

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-76
HOUSE BILL 1433

AN ACT TO EXTEND THE STUDY OF THE ORGANIZATIONAL STRUCTURE AND ADMINISTRATIVE PLACEMENT OF THE PROGRAMS IN THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND TO EXPAND THE SCOPE OF THE STUDY TO INCLUDE THE ORGANIZATION, FUNCTIONS, POWERS, AND DUTIES OF THE VARIOUS BOARDS, COMMISSIONS, AND COUNCILS HAVING JURISDICTION OVER ENVIRONMENTAL, PUBLIC HEALTH, AND NATURAL RESOURCES PROGRAMS, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. Section 11A.127 of S.L. 1997-443 reads as rewritten:

"Section 11A.127. Pending ~~the results of action by the General Assembly on the~~ recommendations of the Environmental Review Commission resulting from the study to be undertaken by the Environmental Review Commission as provided in this Part, on-site wastewater functions, public drinking water programs, and environmental health programs shall remain in the Department of Environment and Natural Resources, the Division of Environmental Health, shall remain intact in the Department of Environment and Natural Resources, and the Department of Environment and Natural Resources shall not consolidate on-site wastewater functions or drinking water programs in the Division of Water Quality."

Section 2. Section 11A.128 of S.L. 1997-443 reads as rewritten:

"Section 11A.128. The Environmental Review Commission shall study the following issues and report its findings to the ~~1997 General Assembly, Regular Session 1998, 1999 General Assembly,~~ along with any legislation it proposes to address these issues:

- (1) The appropriate roles and financing of local and state agencies in reviewing, permitting, inspecting, and monitoring private wells, community wells, municipal wells, and municipal surface water supplies;
- (2) The appropriate roles and financing of local and State agencies in reviewing, permitting, inspecting, monitoring, and maintaining septic tanks, package wastewater treatment plants, municipal wastewater treatment plants, industrial treatment plants, and animal waste operations;

- (3) The appropriate roles and financing of local and State agencies in administering the various environmental health programs;
- (4) The integration of State's review of the financial integrity of applicants for drinking water and wastewater discharge permits;
- (5) Policies to monitor the quality and prevent and reduce pollution of groundwaters;
- (6) Consistent State policies for cleaning up contaminated groundwater and soils;
- (7) Coordination of adoption and development of policies by the Coastal Resources Commission, Environmental Management Commission, Commission on Health Services, Marine Fisheries Commission, and other commissions having roles in water quality or wastewater issues;
- (8) Policies to monitor the quality and prevent and reduce pollution of surface waters;
- (9) Organization of the State's water planning agencies;
- (10) Technical and financial assistance to business, industry, local governments, and citizens;
- (11) Policies to encourage water conservation;
- (12) Policies to encourage regional water supply and wastewater treatment planning; and
- (13) The role of the North Carolina Cooperative Extension Services, North Carolina Department of Agriculture, and the North Carolina Department of Transportation in the protection of water supplies.
- (14) The organization, functions, powers, and duties of the various boards, commissions, and councils having jurisdiction over environmental, public health, and natural resources programs, including whether those functions, powers, and duties should be consolidated in a single commission."

Section 3. Section 11A.129 of S.L. 1997-443 reads as rewritten:

"Section 11A.129. The Secretary of Health and Human Services may reorganize the Department of Health and Human Services in accordance with G.S. 143B-10 and shall report as required by that section. In addition, the Department of Health and Human Services shall do the following:

- (1) Report to the Joint Legislative Commission on Governmental Operations by December 31, 1997, on the Department's progress in incorporating health functions and agencies into the Department;
- (2) Report to the General Assembly by ~~May 1, 1998,~~ 1 February 1999 on additional changes, including proposed legislation necessary to effectuate the purposes of this Part including the findings of the Environmental Review Commission's study.
- (3) Report to the Joint Legislative Commission on Governmental Operations by ~~October 31, 1998,~~ 1 February 1999 on any proposed changes in the Department's structure of boards and commissions not already implemented as a result of the Environmental Review

Commission's study or necessary to effectuate the purposes of this Part and to deliver services more efficiently;

- (4) Report to the General Assembly by February 1, 1999, on the Department's progress in adopting any rule changes necessary to effectuate the purposes of this Part and any proposed legislation necessary to change the structure of any boards and commissions as reported to the Joint Legislative Commission on Governmental Operations."

Section 4. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 30th day of July, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 11:55 a.m. this 6th day of August, 1998