

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE BILL 835

Short Title: Sanitary Districts Study Committee. (Public)

Sponsors: Representatives McLawhorn, E. Warren (Primary Sponsors); Dockham and E. Floyd.

Referred to: Environment and Natural Resources, if favorable, Appropriations.

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 Institute of Government agree that the sanitary district laws need to be updated and modernized; and

Whereas, the current sanitary district law should be studied to determine the most appropriate and efficient role of the Department of Environment and Natural Resources, Commission for Public Health Services, 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 Committee shall consist of the following nonvoting ex officio members:
 - a. A representative of the Division of Public Health, Department of Health and Human Services.
 - b. The Secretary of Environment and Natural Resources, or designee.
 - c. A representative of the School of Government at the University of North Carolina at Chapel Hill.
 - d. The Attorney General, or 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 Committee. The Committee may meet at any time upon the joint call of the cochairs. Vacancies



1 on the Committee shall be filled by the same appointing authority as made the initial
2 appointment.

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

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

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

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

23 **SECTION 1.(e)** Of the funds appropriated to the General Assembly for the
24 2009-2010 fiscal year and the for the 2010-2011 fiscal year, the Legislative Services
25 Commission shall allocate funds for the expenses of the Committee established by this section.

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