

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2260*

Environment & Natural Resources Senate Committee Substitute Adopted 7/17/90

Short Title: Environmental Tech. Corr.

(Public)

Sponsors:

Referred to:

June 1, 1990

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL
3 AMENDMENTS TO VARIOUS LAWS RELATING TO ENVIRONMENT,
4 HEALTH, AND NATURAL RESOURCES.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 66-58(b)(2) reads as rewritten:
7 "(2) The Department of Human ~~Resources~~-Resources, the Department of
8 Environment, Health, and Natural Resources, or the Department of
9 Agriculture for the sale of serums, vaccines, and other like products."
10 Sec. 2. G.S. 90-85.34A(a)(3) reads as rewritten:
11 "(3) Only prescription drugs and devices contained in a formulary
12 recommended by the Department of ~~Human Resources~~-Environment,
13 Health, and Natural Resources and approved by the Board shall be
14 dispensed;".
15 Sec. 3. G.S. 104G-21(e) is amended by deleting "(c)" and substituting "(d)".
16 Sec. 4. G.S. 113-202.1(c), as enacted by Chapter 423 of the 1989 Session
17 Laws, is amended by deleting "G.S. 113A-202(d)" and inserting in lieu thereof "G.S.
18 113-202(d)".
19 Sec. 5. G.S. 104E-6.1(a) is amended by deleting the word "landfill" each time
20 it occurs and substituting the word "disposal".
21 Sec. 6. G.S. 130A-101 is amended by adding a new subsection to read:
22 "(g) Each parent shall provide his or her social security number to the person
23 responsible for preparing and filing the certificate of birth."

1 Sec. 7. The catch line of G.S. 130A-291 reads as rewritten:

2 "**§ 130A-291. ~~Solid Waste Unit in Department. Division of Solid Waste Management.~~**"

3 Sec. 8. G.S. 130A-291(a) reads as rewritten:

4 "(a) For the purpose of promoting and preserving an environment that is
5 conducive to public health and welfare, and preventing the creation of nuisances and the
6 depletion of our natural resources, the Department shall maintain ~~an appropriate~~
7 ~~administrative unit~~ a Division of Solid Waste Management to promote sanitary
8 processing, treatment, disposal, and statewide management of solid waste and the
9 greatest possible recycling and recovery of resources, and the Department shall employ
10 and retain such qualified personnel as may be necessary to effect such purposes. It is
11 the purpose and intent of the State to be and remain cognizant not only of its
12 responsibility to authorize and establish the statewide solid waste management program,
13 but also of its responsibility to monitor and supervise, through the Department, the
14 activities and operations of units of local government implementing a permitted solid
15 waste management facility serving a specified geographic area in accordance with a
16 solid waste management plan."

17 Sec. 9. G.S. 130A-310.5(c), as amended by Section 4 of Chapter 286 of the
18 1989 Session Laws, is amended by deleting the phrase "Emergency Hazardous Waste
19 Site Remedial Fund" and substituting in lieu thereof "Emergency Response Fund".

20 Sec. 10. G.S. 130A-310.7(a), as amended by Section 6 of Chapter 286 of the
21 1989 Session Laws, is amended by deleting the semicolon following the word
22 "substance" and substituting a comma in lieu thereof.

23 Sec. 11. G.S. 130A-310.22, as enacted by Section 10 of Chapter 286 of the
24 1989 Session Laws, is amended by deleting the phrase "42 U.S.C. § 9604(b)(9)" and
25 inserting in lieu thereof "42 U.S.C. § 9604(c)(9)".

26 Sec. 12. G.S. 130A-342(c), as enacted by Chapter 764 of the 1989 Session
27 Laws, reads as rewritten:

28 "(c) The performance of individual aerobic treatment plants is to be documented
29 by the counties and sent to the ~~Department of Human Resources or the Department of~~
30 ~~Environment, Health, and Natural Resources as appropriate.~~ Resources."

31 Sec. 13. G.S. 130B-15(e), as enacted by Chapter 168 of the 1989 Session
32 Laws, reads as rewritten:

33 "(e) The Commission shall provide through its own personnel, private contractors,
34 cooperative agreement with other governmental agencies, or any combination thereof,
35 any active maintenance or remedial actions that may be required. Payment for the cost
36 thereof shall be made from the Long-Term Care Fund established pursuant to ~~G.S. 130B-~~
37 ~~16.~~ G.S. 130B-17."

38 Sec. 14. G.S. 143-439(b) reads as rewritten:

39 "(b) The Pesticide Advisory Committee shall consist of: three practicing farmers;
40 one conservationist (at large); one ecologist (at large); one representative of the
41 pesticide industry; one representative of agribusiness (at large); one local health
42 director; three members of the North Carolina State University School of Agriculture
43 and Life Sciences, at least one of which shall be from the area of wildlife or biology;
44 one member representing the North Carolina Department of Agriculture; one member

1 representing the Department of Environment, Health, and Natural Resources; the State
2 Health ~~Director~~; Director or his designee; one representative of a public utility or
3 railroad company which uses pesticides; one representative of the Board of
4 Transportation; one member of the North Carolina Agricultural Aviation Association;
5 one member of the general public (at large); one member actively engaged in forest pest
6 management; and one member representing the Division of Solid Waste Management
7 ~~Division~~ of the Department of Environment, Health, and Natural Resources. Each State
8 agency represented on the Committee shall be appointed by the head of the agency.
9 Other members of the Committee shall be appointed by the Board."

10 Sec. 15. Subsection (a) of Section 5 of Chapter 426 of the 1989 Session
11 Laws reads as rewritten:

12 "(a) The Environmental Management Commission shall adopt water supply
13 watershed classifications and applicable management requirements as required by ~~G.S.~~
14 ~~143-214.4(b)~~ G.S. 143-214.5(b) no later than 1 January 1991."

15 Sec. 16. Subsection (b) of Section 5 of Chapter 426 of the 1989 Session
16 Laws reads as rewritten:

17 "(b) The Environmental Management Commission shall publish the proposed
18 classification of all existing water supply watersheds under the classifications adopted
19 pursuant to ~~G.S. 143-214.4(b)~~ G.S. 143-214.5(b) no later than 1 January 1991. The
20 Environmental Management Commission shall complete the classification of all
21 existing water supply watersheds no later than 1 January 1992."

22 Sec. 17. G.S. 143-215.1(b1)(4), as enacted by Section 2 of Chapter 354 of
23 the 1989 Session Laws, reads as rewritten:

24 "(4) Requirements of subsection (a) of this section that the Department
25 review and ~~approval~~ approve of each individual facility."

26 Sec. 18. G.S. 143-350 is amended by deleting "G.S. 143-214" and
27 substituting in lieu thereof "G.S. 143B-282".

28 Sec. 19. (a) G.S. 143B-279.4 reads as rewritten:

29 **"§ 143B-279.4. The Department of Environment, Health, and Natural Resources –**
30 **Secretary; Deputy Secretaries.**

31 (a) The Secretary ~~of the Department~~ of Environment, Health, and Natural
32 Resources shall be the head of the Department.

33 (b) The Secretary may appoint two Deputy Secretaries."

34 (b) The Revisor of Statutes shall delete every reference to the Secretary of the
35 Department of Environment, Health, and Natural Resources, the Secretary of the North
36 Carolina Department of Environment, Health, and Natural Resources, any such similar
37 reference, and any reference to any predecessor officers in any portion of the General
38 Statutes and substitute, as appropriate and consistent with this act and Chapter 727 of
39 the 1989 Session Laws, the phrase "Secretary of Environment, Health, and Natural
40 Resources."

41 Sec. 20. G.S. 159I-3(a)(6) as enacted by Chapter 756 of the 1989 Session
42 Laws reads as rewritten:

1 "(6) 'Division' means the ~~Division of Health Services~~ Division of Solid
2 Waste Management of the Department of Environment, Health, and
3 Natural Resources and any successor of said Division."

4 Sec. 21. G.S. 159I-7(b), as enacted by Chapter 756 of the 1989 Session
5 Laws, reads as rewritten:

6 "(b) Moneys in the Solid Waste Management Loan Fund may be invested in the
7 same manner as permitted for investments of funds belonging to the State or held in the
8 State treasury. Interest earnings derived from such investments shall be credited to the
9 Fund, credited to such other use as may be provided in a trust agreement or resolution
10 securing any bonds or notes issued under the provisions of this Chapter, or credited to
11 such other use, including the payment of administrative expenses of the Agency, the
12 costs of research for solid waste management programs and the making of grants for
13 such research, as may be directed by the Board.

14 (b1) In connection with solid waste research to be contracted for by the ~~Solid~~
15 ~~Waste Branch, Division,~~ the Secretary of the ~~Department to which that Branch is assigned,~~
16 ~~statutorially,~~ Environment, Health, and Natural Resources shall negotiate, with the Board
17 of the Agency, a memorandum of agreement which shall contain necessary rules and
18 provisions for certifying that proper competitive bid procedures, and when appropriate,
19 proper sole source bid procedures, for contracts have been executed in connection with
20 a Request for Proposals (RFP); and, which shall state that a previously determined one-
21 to-one match requirement from private sector sources has been met in accordance with
22 rules and provisions set out in the memorandum of agreement, and that the Secretary is
23 ready to award a contract for a specified amount. The Treasurer, at the direction of the
24 board, shall certify that funds are available and that the purpose of the contract is
25 consistent with provisions for the use of solid waste loan program proceeds."

26 Sec. 22. G.S. 159I-15(d) is amended in the second sentence by deleting the
27 phrase "place or place" and substituting in lieu thereof the phrase "place or places".

28 Sec. 23. G.S. 159I-15(e) is amended in the third paragraph by deleting the
29 word "at" as it appears in the phrase "such price or prices at the Local Government
30 Commission shall determine" and substituting in lieu thereof the word "as".

31 Sec. 24. G.S. 159I-16(c) is amended in the second sentence by deleting the
32 word "noticed" as it appears in the phrase "irrespective of whether such parties have
33 noticed thereof" and substituting in lieu thereof the word "notice".

34 Sec. 25. G.S. 159I-16(d) is amended by inserting a comma after the word
35 "Agency" as it appears in the phrase "costs of operation of the Agency".

36 Sec. 26. G.S. 159I-30(h) is amended:

37 (a) In the first sentence by deleting the word "form" as it appears in the phrase
38 "40 years form their date" and substituting in lieu thereof the word "from"; and

39 (b) In the second sentence by deleting the phrase "place or place" and substituting
40 in lieu thereof the phrase "place or places".

41 Sec. 27. Section 2 of Chapter 129 of the 1989 Session Laws reads as
42 rewritten:

43 "Sec. 2. This act applies only to ~~that portion~~ the inland waters of the Black River in
44 Sampson, Pender, and Bladen Counties between Clear Run Bridge at Highway 411 and

1 its junction with the Cape Fear River, and to that portion of South River in Sampson and
2 Bladen Counties from Ennis Bridge at Highway 1007 to its junction with the Black
3 River."

4 Sec. 28. Section 1 of Chapter 764 of the 1989 Session Laws is repealed.

5 Sec. 29. Subsection (1) of Section 2 of Chapter 146 of the 1989 Session
6 Laws reads as rewritten:

7 "(1) ~~That certain tract or parcel of land at Jockey's Ridge State Park in Dare~~
8 ~~County, Nags Head Township more particularly described as follows:~~
9 ~~BEGINNING at a point which is located north 39° 07' 08" 67.86 feet~~
10 ~~from an iron pipe having a NC coordinate value of X-2996057.363 and~~
11 ~~Y-823796.892, running from said beginning point south 39° 07' 08" 15~~
12 ~~feet to an iron pipe; thence north 49° 10' 51" east 47.98 feet to an iron~~
13 ~~pipe in the edge of the right of way of the U.S. 158 Bypass; thence~~
14 ~~southeasterly along the aforementioned right of way 15 feet to a point;~~
15 ~~thence south 49° 10' 51" west 47.98 feet to the point of beginning and~~
16 ~~containing 719.7 square feet more or less, That certain tract or parcel~~
17 ~~of land at Jockey's Ridge State Park in Dare County, Nags Head~~
18 ~~Township, more particularly described as follows: Beginning at an~~
19 ~~iron rod which is located North 39°07'08" West 74.96 feet from an iron~~
20 ~~pipe having a NC Coordinate value of X-2996057.363 and Y-~~
21 ~~823796.892, said iron rod also being located in a common property~~
22 ~~line between the State of North Carolina and R. M. Ritchie, et al.;~~
23 ~~thence running from said beginning point South 39°07'08" East 10 feet~~
24 ~~to a point; thence North 49°10'51" East 47.98 feet to a point in the~~
25 ~~right-of-way of U.S. 158 Bypass; thence northwesterly along the~~
26 ~~aforementioned right-of-way 10 feet to an iron rod; thence South~~
27 ~~49°10'51" West 47.98 feet to the point and place of beginning and~~
28 ~~containing 479.80 square feet more or less, and as drawn out by the~~
29 ~~Design and Development Section of the Division of Parks and~~
30 ~~Recreation on a map dated November 8, 1988."~~

31 Sec. 30. G.S. 143-260.10(3) reads as rewritten:

32 "(3) All lands within the boundaries of Jockey's Ridge State Park as of
33 April 4, 1989, with the exception of the following tract: ~~That certain~~
34 ~~tract or parcel of land at Jockey's Ridge State Park in Dare County, Nags~~
35 ~~Head Township, more particularly described as follows: BEGINNING at a~~
36 ~~point which is located north 39° 07' 08" 67.86 feet from an iron pipe having a~~
37 ~~NC coordinate value of X-2996057.363 and Y-823796.892, running from~~
38 ~~said beginning point south 39° 07' 08" 15 feet to an iron pipe; thence north~~
39 ~~49° 10' 51" east 47.98 feet to an iron pipe in the edge of the right of way of~~
40 ~~the U.S. 158 Bypass; thence southeasterly along the aforementioned right-~~
41 ~~of way 15 feet to a point; thence south 49° 10' 51" west 47.98 feet to the~~
42 ~~point of beginning and containing 719.7 square feet more or less, That~~
43 ~~certain tract or parcel of land at Jockey's Ridge State Park in Dare~~
44 ~~County, Nags Head Township, more particularly described as follows:~~
45 ~~Beginning at an iron rod which is located North 39°07'08" West 74.96~~

1 feet from an iron pipe having a NC Coordinate value of X-
2 2996057.363 and Y-823796.892, said iron rod also being located in a
3 common property line between the State of North Carolina and R. M.
4 Ritchie, et al.; thence running from said beginning point South
5 39°07'08"East 10 feet to a point; thence North 49°10'51"East 47.98
6 feet to a point in the right-of-way of U.S. 158 Bypass; thence
7 northwesterly along the aforementioned right-of-way 10 feet to an iron
8 rod; thence South 49°10'51"West 47.98 feet to the point and place of
9 beginning and containing 479.80 square feet more or less, and as
10 drawn out by the Design and Development Section of the Division of
11 Parks and Recreation on a map dated November 8, 1988."

12 Sec. 31. G.S. 143-279.3 is rewritten to read:

13 **"§ 143B-279.3. Department of Environment, Health, and Natural Resources –**
14 **structure.**

15 (a) All functions, powers, duties, and obligations heretofore vested in the
16 following subunits of the following departments are hereby transferred to and vested in
17 the Department of Environment, Health, and Natural Resources by a Type I transfer, as
18 defined in G.S. 143A-6:

- 19 (1) Radiation Protection Section, Division of Facility Services,
20 Department of Human Resources.
- 21 (2) Division of Health Services, Department of Human Resources.
- 22 (3) State Center for Health Statistics, Department of Human Resources.
- 23 (4) Coastal Management Division, Department of Natural Resources and
24 Community Development.
- 25 (5) Environmental Management Division, Department of Natural
26 Resources and Community Development.
- 27 (6) Forest Resources Division, Department of Natural Resources and
28 Community Development.
- 29 (7) Land Resources Division, Department of Natural Resources and
30 Community Development.
- 31 (8) Marine Fisheries Division, Department of Natural Resources and
32 Community Development.
- 33 (9) Parks and Recreation Division, Department of Natural Resources and
34 Community Development.
- 35 (10) Soil and Water Conservation Division, Department of Natural
36 Resources and Community Development.
- 37 (11) Water Resources Division, Department of Natural Resources and
38 Community Development.
- 39 (12) North Carolina Zoological Park, Department of Natural Resources and
40 Community Development.
- 41 (13) Albemarle-Pamlico Study.

42 (b) All functions, powers, duties, and obligations heretofore vested in the
43 following commissions, boards, councils, and committees of the following departments

1 are hereby transferred to and vested in the Department of Environment, Health, and
2 Natural Resources by a Type II transfer, as defined in G.S. 143A-6:

- 3 (1) Governor's Waste Management Board, Department of Human
4 Resources.
 - 5 (2) Radiation Protection Commission, Department of Human Resources.
 - 6 (3) Commission for Health Services, Department of Human Resources.
 - 7 (4) Water Treatment Facility Operators Board of Certification,
8 Department of Human Resources.
 - 9 (5) Council on Sickle Cell Syndrome, Department of Human Resources.
 - 10 (6) Perinatal Health Care Programs Advisory Council, Department of
11 Human Resources.
 - 12 (7) Governor's Council on Physical Fitness and Health, Department of
13 Human Resources.
 - 14 (8) Commission of Anatomy, Department of Human Resources.
 - 15 (9) Coastal Resources Commission, Department of Natural Resources and
16 Community Development.
 - 17 (10) Environmental Management Commission, Department of Natural
18 Resources and Community Development.
 - 19 (11) Air Quality Council, Department of Natural Resources and
20 Community Development.
 - 21 (12) Wastewater Treatment Plant Operators Certification Commission,
22 Department of Natural Resources and Community Development.
 - 23 (13) Forestry Council, Department of Natural Resources and Community
24 Development.
 - 25 (14) North Carolina Mining Commission, Department of Natural Resources
26 and Community Development.
 - 27 (15) Advisory Committee on Land Records, Department of Natural
28 Resources and Community Development.
 - 29 (16) Marine Fisheries Commission, Department of Natural Resources and
30 Community Development.
 - 31 (17) Parks and Recreation Council, Department of Natural Resources and
32 Community Development.
 - 33 (18) Board of Trustees of the Recreation and Natural Trust Fund,
34 Department of Natural Resources and Community Development.
 - 35 (19) North Carolina Trails Committee, Department of Natural Resources
36 and Community Development.
 - 37 (20) Sedimentation Control Commission, Department of Natural Resources
38 and Community Development.
 - 39 (21) State Soil and Water Conservation Commission, Department of
40 Natural Resources and Community Development.
 - 41 (22) North Carolina Zoological Park Council, Department of Natural
42 Resources and Community Development.
- 43 (c) (1) There is hereby created a division within the environmental
44 area of the Department of Environment, Health, and Natural

1 Resources to be named the Division of Radiation Protection. All
2 functions, powers, duties, and obligations of the Radiation Protection
3 Section of the Division of Facility Services of the Department of
4 Human Resources are transferred in their entirety to the Radiation
5 Protection Division of the Department of Environment, Health, and
6 Natural Resources.

7 (2) There is hereby created a division within the environmental area of the
8 Department of Environment, Health, and Natural Resources to be
9 named the Division of Solid Waste Management. All functions,
10 powers, duties, and obligations of the Solid Waste Management
11 Section of the Division of Health Services of the Department of
12 Human Resources are transferred in their entirety to the Division of
13 Solid Waste Management of the Department of Environment, Health,
14 and Natural Resources.

15 (d) The Department of Environment, Health, and Natural Resources is vested with all
16 other functions, powers, duties, and obligations as are conferred by the Constitution and
17 laws of this State."

18 Sec. 32. G.S. 143B-432 is rewritten to read:

19 **"§ 143B-432. Transfers to Department of Economic and Community**
20 **Development.**

21 (a) The Division of Economic Development of the Department of Natural and
22 Economic Resources, the Science and Technology Committee of the Department of
23 Natural and Economic Resources, the Science and Technology Research Center of the
24 Department of Natural and Economic Resources, and the North Carolina National Park,
25 Parkway and Forests Development Council of the Department of Natural and Economic
26 Resources are each hereby transferred to the Department of Economic and Community
27 Development by a Type I transfer, as defined in G.S. 143A-6.

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

32 (1) Community Assistance Division.

33 (2) Employment and Training Division.

34 (c) All functions, powers, duties, and obligations heretofore vested in the
35 following councils of the Department of Natural Resources and Community
36 Development are hereby transferred to and vested in the Department of Economic and
37 Community Development by a Type II transfer as defined in G.S. 143A-6:

38 (1) Community Development Council.

39 (2) Job Training Coordinating Council."

40 Sec. 33. Sections 31, 32, and 33 of this act are effective 1 July 1989.
41 Sections 223, 224, 226, and 227 of Chapter 727 of the 1989 Session Laws and Sections
42 9, 17, and 22 of Chapter 751 of the 1989 Session laws apply to this section.

43 Sec. 34. (a) A new chapter is added to the General Statutes to be entitled:

44 **"CHAPTER 108B.**

"COMMUNITY ACTION PROGRAMS."

(b) Article 1 of Chapter 108B of the General Statutes (G.S. 108B-1 through G.S. 108B-20) is reserved for future codification purposes.

(c) Article 1D of Chapter 113 of the General Statutes (G.S. 113-28.21 through G.S. 113-28.26) is recodified as Article 2 of Chapter 108B of the General Statutes (G.S. 108B-21 through G.S. 108B-26).

Sec. 35. G.S. 113-28.23 reads as rewritten:

"§ 113 and responsibilities.

(a) For purposes of this Article, 'Department' means the Department of ~~Economic and Community Development~~ Human Resources and 'Secretary' means the Secretary of ~~Economic and Community Development~~ Human Resources.

(b) The Department of ~~Economic and Community Development~~ is directed to carry out the purposes and provisions of this Article. In carrying out this directive, the Secretary of the ~~Department~~ shall promulgate rules consistent with the purposes and provisions of this Article."

Sec. 36. G.S. 150B-1(d)(3) reads as rewritten:

"(3) The Department of Human Resources is exempt from this Chapter in exercising its authority over the Camp Butner reservation granted in Article 6 of Chapter 122C of the General Statutes. The Department of Human Resources ~~is also~~ and the Department of Environment, Health, and Natural Resources are exempt from Article 3 of this Chapter in complying with the procedural safeguards mandated by the Section 680 of Part H of P.L. 99-457 as amended (Education of the Handicapped Act Amendments of 1986)."

Sec. 37. G.S. 130A-342(c) reads as rewritten:

"(c) The performance of individual aerobic treatment plants is to be documented by the counties and sent to ~~the Department of Human Resources or the Department of Environment, Health, and Natural Resources as appropriate~~ Resources."

Sec. 38. G.S. 104G-13(c) and (d) read as rewritten:

"(c) The approval of the Authority under this section is in addition to the approval of the Department of ~~Human Resources~~ Environment, Health, and Natural Resources in accordance with the rules and regulations of the Commission.

(d) Upon proper closure, the Authority shall assume responsibility for a low-level radioactive waste disposal facility site during the institutional care period and shall release the operator from further responsibility, subject to approval by the Department of ~~Human Resources~~ Environment, Health, and Natural Resources of the transfer of the license to the Authority."

Sec. 39. G.S. 104G-21(f) reads as rewritten:

"(f) The Board shall serve as the arbitrator or shall appoint the arbitrator of any issue submitted for arbitration under this section."

Sec. 40. G.S. 130B-21(f) reads as rewritten:

"(f) The Board shall serve as the arbitrator or shall appoint the arbitrator of any issue submitted for arbitration under this section."

Sec. 41. G.S. 104E-8 reads as rewritten:

1 **"§ 104E-8. Radiation Protection Commission – Members; selections; removal;**
2 **compensation; quorum; services.**

3 (a) The Commission shall consist of ~~40~~11 voting public members and 10
4 nonvoting ex officio members. The ~~40~~11 voting public members of the Commission
5 shall be appointed by the Governor as follows:

- 6 (1) One member who shall be actively involved in the field of
7 environmental protection;
- 8 (2) One member who shall be an employee of one of the licensed public
9 utilities involved in the generation of power by atomic energy;
- 10 (3) One member who shall have experience in the field of atomic energy
11 other than power generation;
- 12 (4) One member who shall be a scientist or engineer from the faculty of
13 one of the institutions of higher learning in the State;
- 14 (5) One member who shall have recognized knowledge in the field of
15 radiation and its biological effects from the North Carolina Medical
16 Society;
- 17 (6) One member who shall have recognized knowledge in the field of
18 radiation and its biological effects from the North Carolina Dental
19 Society;
- 20 (7) One member who shall have recognized knowledge in the field of
21 radiation and its biological effects from the State at large;
- 22 (8) One member who shall have recognized knowledge in the field of
23 radiation and its biological effects and who shall be a practicing
24 hospital administrator from the North Carolina Hospital Association;
- 25 (9) One member who shall have recognized knowledge in the field of
26 radiation and its biological effects from the North Carolina
27 Chiropractic Association;
- 28 (10) One member who shall have recognized knowledge in the clinical
29 application of radiation, shall be a practicing radiologic technologist
30 from the North Carolina Society of Radiologic Technologists, and
31 shall be certified by the American Registry of Radiologic
32 Technologists;
- 33 (11) One member who shall have recognized knowledge in the clinical
34 application of radiation and shall be a practicing podiatrist licensed by
35 the North Carolina State Board of Podiatry Examiners.

36 (b) Public members so appointed shall serve terms of office of four years. Four of the
37 initial members shall be appointed for two years, three members for three years, and
38 three members for four years. Any appointment to fill a vacancy on the Commission
39 created by the resignation, dismissal, death or disability of a public member shall be for
40 the balance of the unexpired term. At the expiration of each public member's term, the
41 Governor shall reappoint or replace the member with a member of like qualifications.
42 At its first meeting on or after July first of each year, the Commission shall designate by
43 election one of its public members as chairman and one of its public members as vice-
44 chairman to serve through June thirtieth of the following year.

1 (c) The 10 ex officio members shall be appointed by the Governor, shall be
2 members or employees of the following State agencies or their successors, and shall
3 serve at the Governor's pleasure:

- 4 (1) The Utilities Commission;
- 5 (2) The Commission for Health Services;
- 6 (3) The Environmental Management Commission;
- 7 (4) The Board of Transportation;
- 8 (5) ~~The Division of Civil Preparedness of the Department of the Military and~~
9 ~~Veterans Affairs;~~ Emergency Management of the Department of Crime
10 Control and Public Safety;
- 11 (6) ~~The radiation protection program within the Department of Human~~
12 ~~Resources;~~ Division of Radiation Protection of the Department;
- 13 (7) The Department of Labor;
- 14 (8) The Industrial Commission;
- 15 (9) The Department of Insurance;
- 16 (10) The Medical Care Commission.

17 (d) The Governor shall have the power to remove any member from the
18 Commission for misfeasance, malfeasance, or nonfeasance in accordance with G.S.
19 143B-13.

20 (e) The members of the Commission shall receive per diem and necessary travel
21 and subsistence expenses in accordance with the provisions of G.S. 138-5.

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

24 (g) All clerical and other services required by the Commission shall be supplied
25 by the Secretary of the ~~Department of Human Resources.~~ Department."

26 Sec. 42. Except as otherwise provided herein, this act is effective upon
27 ratification.