

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009**

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**HOUSE BILL 835  
Committee Substitute Favorable 4/8/09**

Short Title: Sanitary Districts Study Commission.

(Public)

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Sponsors:

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Referred to:

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March 30, 2009

A BILL TO BE ENTITLED  
AN ACT TO CREATE A STUDY COMMISSION TO REVIEW NORTH CAROLINA'S  
SANITARY DISTRICT LAWS AND PRACTICE.

Whereas, the laws allowing the creation of a sanitary district are part of the public health laws in Chapter 130A of the General Statutes; and

Whereas, a Study Commission was created in 1983 to modernize the public health laws, however, the Commission did not address the sanitary district laws; and

Whereas, local officials in Pitt County recently had the opportunity to apply the sanitary district laws in response to a petition filed by its citizens in accordance with the law; and

Whereas, officials in Pitt County, State representatives from the Department of Environment and Natural Resources, State representatives in the area of public health, and faculty from the School of Government at the University of North Carolina at Chapel Hill agree that the sanitary district laws need to be updated and modernized; and

Whereas, the current sanitary district laws should be studied to determine the most appropriate and efficient role of the Department of Environment and Natural Resources, Commission for Public Health, and local government officials; and to clarify the procedural requirements necessary to accomplish the creation of a sanitary district; and

Whereas, it is desirous to examine the sanitary district laws in Chapter 130A of the General Statutes and to recommend legislation to modernize the sanitary district laws; Now, therefore,

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** The Sanitary District Study Commission is created to consist of the 10 voting members appointed as follows:

- (1) Five members appointed by the Speaker of the House of Representatives.
- (2) Five members appointed by the President Pro Tempore of the Senate.
- (3) The Commission shall consist of the following nonvoting ex officio members:
  - a. A representative of the Division of Public Health in the Department of Health and Human Services.
  - b. The Secretary of Environment and Natural Resources or the Secretary's designee.
  - c. A representative of the School of Government at the University of North Carolina at Chapel Hill.
  - d. The Attorney General or the Attorney General's designee.

**SECTION 1.(b)** The Speaker of the House of Representatives shall appoint a cochair and the President Pro Tempore of the Senate shall appoint a cochair for the



1 Commission. The Commission may meet at any time upon the joint call of the cochairs.  
2 Vacancies on the Commission shall be filled by the same appointing authority as made the  
3 initial appointment.

4 The Commission, while in the discharge of its official duties, may exercise all  
5 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The  
6 Commission may contract for professional, clerical, or consultant services as provided by  
7 G.S. 120-32.02.

8 Subject to the approval of the Legislative Services Commission, the Commission  
9 may meet in the Legislative Building or the Legislative Office Building. The Legislative  
10 Services Commission, through the Legislative Services Officer, shall assign professional staff  
11 to assist the Commission in its work. Clerical staff shall be assigned to the Commission through  
12 the offices of the Directors of the Legislative Assistants of the Senate and House of  
13 Representatives, and the expenses relating to the clerical employees shall be borne by the  
14 Commission. Members of the Commission shall receive subsistence and travel expenses at the  
15 rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

16 **SECTION 1.(c)** The Commission shall study and review the current sanitary  
17 district laws in Chapter 130A of the General Statutes in order to identify and recommend  
18 legislation to modernize the sanitary district laws and clarify the substantive and procedural  
19 requirements contained in the law.

20 **SECTION 1.(d)** The Commission shall make an interim report to the General  
21 Assembly by the convening of the 2010 Regular Session of the 2009 General Assembly. The  
22 Commission shall make a final report to the 2011 General Assembly that includes findings,  
23 recommendations, and legislative proposals. The Commission shall terminate upon filing its  
24 final report.

25 **SECTION 1.(e)** Of the funds appropriated to the General Assembly for the  
26 2009-2010 fiscal year and for the 2010-2011 fiscal year, the Legislative Services Commission  
27 shall allocate funds for the expenses of the Commission established by this section.

28 **SECTION 2.** This act is effective when it becomes law.