 under oath or affirmation, and any member of the Commission may administer oaths. If
19 any persons refuse to comply with any subpoena issued pursuant to this Article or to
20 testify with respect to any matter relevant to proceedings conducted under this Article,
21 the Superior Court of Wake County, on application of the Commission, may issue an
22 order requiring the person to comply with the subpoena and to testify. Any failure to
23 obey any such order may be punished by the court as for contempt."

24 Sec. 155. G.S. 130A-427 reads as rewritten:

25 **"§ 130A-427. Commission awards for vaccine-related injuries; duties of Secretary**
26 **of Human Resources.**

27 (a) Upon determining that a claimant has sustained a vaccine-related injury, the
28 Commission shall make an award providing compensation or services for any or all of
29 the following:

- 30 (1) Actual and projected reasonable expenses of medical care,
31 developmental evaluation, special education, vocational training,
32 physical, emotional or behavioral therapy, and residential and
33 custodial care and service expenses, that cannot be provided by the
34 Department and the Department of Human Resources pursuant to
35 subdivision (5) of this subsection;
- 36 (2) Loss of earnings and projected earnings, determined in accordance
37 with generally accepted actuarial principles;
- 38 (3) Noneconomic, general damages arising from pain, suffering, and
39 emotional distress;
- 40 (4) Reasonable attorneys fees;
- 41 (5) Needs that the Secretary and the Secretary of Human Resources
42 determines on a case-by-case basis shall be met by medical, health,
43 developmental evaluation, special education, vocational training,
44 physical, emotional, or behavioral therapy, residential and custodial

1 care, and other essential and necessary services, to be provided the
2 injured party by the programs and services administered by the
3 Department and the Department of Human Resources. The Secretary
4 and the Secretary of Human Resources shall develop an itemized list
5 of the service needs of the injured party upon review and evaluation of
6 the injured party's medical record and shall present it to the
7 Commission prior to the Commission's determination. In the event
8 that the Commission's award includes the provision of any of these
9 services, the Secretary and the Secretary of Human Resources shall
10 develop a comprehensive, coordinated plan for the delivery of these
11 services to the injured party. Notwithstanding any other provision of
12 State law, the Secretary and the Secretary of Human Resources shall
13 waive all eligibility criteria in determining eligibility for services
14 provided by the Department and the Department of Human Resources
15 under the plan of care developed pursuant to this subdivision. If the
16 award includes any such services, these services shall be provided by
17 the Department and the Department of Human Resources free of any
18 cost to the injured party.

19 (b) The money compensation component of the award may not be made pursuant
20 to this section in excess of an aggregate amount of the present day value amount of
21 three hundred thousand dollars (\$300,000) with respect to all injuries claimed to have
22 resulted from the administration of a covered vaccine to a single individual. The value
23 of all services to be provided by the Department and the Department of Human
24 Resources, as part of this award is in addition to the total amount of money
25 compensation, and is not included in the limitation prescribed by this subsection on the
26 amount of money compensation that may be awarded. No damages may be awarded
27 pursuant to subdivision (a)(3) on behalf of any person to whom the covered vaccine was
28 not administered."

29 Sec. 156. G.S. 130A-430 reads as rewritten:

30 "**§ 130A-430. Right of State to bring action against health care provider and of**
31 **manufacturer.**

32 (a) If the Industrial Commission makes an award for a claimant who it
33 determines has sustained a vaccine-related injury, the State may, within two years of the
34 date the Commission renders its decision, bring an action against the health care
35 provider who administered the vaccine on the ground that the health care provider was
36 negligent in administering the vaccine. Damages in an action brought under this section
37 are limited to the amount of the award made by the Commission plus the estimated
38 present value of all the services to be provided to the claimant by the Department and
39 the Department of Human Resources under G.S. 130A-427.

40 (b) Manufacturer. If the Industrial Commission makes an award for a claimant
41 who it determines has sustained a vaccine-related injury, the State may, within two
42 years of the date the Commission renders its decision, bring an action against the
43 manufacturer who made the vaccine on the ground that the vaccine was a defective
44 product. Damages in an action brought under this section are limited to the amount of

1 the award made by the Commission plus the estimated present value of all the services
2 to be provided to the claimant by the Department and the Department of Human
3 Resources under G.S. 130A-427, the reasonable costs of prosecuting the action,
4 including, but not limited to, attorneys fees, fees charged by witnesses, and costs of
5 exhibits. For purposes of this subsection, a defective product is a covered vaccine that
6 was manufactured, transported, or stored in a negligent manner, or was distributed after
7 its expiration date, or that otherwise violated the applicable requirements of any license,
8 approval, or permit, or any applicable standards or requirements issued under Section
9 351 of the Public Health Service Act, as amended, or the federal Food, Drug, and
10 Cosmetic Act, as these standards or requirements were interpreted or applied by the
11 federal agency charged with their enforcement. The negligence or other action in
12 violation of applicable federal standards or requirements shall be demonstrated by the
13 State, by a preponderance of the evidence, to be the proximate cause of the injury for
14 which an award was rendered pursuant to G.S. 130A-427, in order to allow recovery by
15 the State against the manufacturer pursuant to this subsection."

16 Sec. 157. G.S. 130A-433 reads as rewritten:

17 **"§ 130A-433. Contracts for purchase of vaccines; distribution; fee; rules.**

18 Notwithstanding any law to the contrary, the Secretary ~~of Human Resources~~ may
19 enter into contracts with the manufacturers and suppliers of covered vaccines and with
20 other public entities either within or without the State for the purchase of covered
21 vaccines and may provide for the distribution or sale of the covered vaccines to health
22 care providers. Local health departments shall distribute the covered vaccines at the
23 request of the ~~Department of Human Resources~~. The Secretary may charge a fee for
24 providing a covered vaccine to a health care provider. The fee shall be set at an amount
25 that covers the cost of the vaccine to the Department, plus the cost to the Department of
26 storing and distributing the vaccine. The Secretary shall adopt rules to implement this
27 Article.

28 A health care provider who receives vaccine from the State may charge no more
29 than the cost of the vaccine and a reasonable fee for the administration of the vaccine.
30 Vaccines provided by the State to local health departments for administration shall be
31 administered at no cost to the patient."

32 Sec. 158. G.S. 130A-434 reads as rewritten:

33 **"§ 130A-434. Child Vaccine Injury Compensation Fund established; payments
34 from Fund; transfer of appropriations and receipts.**

35 (a) There is established the Child Vaccine Injury Compensation Fund within the
36 ~~Department of Human Resources~~ to finance the North Carolina Childhood Vaccine-
37 Related Injury Compensation Program created by this article. The money compensation
38 components of all awards made pursuant to Article 17 of Chapter 130A of the General
39 Statutes shall be paid by the ~~Department of Human Resources~~ from the Fund.

40 (b) Should the ~~Department of Human Resources~~ find that the sum of
41 appropriations and receipts is insufficient to meet financial obligations incurred ~~by the~~
42 ~~Department~~ in the administration of this article, ~~the Department may transfer~~
43 appropriations and receipts in the Department and in the Department of Human
44 Resources which would otherwise revert to the General Fund may be transferred to the

1 Child Vaccine Injury Compensation Fund in order to meet such obligations. The
2 ~~Department of Human Resources~~ may also budget anticipated receipts as needed to
3 implement this article."

4 Sec. 159. G.S. 130A-440(c) reads as rewritten:

5 "(c) The health assessment shall be conducted by a physician licensed to practice
6 medicine, a physician's assistant as defined in G.S. 90-18.1(a), a certified nurse
7 practitioner, or a public health nurse meeting the ~~North Carolina Division of Health~~
8 ~~Services'~~ Department's Standards for Early Periodic Screening, Diagnosis, and
9 Treatment Screening."

10 Sec. 160. G.S. 130A-441 reads as rewritten:

11 "**§ 130A-441. Reporting.**

12 (a) Health assessment results shall be submitted to the school principal by the
13 medical provider on forms developed by the ~~Department of Human Resources~~ and the
14 Department of Public Instruction.

15 (a) (b) Each school having a kindergarten shall maintain on file the health
16 assessment results. The files shall be open to inspection by the ~~Department of Human~~
17 ~~Resources, the Department of Public Instruction~~ Department, the Department of Public
18 Instruction, or their authorized representatives and persons inspecting the files shall
19 maintain the confidentiality of the files. Upon transfer of a child to another
20 kindergarten, a copy of the health assessment results shall be provided upon request and
21 without charge to the new kindergarten.

22 (b) (c) Within 90 days after the commencement of a new school year, the
23 principal shall file a health assessment status report with the Department of Public
24 Instruction on forms developed by the ~~Department of Human Resources~~ and the
25 Department of Public Instruction. The report shall document the number of children in
26 compliance and not in compliance with G.S. 130A-440(a)."

27 Sec. 161. G.S. 143-215.1(a) reads as rewritten:

28 "(a) Activities for Which Permits Required. – No person shall do any of the
29 following things or carry out any of the following activities until or unless such person
30 shall have applied for and shall have received from the Commission a permit therefor
31 and shall have complied with such conditions, if any, as are prescribed by such permit:

- 32 (1) Make any outlets into the waters of the State;
- 33 (2) Construct or operate any sewer system, treatment works, or disposal
34 system within the State;
- 35 (3) Alter, extend, or change the construction or method of operation of any
36 sewer system, treatment works, or disposal system within the State;
- 37 (4) Increase the quantity of waste discharged through any outlet or
38 processed in any treatment works or disposal system to any extent
39 which would result in any violation of the effluent standards or
40 limitations established for any point source or which would adversely
41 affect the condition of the receiving waters to the extent of violating
42 any of the standards applicable to such water;
- 43 (5) Change the nature of the waste discharged through any disposal
44 system in any way which would exceed the effluent standards or

1 limitations established for any point source or which would adversely
 2 affect the condition of the receiving waters in relation to any of the
 3 standards applicable to such waters;

4 (6) Cause or permit any waste, directly or indirectly, to be discharged to or
 5 in any manner intermixed with the waters of the State in violation of
 6 the water quality standards applicable to the assigned classifications or
 7 in violation of any effluent standards or limitations established for any
 8 point source, unless allowed as a condition of any permit, special order
 9 or other appropriate instrument issued or entered into by the
 10 Commission under the provisions of this Article;

11 (7) Cause or permit any wastes for which pretreatment is required by
 12 pretreatment standards to be discharged, directly or indirectly, from a
 13 pretreatment facility to any disposal system or to alter, extend or
 14 change the construction or method of operation or increase the
 15 quantity or change the nature of the waste discharged from or
 16 processed in such facility;

17 (8) Enter into a contract for the construction and installation of any outlet,
 18 sewer system, treatment works, pretreatment facility or disposal
 19 system or for the alteration or extension of any such facilities;

20 (9) Dispose of sludge resulting from the operation of a treatment works,
 21 including the removal of in-place sewage sludge from one location and
 22 its deposit at another location, consistent with the requirement of the
 23 Resource Conservation and Recovery Act and regulations promulgated
 24 pursuant thereto;

25 (10) Cause or permit any pollutant to enter into a defined managed area of
 26 the State's waters for the maintenance or production of harvestable
 27 freshwater, estuarine, or marine plants or animals.

28 In the event that both effluent standards or limitations and classifications and water
 29 quality standards are applicable to any point source or sources and to the waters to
 30 which they discharge, the more stringent among the standards established by the
 31 Commission shall be applicable and controlling.

32 In connection with the above, no such permit shall be granted for the disposal of
 33 waste in waters classified as sources of public water supply where the ~~Department of~~
 34 ~~Human Resources~~ head of the unit which administers the public water supply program
 35 pursuant to Article 10 of Chapter 130A of the General Statutes, after review of the plans
 36 and specifications for the proposed disposal facility, determines and advises the
 37 Commission that such disposal is sufficiently close to the intake works or proposed
 38 intake works of a public water supply as to have an adverse effect on the public health.

39 In any case where the Commission denies a permit, it shall state in writing the
 40 reason for such denial and shall also state the Commission's estimate of the changes in
 41 the applicant's proposed activities or plans which will be required in order that the
 42 applicant may obtain a permit."

43 Sec. 162. G.S. 143-215.7 reads as rewritten:

1 **"§ 143-215.7. Effect on laws applicable to public water supplies and the sanitary**
2 **disposal of sewage.**

3 This Article shall not be construed as amending, repealing, or in any manner
4 abridging or interfering with those sections of the General Statutes of North Carolina
5 relative to the control of public water supplies, as now administered by the Department
6 of Human Resources the provisions of Article 10 of Chapter 130A of the General
7 Statutes relating to the control of public water supplies; nor shall the provisions of this
8 Article be construed as being applicable to or in anywise affecting the authority of the
9 Department of Human Resources to control the sanitary disposal of sewage as provided
10 in Article 11 of Chapter 130A of the General Statutes, or as affecting the powers, duties
11 and authority of city, county, county-city and district health departments usually
12 referred to as local health departments or as affecting the charter powers, or other lawful
13 authority of municipal corporations, to pass ordinances in regard to sewage disposal."

14 Sec. 163. G.S. 143-215.26 reads as rewritten:

15 **"§ 143-215.26. Construction of dams.**

16 (a) No person shall begin the construction of any dam until at least 10 days after
17 filing with the Department a statement concerning its height, impoundment capacity,
18 purpose, location and other information required by the Department. Persons proposing
19 construction described in G.S. 143-215.25, subparagraphs (2)e and f will comply with
20 malaria control requirements of the Department of Human Resources. If on the basis of
21 this information the Department is of the opinion that the proposed dam is not exempt
22 from the provisions of this Part, it shall so notify the applicant, and construction shall
23 not be commenced until a full application is filed by the applicant and approved as
24 provided by G.S. 143-215.29. The Department may also require of applicants so
25 notified the filing of such additional information as it deems necessary, including, but
26 not limited to, streamflow and rainfall data, maps, plans and specifications. Every
27 applicant for approval of a dam subject to the provisions of this Part shall also file with
28 the Department the certificate of an engineer or contractor legally qualified in the State
29 of North Carolina that he is responsible for the design of the dam, and that said design is
30 safe and adequate. Should the applicant have a professional engineering staff the
31 certificate of a registered professional engineer member of that staff legally qualified in
32 the State of North Carolina will constitute compliance.

33 (b) When an application has been completed pursuant to the preceding
34 subsection, the Department shall refer copies of the completed application papers to the
35 ~~Department of Human Resources~~ State Health Director, the Wildlife Resources
36 Commission, the Board of Transportation, and such other State and local agencies as it
37 deems appropriate for review and comment."

38 Sec. 164. G.S. 143-215.84(c) reads as rewritten:

39 "(c) The Secretary of the Department of Transportation is authorized and
40 empowered, after consultation with the Secretary ~~[of Natural Resources and Community~~
41 ~~Development]~~ to purchase and equip a sufficient number of trucks designed to carry out
42 the provisions of subsection (b). These trucks shall be maintained by the Department of
43 Transportation and shall be strategically located at various locations throughout the
44 State so as to furnish a ready response when word of an oil or other hazardous

1 substances discharge has been received. The Secretary [~~of the Department of Natural~~
2 ~~Resources and Community Development~~] or his designee will, after consultation, decide
3 where the trucks are to be located."

4 Sec. 165. G.S. 143-215.84(d) reads as rewritten:

5 "(d) The Secretary of the Department of Transportation and the Secretary [~~of the~~
6 ~~Department of Natural Resources and Community Development~~] or their designees
7 shall adopt rules for the placement of these trucks and shall determine the manner and
8 way in which they are to be used. The Secretary [~~of the Department of Natural~~
9 ~~Resources and Community Development~~] shall reimburse the Department of
10 Transportation for expenses incurred by the Department of Transportation during
11 cleanups as provided in G.S. 143-215.88."

12 Sec. 166. G.S. 143-252 reads as rewritten:

13 **"§ 143-252. Article subject to Chapter 113.**

14 Nothing in this Article shall be construed to affect the jurisdictional division
15 between the North Carolina Wildlife Resources Commission and the Department of
16 ~~Natural and Economic Resources~~ Environment, Health, and Natural Resources
17 contained in Subchapter IV of Chapter 113 of the General Statutes, or in any way to
18 alter or abridge the powers and duties of the two agencies conferred in that Subchapter."

19 Sec. 167. G.S. 143-253 reads as rewritten:

20 **"§ 143-253. Jurisdictional questions.**

21 In the event of any questions arising between the Department of ~~Natural and~~
22 ~~Economic Resources~~ Environment, Health, and Natural Resources and the North
23 Carolina Wildlife Resources Commission as to any duty or responsibility or authority
24 imposed upon either of said bodies by law, or in case of any conflicting rules or
25 regulations or administrative practices adopted by said bodies, such questions or matters
26 shall be determined by the Governor of the State and his determination shall be binding
27 on each of said bodies."

28 Sec. 168. G.S. 143-345.6(a) reads as rewritten:

29 **"§ 143-345.6. Land records management program.**

30 (a) The Department of ~~Natural Resources and Community Development~~
31 Environment, Health, and Natural Resources shall administer a land records
32 management program for the purposes (i) of advising registers of deeds, local tax
33 officials, and local planning officials about sound management practices, and (ii) of
34 establishing greater uniformity in local land records systems. The management program
35 shall consist of the activities provided for in subsections (b) through (e) of this section,
36 and other related activities essential to the effective conduct of the management
37 program.

38 (b) The Department of ~~Natural Resources and Community~~
39 ~~Development~~ Environment, Health, and Natural Resources, in cooperation with the
40 Secretary of Cultural Resources and in accordance with G.S. 121-5(c) and G.S. 132-8.1,
41 shall establish minimum standards and provide advice and technical assistance to local
42 governments in implementing and maintaining minimum standards with regard to the
43 following aspects of land records management:

44 (1) Uniform indexing of land records;

1 (2) Uniform recording and indexing procedures for maps, plats and
2 condominiums; and

3 (3) Security and reproduction of land records.

4 (c) ~~The Department of Natural Resources and Community Development~~
5 Environment, Health, and Natural Resources shall conduct a program for the
6 preparation of county base maps pursuant to standards prepared by that Department.

7 (c1) ~~The Department of Natural Resources and Community Development~~
8 Environment, Health, and Natural Resources shall, in cooperation with the Secretary of
9 Revenue, conduct a program for the preparation of county cadastral maps pursuant to
10 standards prepared by the Department of ~~Natural Resources~~Environment, Health, and
11 Natural Resources.

12 (d) Upon the joint request of any board of county commissioners and the register
13 of deeds and subject to available resources of personnel and funds, the Secretary shall
14 make a management study of the office of register of deeds, using assistance from the
15 Office of State Personnel. At the conclusion of the study, the Secretary shall make
16 nonbinding recommendations to the board, the register of deeds, and to the General
17 Assembly.

18 (e) ~~The Department of Natural Resources and Community~~
19 DevelopmentEnvironment, Health, and Natural Resources, in cooperation with the
20 Secretary of Cultural Resources and in accordance with G.S. 121-5(c) and G.S. 132-8.1,
21 shall undertake research and provide advice and technical assistance to local
22 governments on the following aspects of land records management:

23 (1) Centralized recording systems;

24 (2) Filming, filing, and recording techniques and equipment;

25 (3) Computerized land records systems; and

26 (4) Storage and retrieval of land records.

27 (f) An advisory committee on land records is created to assist the Secretary in
28 administering the land records management program. The Governor shall appoint 12
29 members to the committee; one member shall be appointed from each of the
30 organizations listed below from persons nominated by the organization:

31 (1) The North Carolina Association of Assessing Officers;

32 (2) The North Carolina Section of the American Society of
33 Photogrammetry;

34 (3) The North Carolina Chapter of the American Institute of Planners;

35 (4) The North Carolina Section of the American Society of Civil
36 Engineers;

37 (5) The North Carolina Tax Collectors' Association;

38 (6) The North Carolina Association of Registers of Deeds;

39 (7) The North Carolina Bar Association;

40 (8) The North Carolina Society of Land Surveyors; and

41 (9) The North Carolina Association of County Commissioners.

42 In addition, three members from the public at large shall be appointed. The members of
43 the committee shall be appointed for four-year terms, except that the initial terms for
44 members listed in positions (1) through (4) above and for two of the members-at-large

1 shall be two years; thereafter all appointments shall be for four years. The Governor
2 shall appoint the chairman, and the committee shall meet at the call of the chairman.
3 The Governor in making the appointments shall try to achieve geographical and
4 population balance on the advisory committee; one third of the appointments shall be
5 persons from the most populous counties in the State containing approximately one
6 third of the State's population, one third from the least populous counties containing
7 approximately one third of the State's population, and one third shall be from the
8 remaining moderately populous counties containing approximately one third of the
9 State's population. Each organization shall nominate one nominee each from the more
10 populous, moderately populous, and less populous counties of the State. The members
11 of the committee shall receive per diem and subsistence and travel allowances as
12 provided in G.S. 138-5."

13 Sec. 169. G.S. 143-439(b) reads as rewritten:

14 "(b) The Pesticide Advisory Committee shall consist of ~~19 members to be~~
15 ~~appointed by the Board as follows~~of: three practicing farmers; one conservationist (at
16 large); one ecologist (at large); one representative of the pesticide industry; one
17 representative of agribusiness (at large); one local health director; three members of the
18 North Carolina State University School of Agriculture and Life Sciences, at least one of
19 which shall be from the area of wildlife or biology; one member ~~each~~ representing the
20 North Carolina Department of ~~Agriculture, Agriculture~~; the North Carolina Department
21 of ~~Human Resources, and the North Carolina Department of Natural Resources and~~
22 ~~Community Development~~ the State Health Director; one representative of a public
23 utility or railroad company which uses pesticides, or of the Board of Transportation; one
24 member of the North Carolina Agricultural Aviation Association; one member of the
25 general public (at large); one member actively engaged in forest pest management; and
26 one member representing the Solid and Hazardous Waste Management Branch,
27 ~~Environmental Health Section, Division of Health Services, Department of Human~~
28 ~~Resources~~ of the Department of Environment, Health, and Natural Resources."

29 Sec. 170. G.S. 143B-140 reads as rewritten:

30 "**§ 143B-140. Department of Human Resources – organization.**

31 The Department of Human Resources shall be organized initially to include the
32 Board of Human Resources, ~~the Commission for Health Services~~, the Commission for
33 Mental Health and Mental Retardation Services, the Eugenics Commission, the
34 Commission for the Blind, the Professional Advisory Committee, the Blind Advisory
35 Committee, the Social Services Commission, the Commission for Medical Facility
36 Services and Licensure, the Council for Institutional Boards, the Council on
37 Developmental Disabilities, the Governor's Coordinating Council on Aging, the
38 Governor's Council on Employment of the Handicapped, the Governor's Advocacy
39 Council on Children and Youth, the Mental Health Council, ~~the Board of Directors of~~
40 ~~the North Carolina Sanatoriums for the Treatment of Tuberculosis~~, ~~the Board of~~
41 ~~Directors of the Lenox Baker Cerebral Palsy and Crippled Children's Hospital of North~~
42 ~~Carolina~~, ~~the Board of Directors of the North Carolina Orthopedic Hospital~~, the Board
43 of Directors of the Governor Morehead School, the Board of Directors of the North
44 Carolina Schools for the Deaf, the Board of Directors for the Confederate Women's

1 Home, ~~the Division of Health Services,~~ the Division of Mental Health, Mental
2 Retardation, and Substance Abuse Services, the Division of Social Services, the
3 Division of Vocational Rehabilitation Services, the Division of Blind Services, the
4 Division of Facility Services and Licensure, the Division of Institutional Services, the
5 Division of Aging, and such other divisions as may be established under the provisions
6 of this Chapter."

7 Sec. 171. Part 3 of Article 3 of Chapter 143B of the General Statutes is
8 recodified as Part 28 of Article 7 of that Chapter and reads as rewritten:

9 "~~PART 3~~ Part 28. Commission for Health Services.

10 "**§ 143B-~~142344.20~~. Commission for Health Services – creation, powers and duties.**

11 (a) The Commission for Health Services of the Department of ~~Human Resources~~
12 Environment, Health, and Natural Resources is created with the authority and duty to
13 adopt rules to protect and promote the public health.

14 (b) The Commission for Health Services is authorized to adopt rules necessary to
15 implement the public health programs administered by the Department of ~~Human~~
16 ~~Resources-Environment, Health, and Natural Resources~~ as provided in Chapter 130A of
17 the General Statutes.

18 (c) The Commission for Health Services shall adopt rules:

- 19 (1) Repealed by Session Laws 1983 (Regular Session, 1984), c. 1022, s. 5.
- 20 (2) Establishing standards for approving sewage-treatment devices and
21 holding tanks for marine toilets as provided in G.S. 75A-6(o);
- 22 (3) Establishing specifications for sanitary privies for schools where
23 water-carried sewage facilities are unavailable as provided in G.S.
24 115C-522;
- 25 (4) Establishing requirements for the sanitation of local confinement
26 facilities as provided in G.S. 153-53.4; and
- 27 (5) Governing environmental impact statements and information required
28 in applications to determine eligibility for water supply systems under
29 the provisions of the Clean Water Bond Act.

30 (d) The Commission is authorized to create:

- 31 (1) Metropolitan water districts as provided in G.S. 162A-33;
- 32 (2) Sanitary districts as provided in Part 2 of Article 2 of Chapter 130A of
33 the General Statutes; and
- 34 (3) Mosquito control districts as provided in Part 2 of Article 12 of
35 Chapter 130A of the General Statutes.

36 (e) Rules adopted by the Commission for Health Services shall be enforced by
37 the Department of ~~Human Resources~~Environment, Health, and Natural Resources.

38 "**§ 143B-~~143344.21~~. Commission for Health Services – members; selection;
39 quorum; compensation.**

40 The Commission for Health Services of the Department of ~~Human Resources~~
41 Environment, Health, and Natural Resources shall consist of 12 members, four of whom
42 shall be elected by the North Carolina Medical Society and eight of whom shall be
43 appointed by the Governor.

1 One of the members appointed by the Governor shall be a licensed pharmacist, one a
2 registered engineer experienced in sanitary engineering or a soil scientist, one a licensed
3 veterinarian, one a licensed optometrist, one a licensed dentist, and one a registered
4 nurse. The initial members of the Commission shall be the members of the State Board
5 of Health who shall serve for a period equal to the remainder of their current terms on
6 the State Board of Health, three of whose appointments expire May 1, 1973, and two of
7 whose appointments expire May 1, 1975. At the end of the respective terms of office of
8 initial members of the Commission, their successors shall be appointed for terms of four
9 years and until their successors are appointed and qualify. Any appointment to fill a
10 vacancy on the Commission created by the resignation, dismissal, death, or disability of
11 a member shall be for the balance of the unexpired term.

12 The North Carolina Medical Society shall have the right to remove any member
13 elected by it for misfeasance, malfeasance, or nonfeasance, and the Governor shall have
14 the right to remove any member appointed by him for misfeasance, malfeasance, or
15 nonfeasance in accordance with the provisions of G.S. 143B-13 of the Executive
16 Organization Act of 1973. Vacancies on said Commission among the membership
17 elected by the North Carolina Medical Society shall be filled by the executive
18 committee of the Medical Society until the next meeting of the Medical Society, when
19 the Medical Society shall fill the vacancy for the unexpired term. Vacancies on said
20 Commission among the membership appointed by the Governor shall be filled by the
21 Governor for the unexpired term.

22 A majority of the members of the Commission shall constitute a quorum for the
23 transaction of business.

24 The members of the Commission shall receive per diem and necessary traveling and
25 subsistence expenses in accordance with the provisions of G.S. 138-5.

26 **"§ 143B-~~144~~344.22. Commission for Health Services – officers.**

27 The Commission for Health Services shall have a chairman and a vice-chairman.
28 The chairman shall be designated by the Governor from among the members of the
29 Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by
30 and from the members of the Commission and shall serve for a term of two years or
31 until the expiration of his regularly appointed term.

32 **"§ 143B-~~145~~344.23. Commission for Health Services – election meetings.**

33 The meeting of the Commission for Health Services for the election of vice-
34 chairman shall be at the first regular meeting after the joint session of the Commission
35 for Health Services and the North Carolina Medical Society at the annual meeting of the
36 North Carolina Medical Society each odd-numbered year.

37 **"§ 143B-~~146~~344.24. Commission for Health Services – regular and special
38 meetings.**

39 Each year there shall be four regular meetings of the Commission for Health
40 Services, one of which shall be held during the annual meeting and conjointly with a
41 general session of the North Carolina Medical Society at which time and place the
42 annual report shall be submitted by the Secretary of ~~Human Resources-Environment,~~
43 Health, and Natural Resources or his designee. The other three meetings shall be at
44 such times and places as the chairman of the Commission shall designate. Special

1 meetings of the Commission may be called by the chairman, or by a majority of the
2 members of the Commission."

3 Sec. 172. Part 18 of Article 3 of Chapter 143B of the General Statutes is
4 recodified as Part 29 of Article 7 of that Chapter and reads as rewritten:

5 **"PART ~~1829~~. COUNCIL ON SICKLE CELL SYNDROME.**

6 **"§ 143B-~~188344.30~~. Council on Sickle Cell Syndrome; appointment; expenses;**
7 **terms.**

8 A Council on Sickle Cell Syndrome is created. The Council shall consist of a
9 chairperson and 14 other members appointed by the Governor. Members shall serve
10 without compensation except for reimbursement for travel and expenses in pursuit of
11 Council business. Except as provided in this subsection, Council members shall serve a
12 term of three years. To achieve a staggered term structure, five members shall be
13 appointed for a term of one year, five members for a term of two years, and five
14 members for a term of three years.

15 **"§ 143B-~~189344.31~~. Council membership.**

16 In making appointments, consideration shall be given to persons representing the
17 following areas:

- 18 (1) Members of community agencies interested in sickle cell syndrome;
- 19 (2) State and local officials concerned with public health, social services
20 and rehabilitation;
- 21 (3) Teachers and members of State and local school boards;
- 22 (4) Physicians in medical centers and physicians in community practice
23 who are interested in sickle cell syndrome;
- 24 (5) Persons or relatives of persons with sickle cell disease.

25 **"§ 143B-~~190344.32~~. Council role.**

26 The Council shall advise the Department of Environment, Health, and Natural
27 Resources and the Commission for Health Services on the needs of persons with sickle
28 cell syndrome, and shall make recommendations to meet these needs. Such
29 recommendations shall include but not be limited to recommendations for legislative
30 action and for rules regarding the services of the Sickle Cell Program. The Council
31 shall develop procedures to facilitate its operation. All clerical and other services
32 required by the Council shall be furnished by the Department of ~~Human Resources~~
33 Environment, Health, and Natural Resources within budget limitations."

34 Sec. 173. Part 20 of Article 3 of Chapter 143B of the General Statutes is
35 recodified as Part 30 of Article 7 of that Chapter and reads as rewritten:

36 **"PART ~~2030~~. COMMISSION OF ANATOMY.**

37 **"§ 143B-~~204344.40~~. Commission of Anatomy – creation; powers and duties.**

38 There is hereby created the Commission of Anatomy of the Department of ~~Human~~
39 ~~Resources~~ Environment, Health, and Natural Resources with the power and duty to
40 adopt rules and regulations for the distribution of dead human bodies and parts thereof
41 for the purpose of promoting the study of anatomy in the State of North Carolina. The
42 Commission is authorized to receive dead bodies pursuant to G.S. 90-216.6 and to be a
43 donee of a body or parts thereof pursuant to Article 15A of Chapter 90 of the General

1 Statutes known as the Uniform Anatomical Gift Act and to distribute such bodies or
2 parts thereof pursuant to the rules and regulations adopted by the Commission.

3 **"§ 143B-~~205~~344.41. Commission of Anatomy – members; selection; term;
4 chairman; quorum; meetings.**

5 The Commission of Anatomy shall consist of five members, one from the
6 membership of the State Board of Mortuary Science, and one each from The University
7 of North Carolina School of Medicine, East Carolina University School of Medicine,
8 Duke University School of Medicine, and Bowman Gray School of Medicine. The dean
9 of each school shall make recommendations and the Secretary of ~~Human Resources~~
10 Environment, Health, and Natural Resources shall appoint from such recommendations
11 a member to the Commission. The president of the State Board of Mortuary Science
12 shall appoint one member from that Board to the Commission. The members shall
13 serve terms of four years except two of the original members shall serve a term of one
14 year, one shall serve a term of two years, one shall serve a term of three years, and one
15 shall serve a term of four years. The Secretary shall determine the terms of the original
16 members.

17 Any appointment to fill a vacancy on the Commission created by the resignation,
18 dismissal, death, or disability of a member shall be for the balance of the unexpired
19 term.

20 The Secretary shall have the power to remove any member of the Commission from
21 office for misfeasance, malfeasance or nonfeasance.

22 The Commission shall elect a chairman annually from its own membership.

23 A majority of the Commission shall constitute a quorum for the transaction of
24 business.

25 The Commission shall meet at any time and place within the State at the call of the
26 chairman or upon the written request of three members.

27 All clerical and other services required by the Commission shall be supplied by the
28 Secretary of ~~Human Resources~~Environment, Health, and Natural Resources.

29 **"§ 143B-~~206~~344.42. Commission of Anatomy – reference to former Board of
30 Anatomy in testamentary disposition.**

31 A testamentary disposition of a body or part thereof to the former Board of Anatomy
32 shall be deemed in all respects to be a disposition to the Commission of Anatomy."

33 Sec. 174. Part 26 of Article 3 of Chapter 143B of the General Statutes is
34 recodified as Part 31 of Article 7 of that Chapter and reads as rewritten:

35 "Part ~~26~~31. Governor's Council on Physical Fitness and Health.

36 **"§ 143B-~~216~~8344.47. Governor's Council on Physical Fitness and Health –
37 creation; powers; duties.**

38 There is hereby created the Governor's Council on Physical Fitness and Health in the
39 Department of ~~Human Resources~~Environment, Health, and Natural Resources. The
40 Council shall have the following functions and duties:

- 41 (1) To promote interest in the area of physical fitness; to consider the need
42 for new State programs in the field of physical fitness; to enlist the
43 active support of individual citizens, professional and civic groups,
44 amateur and professional athletes, voluntary organizations, State and

1 local government agencies, private industry and business, and
2 community recreation programs in efforts to improve the physical
3 fitness and thereby the health of the citizens of North Carolina;

4 (2) To examine current programs of physical fitness available to the
5 people of North Carolina, and to make recommendations to the
6 Governor for coordination of programs to prevent duplication of such
7 services; to support programs of physical fitness in the public school
8 systems; to develop cooperative programs with medical, dental, and
9 other groups; to maintain a liaison with government, private and other
10 agencies concerning physical fitness programs; to stimulate research in
11 the area of physical fitness; to sponsor physical fitness workshops,
12 clinics, conferences, and other related activities pertaining to physical
13 fitness throughout the State;

14 (3) To serve as an agency for recognizing outstanding developments,
15 contributions, and achievements in physical fitness in North Carolina;
16 and

17 (4) The Council shall make an annual report to the Governor and to the
18 Secretary of ~~Human Resources~~Environment, Health, and Natural
19 Resources, including therein suggestions and recommendations for the
20 furtherance of the physical fitness of the people of North Carolina.

21 **"§ 143B-216.9344.48. The Governor's Council on Physical Fitness and Health –**
22 **members; selection; quorum; compensation.**

23 The Governor's Council on Physical Fitness in the Department of ~~Human Resources~~
24 Environment, Health, and Natural Resources shall consist of 10 members, including a
25 chairman.

26 (1) The composition of the Council shall be as follows: one member of the
27 Senate appointed by the President of the Senate, and one member of
28 the House of Representatives appointed by the Speaker of the House of
29 Representatives, and eight persons from the health care professions,
30 the fields of business and industry, physical education, recreation,
31 sports and the general public. The eight nonlegislative members of the
32 Council shall be appointed by the Governor to serve at his pleasure.

33 (2) The eight initial nonlegislative members of the Council shall be
34 appointed thusly: two for a term of one year, two for a term of two
35 years, two for a term of three years, two for a term of four years. At
36 the end of the respective terms of office of these initial members, all
37 succeeding appointments of nonlegislative members shall be for terms
38 of four years; nonlegislative members shall serve no more than two
39 consecutive four-year terms; all unexpired terms due to resignation,
40 death, disability, removal or refusal to serve shall be filled by a
41 qualified person appointed by the Governor for the balance of the
42 unexpired term.

- 1 (3) Legislative members of the Council shall serve two-year terms
2 beginning and ending on July 1 of odd-numbered years, and shall
3 serve no more than two consecutive terms.
- 4 (4) Members of the Governor's Council shall receive per diem and
5 necessary travel and subsistence expenses in accordance with G.S.
6 138-5 or 138-6, or travel and subsistence expenses under G.S. 120-3.1,
7 as appropriate.
- 8 (5) The Council shall meet no more than quarterly.
- 9 (6) A majority of the Governor's Council shall constitute a quorum for the
10 transaction of business."

11 Sec. 175. Part 27 of Article 3 of Chapter 143B of the General Statutes is
12 recodified as Part 32 of Article 7 of that Chapter and reads as rewritten:

13 **"PART 2732. GOVERNOR'S WASTE MANAGEMENT BOARD.**

14 **"§ 143B-216.10344.51. Declaration of findings.**

15 (a) The General Assembly of North Carolina hereby finds and declares that the
16 safe management of hazardous wastes and low-level radioactive wastes, and particularly
17 the timely establishment of adequate facilities for the disposal and management of
18 hazardous wastes and low-level radioactive wastes is one of the most urgent problems
19 facing North Carolina. The safe management and disposal of these wastes are essential
20 to continued economic growth and to protection of the public health and safety. When
21 improperly handled, these wastes pose a threat to the water, land, and air resources of
22 the State, as well as to the health and safety of its citizens. Consequently, cooperation
23 and coordination among the private sector, the general public and State and local
24 agencies to assure the prevention of unnecessary waste and the establishment of
25 adequate treatment and disposal facilities are essential. The General Assembly further
26 finds that cooperation and coordination among the private sector, the general public and
27 State regulatory agencies will be advanced by the creation of a Governor's Waste
28 Management Board.

29 (b) It is the intent of the General Assembly by enactment of the Waste
30 Management Act of 1981 to prescribe a uniform system for the management of
31 hazardous waste and low-level radioactive waste and to place limitations upon the
32 exercise by all units of local government in North Carolina of the power to regulate the
33 management of hazardous waste and low-level radioactive waste by means of special,
34 local, or private acts or resolutions, ordinances, property restrictions, zoning regulations
35 or otherwise. To this end, all provisions of special, local or private acts or resolutions
36 are repealed which:

- 37 (1) Prohibit the transportation, treatment, storage, or disposal of hazardous
38 or low-level radioactive waste within any county, city, or other
39 political subdivision;
- 40 (2) Prohibit the siting of a hazardous waste facility or a low-level
41 radioactive waste facility within any county, city, or other political
42 subdivision;
- 43 (3) Place any restriction or condition not placed by this Part or by General
44 Statutes Chapter 130, Article 13B or Chapter 104E upon the

1 transportation, treatment, storage or disposal of hazardous or low-level
2 radioactive waste, or upon the siting of a hazardous waste facility or
3 low-level radioactive waste facility within any county, city, or other
4 political subdivision; or

- 5 (4) In any manner are in conflict or inconsistent with the provisions of this
6 Part or General Statutes Chapter 130, Article 13B or Chapter 104E.
7 No special, local or private acts or resolutions enacted or taking effect
8 hereafter may be construed to modify, amend or repeal any portion of
9 the Waste Management Act of 1981 unless it expressly provides for
10 such by specific references to the appropriate section of this Part.
11 Further to this end, all provisions of local ordinances, including those
12 regulating land use, adopted by counties, municipalities, or other local
13 authorities are invalidated which (i) prohibit or have the effect of
14 prohibiting the establishment or operation of a hazardous waste facility
15 or a hazardous waste landfill facility approved by the Governor
16 pursuant to G.S. 130-166.17B; or (ii) prohibit or have the effect of
17 prohibiting the establishment or operation of a low-level radioactive
18 waste facility or a low-level radioactive waste landfill facility
19 approved by the Governor pursuant to G.S. 104E-6.2.

20 (c) The General Assembly of North Carolina hereby finds and declares that
21 prevention, recycling, detoxification, and reduction of hazardous wastes should be
22 encouraged and promoted. These are alternatives which ultimately remove such wastes'
23 hazards to human health and the environment. When these alternatives are not
24 technologically feasible, retrievable above-ground storage is sometimes preferable to
25 other means of disposal of some types of waste until appropriate methods for recycling
26 or detoxification of the stored wastes are found. Landfilling shall be used only when it
27 is clearly appropriate. Hazardous waste landfill facilities and polychlorinated biphenyl
28 landfill facilities shall be detoxified as soon as technology which is economically
29 feasible is available and sufficient money is available without additional appropriation.

30 **"§ 143B-216.11344.52. Definitions.**

31 Unless the context otherwise requires, the following definitions shall apply to this
32 Part:

- 33 (1) 'Board' means the Governor's Waste Management Board.
34 (2) 'Hazardous waste' has the same meaning as in G.S. 130A-290(4).
35 (3) 'Hazardous waste facility' means a facility as defined in G.S. 130A-
36 290(5).
37 (4) 'Hazardous waste landfill facility' means a facility as defined in G.S.
38 130A-290(7).
39 (5) 'Hazardous waste management' has the same meaning as defined in
40 G.S. 130A-290(8).
41 (6) 'Low-level radioactive waste' has the same meaning as in G.S. 104E-
42 5(9a).
43 (7) 'Low-level radioactive waste facility' means a facility as defined in
44 G.S. 104E-5(9b).

1 (8) 'Low-level radioactive waste landfill facility' means a facility as
2 defined in G.S. 104E-5(9c).

3 (9) 'Low-level radioactive waste management' means the systematic
4 control of the collection, source separation, storage, transportation,
5 processing, treatment, recovery and disposal of low-level radioactive
6 waste.

7 "**§ 143B-216.12344.53. Creation; membership; terms; chairperson; vacancies;
8 removal; compensation; quorum.**

9 (a) There is hereby created the Governor's Waste Management Board to be
10 located in the Department of ~~Human Resources~~Environment, Health, and Natural
11 Resources. The composition of the Board shall be as follows:

12 (1) Five members from State government: the Secretary or Commissioner
13 of ~~Human Resources, Natural Resources and Community~~
14 ~~Development~~Environment, Health, and Natural Resources, Commerce,
15 Agriculture, and Crime Control and Public Safety. At the request of
16 such Secretary or Commissioner, the Governor may appoint another
17 official from the same department to serve in his stead.

18 (2) Nine members appointed by the Governor from the following
19 categories: one from county government, one from municipal
20 government, two from private industry, two from the field of higher
21 education, research or technology, one who shall be a physician
22 licensed to practice medicine, and two from the public at large
23 interested in environmental matters.

24 (3) Two members appointed by the General Assembly, one upon the
25 recommendation of the Speaker of the House of Representatives, and
26 one upon the recommendation of the President of the Senate in
27 accordance with G.S. 120-121.

28 (b) The members appointed by the Governor shall serve three-year terms until
29 they are reappointed or replaced, except that two of the original members shall serve
30 terms of one year, three of the original members shall serve terms of two years and three
31 of the original members shall serve terms of three years. The initial members appointed
32 by the General Assembly shall serve for terms expiring June 30, 1983; thereafter, their
33 successors shall serve for two-year terms beginning July 1 of odd-numbered years.

34 (c) The initial members appointed by the Governor shall be appointed as soon as
35 possible after passage of this Part and shall serve terms as set forth in subsection (b).

36 (d) The chairperson of the Board shall be appointed by and serve at the pleasure
37 of the Governor.

38 (e) Any appointment to fill a vacancy on the Board created by resignation,
39 dismissal, death, disability or any other cause shall be for the balance of the unexpired
40 term. Vacancies in appointments made by the General Assembly shall be filled in
41 accordance with G.S. 120-122.

42 (f) Any member of the Board, except legislative appointees, may be removed by
43 the Governor for misfeasance, malfeasance, or nonfeasance. Members appointed by the
44 General Assembly may be removed for these reasons only by the General Assembly.

1 (g) Members of the Board who are State employees shall receive travel expenses
2 as set forth in G.S. 138-6. The other Board members shall receive per diem and travel
3 expenses as set forth in G.S. 138-5.

4 (h) A majority of the board shall constitute a quorum for the transaction of
5 business.

6 **"§ 143B-216.13344.54. Functions and powers of Board.**

7 The Board shall perform the functions and be empowered as follows:

- 8 (1) The Board shall periodically evaluate and assess the volume,
9 distribution, location, and physical and chemical characteristics of
10 hazardous waste and low-level radioactive waste generated or disposed
11 of in the State.
- 12 (2) The Board shall periodically review the State's comprehensive waste
13 management system and make recommendations to the Governor,
14 cognizant State agencies, and the General Assembly on ways to
15 improve waste management; reduce the amount of waste generated;
16 maximize resource recovery, reuse, and conservation; and minimize
17 the amount of hazardous waste and low-level radioactive waste which
18 must be disposed of.
- 19 (3) The Board shall study and make recommendations on policy issues
20 including but not limited to liability and financial responsibilities
21 within the waste management area. On or before January 1, 1983, the
22 Board shall prepare and present to the Governor and General
23 Assembly a report concerning the desirability of establishing by statute
24 a standard of strict liability for persons involved in storage,
25 transportation, treatment, or disposal of hazardous or low-level
26 radioactive waste in North Carolina.
- 27 (4) The Board shall promote research and development and disseminate
28 information on state-of-the-art means of handling and disposing of
29 hazardous waste and low-level radioactive waste. The Board is
30 authorized to establish a waste information exchange for the State.
- 31 (5) The Board shall promote public education and public involvement in
32 the decision making process for the siting and permitting of proposed
33 waste management facilities.
- 34 (6) The Board shall periodically evaluate and assess the type and number
35 of hazardous waste facilities, hazardous waste landfill facilities, low-
36 level radioactive waste facilities and low-level radioactive waste
37 landfill facilities in existence, under construction or planned in the
38 State and multi-State region and promote the development of
39 additional facilities particularly retrievable aboveground storage
40 facilities if existing or planned facilities are deemed inadequate or
41 unavailable.
- 42 (7) The Board shall prepare and file jointly with the Governor and the
43 General Assembly an annual report describing the Board's activities
44 and setting forth its recommendations for administrative or regulatory

1 action required to improve the State's comprehensive waste
2 management system or remedy noted defects in the system. A special
3 report shall be filed in January of 1983 which shall include an
4 evaluation on the possible need to organize State agencies more
5 efficiently to improve overall performance of waste management
6 functions. The report should give consideration to the advantages and
7 disadvantages of consolidating or centralizing administration of
8 programs that are now in separate agencies.

9 The Board shall provide a report to the General Assembly by February 1, 1985, to
10 include:

- 11 a. An analysis of the size, type and number of hazardous waste
12 facilities needed in North Carolina and a plan to meet these
13 needs;
 - 14 b. An analysis of the system of collection of hazardous waste in
15 North Carolina, recommendations as to how that system might
16 be improved and a plan to implement these recommendations;
17 and
 - 18 c. An analysis of the cost incurred by local government because of
19 the presence of a hazardous waste facility, a hazardous waste
20 landfill facility or a comprehensive hazardous waste treatment
21 facility.
- 22 (8) The Board shall each year recommend to the Governor a recipient for
23 a 'Governor's Award of Excellence' which the Governor shall award
24 for outstanding achievement by an industry or company in the area of
25 hazardous waste or low-level radioactive waste management.
- 26 (9) The Board shall promote and participate in discussion with other states
27 concerning development of regional hazardous waste and low-level
28 radioactive waste management agreements.
- 29 (10) The Board shall assist localities in which facilities are proposed in
30 collecting and receiving information relating to the suitability of the
31 proposed site. At the request of a local government in which facilities
32 are proposed, the Board shall direct the appropriate agencies of State
33 government to develop such relevant data as that locality shall
34 reasonably request.
- 35 (11) Repealed by Session Laws 1987 (Reg. Sess., 1988), c. 1082, s. 14.1.
- 36 (12) The Board shall, in accordance with the procedures set forth in G.S.
37 160A-211.1 and 153A-152.1, review upon appeal specific privilege
38 license tax rates which localities may apply to waste management
39 facilities in their jurisdiction.
- 40 (13) The Board may insure its members against personal liability for any
41 actions they might take pursuant to the exercise of the functions and
42 powers of the Board.
- 43 (14) The Board may adopt, modify, or revoke any rules necessary to carry
44 out the functions and powers as set forth in this Part.

1 (15) The Board shall have any and all powers necessary or incidental to the
2 exercise of the functions and powers enumerated herein.

3 (16) The Board shall study the development of retrievable, aboveground
4 storage facilities for hazardous wastes.

5 (17) The Board shall certify comprehensive hazardous waste treatment
6 facilities which meet the criteria prescribed in G.S. 130A-290(1).

7 "**§ 143B-216.14344.55. Functions and powers of Department of ~~Human~~
8 ~~Resources~~Environment, Health, and Natural Resources.**

9 The Department of ~~Human Resources~~Environment, Health, and Natural Resources
10 is authorized:

11 (1) To enter upon any lands and structures upon lands to make surveys,
12 borings, soundings and examinations as may be necessary to determine
13 the suitability of a site for a hazardous waste facility, hazardous waste
14 landfill facility, low-level radioactive waste facility or low-level
15 radioactive landfill facility. The Department shall give 30 days' notice
16 of the intended entry authorized by this section in the manner
17 prescribed for service of process by G.S. 1A-1, Rule 4. Entry under
18 this section shall not be deemed a trespass or taking; provided however
19 that the Department shall make reimbursement for any damage to such
20 land or structures caused by such activities;

21 (2) To provide necessary clerical, technical, and administrative assistance
22 to the Board, and to employ the necessary personnel for the
23 accomplishment of the purposes of this Part.

24 (3) To enforce any rules adopted by the Board pursuant to this Part in the
25 manner provided for by G.S. 130A-22(a) and 104E-24.

26 "**§ 143B-216.15344.56. Reporting procedures.**

27 The Governor's Waste Management Board shall report directly to the Governor
28 except as otherwise expressly provided."

29 Sec. 176. G.S. 143B-290 reads as rewritten:

30 "**§ 143B-290. North Carolina Mining Commission – creation; powers and duties.**

31 There is hereby created the North Carolina Mining Commission of the Department
32 of ~~Natural Resources and Community Development~~Environment, Health, and Natural
33 Resources with the power and duty to promulgate rules and regulations for the
34 enhancement of the mining resources of the State.

35 (1) The North Carolina Mining Commission shall have the following
36 powers and duties:

37 a. To act as the advisory body to the Interstate Mining Compact
38 pursuant to G.S. 74-38(a);

39 b. To adopt and modify rules and regulations to implement
40 Chapter 74, Article 6, pursuant to G.S. 74-44(b);

41 c. To hear permit appeals, conduct a full and complete hearing on
42 such controversies and affirm, modify, or overrule permit
43 decisions made by the Department pursuant to G.S. 74-61; and

- 1 d. To promulgate rules and regulations necessary to administer the
2 Mining Act of 1971, pursuant to G.S. 74-63;
3 e. To promulgate rules and regulations necessary to administer the
4 Control of Exploration for Uranium in North Carolina Act of
5 1983, pursuant to G.S. 74-86.

- 6 (2) The Commission is authorized and empowered to make such rules and
7 regulations, not inconsistent with the laws of this State, as may be
8 required by the federal government for grants-in-aid for mining
9 resource purposes which may be made available to the State by the
10 federal government. This section is to be liberally construed in order
11 that the State and its citizens may benefit from such grants-in-aid.
12 (3) The Commission shall make such rules ~~and regulations~~, consistent
13 with the provisions of this Chapter. All rules ~~and regulations~~ adopted
14 by the Commission shall be enforced by the Department of ~~Natural
15 Resources and Community Development~~ Environment, Health, and
16 Natural Resources."

17 Sec. 177. G.S. 143B-294 reads as rewritten:

18 **"§ 143B-294. Soil and Water Conservation Commission – creation; powers and
19 duties.**

20 There is hereby created the Soil and Water Conservation Commission of the
21 Department of ~~Natural Resources and Community Development~~ Environment, Health,
22 and Natural Resources with the power and duty to adopt rules ~~and regulations~~ to be
23 followed in the development and implementation of a soil and water conservation
24 program.

- 25 (1) The Soil and Water Conservation Commission has the following
26 powers and duties:
27 a. To approve petitions for soil conservation districts;
28 b. To approve application for watershed plans; and
29 c. Such other duties as specified in Chapter 139.
30 (2) The Commission shall adopt rules and regulations consistent with the
31 provisions of this Chapter. All rules and regulations not inconsistent
32 with the provisions of this Chapter heretofore adopted by the Soil and
33 Water Conservation Committee shall remain in full force and effect
34 unless and until repealed or superseded by action of the Soil and Water
35 Conservation Commission. All rules and regulations adopted by the
36 Commission shall be enforced by the Department of ~~Natural Resources
37 and Community Development~~ Environment, Health, and Natural
38 Resources."

39 Sec. 178. G.S. 143B-300 reads as rewritten:

40 **"§ 143B-300. Wastewater Treatment Plant Operators Certification Commission –
41 creation; powers and duties.**

42 There is hereby created the Wastewater Treatment Plant Operators Certification
43 Commission of the Department of ~~Natural Resources and Community Development~~
44 Environment, Health, and Natural Resources with the power and duty to adopt rules ~~and~~

1 ~~regulations~~ with respect to the certification of wastewater treatment plant operators as
2 provided by Article 3 of Chapter 90A of the General Statutes of North Carolina.

3 The Commission is authorized and empowered to adopt such rules and regulations,
4 not inconsistent with the laws of this State, as may be required by the federal
5 government for grants-in-aid for programs concerned with the certification of
6 wastewater treatment plant operators which may be made available to the State by the
7 federal government. This section is to be liberally construed in order that the State and
8 its citizens may benefit from such grants-in-aid."

9 Sec. 179. G.S. 143B-470.4(c) reads as rewritten:

10 "(c) The Treatment Commission shall submit to the General Assembly by January
11 1, 1986, a comprehensive plan for the treatment of hazardous waste in North Carolina,
12 including a plan to provide for a statewide hazardous waste collection system. The
13 Governor's Waste Management Board, the ~~Solid and Hazardous Waste Branch of the~~
14 ~~Division of Health Services of the Department of Human Resources~~ Department of
15 Environment, Health, and Natural Resources, and other State agencies and departments
16 shall cooperate with the Treatment Commission in preparation of the plan. If the
17 Treatment Commission, in its report to the General Assembly, indicates that the needs
18 of the State for treatment of hazardous waste are being met, the Treatment Commission
19 shall cease to exist as of January 1, 1986. If not, the Treatment Commission shall report
20 periodically to the General Assembly or, if the General Assembly is not in session, to
21 the Joint Legislative Commission on Governmental Operations, on progress toward
22 meeting the State's needs."

23 Sec. 180. G.S. 153A-225(b) reads as rewritten:

24 "(b) If a prisoner in a local confinement facility dies, the medical examiner and the
25 coroner shall be notified immediately. Within five days after the day of the death, the
26 administrator of the facility shall make a written report to the local or district health
27 director and to the Secretary of ~~Human Resources~~ Environment, Health, and Natural
28 Resources. The report shall be made on forms ~~provided by the [State Board of Health,~~
29 ~~and the Board of Health]~~ shall develop and distribute these forms developed and
30 distributed by the Department of Environment, Health, and Natural Resources."

31 Sec. 181. G.S. 153A-226(b) reads as rewritten:

32 "(b) The ~~[Commission for Health Services]~~ Commission for Health Services shall
33 prepare a score sheet to be used by sanitarians of local or district health departments in
34 inspecting local confinement facilities. The sanitarians shall inspect local confinement
35 facilities as often as may be required by the Commission for Health Services. If an
36 inspector of the Department finds conditions that reflect hazards or deficiencies in the
37 sanitation or food service of a local confinement facility, he shall immediately notify the
38 local or district health department. The health department shall promptly cause a
39 sanitarian to inspect the facility. After making his inspection, the sanitarian shall
40 forward a copy of his report to the Department of Human Resources and to the unit
41 operating the facility, on forms prepared by the Department of Environment, Health,
42 and Natural Resources. The report shall indicate whether the facility and its kitchen or
43 other place for preparing food is approved or disapproved for public health purposes. If

1 the facility is disapproved, the situation shall be rectified according to the procedures of
2 G.S. 153A-223."

3 Sec. 182. G.S. 159C-7 reads as rewritten:

4 **"§ 159C-7. Approval of project.**

5 No bonds may be issued by an authority unless the project for which the issuance
6 thereof is proposed is first approved by the Secretary of the Department of Commerce.
7 The authority shall file an application for approval of its proposed project with the
8 Secretary of the Department of Commerce, and shall notify the Local Government
9 Commission of such filing.

10 The Secretary shall not approve any proposed project unless he shall make all of the
11 following, applicable findings:

- 12 (1) In the case of a proposed industrial project,
13 a. That the operator of the proposed project pays, or has agreed to
14 pay thereafter, an average weekly manufacturing wage (i)
15 which is above the average weekly manufacturing wage paid in
16 the county, or (ii) which is not less than ten percent (10%)
17 above the average weekly manufacturing wage paid in the
18 State, and
19 b. That the proposed project will not have a materially adverse
20 effect on the environment;
- 21 (2) In the case of a proposed pollution control project, that such project
22 will have a materially favorable impact on the environment or will
23 prevent or diminish materially the impact of pollution which would
24 otherwise occur; and
- 25 (2a) In the case of a hazardous waste facility or low-level radioactive waste
26 facility which is used as a reduction, recovery or recycling facility, that
27 such project will further the waste management goals of North
28 Carolina and will not have an adverse effect upon public health or a
29 significant adverse effect on the environment.
- 30 (3) In any case (whether the proposed project is an industrial or a pollution
31 control project), except a pollution control project for a public utility,
32 a. That the jobs to be generated or saved, directly or indirectly, by
33 the proposed project will be large enough in number to have a
34 measurable impact on the area immediately surrounding the
35 proposed project and will be commensurate with the size and
36 cost of the proposed project,
37 b. That the proposed operator of the proposed project has
38 demonstrated or can demonstrate the capability to operate such
39 project, and
40 c. That the financing of such project by the authority will not
41 cause or result in the abandonment of an existing industrial or
42 manufacturing facility of the proposed operator or an affiliate
43 elsewhere within the State unless the facility is to be abandoned

1 because of obsolescence, lack of available labor in the area, or
2 site limitations.

3 In no case shall the Secretary of the Department of Commerce make the findings
4 required by subdivisions (1)b and (2) of this section unless he shall have first received a
5 certification from the Department of ~~Natural Resources and Community Development~~
6 Environment, Health, and Natural Resources that, in the case of a proposed industrial
7 project, the proposed project will not have a materially adverse effect on the
8 environment and that, in the case of a proposed pollution control project, the proposed
9 project will have a materially favorable impact on the environment or will prevent or
10 diminish materially the impact of pollution which would otherwise occur. In no case
11 shall the Secretary of Commerce make the findings required by subdivision (2a) unless
12 he shall have first received a certification from the Department of ~~Human Resources~~
13 Environment, Health, and Natural Resources that the proposed project is
14 environmentally sound, will not have an adverse effect on public health and will further
15 the waste management goals of North Carolina. In any case where the Secretary shall
16 make all of the required findings respecting a proposed industrial project except that
17 prescribed in subparagraph (1)a of this section, the Secretary may, in his discretion,
18 approve the proposed project if he shall have received (i) a resolution of the governing
19 body of the county requesting that the proposed project be approved notwithstanding
20 that the operator will not pay an average weekly manufacturing wage above the average
21 weekly manufacturing wage in the county and (ii) a letter from an appropriate State
22 official, selected by the Secretary, to the effect that unemployment in the county is
23 especially severe.

24 To facilitate his review of each proposed project, the Secretary may require the
25 authority to obtain and submit such data and information about such project as the
26 Secretary may prescribe. In addition, the Secretary may, in his discretion, request the
27 authority to hold a public hearing on the proposed project for the purpose of providing
28 the Secretary directly with the views of the community to be affected. The Secretary
29 may also prescribe such forms and such rules and regulations as he shall deem
30 reasonably necessary to implement the provisions of this section.

31 If the Secretary approves the proposed project, he shall prepare a certificate of
32 approval evidencing such approval and setting forth his findings and shall cause said
33 certificate of approval to be published in a newspaper of general circulation within the
34 county. Any such approval shall be reviewable as provided in Article 4 of Chapter 150B
35 of the General Statutes of North Carolina only by an action filed, within 30 days after
36 notice of such findings and approval shall have been so published, in the Superior Court
37 of Wake County. Such superior court is hereby vested with jurisdiction to hear such
38 action, but if no such action is filed within the 30 days herein prescribed, the validity of
39 such approval shall be conclusively presumed, and no court shall have authority to
40 inquire into such approval. Copies of the certificate of approval of the proposed project
41 will be given to the authority, the governing body of the county and the Secretary of the
42 Local Government Commission.

43 Such certificate of approval shall become effective immediately following the
44 expiration of such 30-day period or the expiration of any appeal period after a final

1 determination by any court of any action timely filed pursuant to this section. Such
2 certificate shall expire one year after its date unless extended by the Secretary who shall
3 not extend such certificate unless he shall again approve the proposed project as
4 provided in this section."

5 Sec. 183. G.S. 159D-7 reads as rewritten:

6 **"§ 159D-7. Approval of project.**

7 No bonds may be issued by the authority unless the project for which the issuance
8 thereof is proposed is first approved by the Secretary of the Department of Commerce.
9 The authority shall file an application for approval of its proposed project with the
10 Secretary of the Department of Commerce, and shall notify the Local Government
11 Commission of such filing.

12 The Secretary shall not approve any proposed project unless he shall make all of the
13 following, applicable findings:

- 14 (1) In the case of a proposed industrial project,
- 15 a. That the operator of the proposed project pays, or has agreed to
16 pay thereafter, an average weekly manufacturing wage (i)
17 which is above the average weekly manufacturing wage paid in
18 the county in which the project is to be located or (ii) which is
19 not less than ten percent (10%) above the average weekly
20 manufacturing wage paid in the State; and
- 21 b. That the proposed project will not have a materially adverse
22 effect on the environment;
- 23 (2) In the case of a proposed pollution control project, that such project
24 will have a materially favorable impact on the environment or will
25 prevent or diminish materially the impact of pollution which would
26 otherwise occur; and
- 27 (2a) In the case of a hazardous waste facility or low-level radioactive waste
28 facility which is used as a reduction, recovery or recycling facility, that
29 such project will further the waste management goals of North
30 Carolina and will not have an adverse effect upon public health or a
31 significant adverse effect on the environment; and
- 32 (3) In any case (whether the proposed project is an industrial or a pollution
33 control project),
- 34 a. That the jobs to be generated or saved, directly or indirectly, by
35 the proposed project will be large enough in number to have a
36 measurable impact on the area immediately surrounding the
37 proposed project and will be commensurate with the size and
38 cost of the proposed project,
- 39 b. That the proposed operator of the proposed project has
40 demonstrated or can demonstrate the capability to operate such
41 project, and
- 42 c. That the financing of such project by the authority will not
43 cause or result in the abandonment of an existing industrial or
44 manufacturing facility of the proposed operator or an affiliate

1 elsewhere within the State unless the facility is to be abandoned
2 because of obsolescence, lack of available labor in the area, or
3 site limitations.

4 In no case shall the Secretary of the Department of Commerce make the findings
5 required by subdivisions (1)b and (2) of this section unless he shall have first received a
6 certification from the Department of ~~Natural Resources and Community Development~~
7 Environment, Health, and Natural Resources that, in the case of a proposed industrial
8 project, the proposed project will not have a materially adverse effect on the
9 environment and that, in the case of a proposed pollution control project, the proposed
10 project will have a materially favorable impact on the environment or will prevent or
11 diminish materially the impact of pollution which would otherwise occur. In no case
12 shall the Secretary of Commerce make the findings required by subdivision (2a) unless
13 he shall have first received a certification from the Department of ~~Human Resources~~
14 Environment, Health, and Natural Resources that the proposed project is
15 environmentally sound, will not have an adverse effect on public health and will further
16 the waste management goals of North Carolina. In any case where the Secretary shall
17 make all of the required findings respecting a proposed industrial project, except that
18 prescribed in subdivision (1)a of this section, the Secretary may, in his discretion,
19 approve the proposed project if he shall have received (i) a resolution of the governing
20 body of the county in which the proposed project is to be located requesting that the
21 proposed project be approved notwithstanding that the operator will not pay an average
22 weekly manufacturing wage above the average weekly manufacturing wage in the
23 county and (ii) a letter from an appropriate State official, selected by the Secretary, to
24 the effect that unemployment in the county is especially severe.

25 To facilitate his review of each proposed project, the Secretary may require the
26 authority to obtain and submit such data and information about such project as the
27 Secretary may prescribe. In addition, the Secretary may, in his discretion, request the
28 authority to hold a public hearing on the proposed project for the purpose of providing
29 the Secretary directly with the views of the community to be affected. The Secretary
30 may also prescribe such forms and such rules and regulations as he shall deem
31 reasonably necessary to implement the provisions of this section.

32 If the Secretary approves the proposed project, he shall prepare a certificate of
33 approval evidencing such approval and setting forth his findings and shall cause said
34 certificate of approval to be published in a newspaper of general circulation within the
35 county in which the proposed project is to be located. Any such approval shall be
36 reviewable as provided in Article 4 of Chapter 150B of the General Statutes of North
37 Carolina only by an action filed, within 30 days after notice of such findings and
38 approval shall have been so published, in the Superior Court of Wake County. Such
39 superior court is hereby vested with jurisdiction to hear such action, but if no such
40 action is filed within the 30 days herein prescribed, the validity of such approval shall
41 be conclusively presumed, and no court shall have authority to inquire into such
42 approval. Copies of the certificate of approval of the proposed project will be given to
43 the authority, the governing body of the county in which the proposed project is to be
44 located and the secretary of the Local Government Commission.

1 Such certificate of approval shall become effective immediately following the
2 expiration of such 30-day period or the expiration of any appeal period after a final
3 determination by any court of any action timely filed pursuant to this section. Such
4 certificate shall expire one year after its date unless extended by the Secretary who shall
5 not extend such certificate unless he shall again approve the proposed project as
6 provided in this section. Any certificate of approval with respect to a project which has
7 become effective pursuant to G.S. 159C-7 shall be deemed to satisfy the requirements
8 of this section to the extent that the findings made by the Secretary pursuant to G.S.
9 159C-7 are consistent with the findings required to be made by the Secretary pursuant
10 hereto."

11 Sec. 184. G.S. 159G-3 reads as rewritten:

12 **"§ 159G-3. Definitions.**

13 As used in this Chapter, the following words shall have the meanings indicated,
14 unless the context clearly requires otherwise:

- 15 (1) 'Administrative Account' means the Administrative Account in the
16 Clean Water Revolving Loan and Grant Fund established in the Office
17 of State Budget and Management under the provisions of this Chapter
18 to cover administrative costs of the program.
- 19 (2) 'Applicant' means a local government unit that applies for a revolving
20 loan or grant under the provisions of this Chapter.
- 21 (3) 'Clean Water Revolving Loan and Grant Fund' means the fund
22 established in the Office of State Budget and Management to carry out
23 the provisions of this Chapter, with various accounts therein as herein
24 provided.
- 25 (4) 'Construction costs' means the actual costs of planning, designing and
26 constructing any project for which a revolving loan or grant is made
27 under this Chapter including planning; environmental assessment;
28 wastewater system analysis, evaluation and rehabilitation; engineering;
29 legal, fiscal, administrative and contingency costs for water supply
30 systems, wastewater collection systems, wastewater treatment works
31 and any extensions, improvements, remodeling, additions, or
32 alterations to existing systems. Construction costs may include excess
33 or reserve capacity costs, attributable to no more than 20-year
34 projected domestic growth, plus ten percent (10%) unspecified
35 industrial growth. In addition, construction costs shall include any
36 fees payable to the Environmental Management Commission or the
37 Division of Health Services for review of applications and grant of
38 permits, and fees for inspections under G.S. 159G-314 [~~159G-14~~].
39 159G-14. Construction costs may also include the costs for purchase
40 or acquisition of real property.
- 41 (5) 'Grant' means a sum of money given by the State to a local
42 government unit to subsidize the construction costs of a project
43 authorized by this Chapter, without any obligation on the part of such
44 unit to repay such sum.

- 1 (6) 'Commission for Health Services' means the Commission for Health
2 Services of the Department of ~~Human Resources~~Environment, Health,
3 and Natural Resources.
- 4 (6a) 'Debt instrument' means an instrument in the nature of a promissory
5 note executed by a local government unit under the provisions of this
6 Chapter, to evidence a debt to the State and obligation to repay the
7 principal, plus interest, under stated terms.
- 8 (7) 'Division of Health Services' means the Division of Health Services of
9 the Department of ~~Human Resources~~Environment, Health, and Natural
10 Resources.
- 11 (8) 'Environmental Management Commission' means the Environmental
12 Management Commission of the Department of ~~Natural Resources and~~
13 ~~Community Development created by Article 7, Part 4 of Chapter 143B~~
14 ~~of the General Statutes~~Environment, Health, and Natural Resources.
- 15 (9) 'Local Government Commission' means the Local Government
16 Commission of the Department of the State Treasurer, established by
17 Article 2 of Chapter 159 of the General Statutes.
- 18 (10) 'Local government unit' means a county, city, town, incorporated
19 village, sanitary district, metropolitan sewerage district, metropolitan
20 water district, county water and sewer district, water and sewer
21 authority or joint agency created pursuant to Part 1 of Article 20 of
22 Chapter 160A of the General Statutes.
- 23 (11) 'Office of State Budget and Management' means the Office of State
24 Budget and Management established by law.
- 25 (12) 'Receiving agency' means the Division of Health Services with respect
26 to receipt of applications for revolving loans and grants for water
27 supply systems, and the Environmental Management Commission and
28 the Division of Environmental Management with respect to receipt of
29 applications for revolving loans and grants for wastewater systems.
- 30 (13) 'Revolving construction loan' means a sum of money loaned by the
31 State to a local government unit to subsidize the construction costs of a
32 project authorized by this Chapter, with an obligation on the part of
33 such unit to repay such sum, the proceeds of such repayment to be
34 deposited in the Water Pollution Control Revolving Fund.
- 35 (14) 'Revolving emergency loan' means a sum of money loaned by the
36 State to a local government unit upon a certification, as provided in
37 this Chapter, of a serious public health hazard, with an obligation on
38 the part of such unit to repay such sum.
- 39 (15) 'Revolving loan' includes a revolving construction loan and an
40 emergency loan.
- 41 (15a) 'State' means the State of North Carolina.
- 42 (15b) 'State Treasurer' means the Treasurer of the State elected pursuant
43 to Article III, Section 7 of the Constitution or his designated
44 representative.

- 1 (16) 'Wastewater Accounts' means the various accounts in the Clean Water
2 Revolving Loan and Grant Fund established in the Office of State
3 Budget and Management under this Chapter for revolving loans and
4 grants for wastewater treatment work and wastewater collection
5 system projects.
- 6 (17) 'Wastewater collection system' means a unified system of pipes,
7 conduits, pumping stations, force mains, and appurtenances other than
8 interceptor sewers, for collecting and transmitting water-carried human
9 wastes and other wastewater from residences, industrial establishments
10 or any other buildings, and owned by a local government unit.
- 11 (18) 'Wastewater treatment works' means the various facilities and devices
12 used in the treatment of sewage, industrial waste or other wastes of a
13 liquid nature, including the necessary interceptor sewers, outfall
14 sewers, phosphorous removal equipment, pumping, power and other
15 equipment and their appurtenances.
- 16 (19) 'Water Supply Accounts' means the various accounts in the Clean
17 Water Revolving Loan and Grant Fund established in the Office of
18 State Budget and Management under this Chapter for revolving loans
19 and grants for water supply system projects.
- 20 (20) 'Water supply system' means a public water supply system consisting
21 of facilities and works for supplying, treating and distributing potable
22 water including, but not limited to, impoundments, reservoirs, wells,
23 intakes, water filtration plants and other treatment facilities, tanks and
24 other storage facilities, transmission mains, distribution piping, pipes
25 connecting the system to other public water supply systems, pumping
26 equipment and all other necessary appurtenances, equipment and
27 structures."

28 Sec. 185. G.S. 162A-23(b) reads as rewritten:

29 "(b) Responsibility for carrying out the role of State government in regional water
30 supply planning shall be assigned to the Department of ~~Human Resources and the~~
31 ~~Department of Water and Air Resources [Department of Natural Resources and~~
32 ~~Community Development].~~ Environment, Health, and Natural Resources. ~~Promotion~~
33 ~~and coordination of regional water supply systems shall be a shared function of the~~
34 ~~Department of Water and Air Resources [Department of Natural Resources and~~
35 ~~Community Development] and the Department of Human Resources, with primary~~
36 ~~responsibility with regard to sources of raw water supply and transbasin or~~
37 ~~transwatershed diversions of water being allocated to the Department of Water and Air~~
38 ~~Resources [Department of Natural Resources and Community Development], and with~~
39 ~~primary responsibility with regard to other aspects of regional water supply systems~~
40 ~~being allocated to the Department of Human Resources."~~

41 Sec. 186. G.S. 162A-24(a) reads as rewritten:

42 "(a) There is established under the control and direction of the Department of
43 Administration a Regional Water Supply Planning Revolving Fund, to consist of any
44 moneys that may be appropriated for use through the fund by the General Assembly or

1 that may be made available to it from any other source. The Department may make
2 advances from the fund to any county, municipality, sanitary district, or to counties and
3 municipalities acting collectively or jointly as a regional water authority, for the purpose
4 of meeting the cost of advance planning and engineering work necessary or desirable
5 for the development of a comprehensive plan for a regional water supply system as
6 defined in this Article. Such advances shall be subject to repayment by the recipient to
7 the Department from the proceeds of bonds or other obligations for the regional water
8 supply system, or from other funds available to the recipient including grants, except
9 when, in the judgment of the Department of ~~Human Resources and of the Department of~~
10 ~~Water and Air Resources~~ [~~Department of Natural Resources and Community~~
11 ~~Development~~] Environment, Health, and Natural Resources, a proposed plan for
12 development and construction of a countywide or other regional water system is not
13 feasible because of design and construction factors or because available sources of raw
14 water supply are inadequate or because construction of a proposed system is not
15 economically feasible, (but not if the applicant decides not to proceed with construction
16 that has been planned and which the Department of ~~Human Resources and the~~
17 ~~Department of Water and Air Resources~~ [~~Department of Natural Resources and~~
18 ~~Community Development~~] Environment, Health, and Natural Resources have declared
19 to be feasible).

20 Sec. 187. G.S. 162A-24(b) reads as rewritten:

21 "(b) The Department of Administration shall not make any advance pursuant to
22 this section without first referring the application and proposal to the Department of
23 ~~Human Resources, the State agency responsible for public water supplies,~~ Environment,
24 Health, and Natural Resources for determination as to whether the following conditions
25 set forth below have been met. met. In making such determinations, the Department of
26 ~~Human Resources shall obtain and be guided by the recommendations of the~~
27 ~~Department of Water and Air Resources~~ [~~Department of Natural Resources and~~
28 ~~Community Development~~] on matters for which that Department has responsibility by
29 law:

- 30 (1) The proposed area is suitable for development of a regional water
31 supply system from the standpoint of present and projected
32 populations, industrial growth potential, and present and future sources
33 of raw water.
- 34 (2) The applicant proposes to undertake long-range comprehensive
35 planning to meet present and projected needs for high quality water
36 service through the construction of a regional water supply system as
37 defined in this Article. The determination by the Department of
38 ~~Human Resources~~ Environment, Health, and Natural Resources that
39 the proposed system would be a 'regional system,' as defined by this
40 Article, shall be conclusive.
- 41 (3) The applicant proposes to coordinate planning of the regional water
42 supply with land-use planning in the area, in order that both planning
43 efforts will be compatible.

1 (4) The applicant proposes to employ an engineer licensed to practice in
2 the State of North Carolina to prepare a comprehensive regional water
3 supply plan, which plan will provide detailed information on source or
4 sources of water to meet projected domestic and industrial water
5 demands; proposed system, including raw water intake(s), treatment
6 plant, storage facilities, distribution system, and other waterworks
7 appurtenances; proposed interconnections with existing systems, and
8 provisions for interconnections with other county, municipal and
9 regional systems; phased development of systems to achieve ultimate
10 objectives if economic feasibility is in question; projected water
11 service areas; proposed equipment; estimates of cost and projected
12 revenues; and methods of financing."

13 Sec. 188. G.S. 162A-25 reads as rewritten:

14 **"§ 162A-25. Construction of Article.**

15 This Article shall be construed as providing supplemental authority in addition to the
16 powers of the Department of ~~Human Resources—~~Environment, Health, and Natural
17 Resources under General Statutes Chapter 130, Chapter 130A and Articles 21 and 38 of
18 Chapter 143 of the General Statutes, the powers of the North Carolina Utilities
19 Commission under ~~General Statutes Chapter 62, Chapter 62 of the General Statutes,~~
20 ~~and the powers of the Department of Water and Air Resources [Department of Natural~~
21 ~~Resources and Community Development] under Articles 21 and 38 of General Statutes~~
22 ~~Chapter 143,~~ and any other provisions of law concerning local and regional water
23 supplies."

24 Sec. 189. G.S. 162A-29(a) reads as rewritten:

25 "(a) There is established under the control and direction of the Department of
26 Administration a Regional Sewage Disposal Planning Revolving Fund, to consist of any
27 moneys that may be appropriated for use through the fund by the General Assembly or
28 that may be made available to it from any other source. The Department may make
29 advances from the fund to any county, municipality, or sanitary district, or to counties
30 and municipalities acting collectively or jointly as a regional sewer authority, for the
31 purpose of meeting the cost of advance planning and engineering work necessary or
32 desirable for the development of a comprehensive plan for a regional sewage disposal
33 system as defined in this Article. Such advances shall be subject to repayment by the
34 recipient to the Department from the proceeds of bonds or other obligations for the
35 regional sewage disposal system, or from other funds available to the recipient
36 including grants, except when, in the judgment of the Department of ~~Water and Air~~
37 ~~Resources—~~ [~~Department of Natural Resources and Community~~
38 ~~Development]~~Environment, Health, and Natural Resources, a proposed plan for
39 development and construction of a countywide or other regional sewage disposal system
40 is not feasible because of design and construction factors, or because of the effect that
41 the sewage disposal system discharge will have upon water quality standards, or
42 because construction of a proposed system is not economically feasible, (but not if the
43 applicant decides not to proceed with construction that has been planned and which the
44 Department of ~~Water and Air Resources [Department of Natural Resources and~~

1 ~~Community Development]~~ Environment, Health, and Natural Resources has declared to
2 be feasible).

3 Sec. 190. G.S. 162A-29(b) reads as rewritten:

4 "(b) The Department of Administration shall not make any advance pursuant to
5 this section without first referring the application and proposal to the ~~State Department~~
6 ~~of Water and Air Resources [Department of Natural Resources and Community~~
7 ~~Development]~~ Department of Environment, Health, and Natural Resources ~~the State~~
8 ~~agency responsible for water pollution control,~~ for determination as to whether the
9 following conditions set forth below have been met:

- 10 (1) The proposed area is suitable for development of a regional sewage
11 disposal system from the standpoint of present and projected
12 populations, industrial growth potential, and present and future sources
13 of sewage.
- 14 (2) The applicant proposes to undertake long-range comprehensive
15 planning to meet present and projected needs for high quality sewage
16 disposal through the construction of a regional sewage disposal system
17 as defined in this Article. The determination by the Department of
18 ~~Water and Air Resources [Department of Natural Resources and~~
19 ~~Community Development]~~ Environment, Health, and Natural
20 Resources, that the proposed system would be a 'regional system,' as
21 defined by this Article, shall be conclusive.
- 22 (3) The applicant proposes to coordinate planning of the regional sewage
23 disposal system with land-use planning in the area, in order that both
24 planning efforts will be compatible.
- 25 (4) The applicant proposes to employ an engineer licensed to practice in
26 the State of North Carolina to prepare a comprehensive regional
27 sewage disposal plan, which plan will provide detailed information on
28 the source or sources of sewage; the proposed system, including all
29 facilities and appurtenances thereto for the collection, transmission,
30 treatment, purification and disposal of sewage; any proposed
31 interconnection with existing systems, and provisions for
32 interconnections with other county, municipal and regional systems;
33 the phased development of systems to achieve ultimate objectives if
34 economic feasibility is in question; projected sewage disposal service
35 areas; proposed equipment; estimates of cost and projected revenues;
36 and methods of financing."

37 Sec. 191. The phrase "Natural Resources and Community Development" is
38 deleted and replaced by the phrase "Environment, Health, and Natural
39 Resources" wherever it occurs in each of the following sections of the General Statutes:

- 40 (1) G.S. 7A-343.1. Distribution of copies of the appellate division
41 reports. ♦
- 42 (2) G.S. 14-131. Trespass on land under option by the federal government.
- 43 (3) G.S. 14-137. Willfully or negligently setting fire to woods and fields.
- 44 (4) G.S. 15A-1343. Conditions of probation.

- 1 (5) G.S. 20-81. Official license plates. ♦
- 2 (6) G.S. 47-30. Plats and subdivisions; mapping requirements. ♦
- 3 (7) G.S. 53A-2. Incorporation authorized; information to be set forth;
- 4 purposes; powers generally.
- 5 (8) G.S. 58-27.30. State Fire Commission created; membership.
- 6 (9) G.S. 66-58. Sale of merchandise by governmental units.
- 7 (10) G.S. 68-43. Authority of Secretary of Natural Resources and
- 8 Community Development to remove or confine ponies on Ocracoke
- 9 Island and Shackelford Banks.
- 10 (11) G.S. 69-25.5. Methods of providing fire protection.
- 11 (12) G.S. 74-38. Commission to file copies of bylaws with Department of
- 12 Natural Resources and Community Development.
- 13 (13) G.S. 74-49. Definitions.
- 14 (14) G.S. 74-53. Reclamation plan.
- 15 (15) G.S. 74-76. Definitions.
- 16 (16) G.S. 75A-5.1. Commercial fishing boats; renewal of number.
- 17 (17) G.S. 75A-17. Enforcement of Chapter.
- 18 (18) G.S. 76-40. Navigable waters; certain practices regulated.
- 19 (19) G.S. 77-13. Obstructing streams a misdemeanor.
- 20 (20) G.S. 77-14. Obstructions in streams and drainage ditches.
- 21 (21) G.S. 87-85. Definitions.
- 22 (22) G.S. 87-94. Civil penalties.
- 23 (23) G.S. 90A-37. Classification of wastewater treatment facilities.
- 24 (24) G.S. 90A-38. Grades of certificates.
- 25 (25) G.S. 90A-39. Operator qualifications and examination.
- 26 (26) G.S. 90A-43. Promotion of training and other powers.
- 27 (27) G.S. 100-2. Approval of memorials before acceptance by State;
- 28 regulation of existing memorials, etc.; "work of art" defined; highway
- 29 markers.
- 30 (28) G.S. 100-11. Duties.
- 31 (29) G.S. 100-12. Roads, trails, and fences authorized; protection of
- 32 property.
- 33 (30) G.S. 100-13. Fees for use of improvements; fees for other privileges;
- 34 leases; rules and regulations.
- 35 (31) G.S. 100-14. Use of fees and other collections.
- 36 (32) G.S. 100-15. Annual reports.
- 37 (33) G.S. 102-1.1. Name and description in relation to 1983 North
- 38 American Datum.
- 39 (34) G.S. 102-8. Administrative agency.
- 40 (35) G.S. 102-10. Prior work.
- 41 (36) G.S. 102-15. Improvement of land records.
- 42 (37) G.S. 102-17. County projects eligible for assistance.
- 43 (38) G.S. 104G-22. Inter-Agency Committee.

- 1 (39) G.S. 105-122. Franchise or privilege tax on domestic and foreign
- 2 corporations.
- 3 (40) G.S. 105-130.10. Amortization of air-cleaning devices, waste
- 4 treatment facilities and recycling facilities.
- 5 (41) G.S. 105-130.34. Credit for certain real property donations.
- 6 (42) G.S. 105-147. (Effective until July 1, 1990) Deductions.
- 7 (43) G.S. 105-151.12. Credit for certain real property donations.
- 8 (44) G.S. 105-277.7. Use-Value Advisory Board.
- 9 (45) G.S. 105A-2. (Effective until Chapter 856) Definitions.
- 10 (46) G.S. 106-202.14. Creation of Board; membership; terms; chairman;
- 11 quorum; board actions; compensation.
- 12 (47) G.S. 106-202.17. Creation of committee; membership; terms;
- 13 chairman; meetings; committee action; quorum; compensation.
- 14 (48) G.S. 113-1. Meaning of terms.
- 15 (49) G.S. 113-28.4. Oaths required.
- 16 (50) G.S. 113-44.4. Definitions.
- 17 (51) G.S. 113-44.9. Definitions.
- 18 (52) G.S. 113-60.14. Compact Administrator; North Carolina members of
- 19 advisory committee.
- 20 (53) G.S. 113-60.15. Agreements with noncompact states.
- 21 (54) G.S. 113-60.22. Definition.
- 22 (55) G.S. 113-60.32. Definitions.
- 23 (56) G.S. 113-60.33. Standby duty.
- 24 (57) G.S. 113-77.6. (Expires June 30, 1989) Definitions.
- 25 (58) G.S. 113-128. Definitions relating to agencies and their powers.
- 26 (59) G.S. 113-389. Definitions.
- 27 (60) G.S. 113A-52. Definitions.
- 28 (61) G.S. 113A-74. Appalachian Trails System; connecting or side trails;
- 29 coordination with the National Trails System Act.
- 30 (62) G.S. 113A-75. Assistance under this Article with the National Trails
- 31 System Act (PL 90-543).
- 32 (63) G.S. 113A-85. Definitions.
- 33 (64) G.S. 113A-104. Coastal Resources Commission.
- 34 (65) G.S. 113A-107. State guidelines for the coastal area.
- 35 (66) G.S. 113A-112. Planning grants.
- 36 (67) G.S. 113A-134.2. Creation of program; administration; purpose.
- 37 (68) G.S. 113A-134.3. Standards for beach access program.
- 38 (69) G.S. 113A-153. North Carolina Land Policy Council.
- 39 (70) G.S. 113A-164.3. Definitions.
- 40 (71) G.S. 113A-166. Rules.
- 41 (72) G.S. 113A-167. Existing billboards.
- 42 (73) G.S. 113A-169. Condemnation procedure.
- 43 (74) G.S. 113A-170. Violation a misdemeanor; injunctive relief.
- 44 (75) G.S. 113A-177. Statement of purpose.

- 1 (76) G.S. 113A-178. Definitions.
- 2 (77) G.S. 113A-183. Forest Development Fund.
- 3 (78) G.S. 113A-193. Duties of Secretaries.
- 4 (79) G.S. 113A-194. Assessment rates.
- 5 (80) G.S. 113A-208. Regulation of mountain ridge construction by counties
- 6 and cities.
- 7 (81) G.S. 113A-212. Assistance to counties and cities under ridge law.
- 8 (82) G.S. 113B-3. Composition of Council; appointments; terms of
- 9 members; qualifications.
- 10 (83) G.S. 120-150. Creation; appointment of members.
- 11 (84) G.S. 120-161. Facilities and staff.
- 12 (85) G.S. 122E-4. North Carolina Housing Partnership created;
- 13 compensation; organization.
- 14 (86) G.S. 126-5. Employees subject to Chapter; exemptions.
- 15 (87) G.S. 136-21. Drainage of highway; application to court; summons;
- 16 commissioners.
- 17 (88) G.S. 136-44.12. Construction and maintenance of roads in areas
- 18 administered by the Division of State Parks.
- 19 (89) G.S. 136-102.3. Filing record of results of test drilling or boring with
- 20 Secretary of Administration and Secretary of Natural Resources and
- 21 Community Development.
- 22 (90) G.S. 139-5. Creation of soil and water conservation districts.
- 23 (91) G.S. 139-7. District board of supervisors – appointive members;
- 24 organization of board; certain powers and duties.
- 25 (92) G.S. 139-8. Powers of districts and supervisors.
- 26 (93) G.S. 139-13. Discontinuance of districts.
- 27 (94) G.S. 139-46. Recreational and related aspects of watershed
- 28 improvement programs.
- 29 (95) G.S. 143-116.8. Motor vehicle laws applicable to State Parks and
- 30 forests road system.
- 31 (96) G.S. 143-166.2. Definitions.
- 32 (97) G.S. 143-166.7. Applicability of Article.
- 33 (98) G.S. 143-166.13. Persons entitled to benefits under Article.
- 34 (99) G.S. 143-169. Limitations on publications.
- 35 (100) G.S. 143-177.3. Sources of funds.
- 36 (101) G.S. 143-211. Declaration of public policy.
- 37 (102) G.S. 143-212. Definitions applicable to Article.
- 38 (103) G.S. 143-215.3A. Use of application and permit fees.
- 39 (104) G.S. 143-215.3B. Wastewater Treatment Works Emergency
- 40 Maintenance, Operation and Repair Fund.
- 41 (105) G.S. 143-215.16. Permits for water use within capacity use areas –
- 42 duration, transfer, reporting, measurement, present use, fees and
- 43 penalties.

- 1 (106) G.S. 143-215.18. Map or description of boundaries of capacity use
2 areas.
- 3 (107) G.S. 143-215.40. Resolutions and ordinances assuring local
4 cooperation.
- 5 (108) G.S. 143-215.70. Secretary of Natural Resources and Community
6 Development authorized to accept applications.
- 7 (109) G.S. 143-215.77. Definitions.
- 8 (110) G.S. 143-240. Creation of Wildlife Resources Commission;
9 districts; qualifications of members.
- 10 (111) G.S. 143-243. Organization of the Commission; election of
11 officers; Robert's Rules of Order.
- 12 (112) G.S. 143-286.1. Nutbush Conservation Area.
- 13 (113) G.S. 143-289. Contributions from certain counties and
14 municipalities authorized; other grants or donations.
- 15 (114) G.S. 143-323. Functions of Department of Natural Resources and
16 Community Development.
- 17 (115) G.S. 143-350. Definitions.
- 18 (116) G.S. 143-355. Transfer of certain powers, duties, functions and
19 responsibilities of the Department of Conservation and
20 Development and of the Director of said Department.
- 21 (117) G.S. 143-370. Commission created; membership.
- 22 (118) G.S. 143A-11. Principal departments.
- 23 (119) G.S. 143B-2. Interim applicability of the Executive Organization
24 Act of 1973.
- 25 (120) G.S. 143B-6. Principal departments.
- 26 (121) G.S. 143B-86. America's Four Hundredth Anniversary Committee
27 – members; selection; quorum; compensation.
- 28 (122) G.S. 143B-115. John Motley Morehead Memorial Commission –
29 members; selection; quorum; compensation.
- 30 (123) G.S. 143B-130. Roanoke Voyages and Elizabeth II Commission –
31 powers and duties.
- 32 (124) G.S. 143B-131. Roanoke Voyages and Elizabeth II Commission –
33 members; terms; vacancies; expenses; officers.
- 34 (125) G.S. 143B-181. Governor's Advisory Council on Aging –
35 members; selection; quorum; compensation.
- 36 (126) G.S. 143B-280. Board of Natural Resources and Community
37 Development – duties; members; selection; meetings; quorum;
38 compensation; services.
- 39 (127) G.S. 143B-281. Wildlife Resources Commission – transfer;
40 independence preserved; appointment of Executive Director and
41 employees.
- 42 (128) G.S. 143B-282. Environmental Management Commission –
43 creation; powers and duties.

- 1 (129) G.S. 143B-283. Environmental Management Commission –
2 members; selection; removal; compensation; quorum; services.
- 3 (130) G.S. 143B-289.2. Definitions.
- 4 (131) G.S. 143B-289.3. Marine Fisheries Commission – creation;
5 purpose and transfer of function.
- 6 (132) G.S. 143B-289.4. Marine Fisheries Commission – powers and
7 duties.
- 8 (133) G.S. 143B-289.5. Marine Fisheries Commission – members;
9 selection; removal; compensation; quorum; services.
- 10 (134) G.S. 143B-289.11. Jurisdictional questions.
- 11 (135) G.S. 143B-289.12. Rules of Department continued.
- 12 (136) G.S. 143B-295. Soil and Water Conservation Commission –
13 members; selection; removal; compensation; quorum; services.
- 14 (137) G.S. 143B-298. Sedimentation Control Commission – creation;
15 powers and duties.
- 16 (138) G.S. 143B-299. Sedimentation Control Commission – members;
17 selection; compensation; meetings.
- 18 (139) G.S. 143B-301. Wastewater Treatment Plant Operators
19 Certification Commission – members; selection; removal;
20 compensation; quorum; services.
- 21 (140) G.S. 143B-305. Community Development Council – creation;
22 powers and duties.
- 23 (141) G.S. 143B-306. Community Development Council – members;
24 chairman; selection; removal; compensation; quorum; services.
- 25 (142) G.S. 143B-308. Forestry Council – creation; powers and duties.
- 26 (143) G.S. 143B-309. Forestry Council – members; chairman; selection;
27 removal; compensation; quorum; services.
- 28 (144) G.S. 143B-311. Parks and Recreation Council – creation; powers
29 and duties.
- 30 (145) G.S. 143B-312. Parks and Recreation Council – members;
31 chairman; selection; removal; compensation; quorum; services.
- 32 (146) G.S. 143B-317. Air Quality Council – creation; powers and duties.
- 33 (147) G.S. 143B-318. Air Quality Council – members; chairman;
34 selection; removal; compensation; quorum; services.
- 35 (148) G.S. 143B-333. North Carolina Trails Committee – creation;
36 powers and duties.
- 37 (149) G.S. 143B-334. North Carolina Trails Committee – members;
38 selection; removal; compensation.
- 39 (150) G.S. 143B-335. North Carolina Zoological Park Council – creation;
40 powers and duties.
- 41 (151) G.S. 143B-336. North Carolina Zoological Park Council –
42 members; selection; removal; chairman; compensation; quorum;
43 services.

- 1 (152) G.S. 143B-407. North Carolina State Commission of Indian Affairs
2 – membership; term of office; chairman; compensation.
- 3 (153) G.S. 143B-411.1. North Carolina Advisory Council on the Eastern
4 Band of the Cherokee – creation; membership; terms of office.
- 5 (154) G.S. 143B-417. North Carolina Internship Council – creation;
6 powers and duties.
- 7 (155) G.S. 143B-426.22. Governor's Management Council.
- 8 (156) G.S. 143B-437. Investigation of impact of proposed new and
9 expanding industry.
- 10 (157) G.S. 146-8. Disposition of mineral deposits in State lands under
11 water.
- 12 (158) G.S. 146-30. Application of net proceeds.
- 13 (159) G.S. 148-26. State policy on employment of prisoners.
- 14 (160) G.S. 156-59. Board of viewers appointed by clerk.
- 15 (161) G.S. 156-74. Adjudication upon final report.
- 16 (162) G.S. 156-76. Compensation of board of viewers.
- 17 (163) G.S. 156-83. Superintendent of construction.
- 18 (164) G.S. 161-22.2. Parcel identifier number indexes.
- 19 Sec. 192. The phrase "Human Resources" is deleted and replaced by the
20 phrase "Environment, Health, and Natural Resources" wherever it occurs in each of the
21 following sections of the General Statutes:
- 22 (1) G.S. 20-4.01. Definitions.
- 23 (2) G.S. 20-139.1. Procedures governing chemical analyses; admissibility;
24 evidentiary provisions; controlled-drinking programs.
- 25 (3) G.S. 48-29. Change of name; report to State Registrar; new birth
26 certificate to be made.
- 27 (4) G.S. 48-36. Adoption of persons who are 18 or more years of age;
28 change of name; clerk's certificate and record; notation on birth
29 certificate; new birth certificate.
- 30 (5) G.S. 51-11. Who may execute certificate; form.
- 31 (6) G.S. 75-6. Violation a misdemeanor; punishment.
- 32 (7) G.S. 90A-21. Water Treatment Facility Operators Board of
33 Certification.
- 34 (8) G.S. 90A-22. Classification of water treatment facilities; notification
35 of users.
- 36 (9) G.S. 90A-23. Grades of certificates.
- 37 (10) G.S. 90A-24. Operator qualifications and examination.
- 38 (11) G.S. 90A-28. Promotion of training and other powers.
- 39 (12) G.S. 90A-30. Penalties; remedies; contested cases.
- 40 (13) G.S. 95-126. Short title and legislative purpose.
- 41 (14) G.S. 95-131. Development and promulgation of standards; adoption of
42 federal standards and regulations.
- 43 (15) G.S. 97-61.1. First examination of and report on employee having
44 asbestosis or silicosis.

- 1 (16) G.S. 104E-5. Definitions.
- 2 (17) G.S. 104E-7. Radiation Protection Commission – Creation and
- 3 powers.
- 4 (18) G.S. 104E-8. Radiation Protection Commission – Members;
- 5 selections; removal; compensation; quorum; services.
- 6 (19) G.S. 104E-9. Powers and functions of Department of Human
- 7 Resources.
- 8 (20) G.S. 104E-10.1. Additional requirements for low-level radioactive
- 9 waste facilities.
- 10 (21) G.S. 104E-15. Transportation of radioactive materials.
- 11 (22) G.S. 104E-17. Payments to State and local agencies.
- 12 (23) G.S. 104E-24. Administrative penalties.
- 13 (24) G.S. 104F-4. Advisory Committee.
- 14 (25) G.S. 104G-11. Technology, license application, and environmental
- 15 impact statement.
- 16 (26) G.S. 104E-13. Administrative procedures and judicial review.
- 17 (27) G.S. 105-122. Franchise or privilege tax on domestic and foreign
- 18 corporations.
- 19 (28) G.S. 105-147. (Effective until July 1, 1990) Deductions.
- 20 (29) G.S. 105-275. Property classified and excluded from the tax base.
- 21 (30) G.S. 106-168.5. Duties of Commissioner upon receipt of application;
- 22 inspection committee.
- 23 (31) G.S. 106-266.6. Definitions.
- 24 (32) G.S. 115C-522. Provision of equipment for buildings.
- 25 (33) G.S. 130A-310.8. Recordation of inactive hazardous substance or
- 26 waste disposal sites.
- 27 (34) G.S. 143-300.8. Defense of local sanitarians.
- 28 (35) G.S. 148-10. Department of Human Resources to supervise sanitary
- 29 and health conditions of prisoners.
- 30 (36) G.S. 162A-33. Procedure for creation; resolutions and petitions for
- 31 creation; notice to and action by Commission for Health Services;
- 32 notice and public hearing; resolutions creating districts; actions to set
- 33 aside proceeding.
- 34 (37) G.S. 162A-35. Procedure for inclusion of additional political
- 35 subdivision or unincorporated area; notice and hearing; elections;
- 36 actions questioning validity of elections.
- 37 Sec. 193. All statutory authority, powers, duties, functions, records,
- 38 personnel, property, and unexpended balances of appropriations or other funds of any
- 39 agency which is transferred pursuant to this act shall be transferred in their entirety.
- 40 Any transfer affecting any agency to which this act applies which is not authorized by
- 41 this act, including any transfer under subdivision (10) of Section 5 of Article III of the
- 42 Constitution of North Carolina is hereby specifically disapproved and is void.

1 Sec. 194. The Environmental Review Commission shall continue the study
2 of environmental agency consolidation and reorganization. The study of environmental
3 agency consolidation shall include, but is not limited to:

- 4 (1) Monitoring the implementation of this act;
- 5 (2) Evaluation of the organization, programs, and operation of the
6 Department of Environment, Health, and Natural Resources;
- 7 (3) Evaluation of the organization, functions, powers, and duties of the
8 components of the Department of Environment, Health, and Natural
9 Resources, including boards, commissions, councils, and regional
10 offices; and
- 11 (4) Recodification of the General Statutes relating to the environment and
12 environmental agencies.

13 Sec. 195. This act shall become effective 1 July 1989.