

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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1

HOUSE BILL 478*

Short Title: Health to DHR/DEHNR Name Change/AB.

(Public)

Sponsors: Representatives Baddour, Gardner (Cosponsors); Aldridge, Bowie, Boyd-McIntyre, Braswell, Buchanan, Cansler, Dickson, Earle, Gamble, Howard, R. Hunter, Hurley, Ives, Jeffus, Miller, Morris, Nye, Oldham, Smith, Watson, Weatherly, and G. Wilson.

Referred to: Human Resources.

March 10, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO TRANSFER HEALTH SERVICES TO THE DEPARTMENT OF
3 HUMAN RESOURCES, TO CHANGE THE NAME OF THE DEPARTMENT OF
4 HUMAN RESOURCES TO THE DEPARTMENT OF HEALTH AND HUMAN
5 SERVICES, TO CHANGE THE NAME OF THE DEPARTMENT OF
6 ENVIRONMENT, HEALTH, AND NATURAL RESOURCES TO THE
7 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES, AND TO
8 MAKE TECHNICAL AND CONFORMING STATUTORY CHANGES.

9 The General Assembly of North Carolina enacts:

10 **PART 1. TRANSFER AND RESTRUCTURE OF DEPARTMENT OF HUMAN**
11 **RESOURCES AND DEPARTMENT OF ENVIRONMENT, HEALTH, AND**
12 **NATURAL RESOURCES.**

13 Section 1. The name of Article 3 of Chapter 143B of the General Statutes
14 reads as rewritten:

15 "ARTICLE 3.

16 Department of ~~Human Resources.~~ Health and Human Services."

1 Section 2. G.S. 130A-55.1, 143B-136, 143B-137, 143B-138, and 143B-279.6
2 are repealed.

3 Section 3. Part 1 of Article 3 of Chapter 143B of the General Statutes is
4 amended by adding the following new sections:

5 **"§ 143B-136.1. Department of Health and Human Services – creation.**

6 There is created a department to be known as the 'Department of Health and Human
7 Services,' with the organization, duties, functions, and powers defined in this Article and
8 other applicable provisions of law.

9 **"§ 143B-137.1. Department of Health and Human Services – duties.**

10 It shall be the duty of the Department to provide the necessary management,
11 development of policy, and establishment and enforcement of standards for the provision
12 of services in the fields of public and mental health and rehabilitation with the intent to
13 assist all citizens – as individuals, families, and communities – to achieve and maintain
14 an adequate level of health, social and economic well-being, and dignity. Whenever
15 possible, the Department shall emphasize preventive measures to avoid or to reduce the
16 need for costly emergency treatments that often result from lack of forethought. The
17 Department shall establish priorities to eliminate those excessive expenses incurred by
18 the State for lack of adequate funding or careful planning of preventive measures.

19 **"§ 143B-138.1. Department of Health and Human Services – functions and**
20 **organization.**

21 (a) All functions, powers, duties, and obligations previously vested in the
22 following commissions, boards, councils, committees, or subunits of the Department of
23 Human Resources are transferred to and vested in the Department of Health and Human
24 Services by a Type I transfer, as defined in G.S. 143A-6:

25 (1) Division of Aging.

26 (2) Division of Services for the Blind.

27 (3) Division of Medical Assistance.

28 (4) Division of Mental Health, Developmental Disabilities, and Substance
29 Abuse Services.

30 (5) Division of Social Services.

31 (6) Division of Facility Services.

32 (7) Division of Vocational Rehabilitation.

33 (8) Division of Youth Services.

34 (9) Division of Services for the Deaf and the Blind.

35 (10) Office of Economic Opportunity.

36 (11) Division of Child Development.

37 (12) Office of Rural Health.

38 (b) All functions, powers, duties, and obligations previously vested in the
39 following commissions, boards, councils, committees, or subunits of the Department of
40 Human Resources are transferred to and vested in the Department of Health and Human
41 Services by a Type II transfer, as defined in G.S. 143A-6:

42 (1) Respite Care Program.

43 (2) Governor's Advisory Council on Aging.

- 1 (3) Commission for the Blind.
- 2 (4) Professional Advisory Committee.
- 3 (5) Consumer and Advocacy Advisory Committee for the Blind.
- 4 (6) Commission for Mental Health, Developmental Disabilities, and
- 5 Substance Abuse Services.
- 6 (7) Social Services Commission.
- 7 (8) Child Day-Care Commission.
- 8 (9) Medical Care Commission.
- 9 (10) Emergency Medical Services Advisory Council.
- 10 (11) Board of Directors of the Governor Morehead School.
- 11 (12) Board of Directors for the North Carolina Schools for the Deaf.
- 12 (13) North Carolina Council for the Hearing Impaired.
- 13 (14) North Carolina Council on the Holocaust.
- 14 (15) Council on Developmental Disabilities.

15 (c) The functions, powers, duties, and obligations previously vested in the
16 following commissions, boards, councils, committees, or subunits of the Department of
17 Environment, Health, and Natural Resources are transferred to and vested in the
18 Department of Health and Human Services by a Type I transfer, as defined in G.S. 143A-
19 6:

- 20 (1) Division of Dental Health.
- 21 (2) State Center for Health Statistics.
- 22 (3) Division of Epidemiology.
- 23 (4) Division of Health Promotion.
- 24 (5) Division of Maternal and Child Health.
- 25 (6) Office of Minority Health.
- 26 (7) Office of Public Health Nursing.
- 27 (8) Division of Environmental Health.
- 28 (9) Division of Laboratory Services.
- 29 (10) Office of Local Health Services.
- 30 (11) Division of Post Mortem Medicolegal Examinations.

31 (d) All functions, powers, duties, and obligations previously vested in the
32 following commissions, boards, councils, committees, or subunits of the Department of
33 Environment, Health, and Natural Resources are transferred to and vested in the
34 Department of Health and Human Services by a Type II transfer, as defined in G.S.
35 143A-6:

- 36 (1) Commission for Health Services.
- 37 (2) Council on Sickle Cell Syndrome.
- 38 (3) Governor's Council on Physical Fitness and Health.
- 39 (4) Commission of Anatomy.
- 40 (5) Minority Health Advisory Council.
- 41 (6) Advisory Committee on Cancer Coordination and Control.
- 42 (7) Water Treatment Facility Operators Board of Certification.

1 (e) The Department of Health and Human Services is vested with all other
2 functions, powers, duties, and obligations as are conferred by the Constitution and laws
3 of this State."

4 Section 4. The name of Article 7 of Chapter 143B of the General Statutes
5 reads as rewritten:

6 "ARTICLE 7.
7 Department of ~~Environment,~~
8 ~~Health, Environment~~ and Natural
9 Resources."

10 Section 5. G.S. 143B-279.2 reads as rewritten:
11 "**§ 143B-279.2. Department of ~~Environment, Health, Environment~~ and Natural**
12 **Resources – duties.**

13 It shall be the duty of the Department:

- 14 (1) To provide for the protection of the environment;
- 15 (1a) To administer the State Outer Continental Shelf (OCS) Task Force and
16 coordinate State participation activities in the federal outer continental
17 shelf resource recovery programs as provided under the OCS Lands Act
18 Amendments of 1978 (43 USC §§ 1801 et seq.) and the OCS Lands Act
19 Amendments of 1986 (43 USC §§ 1331 et seq.).
- 20 (1b) To provide for the protection of the environment and public health
21 through the regulation of solid waste and hazardous waste management
22 and wastewater systems.
- 23 ~~(2) To provide for the protection and enhancement of the public health;~~
- 24 (2a) To provide and keep a museum or collection of the natural history of the
25 State and to maintain the North Carolina Biological Survey; and
- 26 (3) To provide for the management of the State's natural resources."

27 Section 6. G.S. 143B-279.3 reads as rewritten:
28 "**§ 143B-279.3. Department of ~~Environment, Health, and Natural Resources~~ –**
29 **structure.**

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

- 34 (1) Radiation Protection Section, Division of Facility Services, Department
35 of Human Resources.
- 36 ~~(2) Division of Health Services, Department of Human Resources.~~
- 37 ~~(3) State Center for Health Statistics, Department of Human Resources.~~
- 38 (4) Coastal Management Division, Department of Natural Resources and
39 Community Development.
- 40 (5) Environmental Management Division, Department of Natural Resources
41 and Community Development.
- 42 (6) Forest Resources Division, Department of Natural Resources and
43 Community Development.

- 1 (7) Land Resources Division, Department of Natural Resources and
2 Community Development.
- 3 (8) Marine Fisheries Division, Department of Natural Resources and
4 Community Development.
- 5 (9) Parks and Recreation Division, Department of Natural Resources and
6 Community Development.
- 7 (10) Soil and Water Conservation Division, Department of Natural
8 Resources and Community Development.
- 9 (11) Water Resources Division, Department of Natural Resources and
10 Community Development.
- 11 (12) North Carolina Zoological Park, Department of Natural Resources and
12 Community Development.
- 13 (13) Albemarle-Pamlico Study.
- 14 (14) Office of Marine Affairs, Department of Administration.
- 15 (b) All functions, powers, duties, and obligations ~~heretofore~~ previously vested in
16 the following commissions, boards, councils, and committees of the following
17 departments are ~~hereby~~ transferred to and vested in the Department of ~~Environment,~~
18 ~~Health, Environment~~ and Natural Resources by a Type II transfer, as defined in G.S.
19 143A-6:
- 20 (1) Repealed by Session Laws 1993, c. 501, s. 27.
- 21 (2) Radiation Protection Commission, Department of Human Resources.
- 22 ~~(3) Commission for Health Services, Department of Human Resources.~~
- 23 ~~(4) Water Treatment Facility Operators Board of Certification, Department~~
24 ~~of Human Resources.~~
- 25 ~~(5) Council on Sickle Cell Syndrome, Department of Human Resources.~~
- 26 ~~(6) Perinatal Health Care Programs Advisory Council, Department of~~
27 ~~Human Resources.~~
- 28 ~~(7) Governor's Council on Physical Fitness and Health, Department of~~
29 ~~Human Resources.~~
- 30 ~~(8) Commission of Anatomy, Department of Human Resources.~~
- 31 (9) Coastal Resources Commission, Department of Natural Resources and
32 Community Development.
- 33 (10) Environmental Management Commission, Department of Natural
34 Resources and Community Development.
- 35 (11) Air Quality Council, Department of Natural Resources and Community
36 Development.
- 37 (12) Wastewater Treatment Plant Operators Certification Commission,
38 Department of Natural Resources and Community Development.
- 39 (13) Forestry Council, Department of Natural Resources and Community
40 Development.
- 41 (14) North Carolina Mining Commission, Department of Natural Resources
42 and Community Development.

- 1 (15) Advisory Committee on Land Records, Department of Natural
2 Resources and Community Development.
- 3 (16) Marine Fisheries Commission, Department of Natural Resources and
4 Community Development.
- 5 (17) Parks and Recreation Council, Department of Natural Resources and
6 Community Development.
- 7 (18) Board of Trustees of the Recreation and Natural Heritage Trust Fund,
8 Department of Natural Resources and Community Development.
- 9 (19) North Carolina Trails Committee, Department of Natural Resources and
10 Community Development.
- 11 (20) Sedimentation Control Commission, Department of Natural Resources
12 and Community Development.
- 13 (21) State Soil and Water Conservation Commission, Department of Natural
14 Resources and Community Development.
- 15 (22) North Carolina Zoological Park Council, Department of Natural
16 Resources and Community Development.
- 17 (23) North Carolina Aquariums Commission, Department of Administration.
- 18 (c) (1) There is hereby created a division within the environmental area of the
19 Department of ~~Environment, Health, Environment~~ and Natural
20 Resources to be named the Division of Radiation Protection. All
21 functions, powers, duties, and obligations of the Radiation Protection
22 Section of the Division of Facility Services of the Department of Human
23 Resources are transferred in their entirety to the Radiation Protection
24 Division of the Department of ~~Environment, Health, Environment~~ and
25 Natural Resources.
- 26 (2) There is hereby created a division within the environmental area of the
27 Department of ~~Environment, Health, Environment~~ and Natural
28 Resources to be named the Division of Waste Management. All
29 functions, powers, duties, and obligations of the Solid Waste
30 Management Section of the Division of Health Services of the
31 Department of Human Resources are transferred in their entirety to the
32 Division of Waste Management of the Department of ~~Environment,~~
33 ~~Health, Environment~~ and Natural Resources.
- 34 (d) The Department of ~~Environment, Health, Environment~~ and Natural Resources
35 is vested with all other functions, powers, duties, and obligations as are conferred by the
36 Constitution and laws of this State."
- 37

38 PART 2. TECHNICAL AND CONFORMING STATUTORY CHANGES.

39 Section 7. G.S. 7A-343.1 reads as rewritten:

40 "§ 7A-343.1. Distribution of copies of the appellate division reports.

41 The Administrative Officer of the Courts shall, at the State's expense distribute such
42 number of copies of the appellate division reports to federal, State departments and
43 agencies, and to educational institutions of instruction, as follows:

1		
2	Governor, Office of the	1
3	Lieutenant Governor, Office of the	1
4	Secretary of State, Department of the	2
5	State Auditor, Department of the	1
6	Treasurer, Department of the State	1
7	Superintendent of Public Instruction	1
8	Office of the Attorney General	11
9	State Bureau of Investigation	1
10	Agriculture, Department of	1
11	Labor, Department of	1
12	Insurance, Department of	1
13	Budget Bureau, Department of Administration	1
14	Property Control, Department of Administration	1
15	State Planning, Department of Administration	1
16	Board of Environment, Health, Environment and Natural Resources-Resources,	
17	<u>Department of</u>	1
18	Revenue, Department of	1
19	Board of Health and Human Resources <u>Services, Department of</u>	1
20	Commission for the Blind	1
21	Board of Transportation <u>Transportation, Department of</u>	1
22	Motor Vehicles, Division of	1
23	Utilities Commission	8
24	Industrial Commission	11
25	State Personnel Commission	1
26	Office of State Personnel	1
27	Office of Administrative Hearings	2
28	Community Colleges, Department of	38
29	Employment Security Commission	1
30	Commission of Correction	1
31	Parole Commission	1
32	Archives and History, Division of	1
33	Crime Control and Public Safety, Department of	2
34	Department of Cultural Resources <u>Resources, Department of</u>	3
35	Legislative Building Library	2
36	Justices of the Supreme Court	1 ea.
37	Judges of the Court of Appeals	1 ea.
38	Judges of the Superior Court	1 ea.
39	Clerks of the Superior Court	1 ea.
40	District Attorneys	1 ea.
41	Emergency and Special Judges of the Superior Court	1 ea.
42	Supreme Court Library	AS MANY AS REQUESTED
43	Appellate Division Reporter	1

1	University of North Carolina, Chapel Hill	71
2	University of North Carolina, Charlotte	1
3	University of North Carolina, Greensboro	1
4	University of North Carolina, Asheville	1
5	North Carolina State University, Raleigh	1
6	Appalachian State University	1
7	East Carolina University	1
8	Fayetteville State University	1
9	North Carolina Central University	17
10	Western Carolina University	1
11	Duke University	17
12	Davidson College	2
13	Wake Forest University	25
14	Lenoir Rhyne College	1
15	Elon College	1
16	Campbell University	25
17	Federal, Out-of-State and Foreign Secretary of State	1
18	Secretary of Defense	1
19	Secretary of Health, Education and Welfare	1
20	Secretary of Housing and Urban Development	1
21	Secretary of Transportation	1
22	Attorney General	1
23	Department of Justice	1
24	Internal Revenue Service	1
25	Veterans' Administration	1
26	Library of Congress	5
27	Federal Judges resident in North Carolina	1 ea.
28	Marshal of the United States Supreme Court	1
29	Federal District Attorneys resident in North Carolina	1 ea.
30	Federal Clerks of Court resident in North Carolina	1 ea.
31	Supreme Court Library exchange list	1

32
33 Each justice of the Supreme Court and judge of the Court of Appeals shall receive for
34 his private use, one complete and up-to-date set of the appellate division reports. The
35 copies of reports furnished each justice or judge as set out in the table above may be
36 retained by him personally to enable him to keep up-to-date his personal set of reports."

37 Section 8. G.S. 20-4.01(3b) reads as rewritten:

38 "(3b) Chemical Analyst. – A person granted a permit by the Department of
39 ~~Environment, Health, and Natural Resources~~ Health and Human
40 Services under G.S. 20-139.1 to perform chemical analyses."

41 Section 9. G.S. 20-16.5(j) reads as rewritten:

42 "(j) Costs. – Unless the magistrate or judge orders the revocation rescinded, a
43 person whose license is revoked under this section must pay a fee of fifty dollars (\$50.00)

1 as costs for the action before the person's license may be returned under subsection (h).
2 The costs collected under this section shall be credited to the General Fund. Fifty percent
3 (50%) of the costs collected shall be used to fund a statewide chemical alcohol testing
4 program administered by the Injury Control Section of the Department of ~~Environment,~~
5 ~~Health, and Natural Resources.~~ Health and Human Services."

6 Section 10. G.S. 20-139.1 reads as rewritten:

7 "**§ 20-139.1. Procedures governing chemical analyses; admissibility; evidentiary**
8 **provisions; controlled-drinking programs.**

9 (a) Chemical Analysis Admissible. – In any implied-consent offense under G.S.
10 20-16.2, a person's alcohol concentration as shown by a chemical analysis is admissible
11 in evidence. This section does not limit the introduction of other competent evidence as
12 to a defendant's alcohol concentration, including other chemical tests.

13 (b) Approval of Valid Test Methods; Licensing Chemical Analysts. – A chemical
14 analysis, to be valid, ~~must~~ shall be performed in accordance with the provisions of this
15 section. The chemical analysis ~~must~~ shall be performed according to methods approved
16 by the Commission for Health Services by an individual possessing a current permit
17 issued by the Department of ~~Environment, Health, and Natural Resources~~ Health and
18 Human Services for that type of chemical analysis. The Commission for Health Services
19 ~~is authorized to may~~ adopt regulations rules approving satisfactory methods or techniques
20 for performing chemical analyses, and the Department of ~~Environment, Health, and~~
21 ~~Natural Resources~~ Health and Human Services ~~is authorized to may~~ ascertain the
22 qualifications and competence of individuals to conduct particular chemical analyses.
23 The Department may issue permits to conduct chemical analyses to individuals it finds
24 qualified subject to periodic renewal, termination, and revocation of the permit in the
25 Department's discretion.

26 (b1) When Officer May Perform Chemical Analysis. – Except as provided in this
27 subsection, a chemical analysis is not valid in any case in which it is performed by an
28 arresting officer or by a charging officer under the terms of G.S. 20-16.2. A chemical
29 analysis of the breath may be performed by an arresting officer or by a charging officer
30 when both of the following apply:

31 (1) The officer possesses a current permit issued by the Department of
32 ~~Environment, Health, and Natural Resources~~ Health and Human
33 Services for the type of chemical analysis.

34 (2) The officer performs the chemical analysis by using an automated
35 instrument that prints the results of the analysis.

36 (b2) Breath Analysis Results Inadmissible if Preventive Maintenance Not
37 Performed. – Notwithstanding the provisions of subsection (b), the results of a chemical
38 analysis of a person's breath performed in accordance with this section are not admissible
39 in evidence if:

40 (1) The defendant objects to the introduction into evidence of the results of
41 the chemical analysis of ~~his~~ the defendant's breath; and

42 (2) The defendant demonstrates that, with respect to the instrument used to
43 ~~analyse~~ analyze ~~his~~ the defendant's breath, preventive maintenance

1 procedures required by the regulations of the Commission for Health
2 Services had not been performed within the time limits prescribed by
3 those regulations.

4 (b3) Sequential Breath Tests Required. – By January 1, 1985, the regulations of the
5 Commission for Health Services governing the administration of chemical analyses of the
6 breath ~~must~~shall require the testing of at least duplicate sequential breath samples.
7 Those regulations must provide:

8 (1) A specification as to the minimum observation period before collection
9 of the first breath sample and the time requirements as to collection of
10 second and subsequent samples.

11 (2) That the test results may only be used to prove a person's particular
12 alcohol concentration if:

13 a. The pair of readings employed are from consecutively
14 administered tests; and

15 b. The readings do not differ from each other by an alcohol
16 concentration greater than 0.02.

17 (3) That when a pair of analyses meets the requirements of subdivision (2),
18 only the lower of the two readings may be used by the State as proof of
19 a person's alcohol concentration in any court or administrative
20 proceeding.

21 A person's willful refusal to give the sequential breath samples necessary to constitute a
22 valid chemical analysis is a willful refusal under G.S. 20-16.2(c).

23 A person's willful refusal to give the second or subsequent breath sample shall make
24 the result of the first breath sample, or the result of the sample providing the lowest
25 alcohol concentration if more than one breath sample is provided, admissible in any
26 judicial or administrative hearing for any relevant purpose, including the establishment
27 that a person had a particular alcohol concentration for conviction of an offense involving
28 impaired driving.

29 (b4) Introducing Routine Records Kept as Part of Breath-Testing Program. – In
30 civil and criminal proceedings, any party may introduce, without further authentication,
31 simulator logs and logs for other devices used to verify a breath-testing instrument,
32 certificates and other records concerning the check of ampoules and of simulator stock
33 solution and the stock solution used in any other equilibration device, preventive
34 maintenance records, and other records that are routinely kept concerning the
35 maintenance and operation of breath-testing instruments. In a criminal case, however,
36 this subsection does not authorize the State to introduce records to prove the results of a
37 chemical analysis of the defendant or of any validation test of the instrument that is
38 conducted during that chemical analysis.

39 (c) Withdrawal of Blood for Chemical Analysis. – When a blood test is specified
40 as the type of chemical analysis by the charging officer, only a physician, registered
41 nurse, or other qualified person may withdraw the blood sample. If the person
42 withdrawing the blood requests written confirmation of the charging officer's request for
43 the withdrawal of blood, the officer ~~must~~shall furnish it before blood is withdrawn.

1 When blood is withdrawn pursuant to a charging officer's request, neither the person
2 withdrawing the blood nor any hospital, laboratory, or other institution, person, firm, or
3 corporation employing ~~him, that person,~~ or contracting for the service of withdrawing
4 blood, may be held criminally or civilly liable by reason of withdrawing that blood,
5 except that there is no immunity from liability for negligent acts or omissions.

6 (d) Right to Additional Test. – A person who submits to a chemical analysis may
7 have a qualified person of his own choosing administer an additional chemical test or
8 tests, or have a qualified person withdraw a blood sample for later chemical testing by a
9 qualified person of his own choosing. Any law-enforcement officer having in his charge
10 any person who has submitted to a chemical analysis ~~must~~shall assist the person in
11 contacting someone to administer the additional testing or to withdraw blood, and ~~must~~
12 shall allow access to the person for that purpose. The failure or inability of the person
13 who submitted to a chemical analysis to obtain any additional test or to withdraw blood
14 does not preclude the admission of evidence relating to the chemical analysis.

15 (e) Recording Results of Chemical Analysis of Breath. – The chemical analyst
16 who administers a test of a person's breath ~~must~~shall record the following information
17 after making any chemical analysis:

- 18 (1) The alcohol concentration or concentrations revealed by the chemical
19 analysis.
- 20 (2) The time of the collection of the breath sample or samples used in the
21 chemical analysis.

22 A copy of the record of this information ~~must~~shall be furnished to the person submitting
23 to the chemical analysis, or to his attorney, before any trial or proceeding in which the
24 results of the chemical analysis may be used.

25 (e1) Use of Chemical Analyst's Affidavit in District Court. – An affidavit by a
26 chemical analyst sworn to and properly executed before an official authorized to
27 administer oaths is admissible in evidence without further authentication in any hearing
28 or trial in the District Court Division of the General Court of Justice with respect to the
29 following matters:

- 30 (1) The alcohol concentration or concentrations of a person given a
31 chemical analysis and who is involved in the hearing or trial.
- 32 (2) The time of the collection of the blood or breath sample or samples for
33 the chemical analysis.
- 34 (3) The type of chemical analysis administered and the procedures
35 followed.
- 36 (4) The type and status of any permit issued by the Department of
37 ~~Environment, Health, and Natural Resources~~ Health and Human
38 Services that ~~he~~the analyst held on the date ~~he~~the analyst performed
39 the chemical analysis in question.
- 40 (5) If the chemical analysis is performed on a breath-testing instrument for
41 which regulations adopted pursuant to subsection (b) require preventive
42 maintenance, the date the most recent preventive maintenance

1 procedures were performed on the breath-testing instrument used, as
2 shown on the maintenance records for that instrument.

3 The Department of ~~Environment, Health, and Natural Resources~~ Health and Human
4 Services shall develop a form for use by chemical analysts in making this affidavit. If
5 any person who submitted to a chemical analysis desires that a chemical analyst
6 personally testify in the hearing or trial in the District Court Division, ~~he~~ the person may
7 subpoena the chemical analyst and examine him as if he were an adverse witness.

8 (f) Evidence of Refusal Admissible. – If any person charged with an implied-
9 consent offense refuses to submit to a chemical analysis, evidence of that refusal is
10 admissible in any criminal action against him for an implied-consent offense under G.S.
11 20-16.2.

12 (g) Controlled-Drinking Programs. – The Department of ~~Environment, Health, and~~
13 ~~Natural Resources~~ is empowered to make regulations Health and Human Services may
14 adopt rules concerning the ingestion of controlled amounts of alcohol by individuals
15 submitting to chemical testing as a part of scientific, experimental, educational, or
16 demonstration programs. These regulations ~~must~~ shall prescribe procedures consistent
17 with controlling federal law governing the acquisition, transportation, possession,
18 storage, administration, and disposition of alcohol intended for use in the programs. Any
19 person in charge of a controlled-drinking program who acquires alcohol under these
20 regulations must keep records accounting for the disposition of all alcohol acquired, and
21 the records must at all reasonable times be available for inspection upon the request of
22 any federal, State, or local law-enforcement officer with jurisdiction over the laws
23 relating to control of alcohol. A controlled-drinking program exclusively using lawfully
24 purchased alcoholic beverages in places in which they may be lawfully possessed,
25 however, need not comply with the record-keeping requirements of the regulations
26 authorized by this subsection. All acts pursuant to the regulations reasonably done in
27 furtherance of bona fide objectives of a controlled-drinking program authorized by the
28 regulations are lawful notwithstanding the provisions of any other general or local statute,
29 regulation, or ordinance controlling alcohol."

30 Section 11. G.S. 35A-1101 reads as rewritten:

31 "**§ 35A-1101. Definitions.**

32 When used in this Subchapter:

- 33 (1) 'Autism' means a physical disorder of the brain which causes
34 disturbances in the developmental rate of physical, social, and language
35 skills; abnormal responses to sensations; absence of or delay in speech
36 or language; or abnormal ways of relating to people, objects, and events.
37 Autism occurs sometimes by itself and sometimes in conjunction with
38 other brain-functioning disorders.
- 39 (2) 'Cerebral palsy' means a muscle dysfunction, characterized by
40 impairment of movement, often combined with speech impairment, and
41 caused by abnormality of or damage to the brain.
- 42 (3) 'Clerk' means the clerk of superior court.

- 1 (4) 'Designated agency' means the State or local human ~~resources~~ services
2 agency designated by the clerk in ~~his~~ the clerk's order to prepare, cause
3 to be prepared, or assemble a multidisciplinary evaluation and to
4 perform other functions as the clerk may order. A designated agency
5 includes, without limitation, State, local, regional, or area mental health,
6 mental retardation, vocational rehabilitation, public health, social
7 service, and developmental disabilities agencies, and diagnostic
8 evaluation centers.
- 9 (5) 'Epilepsy' means a group of neurological conditions characterized by
10 abnormal electrical-chemical discharge in the brain. This discharge is
11 manifested in various forms of physical activity called seizures, which
12 range from momentary lapses of consciousness to convulsive
13 movements.
- 14 (6) 'Guardian ad litem' means a guardian appointed pursuant to G.S. 1A-1,
15 Rule 17, Rules of Civil Procedure.
- 16 (7) 'Incompetent adult' means an adult or emancipated minor who lacks
17 sufficient capacity to manage ~~his~~ the adult's own affairs or to make or
18 communicate important decisions concerning ~~his~~ the adult's person,
19 family, or property whether ~~such~~ the lack of capacity is due to mental
20 illness, mental retardation, epilepsy, cerebral palsy, autism, inebriety,
21 senility, disease, injury, or similar cause or condition.
- 22 (8) 'Incompetent child' means a minor who is at least 17 1/2 years of age
23 and who, other than by reason of ~~his~~ minority, lacks sufficient capacity
24 to make or communicate important decisions concerning ~~his~~ the child's
25 person, family, or property whether ~~such~~ the lack of capacity is due to
26 mental illness, mental retardation, epilepsy, cerebral palsy, autism,
27 inebriety, disease, injury, or similar cause or condition.
- 28 (9) 'Indigent' means ~~that a person is unable~~ to pay for legal representation
29 and other necessary expenses of a proceeding brought under this
30 Subchapter.
- 31 (10) 'Inebriety' means the ~~condition of any person who habitually, whether~~
32 ~~continuously or periodically, indulges in the~~ habitual use of alcoholic
33 ~~beverages, narcotics, alcohol or drugs to such an extent as to stupefy his~~
34 ~~mind and render him~~ rendering a person incompetent to transact
35 ordinary business ~~with safety to his~~ concerning the person's estate; ~~or~~
36 ~~who renders himself, by reason of the use of alcoholic beverages,~~
37 ~~narcotics, or drugs, estate, dangerous to person or property; or who, by~~
38 ~~the frequent use of alcoholic beverages, narcotics, or drugs, renders~~
39 ~~himself property, cruel and intolerable to his~~ family, or ~~fails from such~~
40 ~~cause~~ unable to provide his family with ~~reasonable necessities of life.~~
41 for family.
- 42 (11) 'Interim guardian' means a guardian, appointed prior to adjudication of
43 incompetence and for a temporary period, for a ~~respondent~~ person who

1 requires immediate intervention to address conditions that constitute
2 imminent or foreseeable risk of harm to ~~his~~the person's physical well-
3 being or to ~~his~~the person's estate.

4 (12) 'Mental illness' means an illness that so lessens the capacity of ~~the a~~
5 person to use self-control, judgment, and discretion in the conduct of ~~his~~
6 the person's affairs and social relations as to make it necessary or
7 advisable for ~~him~~the person to be under treatment, care, supervision,
8 guidance, or control. The term 'mental illness' encompasses 'mental
9 disease', 'mental disorder', 'lunacy', 'unsoundness of mind', and 'insanity'.

10 (13) 'Mental retardation' means significantly subaverage general intellectual
11 functioning existing concurrently with deficits in adaptive behavior and
12 manifested before age 22.

13 (14) 'Multidisciplinary evaluation' means an evaluation that contains current
14 medical, psychological, and social work evaluations as directed by the
15 clerk and that may ~~contain~~include current evaluations by professionals
16 in other disciplines, including without limitation education, vocational
17 rehabilitation, occupational therapy, vocational therapy, psychiatry,
18 speech-and-hearing, and communications disorders. The evaluation is
19 current if made not more than one year from the date on which it is
20 presented to or considered by the court. The evaluation shall set forth
21 the nature and extent of the disability and recommend a guardianship
22 plan and program.

23 (15) 'Respondent' means a person who is alleged to be incompetent in a
24 proceeding under this Subchapter.

25 (16) 'Treatment facility' has the same meaning as 'facility' in G.S. 122C-
26 3(14), and includes group homes, halfway houses, and other
27 community-based residential facilities.

28 (17) 'Ward' means a person who has been adjudicated incompetent or an
29 adult or minor for whom a guardian has been appointed by a court of
30 competent jurisdiction."

31 Section 12. G.S. 35A-1105 reads as rewritten:

32 **"§ 35A-1105. Petition before clerk.**

33 A verified petition for the adjudication of incompetence of an adult, or of a minor who
34 is within six months of reaching majority, may be filed with the clerk by any person,
35 including any State or local human ~~resources~~services agency through its authorized
36 representative."

37 Section 13. G.S. 35A-1202 reads as rewritten:

38 **"§ 35A-1202. Definitions.**

39 When used in this Subchapter, unless a contrary intent is indicated or the context
40 requires otherwise:

41 (1) ~~The term 'accounting' refers to~~ 'Accounting' means the financial or
42 status reports filed with the clerk, designated agency, respondent, or
43 other person or party with whom such reports are required to be filed.

- 1 (2) ~~The term 'clerk'~~ 'Clerk' means the clerk of superior court.
- 2 (3) ~~The term 'designated agency'~~ 'Designated agency' means the State or
3 local human ~~resources~~ services agency designated by the clerk in ~~his~~ an
4 order to prepare, cause to be prepared, or assemble a multidisciplinary
5 evaluation and to perform other functions as the clerk may order. A
6 designated agency includes, without limitation, State, local, regional or
7 area mental health, mental retardation, vocational rehabilitation, public
8 health, social service, and developmental disabilities agencies, and
9 diagnostic evaluation centers.
- 10 (4) ~~The term 'disinterested public agent'~~ 'Disinterested public agent' means:
11 a. The director or assistant directors of a local human ~~resources~~
12 services agency, or
13 b. An adult officer, agent, or employee of a State human ~~resources~~
14 services agency.
- 15 The fact that a disinterested public agent is employed by a State or
16 local human ~~resources~~ services agency that provides financial
17 assistance, services, or treatment to a ward does not disqualify that
18 person from being appointed as guardian.
- 19 (5) ~~The term 'estate'~~ 'Estate' means any interest in real property, choses in
20 action, intangible personal property, and tangible personal property, and
21 includes any interest in joint accounts or jointly held property.
- 22 (6) ~~The term 'financial report'~~ 'Financial report' means the report filed by
23 the guardian concerning all financial transactions, including receipts and
24 expenditures of the ward's money, sale of the ward's property, or other
25 transactions involving the ward's property.
- 26 (7) ~~The term 'general guardian'~~ 'General guardian' means a guardian of both
27 the estate and the person.
- 28 (8) ~~The term 'guardian ad litem'~~ 'Guardian ad litem' means a guardian
29 appointed pursuant to G.S. 1A-1, Rule 17, Rules of Civil Procedure.
- 30 (9) ~~The term 'guardian of the estate'~~ 'Guardian of the estate' means a
31 guardian appointed solely for the purpose of managing the property,
32 estate, and business affairs of a ward.
- 33 (10) ~~The term 'guardian of the person'~~ 'Guardian of the person' means a
34 guardian appointed solely for the purpose of performing duties relating
35 to the care, custody, and control of a ward.
- 36 (11) ~~The term 'incompetent person'~~ 'Incompetent person' means a person
37 who has been adjudicated to be an 'incompetent adult' or 'incompetent
38 child' as defined in G.S. 35A-1101(7) or (8).
- 39 (12) ~~The term 'minor'~~ 'Minor' means a person who is under the age of 18, is
40 not married, and has not been legally emancipated.
- 41 (13) ~~The term 'multidisciplinary'~~ 'Multidisciplinary evaluation' means an
42 evaluation that contains current medical, psychological, and social work
43 evaluations as directed by the clerk and that may contain current

1 evaluations by professionals in other disciplines, including without
2 limitation education, vocational rehabilitation, occupational therapy,
3 vocational therapy, psychiatry, speech-and-hearing, and
4 communications disorders. The evaluation is current if made not more
5 than one year from the date on which it is presented to or considered by
6 the court. The evaluation shall set forth the nature and extent of the
7 disability and recommend a guardianship plan and program.

8 (14) ~~The term 'status~~ 'Status report' means the report required by G.S. 35A-
9 1242 to be filed by the general guardian or guardian of the person. A
10 status report shall include a report of a recent medical and dental
11 examination of the ward by one or more physicians or dentists, a report
12 on the guardian's performance of ~~his~~the duties ~~as~~ set forth in this
13 Chapter and in the clerk's order appointing the guardian, and a report on
14 the ward's condition, needs, and development. The clerk may direct that
15 the report contain other or different information. The report may also
16 contain, without limitation, reports of mental health or mental
17 retardation professionals, psychologists, social workers, persons in loco
18 parentis, a member of a multidisciplinary evaluation team, a designated
19 agency, a disinterested public agent or agency, a guardian ad litem, a
20 guardian of the estate, an interim guardian, a successor guardian, an
21 officer, official, employee or agent of the Department of ~~Human~~
22 ~~Resources,~~ Health and Human Services, or any other interested persons
23 including, if applicable to the ward's situation, group home parents or
24 supervisors, employers, members of the staff of a treatment facility, or
25 foster parents.

26 (15) ~~The term 'ward'~~ Ward' means a person who has been adjudicated
27 incompetent or an adult or minor for whom a guardian has been
28 appointed by a court of competent jurisdiction."

29 Section 15. G.S. 35A-1216 reads as rewritten:

30 **"§ 35A-1216. Rule-making power of Secretary of ~~Human Resources.~~ Health and**
31 **Human Services.**

32 The Secretary of the Department of ~~Human Resources~~ Health and Human Services
33 shall ~~issue~~ adopt rules and regulations for the implementation of concerning the
34 guardianship responsibilities of disinterested public agents. The rules ~~and regulations~~
35 shall provide, among other things, that disinterested public agents shall undertake or have
36 received training concerning the powers and responsibilities of guardians."

37 Section 16. G.S. 35A-1221 reads as rewritten:

38 **"§ 35A-1221. Application before clerk.**

39 Any person or corporation, including any State or local human ~~resources~~ services
40 agency through its authorized representative, may make application for the appointment
41 of a guardian of the estate for any minor or for the appointment of a guardian of the
42 person or general guardian for any minor who has no natural guardian by filing an
43 application with the clerk.

1 The application shall set forth, to the extent known:

- 2 (1) The minor's name, date of birth, address, and county of residence;
- 3 (2) The names and addresses of the minor's parents, if living, and of other
4 persons known to have an interest in the application for appointment of
5 a guardian; the name and date of death of the minor's deceased parent or
6 parents;
- 7 (3) The applicant's name, address, county of residence, relationship if any
8 to the minor, and interest in the proceeding;
- 9 (4) If a guardian has been appointed for the minor or custody of the minor
10 has been awarded, a statement of the facts relating thereto and a copy of
11 any guardianship or custody order, if available;
- 12 (5) A general statement of the minor's assets and liabilities with an estimate
13 of the value of any property, including any income and receivables to
14 which he is entitled;
- 15 (6) A statement of the reason or reasons that the appointment of a guardian
16 is sought; whether the applicant seeks the appointment of a guardian of
17 the person, a guardian of the estate, or a general guardian; and whom the
18 applicant recommends or seeks to have appointed as such guardian or
19 guardians; and
- 20 (7) Any other information that will assist the clerk in determining the need
21 for a guardian or in appointing a guardian."

22 Section 17. G.S. 35A-1239 reads as rewritten:

23 "**§ 35A-1239. ~~Human Resources~~ Health and Human Services bond.**

24 The Secretary of the Department of ~~Human Resources~~ Health and Human Services
25 shall ~~require, require or purchase, purchase in such amounts as he deems adequate and~~
26 ~~proper,~~ individual or blanket bonds for all disinterested public agents appointed to be
27 guardians, whether they serve as guardians of the estate, guardians of the person, or
28 general guardians, or one blanket bond covering all ~~such~~ agents, ~~such~~ the bond or bonds
29 to be conditioned upon faithful performance of their duties as guardians and made
30 payable to the State. The premiums shall be paid by the State."

31 Section 18. G.S. 50-30 reads as rewritten:

32 "**§ 50-30. Findings; policy; and purpose.**

- 33 (a) Findings. – The General Assembly makes the following findings:
- 34 (1) There is a strong public interest in providing fair, efficient, and swift
35 judicial processes for establishing and enforcing child support
36 obligations. Children are entitled to support from their parents, and
37 court assistance is often required for the establishment and enforcement
38 of parental support obligations. Children who do not receive support
39 from their parents often become financially dependent on the State.
- 40 (2) The State shall have laws that meet the federal requirements on
41 expedited processes for obtaining and enforcing child support orders for
42 purposes of federal reimbursement under Title IV-D of the Social
43 Security Act, 42 U.S.C. § 66(a)(2). The Secretary of the United States

1 Department of Health and Human Services may waive the expedited
2 process requirement with respect to one or more district court district as
3 defined in G.S. 7A-133 on the basis of the effectiveness and timeliness
4 of support order issuance and enforcement within the district.

5 (3) The State has a strong financial interest in complying with the expedited
6 process requirement, and other requirements, of Title IV-D of the Social
7 Security Act, but the State would incur substantial expense in creating
8 statewide an expedited child support process as defined by federal law.

9 (4) The State's judicial system is largely capable of processing child support
10 cases in a timely and efficient manner and has a strong commitment to
11 an expeditious system.

12 (5) The substantial expense the State would incur in creating a new system
13 for obtaining and enforcing child support orders would be reduced and
14 better spent by improving the present system.

15 (b) Purpose and Policy. – It is the policy of this State to ensure, to the maximum
16 extent possible, that child support obligations are established and enforced fairly,
17 efficiently, and swiftly through the judicial system by means that make the best use of the
18 State's resources. It is the purpose of this Article to facilitate this policy. The
19 Administrative Office of the Courts and judicial officials in each district court district as
20 defined in G.S. 7A-133 shall make a diligent effort to ensure that child support cases,
21 from the time of filing to the time of disposition, are handled fairly, efficiently, and
22 swiftly. The Administrative Office of the Courts and the State Department of Human
23 Resources-Health and Human Services shall work together to improve procedures for the
24 handling of child support cases in which the State or county has an interest, including all
25 cases that qualify in any respect for federal reimbursement under Title IV-D of the Social
26 Security Act."

27 Section 19. G.S. 50-33(a) reads as rewritten:

28 "(a) ~~DHR-State~~ to Seek Waiver. – The State Department of Human Resources,
29 Health and Human Services, with the assistance of the Administrative Office of the
30 Courts, shall vigorously pursue application to the ~~Secretary of the United States~~
31 Department of Health and Human Services for waivers of the federal expedited process
32 requirement."

33 Section 20. G.S. 58-87-5(a) reads as rewritten:

34 "(a) There is created in the Department of Insurance the Volunteer Rescue/EMS
35 Fund to provide grants to volunteer rescue units providing rescue or rescue and
36 emergency medical services to purchase equipment and make capital improvements. An
37 eligible rescue or rescue/EMS unit may apply to the Department of Insurance for a grant
38 under this section. The application form and criteria for grants shall be established by the
39 Department. The ~~Office of Emergency Medical Services in the Department of Human~~
40 Resources-Health and Human Services shall provide the Department with an advisory
41 priority listing of EMS equipment eligible for funding. The State Treasurer shall invest
42 the Fund's assets according to law, and the earnings shall remain in the Fund. On

1 December 15 of each year, the Department shall make grants to eligible rescue or
2 rescue/EMS units subject to all of the following limitations:

- 3 (1) A grant to an applicant who is required to match the grant with non-
4 State funds may not exceed fifteen thousand dollars (\$15,000), and a
5 grant to an applicant who is not required to match the grant with non-
6 State funds may not exceed three thousand dollars (\$3,000).
7 (2) An applicant whose liquid assets, when combined with the liquid assets
8 of any corporate affiliate or subsidiary of the applicant, are more than
9 one thousand dollars (\$1,000) shall match the grant on a dollar-for-
10 dollar basis with non-State funds.
11 (3) The grant may be used only for equipment purchases or capital
12 expenditures.
13 (4) An applicant may receive no more than one grant per fiscal year.

14 In awarding grants under this section, the Department shall to the extent possible select
15 applicants from all parts of the State based upon need. Up to two percent (2%) of the
16 Fund may be used for additional staff and resources to administer the Fund in each fiscal
17 year. In addition, notwithstanding G.S. 58-78-20, up to four percent (4%) of the Fund
18 may be used for additional staff and resources for the North Carolina Fire and Rescue
19 Commission."

20 Section 20.1. G.S. 58-39-75(20) reads as rewritten:

21 "(20) To the Department of ~~Environment, Health, and Natural Resources~~
22 Health and Human Services and the information disclosed is
23 immunization information described in G.S. 130A-153."

24 Section 21. G.S. 66-58 reads as rewritten:

25 "**§ 66-58. Sale of merchandise by governmental units.**

26 (a) Except as may be provided in this section, it shall be unlawful for any unit,
27 department or agency of the State government, or any division or subdivision of ~~any such~~
28 the unit, department or agency, or any individual employee or employees of ~~any such the~~
29 unit, department or agency in his, or her, or their capacity as employee or employees
30 thereof, to engage directly or indirectly in the sale of goods, wares or merchandise in
31 competition with citizens of the State, or to engage in the operation of restaurants,
32 cafeterias or other eating places in any building owned by or leased in the name of the
33 State, or to maintain service establishments for the rendering of services to the public
34 ordinarily and customarily rendered by private enterprises, or to contract with any person,
35 firm or corporation for the operation or rendering of ~~any such the~~ businesses or services
36 on behalf of ~~any such the~~ unit, department or agency, or to purchase for or sell to any
37 person, firm or corporation any article of merchandise in competition with private
38 enterprise. The leasing or subleasing of space in any building owned, leased or operated
39 by any unit, department or agency or division or subdivision thereof of the State for the
40 purpose of operating or rendering of any of the businesses or services herein referred to is
41 hereby prohibited.

42 (b) The provisions of subsection (a) of this section shall not apply to:

- 43 (1) Counties and municipalities.

- 1 (2) The Department of ~~Human Resources,~~ Health and Human Services ~~the~~
2 ~~Department of Environment, Health, and Natural Resources,~~ or the
3 Department of Agriculture for the sale of serums, vaccines, and other
4 like products.
- 5 (3) The Department of Administration, except that ~~said~~ the agency shall not
6 exceed the authority granted in the act creating the agency.
- 7 (4) The State hospitals for the insane.
- 8 (5) The Department of ~~Human Resources,~~ Health and Human Services.
- 9 (6) The North Carolina School for the Blind at Raleigh.
- 10 (7) The North Carolina Schools for the Deaf.
- 11 (8) The Greater University of North Carolina with regard to its utilities and
12 other services now operated by it nor to the sale of articles produced
13 incident to the operation of instructional departments, articles incident
14 to educational research, articles of merchandise incident to classroom
15 work, meals, books, or to articles of merchandise not exceeding twenty-
16 five cents (25¢) in value when sold to members of the educational staff
17 or staff auxiliary to education or to duly enrolled students or
18 occasionally to immediate members of the families of members of the
19 educational staff or of duly enrolled students nor to the sale of meals or
20 merchandise to persons attending meetings or conventions as invited
21 guests nor to the operation by the University of North Carolina of an inn
22 or hotel and dining and other facilities usually connected with a hotel or
23 inn, nor to the hospital and Medical School of the University of North
24 Carolina, nor to the Coliseum of North Carolina State College, and the
25 other schools and colleges for higher education maintained or supported
26 by the State, nor to the comprehensive student health services or the
27 comprehensive student infirmaries maintained by the constituent
28 institutions of the University of North Carolina.
- 29 (9) The Department of ~~Environment, Health, Environment~~ and Natural
30 Resources, except that ~~said~~ the Department shall not construct,
31 maintain, operate or lease a hotel or tourist inn in any park over which it
32 has jurisdiction. The North Carolina Wildlife Resources Commission
33 may sell wildlife memorabilia as a service to members of the public
34 interested in wildlife conservation.
- 35 (10) Child-caring institutions or orphanages receiving State aid.
- 36 (11) Highlands School in Macon County.
- 37 (12) The North Carolina State Fair.
- 38 (13) Rural electric memberships corporations.
- 39 (13a) State Farm Operations Commission.
- 40 (13b) The Department of Agriculture with regard to its lessees at farmers'
41 markets operated by the Department.
- 42 (13c) The Western North Carolina Agricultural Center.

1 (14) Nothing herein contained shall be construed to prohibit the engagement
2 in any of the activities described in subsection (a) hereof by a firm,
3 corporation or person who or which is a lessee of space only of the State
4 of North Carolina or any of its departments or agencies; provided ~~such~~
5 the leases shall be awarded by the Department of Administration to the
6 highest bidder, as provided by law in the case of State contracts and
7 which lease shall be for a term of not less than one year and not more
8 than five years.

9 (15) The State Department of Correction is authorized to purchase and install
10 automobile license tag plant equipment for the purpose of
11 manufacturing license tags for the State and local governments and for
12 such other purposes as the Department may direct.

13 The Commissioner of Motor Vehicles, or such other authority as
14 may exercise the authority to purchase automobile license tags is hereby
15 directed to purchase from, and to contract with, the State Department of
16 Correction for the State automobile license tag requirements from year
17 to year.

18 The price to be paid to the State Department of Correction for ~~such~~
19 the tags shall be fixed and agreed upon by the Governor, the State
20 Department of Correction, and the Motor Vehicle Commissioner, or
21 such authority as may be authorized to purchase ~~such~~the supplies.

22 (16) Laundry services performed by the Department of Correction may be
23 provided only for agencies and instrumentalities of the State which are
24 supported by State funds and for county or municipally controlled and
25 supported hospitals presently being served by the Department of
26 Correction, or for which services have been contracted or applied for in
27 writing, as of May 22, 1973. In addition to the prior sentence, laundry
28 services performed by the Department of Correction may be provided
29 for the Governor Morehead School and the North Carolina School for
30 the Deaf.

31 ~~Such~~The services shall be limited to wet-washing, drying and
32 ironing of flatwear or flat goods such as towels, sheets and bedding,
33 linens and those uniforms prescribed for wear by ~~such~~the institutions
34 and further limited to only flat goods or apparel owned, distributed or
35 controlled entirely by ~~such~~the institutions and shall not include
36 processing by any dry-cleaning methods; provided, however, those
37 garments and items presently being serviced by wet-washing, drying
38 and ironing may in the future, at the election of the Department of
39 Correction, be processed by a dry-cleaning method.

40 (17) The North Carolina Global TransPark Authority or a lessee of the
41 Authority.

42 (18) The activities and products of private enterprise carried on or
43 manufactured within a State prison facility pursuant to G.S. 148-70.

- 1 (c) The provisions of subsection (a) shall not prohibit:
- 2 (1) The sale of products of experiment stations or test farms.
- 3 (2) The sale of learned journals, works of art, books or publications of the
- 4 Department of Cultural Resources or other agencies, or the Supreme
- 5 Court Reports or Session Laws of the General Assembly.
- 6 (3) The business operation of endowment funds established for the purpose
- 7 of producing income for educational purposes; for purposes of this
- 8 section, the phrase 'operation of endowment funds' shall include the
- 9 operation by public postsecondary educational institutions of campus
- 10 stores, the profits from which are used exclusively for awarding
- 11 scholarships to defray the expenses of students attending the institution;
- 12 provided, that the operation of ~~such~~the stores must be approved by the
- 13 board of trustees of the institution, and the merchandise sold shall be
- 14 limited to educational materials and supplies, gift items and
- 15 miscellaneous personal-use articles. Provided further that sales at
- 16 campus stores are limited to employees of the institution and members
- 17 of their immediate families, to duly enrolled students of the campus at
- 18 which a campus store is located and their immediate families, to duly
- 19 enrolled students of other campuses of the University of North Carolina
- 20 other than the campus at which the campus store is located, to other
- 21 campus stores and to other persons who are on campus other than for
- 22 the purpose of purchasing merchandise from campus stores. It is the
- 23 intent of this subdivision that campus stores be established and operated
- 24 for the purpose of assuring the availability of merchandise described in
- 25 this Article for sale to persons enumerated herein and not for the
- 26 purpose of competing with stores operated in the communities
- 27 surrounding the campuses of the University of North Carolina.
- 28 (4) The operation of lunch counters by the Department of ~~Human~~
- 29 ~~Resources-Health and Human Services~~ as blind enterprises of the type
- 30 operated on January 1, 1951, in State buildings in the City of Raleigh.
- 31 (5) The operation of a snack bar and cafeteria in the State Legislative
- 32 Building.
- 33 (6) The maintenance by the prison system authorities of eating and sleeping
- 34 facilities at units of the State prison system for prisoners and for
- 35 members of the prison staff while on duty, or the maintenance by the
- 36 highway system authorities of eating and sleeping facilities for working
- 37 crews on highway construction or maintenance when actually engaged
- 38 in such work on parts of the highway system.
- 39 (7) The operation by penal, correctional or facilities operated by the
- 40 Department of ~~Human Resources-Health and Human Services~~ or by the
- 41 State Department of Agriculture, of dining rooms for the inmates or
- 42 clients or members of the staff while on duty and for the

- 1 accommodation of persons visiting ~~such~~ the inmates or clients, and
2 other bona fide visitors.
- 3 (8) The sale by the Department of Agriculture of livestock, poultry and
4 publications in keeping with its present livestock and farm program.
- 5 (9) The operation by the public schools of school cafeterias.
- 6 (10) Sale by any State correctional or other institution of farm, dairy,
7 livestock or poultry products raised or produced by it in its normal
8 operations as authorized by the act creating it.
- 9 (11) The sale of textbooks, library books, forms, bulletins, and instructional
10 supplies by the State Board of Education, State Department of Public
11 Instruction, and local school authorities.
- 12 (12) The sale of North Carolina flags by or through the auspices of the
13 Department of Administration, to the citizens of North Carolina.
- 14 (13) The operation by the Department of Correction of forestry management
15 programs on State-owned lands, including the sale on the open market
16 of timber cut as a part of ~~such~~ the management program.
- 17 (14) The operation by the Department of Correction of facilities to
18 manufacture and produce traffic and street name signs for use on the
19 public streets and highways of the State.
- 20 (15) The operation by the Department of Correction of facilities to
21 manufacture and produce paint for use on the public streets and
22 highways of the State.
- 23 (16) The performance by the Department of Transportation of dredging
24 services for a unit of local government.
- 25 (17) The sale by the State Board of Elections to political committees and
26 candidate committees of computer software designed by or for the State
27 Board of Elections to provide a uniform system of electronic filing of
28 the campaign finance reports required by Article 22A of Chapter 163 of
29 the General Statutes and to facilitate the State Board's monitoring of
30 compliance with that Article. This computer software for electronic
31 filing of campaign finance reports shall not exceed a cost of one
32 hundred dollars (\$100.00) to any political committee or candidate
33 committee without the State Board of Elections first notifying in writing
34 the Joint Legislative Commission on Governmental Operations.
- 35 (d) A department, agency or educational unit named in subsection (b) shall not
36 perform any of the prohibited acts for or on behalf of any other department, agency or
37 educational unit.
- 38 (e) Any person, whether employee of the State of North Carolina or not, who shall
39 violate, or participate in the violation of this section, shall be guilty of a Class 1
40 misdemeanor.
- 41 (f) Notwithstanding the provisions of G.S. 66-58(a), the operation by the
42 Department of Correction of facilities for the manufacture of any product or the
43 providing of any service pursuant to G.S. 148-70 not regulated by the provisions of

1 subsection (c) hereof, shall be subject to the prior approval of the Governor, with biennial
2 review by the General Assembly, at the beginning of each fiscal year commencing after
3 October 1, 1975. The Department of Correction shall file with the Director of the Budget
4 quarterly reports detailing prison enterprise operations in such a format as shall be
5 required by the Director of the Budget.

6 (g) The North Carolina School of Science and Mathematics may engage in any of
7 the activities permitted by G.S. 66-58(b)(8) and (c)(3)."

8 Section 22. G.S. 90-85.34A(a) reads as rewritten:

9 "(a) A registered nurse in a local health department clinic may dispense
10 prescription drugs and devices, other than controlled substances as defined in G.S. 90-87,
11 under the following conditions:

- 12 (1) The registered nurse has training acceptable to the Board in the labeling
13 and packaging of prescription drugs and devices;
- 14 (2) Dispensing by the registered nurse shall occur only at a local health
15 department clinic;
- 16 (3) Only prescription drugs and devices contained in a formulary
17 recommended by the Department of ~~Environment, Health, and Natural~~
18 ~~Resources~~ Health and Human Services and approved by the Board shall
19 be dispensed;
- 20 (4) The local health department clinic shall obtain a pharmacy permit in
21 accordance with G.S. 90-85.21;
- 22 (5) Written procedures for the storage, packaging, labeling and delivery of
23 prescription drugs and devices shall be approved by the Board; and
- 24 (6) The pharmacist-manager, or another pharmacist at his direction, shall
25 review dispensing records at least weekly, provide consultation where
26 appropriate, and be responsible to the Board for all dispensing activity
27 at the local health department clinic."

28 Section 23. G.S. 90-233(a) reads as rewritten:

29 "(a) A dental hygienist may practice only under the supervision of one or more
30 licensed dentists. Provided, however, that this subsection (a) shall be deemed to be
31 complied with in the case of dental hygienists employed by the Department of
32 ~~Environment, Health, and Natural Resources~~ Health and Human Services and especially
33 trained by said Department as public health hygienists while performing their duties in
34 the public schools under the direction of a duly licensed dentist."

35 Section 24. G.S. 90A-21 reads as rewritten:

36 **"§ 90A-21. Water Treatment Facility Operators Board of Certification.**

37 (a) Board Membership. – There is hereby established within the Department of
38 ~~Environment, Health, and Natural Resources~~ Health and Human Services a Water
39 Treatment Facility Operators Board of Certification (hereinafter termed the 'Board of
40 Certification') composed of eight members to be appointed by the Governor as follows:

- 41 (1) One member who is currently employed as a water treatment facility
42 operator;

- 1 (2) One member who is manager of a North Carolina municipality using a
2 surface water supply;
- 3 (3) One member who is manager of a North Carolina municipality using a
4 treated groundwater supply;
- 5 (4) One member who is employed as a director of utilities, water
6 superintendent, or equivalent position with a North Carolina
7 municipality;
- 8 (5) One member employed by a private water utility or private industry and
9 who is responsible for the operation or supervision of a water supply
10 and treatment facility;
- 11 (6) One member who is a faculty member of a four-year college or
12 university whose major field is related to water supply;
- 13 (7) One member employed by the Department of Environment, Health, and
14 Natural Resources and working in the field of water supply;
- 15 (8) One member not certified or regulated under this Article, who shall
16 represent the interest of the public at large.

17 (b) Terms of Office. – All members serving on the Board on June 30, 1981, shall
18 complete their respective terms. No member appointed to the Board on or after July 1,
19 1981, shall serve more than two complete consecutive three-year terms, except that the
20 member employed by the Department of ~~Environment, Health, and Natural Resources~~
21 Health and Human Services may serve more than two consecutive terms, and except that
22 each member shall serve until his successor is appointed and qualifies. The Governor
23 may remove any member for good cause shown and shall appoint members to fill
24 unexpired terms. The Governor shall appoint the public member not later than July 1,
25 1981.

26 (c) Powers and Responsibilities. – The Board of Certification shall establish all
27 rules, regulations and procedures with respect to the certification program and advise and
28 assist the Secretary of ~~Environment, Health, and Natural Resources~~ Health and Human
29 Services in its administration.

30 (d) Compensation. – Members of the Board of Certification who are officers or
31 employees of State agencies or institutions shall receive subsistence and travel
32 allowances at the rates authorized by G.S. 138-5.

33 (e) Officers. – The Board shall elect a chairman and all other necessary officers to
34 serve one-year terms. A majority of the members of the Board shall constitute a quorum
35 for the transaction of business.

36 (f) Annual Report. – The Board shall report annually to the Governor a full
37 statement of its disciplinary and enforcement programs and activities during the year,
38 together with such recommendations as it may deem expedient."

39 Section 25. G.S. 90A-22(a) reads as rewritten:

40 "(a) On or before July 1, 1982, the Board of Certification, with the advice and
41 assistance of the Secretary of ~~Environment, Health, and Natural Resources~~, Health and
42 Human Services, shall classify all surface water treatment facilities and all facilities for
43 treating groundwater supplies that are used, or intended for use, as part of a public water

1 supply system with due regard for the size of the facility, its type, character of water to be
2 treated, other physical conditions affecting the treatment of the water, and with respect to
3 the degree of skill, knowledge, and experience that the operator responsible for the water
4 treatment facility must have to supervise successfully the operation of the facilities so as
5 to adequately protect the public health."

6 Section 26. G.S. 90A-23 reads as rewritten:

7 **"§ 90A-23. Grades of certificates.**

8 The Board of Certification, with the advice and assistance of the Secretary of
9 ~~Environment, Health, and Natural Resources,~~ Health and Human Services, shall establish
10 grades of certification for water treatment facility operators corresponding to the
11 classification of water treatment facilities."

12 Section 27. G.S. 90A-24 reads as rewritten:

13 **"§ 90A-24. Operator qualifications and examination.**

14 The Board of Certification, with the advice and assistance of the Secretary of
15 ~~Environment, Health, and Natural Resources~~ Health and Human Services shall establish
16 minimum requirements of education, experience and knowledge for each grade of
17 certification for water treatment facility operators, and shall establish procedures for
18 receiving applications for certification, conducting examinations and making
19 investigations of applicants as may be necessary and appropriate to the end that prompt
20 and fair consideration be given every application and the water treatment facilities of the
21 State may be adequately supervised by certified operators."

22 Section 28. G.S. 90A-25(c) reads as rewritten:

23 "(c) Certificates in an appropriate grade will be issued to operators who, on July 1,
24 1969, hold certificates of competency issued under the voluntary certification program
25 now being administered through the Department of ~~Environment, Health, and Natural~~
26 ~~Resources~~ Health and Human Services with the cooperation of the North Carolina Water
27 Works Operators Association, the North Carolina Section of the American Water Works
28 Association, and the North Carolina League of Municipalities."

29 Section 29. G.S. 90A-25.1 reads as rewritten:

30 **"§ 90A-25.1. Renewal of certificate.**

31 A certificate expires on December 31 of the year in which it is issued or renewed.
32 The Board, with the advice and assistance of the Secretary of ~~Environment, Health, and~~
33 ~~Natural Resources,~~ Health and Human Services, may establish minimum continuing
34 education requirements that an applicant must meet to renew a certificate. The Board
35 shall renew a certificate if the applicant meets the continuing education requirements
36 imposed as a condition for renewal, pays the required renewal fee plus any renewal fees
37 in arrears, and, if the application is late, pays the late penalty."

38 Section 30. G.S. 90A-28 reads as rewritten:

39 **"§ 90A-28. Promotion of training and other powers.**

40 The Board of Certification and the Secretary of ~~Economic, Health, and Natural~~
41 ~~Resources~~ are authorized to Health and Human Services may take all necessary and
42 appropriate steps in order to effectively and fairly achieve the purposes of this Article,
43 including, but not limited to, the providing of training for operators and cooperating with

1 educational institutions and private and public associations, persons, or corporations in
2 the promotion of training for water treatment facility personnel."

3 Section 31. G.S. 90A-30(a) reads as rewritten:

4 "(a) Upon the recommendation of the Board of Certification, the Secretary of
5 ~~Environment, Health, and Natural Resources~~ Health and Human Services or a delegated
6 representative may impose an administrative, civil penalty on any person, corporation,
7 company, association, partnership, unit of local government, State agency, federal
8 agency, or other legal entity who violates G.S. 90A-29(a). Each day of a continued
9 violation shall constitute a separate violation. The penalty shall not exceed one hundred
10 dollars (\$100.00) for each day such violation continues. No penalty shall be assessed
11 until the person alleged to be in violation has been notified of the violation."

12 Section 32 . G.S. 90A-55(a) reads as rewritten:

13 "(a) Board Membership. – The Board shall consist of nine members: the Secretary
14 of ~~Environment, Health, and Natural Resources~~ Health and Human Services or ~~his~~ the
15 Secretary's duly authorized representative, one public-spirited citizen, one environmental
16 sanitation educator from an accredited college or university, one local health director, a
17 representative of the Environmental Health Division of the Department of ~~Environment,~~
18 ~~Health, and Natural Resources,~~ Health and Human Services, and four practicing
19 sanitarians who qualify by education and experience for registration under this Article,
20 three of whom will represent the Western, Piedmont, and Eastern Regions of the State as
21 described more specifically in the rules adopted by the Board."

22 Section 33. G.S. 95-126 reads as rewritten:

23 "**§ 95-126. Short title and legislative purpose.**

24 (a) This Article shall be known as the 'Occupational Safety and Health Act of
25 North Carolina' and also may be referred to by abbreviations as 'OSHANC.'

26 (b) Legislative findings and purpose:

27 (1) The General Assembly finds that the burden of employers and
28 employees of this State resulting from personal injuries and illnesses
29 arising out of work situations is substantial; that the prevention of these
30 injuries and illnesses is an important objective of the government of this
31 State; that the greatest hope of attaining this objective lies in programs
32 of research, education and enforcement, and in the earnest cooperation
33 of the federal and State governments, employers and employees.

34 (2) The General Assembly of North Carolina declares it to be its purpose
35 and policy through the exercise of its powers to ~~assure~~ ensure so far as
36 possible every working man and woman in the State of North Carolina
37 safe and healthful working conditions and to preserve our human
38 resources:

39 a. By encouraging employers and employees in their effort to
40 reduce the number of occupational safety and health hazards at
41 the place of employment, and to stimulate employers and
42 employees to institute new and to perfect existing programs for
43 providing safe and healthful working conditions;

- 1 b. By providing that employers and employees have separate but
2 dependent responsibilities and rights with respect to achieving
3 safe and healthful working conditions;
- 4 c. By authorizing the Commissioner to develop occupational safety
5 and health standards applicable to business giving consideration
6 to the needs of employers and employees and to adopt standards
7 promulgated from time to time by the Secretary of Labor under
8 the Occupational Safety and Health Act of 1970, and by creating
9 a safety and health review board for carrying out adjudicatory
10 functions under this Article;
- 11 d. By building upon advances already made through employer and
12 employee initiative for providing safe and healthful working
13 conditions;
- 14 e. By providing occupational health criteria which will assure
15 insofar as practicable that no employee will suffer diminished
16 health, functional capacity, or life expectancy as a result of his
17 work experience;
- 18 f. By providing for training programs to increase the number and
19 competence of personnel engaged in the field of occupational
20 safety and health;
- 21 g. By providing an effective enforcement program which shall
22 include a prohibition against giving advance notice of an
23 inspection and sanctions for any individual violating this
24 prohibition;
- 25 h. By providing for appropriate reporting procedures with respect to
26 occupational safety and health which procedures will help
27 achieve the objectives of this Article and accurately describe the
28 nature of the occupational safety and health problem;
- 29 i. By encouraging joint employer-employee efforts to reduce
30 injuries and diseases arising out of employment;
- 31 j. By providing for research in the field of occupational safety and
32 health, by developing innovative methods, techniques, and
33 approaches for dealing with occupational safety and health
34 problems;
- 35 k. By exploring ways to discover latent diseases, establishing causal
36 connections between diseases and work in environmental
37 conditions, and conducting other research relating to health
38 problems, in recognition of the fact that occupational health
39 standards present problems often different from those involved in
40 occupational safety;
- 41 l. By authorizing the Commissioner to enter into contracts with the
42 Department of ~~Environment, Health, and Natural Resources,~~
43 Health and Human Services, or any other State or local units, to

1 the end that the Commissioner and the Department of
2 ~~Environment, Health, and Natural Resources~~ Health and Human
3 Services and other State or local units may fully cooperate and
4 carry out the ends and purposes of this Article.

- 5 m. The General Assembly of North Carolina appoints and elects the
6 North Carolina Department of Labor as the designated agency to
7 administer the Occupational Safety and Health Act of North
8 Carolina."

9 Section 34. G.S. 95-131(d) reads as rewritten:

10 "(d) Rules adopted under this section shall provide insofar as possible the highest
11 degree of safety and health protection for employees; other considerations shall be the
12 latest available scientific data in the field, the feasibility of the standard, and experience
13 gained under this and other health and safety laws. Whenever practical the standards
14 established in a rule shall be expressed in terms of objective criteria and of the
15 performance desired. In establishing standards dealing with toxic materials or harmful
16 physical agents, the Commissioner, after consultation and recommendations of the
17 Department of ~~Environment, Health, and Natural Resources~~, Health and Human Services,
18 shall set a standard which most adequately assures, to the extent possible, on the basis of
19 the most available evidence that no employee will suffer material impairment of health or
20 functional capacity even if such employee has regular exposure to the hazard dealt with
21 by such standard for the period of his working life."

22 Section 35. G.S. 95-149 reads as rewritten:

23 "**§ 95-149. Authority to enter into contracts with other State agencies and**
24 **subdivisions of government.**

25 The Commissioner ~~is authorized and empowered to~~ may enter into contracts with the
26 Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services
27 or any other State officer or State agency or State instrumentality, or any municipality,
28 county, or other political subdivision of the State, for the enforcement, administration,
29 and any other application of the provisions of this Article."

30 Section 36. G.S. 95-225(c) reads as rewritten:

31 "(c) For the protection of the public health, the Commission for Health Services
32 shall adopt and the Department of ~~Environment, Health, and Natural Resources~~ Health
33 and Human Services shall enforce rules that establish water quality and water sanitation
34 standards for migrant housing under this Article."

35 Section 37. G.S. 97-61.1 reads as rewritten:

36 "**§ 97-61.1. First examination of and report on employee having asbestosis or**
37 **silicosis.**

38 When an employee and the Industrial Commission are advised by the Department of
39 ~~Environment, Health, and Natural Resources~~ Health and Human Services that an
40 employee has asbestosis or silicosis, the employer shall be notified by the Industrial
41 Commission, and the employee, when ordered by the Industrial Commission, shall go to
42 a place designated by the Industrial Commission and submit to X rays and a physical
43 examination by the advisory medical committee, at least one of whom shall conduct the

1 examination, and the member or members of the advisory medical committee conducting
2 the examination shall forward the X rays and findings to the member or members of the
3 committee not present for the physical examination. The employer shall pay the
4 expenses connected with the examination in such amounts as shall be directed by the
5 Industrial Commission. Within 30 days after the completion of the examination, the
6 advisory medical committee shall make a written report signed by all of its members
7 setting forth:

- 8 (1) The X rays and clinical procedures used by the committee in arriving at
9 its findings.
- 10 (2) Whether or not the claimant has contracted asbestosis or silicosis.
- 11 (3) The committee's opinion expressed in percentages of the impairment of
12 the employee's ability to perform normal labor in the same or any other
13 employment.
- 14 (4) Any other matter deemed pertinent by the committee.

15 When a competent physician certifies to the Industrial Commission that the
16 employee's physical condition is such that his movement to the place of examination
17 ordered by the Industrial Commission as herein provided in G.S. 97-61.1, 97-61.3 and
18 97-61.4 would be harmful or injurious to the health of the employee, the Industrial
19 Commission shall cause the examination of the employee to be made by the advisory
20 medical committee as herein provided at some place in the vicinity of the residence of the
21 employee suitable for the purposes of making such examination."

22 Section 38. G.S. 97-72(b) reads as rewritten:

23 "(b) The members of the advisory medical committee shall be paid one hundred
24 dollars (\$100.00) per month plus not more than ten dollars (\$10.00) per film examined.
25 The fee per film shall be established by the Secretary of ~~Environment, Health, and~~
26 ~~Natural Resources.~~ Health and Human Services."

27 Section 39. G.S. 97-73(b) reads as rewritten:

28 "(b) The Secretary of ~~Environment, Health, and Natural Resources.~~ Health and
29 Human Services shall establish a schedule of fees for examinations conducted by the
30 Department of ~~Environment, Health, and Natural Resources.~~ Health and Human Services
31 pursuant to G.S. 97-60. The fees shall be collected in accordance with rules adopted by
32 the Secretary of ~~Environment, Health, and Natural Resources.~~ Health and Human
33 Services."

34 Section 40. G.S. 106-65.23 reads as rewritten:

35 "**§ 106-65.23. Structural Pest Control Division of Department of Agriculture**
36 **recreated; Director; Structural Pest Control Committee created;**
37 **appointment; terms; quorum.**

38 There is ~~hereby~~ recreated, within the North Carolina Department of Agriculture, a
39 Division ~~thereof~~, to be known as the Structural Pest Control ~~Division of said Department.~~
40 Division. The Commissioner of Agriculture is ~~hereby authorized to~~ may appoint a
41 Director of ~~said~~ the Division whose duties and authority shall be determined by the
42 Commissioner. ~~Said~~ The Director shall act as secretary to the Structural Pest Control
43 Committee ~~herein created.~~ created in this section.

1 There is hereby created a Structural Pest Control Committee to be composed of the
2 following members. The Commissioner shall appoint one member of the Committee
3 who is not in the structural pest control business for a four-year term. The Commissioner
4 of Agriculture shall designate an employee of the Department of Agriculture to serve on
5 ~~said the~~ Committee at the pleasure of the Commissioner. The dean of the School of
6 Agriculture of North Carolina State University at Raleigh shall appoint one member of
7 the Committee who shall serve for one term of two years and who shall be a member of
8 the entomology faculty of ~~said the~~ University. The vacancy occurring on the Committee
9 by the expired term of the member from the entomology faculty of ~~said the~~ University
10 shall be filled by the dean of the School of Agriculture of North Carolina State University
11 at Raleigh who shall designate any person of ~~his the dean's~~ choice from the entomology
12 faculty of ~~said the~~ University to serve on ~~said the~~ Committee at the pleasure of the dean.
13 The Secretary of ~~Environment, Health, and Natural Resources~~ Health and Human
14 Services shall appoint one member of the Committee who shall be an epidemiologist ~~in~~
15 ~~the Division of Health Services~~ and who shall serve at the pleasure of the Secretary. The
16 Governor shall appoint two members of ~~said the~~ Committee who are actively engaged in
17 the pest control industry, who are licensed in at least two phases of structural pest control
18 as provided under G.S. 106-65.25(a), and who are residents of the State of North Carolina
19 but not affiliates of the same company. The initial Committee members from the pest
20 control industry shall be appointed as follows: one for a two-year term and one for a
21 three-year term. The Governor shall appoint one member of the Committee who is a
22 public member and who is unaffiliated with the structural pest control industry, the
23 pesticide industry, the Department of Agriculture, the Department of ~~Environment,~~
24 ~~Health, and Natural Resources~~ Health and Human Services and the School of Agriculture
25 at North Carolina State University at Raleigh. The initial public member shall be
26 appointed for a term of two years, commencing July 1, 1991. After the initial
27 appointments by the Governor, all ensuing appointments by the Governor shall be for
28 terms of four years. Any vacancy occurring on the Committee by reason of death,
29 resignation, or otherwise shall be filled by the Governor or the Commissioner of
30 Agriculture, as the case may be, for the unexpired term of the member whose seat is
31 vacant. A member of the Committee appointed by the Governor shall not succeed
32 himself.

33 The Committee shall make final decisions under this Article concerning licenses,
34 certified applicator cards, and identification cards. The Committee shall report annually
35 to the Board of Agriculture the action taken in the Committee's final decisions and the
36 financial status of the Structural Pest Control Division.

37 The Director shall be responsible for and answerable to the Commissioner of
38 Agriculture as to the operation and conduct of the Structural Pest Control Division.

39 Each member of the Committee who is not an employee of the State shall receive as
40 compensation for services per diem and necessary travel expenses and registration fees in
41 accordance with the provisions as outlined for members of occupational licensing boards
42 and currently provided for in G.S. 93B-5. Such per diem and necessary travel expenses

1 and registration fees shall apply to the same effect that G.S. 93B-5 might hereafter be
2 amended.

3 Four members of the Committee shall constitute a quorum but no action at any
4 meeting of the Committee shall be taken without four votes in accord. The chairman
5 shall be entitled to vote at all times.

6 The Committee shall meet at such times and such places in North Carolina as the
7 chairman shall direct; provided, however, that four members of the Committee may call a
8 special meeting of the Committee on five days' notice to the other members thereof.

9 Except as otherwise provided herein, all members of the Committee shall be
10 appointed or designated, as the case may be, prior to and shall commence their respective
11 terms on July 1, 1967.

12 At the first meeting of the Committee they shall elect a chairman who shall serve as
13 such at the pleasure of the Committee."

14 Section 41. G.S. 106-143 reads as rewritten:

15 "**§ 106-143. Article construed supplementary.**

16 Nothing in this Article shall be construed as in any way amending, abridging, or
17 otherwise affecting the validity of any law or ordinance relating to the Commission for
18 Health Services or the Department of ~~Human Resources~~ Health and Human Services or
19 the Department of Environment and Natural Resources or any local health department in
20 their sanitary work in connection with public and private water supplies, sewerage, meat,
21 milk, milk products, shellfish, finfish, or other foods, or food products, or the production,
22 handling, or processing thereof; ~~but this Article shall be construed to be in addition~~
23 ~~thereto.~~ of these items."

24 Section 42. G.S. 106-168.5 reads as rewritten:

25 "**§ 106-168.5. Duties of Commissioner upon receipt of application; inspection**
26 **committee.**

27 Upon receipt of the application, the Commissioner shall promptly cause the rendering
28 plant and equipment, or the plans, specifications, and selected site, of the applicant to be
29 inspected by an inspection committee hereinafter called the 'committee,' which shall be
30 composed of three members: One member who shall be designated by the Commissioner
31 of Agriculture and who shall be an employee of the Department of Agriculture, one
32 member who shall be designated by the Secretary of ~~Environment, Health, and Natural~~
33 ~~Resources~~ Health and Human Services and who shall be an employee of the Department
34 of ~~Environment, Health, and Natural Resources~~ Health and Human Services, and one
35 member who shall be designated by the director of the North Carolina Division of the
36 Southeastern Renderers Association, and who shall be a person having practical
37 knowledge of rendering operations. Each member may be designated and relieved from
38 time to time at the discretion of the designating authority. No State employee designated
39 as a member of the committee shall receive any additional compensation therefor and no
40 compensation shall be paid by the State to any other member."

41 Section 43. G.S. 106-266.6 reads as rewritten:

42 "**§ 106-266.6. Definitions.**

1 As used in this Article, unless otherwise stated and unless the context or subject
2 matter clearly indicates otherwise:

3 (1) 'Affiliate' means any person and/or subsidiary thereof, who has, either
4 directly or indirectly, actual control or legal control over a distributor,
5 whether by stock ownership or any other manner.

6 (2) 'Books and records' means books, records, accounts, contracts,
7 memoranda, documents, papers, correspondence, or other data,
8 pertaining to the business of the person in question.

9 (3) 'Commission' means the North Carolina Milk Commission created by
10 this Article.

11 (4) 'Distributor' or 'subdistributor' means any of the following persons
12 engaged in the business of distributing, marketing, or in any manner
13 handling fluid milk, in whole or in part, in fluid form for consumption
14 in the State of North Carolina, but shall not mean any distributor who
15 sells 25 gallons or less of milk per day which is produced on his own
16 farm:

17 a. Persons, irrespective of whether any such person is a producer:

18 1. Who pasteurize or bottle milk or process milk into fluid
19 milk;

20 2. Who sell and/or market fluid milk at wholesale or retail:

21 I. To hotels, restaurants, stores or other
22 establishments for consumption on the premises,

23 II. To stores or other establishments for resale, or

24 III. To consumers;

25 3. Who operate stores or other establishments for the sale of
26 fluid milk at retail for consumption off the premises.

27 b. Persons wherever located or operating, whether within or without
28 the State of North Carolina, who purchase, market or handle milk
29 for resale as fluid milk in the State.

30 (5) 'Health authorities' includes the Department of ~~Environment, Health,~~
31 ~~and Natural Resources, Health and Human Services,~~ the State
32 Department of Agriculture, the Commissioner of Agriculture, and the
33 local health authorities.

34 (6) 'Licensee' means a licensed milk distributor.

35 (7) 'Market' means any city, town, or village of the State, or any two or
36 more cities and/or towns and/or villages and surrounding territory
37 designated by the Commission as a natural marketing area.

38 (8) 'Milk' means the lacteal secretion obtained by the milking of one or
39 more cows and reconstituted milk products derived from the
40 recombining of dry milk solids, evaporated or condensed milk with
41 water, and which is pasteurized, standardized or otherwise processed
42 with a view of selling it as fluid milk in its several forms, whether
43 cultured or with added bacteria or other ingredients, regardless of grade

1 or fat content, including whole milk, lowfat milk, cream, chocolate
2 milk, plain buttermilk, cream buttermilk, skim milk, special or premium
3 milk, flavored milk or drinks, concentrated milk, sterile milk, dietary
4 modified milk, liquid milk shake mix, half and half, eggnog, other milk-
5 cream mixtures and the milk portion of any imitation milk. Said term
6 excludes the lacteal secretion of one or more dairy cows where the
7 secretion is to be sold for any other purpose.

8 (9) 'Person' means any person, firm, corporation or association.

9 (10) 'Producer' means any person, irrespective of whether such person is a
10 member of a producer association or a distributor, who operates to
11 produce milk for sale as fluid milk in the State.

12 (11) 'Sanitary regulations' includes all laws and ordinances relating to the
13 production, handling, transportation, distribution and sale of milk and,
14 so far as applicable thereto, the State Sanitary Code and lawful
15 regulations adopted by the dairy and food divisions, or by the board of
16 health of any county or municipality.

17 (12) 'Subdistributor' as distinguished from a 'distributor' means one who
18 does not process milk but purchases its milk from a licensed distributor
19 for distribution.

20 (13) 'Subsidiary' means any person or officer over whom or which a
21 distributor or an affiliate of a distributor has, or several distributors have
22 either directly or indirectly, actual or legal control, whether by stock
23 ownership or in any other manner."

24 Section 44. G.S. 110-91 reads as rewritten:

25 **"§ 110-91. Mandatory standards for a license.**

26 The following standards shall be complied with by all child day care facilities, except
27 as otherwise provided in this Article. These shall be the only required standards for the
28 issuance of a license by the Secretary under the policies and procedures of the
29 Commission except that the Commission may, in its discretion, adopt less stringent
30 standards for facilities subject to licensing but which provide care on a temporary, part-
31 time, drop-in, seasonal, after-school or other than a full-time basis.

32 (1) Medical Care and Sanitation. – The Commission for Health Services
33 shall adopt rules which establish minimum sanitation standards for child
34 day care facilities and their personnel. The sanitation rules adopted by
35 the Commission for Health Services shall cover such matters as the
36 cleanliness of floors, walls, ceilings, storage spaces, utensils, and other
37 facilities; adequacy of ventilation; sanitation of water supply, lavatory
38 facilities, toilet facilities, sewage disposal, food protection facilities,
39 bactericidal treatment of eating and drinking utensils, and solid-waste
40 storage and disposal; methods of food preparation and serving;
41 infectious disease control; sleeping facilities; and other items and
42 facilities as are necessary in the interest of the public health. These
43 rules shall be developed in consultation with the Department.

1 The Commission shall adopt rules to establish minimum
2 requirements for child and staff health assessments and medical care
3 procedures. These rules shall be developed in consultation with the
4 ~~Department of Environment, Health, and Natural Resources~~
5 ~~Department~~. Each child shall have a health assessment before being
6 admitted or within 30 days following admission to a child day care
7 facility. The assessment shall be done by: (i) a licensed physician, (ii)
8 the physician's authorized agent who is currently approved by the North
9 Carolina Medical Board, or comparable certifying board in any state
10 contiguous to North Carolina, (iii) a certified nurse practitioner, or (iv) a
11 public health nurse meeting the ~~Department of Environment, Health,~~
12 ~~and Natural Resources'~~ Department's Standards for Early Periodic
13 Screening, Diagnosis, and Treatment Program. A record of each child's
14 assessment shall be on file in the records of the facility. However, no
15 health assessment shall be required of any child who is and has been in
16 normal health and whose parent, guardian, or full-time custodian objects
17 in writing to a health assessment on religious grounds which conform to
18 the teachings and practice of any recognized church or religious
19 denomination.

20 Each child shall be immunized in a manner that meets the
21 requirements of Article 6 of Chapter 130A of the General Statutes and
22 the pertinent rules adopted by the Commission for Health Services.

23 Each child day care facility shall have a plan of emergency medical
24 care which shall include provisions for communication with and
25 transportation to a specified medical resource, unless otherwise
26 previously instructed. No child receiving day care shall be administered
27 any drug or other medication without specific written instructions from
28 a physician or the child's parent, guardian or full-time custodian.
29 Emergency information on each child in care, including the names,
30 addresses, and telephone numbers of the child's physician and parents,
31 legal guardian or full-time custodian shall be readily available to the
32 staff of the child day care facility while children are in care.

33 Nonprofit, tax-exempt organizations that provide prepared meals to
34 day care centers only are considered day care centers for purposes of
35 compliance with appropriate sanitation standards.

- 36 (2) Health-Related Activities. – Each child in a child day care facility shall
37 receive nutritious food and refreshments under rules to be adopted by
38 the Commission. After consultation with the State Health Director,
39 nutrition standards shall provide for specific requirements for infants.
40 Nutrition standards shall provide for specific requirements for children
41 older than infants, including a daily food plan for meals and snacks
42 served that shall be adequate for good nutrition. The number and size of
43 servings and snacks shall be appropriate for the ages of the children and

1 shall be planned according to the number of hours the child is in care.
2 Menus for meals and snacks shall be planned at least one week in
3 advance, dated, and posted where they can be seen by parents.

4 Each child day care facility shall arrange for each child in care to be
5 out-of-doors each day if weather conditions permit.

6 Each child day care facility shall have a rest period for each child in
7 care after lunch or at some other appropriate time.

8 No child day care facility shall care for more than 25 children in one
9 group. Facilities providing care for 26 or more children shall provide
10 for two or more groups according to the ages of children and shall
11 provide separate supervisory personnel for each group.

12 (3) Location. – Each child day care facility shall be located in an area which
13 is free from conditions which are deemed hazardous to the physical and
14 moral welfare of the children in care in the opinion of the Commission.

15 (4) Building. – Each child day care facility shall be located in a building
16 which meets the requirements of the North Carolina Building Code
17 under standards which shall be developed by the Building Code
18 Council, subject to adoption by the Commission specifically for child
19 day care facilities, including facilities operated in a private residence.
20 These standards shall be consistent with the provisions of this Article.

21 (5) Fire Prevention. – Each child day care facility shall be located in a
22 building that meets the requirements for fire prevention and safe
23 evacuation that apply to child day care facilities as established by the
24 Department of Insurance, subject to adoption by the Commission. Each
25 child day care facility shall be inspected at least annually by a local fire
26 department or volunteer fire department for compliance with these
27 requirements, except that child day care facilities located on State
28 property shall be inspected by an official designated by the Department
29 of Insurance.

30 (6) Space and Equipment Requirements. – There shall be no less than 25
31 square feet of indoor space for each child for which a child day care
32 facility is licensed, exclusive of closets, passageways, kitchens, and
33 bathrooms, and this floor space shall provide during rest periods 200
34 cubic feet of airspace per child for which the facility is licensed. There
35 shall be adequate outdoor play area for each child under rules adopted
36 by the Commission which shall be related to the size and type of
37 facility, availability and location of outside land area, except in no event
38 shall the minimum required exceed 75 square feet per child, which area
39 shall be protected to assure the safety of the children receiving day care
40 by an adequate fence or other protection; provided, however, that a
41 facility operated in a public school shall be deemed to have adequate
42 fencing protection; provided, also, that a facility operating exclusively
43 during the evening and early morning hours, between 6:00 P.M. and

6:00 A.M., need not meet the outdoor play area requirements mandated by this subdivision.

Each child day care facility shall provide equipment and furnishings that are child size, sturdy, safe, and in good repair. The Commission shall adopt standards to establish minimum requirements for equipment appropriate for the size facility being operated pursuant to G.S. 110-86(3). Space shall be available for proper storage of beds, cribs, mats, cots, sleeping garments, and linens as well as designated space for each child's personal belongings.

(7) Staff-Child Ratio. – In determining the staff-child ratio, all children younger than 13 years shall be counted. The Commission shall adopt rules regarding staff-child ratios, group sizes and multi-age groupings for each category of facility other than for infants and toddlers, provided that these rules shall be no less stringent than those currently required for staff-child ratios as enacted in Section 156(e) of Chapter 757 of the 1985 Session Laws. The staff-child ratios and group sizes for infants and toddlers shall be no less stringent than as follows:

Age	Ratio	Group Size
0 to 12 months	5	10
12 to 24 months	6	12
2 to 3 years	10	20.

(8) Qualifications for Staff. – Each child day care facility shall be under the direction or supervision of a literate person at least 21 years of age. All staff counted in determining the required staff-child ratio shall be at least 16 years of age, provided that persons younger than 18 years of age work under the direct supervision of a literate staff person who is at least 21 years of age. No person shall be an operator of nor be employed in a child day care facility who has been convicted of a crime involving child neglect, child abuse, or moral turpitude, or who is an habitually excessive user of alcohol or who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children.

The Commission shall adopt standards to establish minimum qualifications for operators, supervisors, caregivers and other staff who have direct contact with the children. These standards shall reflect training, experience, education or credentialing and shall be appropriate for the size facility being operated according to the categories defined in G.S. 110-86(3). It is the intent of this provision to guarantee that all children in day care are cared for by qualified people but also to recognize that qualifications for good child care may not be limited to formal education or training standards. To this end, the standards adopted by the Commission pertaining to training and educational requirements shall include provision that these requirements may be met

1 by informal as well as formal training and educational experience. No
2 requirements may interfere with the teachings or doctrine of any
3 established religious organization.

- 4 (9) Records. – Each child day care facility shall keep accurate records on
5 each child receiving care in the child day care facility in accordance
6 with a form furnished or approved by the Commission, and shall submit
7 attendance reports as required by the Department.

8 Each child day care facility shall keep accurate records on each staff
9 member or other person delegated responsibility for the care of children
10 in accordance with a form approved by the Commission.

11 All records of any child day care facility, except financial records,
12 shall be subject to review by the Secretary or by duly authorized
13 representatives of the Department or a cooperating agency who shall be
14 designated by the Secretary.

15 Any effort to falsify information provided to the Department shall be
16 deemed by the Secretary to be evidence of violation of this Article on
17 the part of the operator or sponsor of the child day care facility and shall
18 constitute a cause for revoking or denying a license to this child day
19 care facility.

- 20 (10) Each operator or staff member shall truly and honestly show each child
21 in that person's care true love, devotion and tender care.

22 Each child day care facility shall have a written policy on discipline,
23 describing the methods and practices used to discipline children enrolled
24 in that facility. This written policy shall be discussed with, and a copy
25 given to, each child's parent prior to the first time the child attends the
26 facility. Subsequently, any change in discipline methods or practices
27 shall be communicated in writing to the parents prior to the effective
28 date of the change.

29 The use of corporal punishment as a form of discipline is prohibited
30 in child day care facilities and may not be used by any operator or staff
31 member of any child day care facility, except that corporal punishment
32 may be used in religious sponsored child day care facilities as defined in
33 G.S. 110-106, only if (i) the religious sponsored child day care facility
34 files with the Department a notice stating that corporal punishment is
35 part of the religious training of its program, and (ii) the religious
36 sponsored child day care facility clearly states in its written policy of
37 discipline that corporal punishment is part of the religious training of its
38 program. The written policy on discipline of nonreligious sponsored
39 child day care facilities shall clearly state the prohibition on corporal
40 punishment.

- 41 (11) Staff Development. – The Commission shall adopt minimum standards
42 for ongoing staff development for facilities. These standards shall
43 include requirements for ongoing in-service training for all staff.

1 (12) Planned Age Appropriate Activities. – Each child day care facility shall
2 have a planned schedule of activities posted in a prominent place to
3 enable parents to review it, and a written plan of age appropriate
4 activities available to parents. Each facility shall have age appropriate
5 activities and play materials to implement the written plan. The
6 Commission shall establish minimum standards for age-appropriate
7 activities appropriate for each category of facility as defined in G.S.
8 110-86(3).

9 (13) Transportation. – All child day care facilities shall abide by North
10 Carolina law regulating the use of seat belts and child passenger
11 restraint devices. All vehicles operated by any facility staff person or
12 volunteer to transport children shall be properly equipped with
13 appropriate seat belts or child restraint devices as approved by the
14 Commissioner of Motor Vehicles. Each adult and child shall be
15 restrained by an appropriate seat safety belt or restraint device when the
16 vehicle is in motion. These restraint regulations do not apply to vehicles
17 not required by federal law to be equipped with seat restraints. All
18 vehicles used to transport children shall meet and maintain the safety
19 inspection standards of the Division of Motor Vehicles of the
20 Department of Transportation and the facility shall comply with all
21 other applicable State and federal laws and regulations concerning the
22 operation of a motor vehicle. Children may never be left unattended in a
23 vehicle.

24 The ratio of adults to children in child day care vehicles may not be
25 less than the staff/child ratios prescribed by G.S. 110-91(7). The
26 Commission shall adopt standards for transporting children under the
27 age of two, including standards addressing this particular age's
28 staff/child ratio during transportation."

29 Section 45. G.S. 110-92 reads as rewritten:

30 **"§ 110-92. Duties of State and local agencies.**

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

38 When requested by an operator of a day-care facility or by the Secretary, it shall be
39 the duty of the local and district health departments, and any building inspector, fire
40 prevention inspector, or fireman employed by local government, or any fireman having
41 jurisdiction, or other officials or personnel of local government to visit and inspect a day-
42 care facility for the purposes specified in this Article, including plans for evacuation of
43 the premises and protection of children in case of fire, and to report on such visits or

1 inspections in writing to the Secretary so that such reports may serve as the basis for
2 action or decisions by the Secretary or Department as authorized by this Article."

3 Section 46. The heading for Article 1 of Chapter 111 of the General Statutes
4 reads as rewritten:

5 "ARTICLE 1.

6 "General Duties of Department of ~~Human Resources~~ Health and
7 Human Services."

8 Section 47. G.S. 115C-106(a) reads as rewritten:

9 "(a) The General Assembly of North Carolina hereby declares that the policy of the
10 State is to ensure every child a fair and full opportunity to reach his full potential and that
11 no child as defined in this section and in G.S. 115C-122 shall be excluded from service or
12 education for any reason whatsoever. This policy shall be the practice of the State for
13 children from birth through age 21 and the State requires compliance by all local
14 education agencies and local school administrative units, all local human ~~resources~~
15 services agencies including, but not limited to, local health departments, local social
16 service departments, community mental health centers and all State departments,
17 agencies, institutions except institutions of higher education, and private providers which
18 are recipients of general funds as these funds are defined in G.S. 143-1."

19 Section 48. G.S. 115C-118 reads as rewritten:

20 "**§ 115C-118. Functions.**

21 The centers shall have the following functions:

- 22 (1) To provide in-service training to all special education teachers and other
23 professionals as defined by the Superintendent.
- 24 (2) To develop in kindergarten and primary grade teachers the necessary
25 skills to detect potential special education needs and the capability to
26 plan special educational programs.
- 27 (2a) To provide in-service training for all teachers in the identification and
28 education of learning disabled children.
- 29 (3) To provide in-service training and consultative services to a parent or
30 guardian of a child with special needs and to appropriate public school
31 administrative and management personnel.
- 32 (4) To work in concert with the various local human ~~resources~~ services
33 agencies to the end that multiple and duplicative services provided at
34 various times and by various agencies of the State may be obviated.
- 35 (5) To conduct an in-depth evaluation of the impact of in-service training
36 on the delivery of services to children with special needs within the
37 public schools on an annual basis in compliance with such rules and
38 regulations as the Superintendent may promulgate."

39 Section 49. G.S. 115C-120 reads as rewritten:

40 "**§ 115C-120. Rules and regulations.**

41 The Superintendent shall develop and promulgate appropriate rules and regulations
42 for the operation of the centers subject to the approval of the State Board. Such rules and
43 regulations shall prescribe the precise operational responsibility of the centers and shall

1 include a description of the operational relationship that shall exist with the various local
2 human ~~resources-services~~ agencies."

3 Section 49.1. G.S. 115C-122 reads as rewritten:

4 **"§ 115C-122. Early childhood development program; evaluation and placement of**
5 **children.**

6 The General Assembly of North Carolina declares that the public policy of North
7 Carolina is defined as follows to carry out the policies stated in G.S. 115C-106:

8 (1) The State shall provide for a comprehensive early childhood
9 development program by emphasizing preventative and remedial
10 measures designed to provide the services which will enable children to
11 develop to the maximum level their physical, mental, social, and
12 emotional potentials and to strengthen the role of the family as the first
13 and most fundamental influence on child development. The General
14 Assembly finds that the complexity of early childhood development
15 precludes the enactment of legislation which is of a sufficiently
16 comprehensive nature to encompass all possible implications. The
17 Departments of Public Instruction and ~~Human Resources-Health and~~
18 ~~Human Services~~ shall, therefore, jointly develop an early childhood
19 development program plan with flexibility sufficient to meet the State's
20 policy as set forth in this subdivision. Said plan shall provide for the
21 operation of a statewide early childhood development program no later
22 than June 30, 1983.

23 (2) The State requires a system of educational opportunities for all children
24 with special needs and requires the identification and evaluation of the
25 needs of children and the adequacy of various education programs
26 before placement of children, and shall provide for periodic evaluation
27 of the benefits of programs to the individual child and the nature of the
28 child's needs thereafter.

29 (3) The State shall prevent denial of equal educational and service
30 opportunity on the basis of national origin, sex, economic status, race,
31 religion, and physical, mental, social or emotional handicap in the
32 provision of services to any child. Each local school administrative unit
33 shall develop program plans to meet the educational requirements of
34 children with special needs and each local human ~~resources-services~~
35 agency shall develop program plans to meet the human service
36 requirements of children with special needs in accordance with program
37 standards and in a planning format as shall be prescribed by the State
38 Board of Education and the Department of ~~Human Resources-Health~~
39 ~~and Human Services~~ respectively.

40 The General Assembly intends that the educational program and
41 human service program requirements of Session Laws 1973, Chapter
42 1293, shall be realized no later than June 30, 1982. The General
43 Assembly further intends that currently imposed barriers to educational

1 and human service opportunities for children with special needs by
2 reason of a single standardized test, income, federal regulations,
3 conflicting statutes, or any other barriers are hereby abrogated; except
4 that with respect to barriers caused by reason of income, it shall be
5 permissible for the State or any local education agency or local human
6 ~~resources-services~~ agency to charge fees for special services rendered,
7 or special materials furnished to a child with special needs, his parents,
8 guardian or persons standing **in loco parentis** unless the imposition of
9 such fees would prevent or substantially deter the child, his parents,
10 guardian, or persons standing **in loco parentis** from availing themselves
11 of or receiving such services or materials.

- 12 (4) It is recognized that children have a variety of characteristics and needs,
13 all of which must be considered if the potential of each child is to be
14 realized; that in order to accomplish this the State must develop a full
15 range of service and education programs, and that a program must
16 actually benefit a child or be designed to benefit a particular child in
17 order to provide such child with appropriate educational and service
18 opportunities. The General Assembly requires that all programs employ
19 least restrictive alternatives as shall be defined by the Departments of
20 Public Instruction and Human Resources."

21 Section 50. G.S. 115C-323 reads as rewritten:

22 **"§ 115C-323. Employee health certificate.**

23 All public school employees upon initial employment, and those who have been
24 separated from public school employment more than one school year, including
25 superintendents, supervisors, principals, teachers, and any other employees in the public
26 schools of the State, shall file in the office of the superintendent, before assuming his
27 duties, a certificate from a physician licensed to practice medicine in the State of North
28 Carolina, certifying that said person does not have tuberculosis in the communicable
29 form, or other communicable disease, or any disease, physical or mental, which would
30 impair the ability of the said person to perform effectively his duties. A local school
31 board or a superintendent may require any person herein named to take a physical
32 examination when deemed necessary.

33 Any public school employee who has been absent for more than 40 successive school
34 days because of a communicable disease must, before returning to work, file with the
35 superintendent a physician's certificate certifying that the individual is free from any
36 communicable disease.

37 The examining physician shall make the aforesaid certificates on an examination form
38 supplied by the Superintendent of Public Instruction. The certificate shall be issued only
39 after a physical examination has been made at the time of the certification, and such
40 examination shall be in accordance with rules and regulations adopted by the
41 Superintendent of Public Instruction, with approval of the Secretary of ~~Environment,~~
42 ~~Health, and Natural Resources,~~ Health and Human Services, and such rules and

1 regulations may include the requirement of an X-ray chest examination for all new
2 employees of the public school system.

3 It shall be the duty of the superintendent of the school in which the person is
4 employed to enforce the provisions of this section.

5 Any person violating any of the provisions of this section shall be guilty of a Class 1
6 misdemeanor."

7 Section 51. G.S. 115C-522(c) reads as rewritten:

8 "(c) It shall be the duty of local boards of education and tax-levying authorities to
9 provide suitable supplies for the school buildings under their jurisdictions. These shall
10 include, in addition to the necessary instructional supplies, proper window shades,
11 blackboards, reference books, library equipment, maps, and equipment for teaching the
12 sciences.

13 Likewise, it shall be the duty of said boards of education and boards of county
14 commissioners to provide every school with a good supply of water, approved by the
15 Department of ~~Environment, Health, and Natural Resources~~, Health and Human Services,
16 and where such school cannot be connected to water-carried sewerage facilities, there
17 shall be provided sanitary privies for the boys and for the girls according to specifications
18 of the Commission for Health Services. Such water supply and sanitary privies shall be
19 considered an essential and necessary part of the equipment of each public school and
20 may be paid for in the same manner as desks and other essential equipment of the school
21 are paid for."

22 Section 52. G.S. 120-205(a) reads as rewritten:

23 "(a) This commission shall be composed of 21 members appointed as follows:

- 24 (1) Seven members of the House of Representatives at the time of their
25 appointment, appointed by the Speaker of the House of Representatives.
26 Of these members, one shall be a Chair of the House Appropriations
27 Subcommittee on ~~Human Resources~~, Health and Human Services;
- 28 (2) Seven members of the Senate at the time of their appointment,
29 appointed by the President Pro Tempore of the Senate. Of these
30 members, one shall be the Chair of the Senate ~~Human Resources~~ Health
31 and Human Services Appropriations Committee;
- 32 (3) Three members who are representatives of Coalition 2001, appointed by
33 the Governor. Of these members, one shall be a representative from
34 mental health, one from developmental disabilities, and one from
35 substance abuse services;
- 36 (4) Two members of the public, appointed by the Speaker of the House of
37 Representatives. Of these members, one shall be a county commissioner
38 at the time of appointment, selected from a list of four candidates
39 nominated by the North Carolina Association of County
40 Commissioners. If the Association has failed to submit nominations by
41 September 1, 1996, the Speaker of the House of Representatives may
42 appoint any county commissioner; and

1 (5) Two members of the public, appointed by the President Pro Tempore of
2 the Senate. Of these members, one shall be a county commissioner at
3 the time of appointment, selected from a list of four candidates
4 nominated by the North Carolina Association of County
5 Commissioners. If the Association has failed to submit nominations by
6 September 1, 1996, the President Pro Tempore of the Senate may
7 appoint any county commissioner."

8 Section 53. G.S. 122C-112(a) reads as rewritten:

9 "(a) The Secretary shall:

- 10 (1) Enforce the provisions of this Chapter and the rules of the Commission
11 and the Secretary;
- 12 (2) Assist counties and area authorities in the establishment and operation
13 of community-based programs within catchment areas specified in rules
14 adopted by the Commission;
- 15 (3) Operate State facilities and adopt rules pertaining to their operation;
- 16 (4) Promote a unified system of services for the citizens of this State by
17 coordinating services provided in State facilities and area facilities;
- 18 (5) Approve the plans and budgets of an area authority and adopt rules
19 pertaining to the content and format of these plans and budgets;
- 20 (6) Adopt rules governing the expenditure of all area authority funds;
- 21 (6a) Adopt rules to implement the appeal procedure authorized by G.S.
22 122C-151.2;
- 23 (7) Adopt rules for the establishment of single portal designation and
24 approve an area as a single portal area;
- 25 (8) Except as provided in G.S. 122C-26(4), adopt rules establishing
26 procedures for waiver of rules adopted by the Secretary under this
27 Chapter;
- 28 (9) Notify the clerks of superior court of changes in the designation of State
29 facility regions and of facilities designated under G.S. 122C-252;
- 30 (10) Promote public awareness and understanding of mental health, mental
31 illness, developmental disabilities, and substance abuse;
- 32 (11) Administer and enforce rules that are conditions of participation in
33 federal or State financial aid;
- 34 (12) Carry out G.S. 122C-361; and
- 35 (13) Ensure, in cooperation with other appropriate agencies, that all types of
36 early intervention services specified in the "Individuals with Disabilities
37 Education Act (IDEA), P.L. 102-119, the federal early intervention
38 legislation, are available to all eligible infants and toddlers and their
39 families to the extent funded by the General Assembly.

40 The Secretary shall coordinate and facilitate the development and
41 administration of the early intervention system for eligible infants and
42 toddlers and shall assign among the cooperating agencies the
43 responsibility, including financial responsibility, for services. The

1 Secretary shall be advised by the Interagency Coordinating Council for
2 Children from Birth to Five with Disabilities and Their Families,
3 established by G.S. 143B-179.5, and may enter into formal interagency
4 agreements to establish the collaborative relationships with ~~the~~
5 ~~Department of Environment, Health, and Natural Resources,~~ the
6 Department of Public Instruction, other appropriate agencies, and other
7 public and private service providers necessary to administer the system
8 and deliver the services.

9 The Secretary shall adopt rules to implement the early intervention
10 system, in cooperation with all other appropriate agencies;

11 (14) Adopt rules to be followed in the determination of eligibility for, and to
12 ensure the provision of services for, eligible assaultive and violent
13 children as defined in G.S. 122C-3(13a); [and]

14 (15) Upon the death of any prospective or confirmed Thomas S. class
15 member as identified in Thomas S. et al. vs. Britt, (C-C-82-0418-M,
16 Western District) not residing in a State facility listed in G.S. 122C-181,
17 investigate the circumstances leading to that death. The investigation
18 shall analyze any unusual circumstances relating to the death. The
19 Secretary shall adopt rules to implement this subsection. The Secretary
20 shall have access to all medical records, hospital records, and records
21 maintained by the State, any county, or any local agency necessary to
22 carry out the purposes of this subsection, including police investigations
23 data, medical examiner investigative data, health records, mental health
24 records, and social services records."

25 Section 54. G.S. 130A-1.1 reads as rewritten:

26 "**§ 130A-1.1. Mission and essential services.**

27 (a) The General Assembly recognizes that unified purpose and direction of the
28 public health system is necessary to ~~assure~~ensure that all citizens in the State have equal
29 access to essential public health services. The General Assembly declares that the
30 mission of the public health system is to promote and contribute to the highest level of
31 health possible for the people of North Carolina by:

- 32 (1) Preventing health risks and disease;
- 33 (2) Identifying and reducing health risks in the community;
- 34 (3) Detecting, investigating, and preventing the spread of disease;
- 35 (4) Promoting healthy lifestyles;
- 36 (5) Promoting a safe and healthful environment;
- 37 (6) Promoting the availability and accessibility of quality health care
38 services through the private sector; and
- 39 (7) Providing quality health care services when not otherwise available.

40 (b) As used in this section, the term 'essential public health services' means those
41 services that the State shall ~~assure~~ensure because they are essential to promoting and
42 contributing to the highest level of health possible for the citizens of North Carolina. The
43 ~~Department~~Departments of Environment, Health, and Natural Resources~~Environment~~

1 and Natural Resources and Health and Human Services shall attempt to ~~assure~~ ensure
2 within the resources available to ~~it~~ them that the following essential public health services
3 are available and accessible to all citizens of the State, and shall account for the financing
4 of these services:

5 (1) Health Support:

- 6 a. Assessment of health status, health needs, and environmental
7 risks to health;
8 b. Patient and community education;
9 c. Public health laboratory;
10 d. Registration of vital events;

11 (2) Environmental Health:

- 12 a. Lodging and institutional sanitation;
13 b. On-site domestic sewage disposal;
14 c. Water and food safety and sanitation; and

15 (3) Personal Health:

- 16 a. Child health;
17 b. Chronic disease control;
18 c. Communicable disease control;
19 d. Dental public health;
20 e. Family planning;
21 f. Health promotion and risk reduction;
22 g. Maternal health.

23 The Commission for Health Services shall determine specific services to be provided
24 under each of the essential public health services categories listed above.

25 (c) The General Assembly recognizes that there are health-related services
26 currently provided by State and local government and the private sector that are
27 important to maintaining a healthy social and ecological environment but that are not
28 included on the list of essential public health services required under this section.
29 Omission of these services from the list of essential public health services shall not be
30 construed as an intent to prohibit or decrease their availability. Rather, such omission
31 means only that the omitted services may be more appropriately assured by government
32 agencies or private entities other than the public health system.

33 (d) The list of essential public health services required by this section shall not be
34 construed to limit or restrict the powers and duties of the Commission for Health Services
35 or the ~~Department~~ Departments of ~~Environment, Health, and Natural Resources~~
36 Environment and Natural Resources and Health and Human Services as otherwise
37 conferred by State law."

38 Section 55. 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.

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

24 Section 56. G.S. 130A-4 reads as rewritten:

25 **"§ 130A-4. Administration.**

26 (a) ~~The~~ Except as provided in subsection (c) of this section, the Secretary shall
27 ~~have the authority and responsibility to~~ administer and enforce the provisions of this
28 Chapter and the rules of the Commission. A local health director shall ~~have the authority~~
29 ~~and responsibility to~~ administer the programs of the local health department and ~~to~~
30 enforce the rules of the local board of health.

31 (b) When requested by the Secretary, a local health department shall enforce the
32 rules of the Commission under the supervision of the Department. The local health
33 department shall utilize local staff authorized by the Department to enforce the specific
34 rules.

35 (c) The Secretary of Environment and Natural Resources shall administer and
36 enforce the provisions of Articles 9 and 11 of this Chapter and the rules of the
37 Commission."

38 Section 57. G.S. 130A-4.1 reads as rewritten:

39 **"§ 130A-4.1. State funds for maternal and child health care/non-supplanting.**

40 (a) The Department of ~~Environment, Health, and Natural Resources~~ shall ensure
41 that local health departments do not reduce county appropriations for maternal and child
42 health services provided by the local health departments because they have received State
43 appropriations for this purpose.

1 (b) All income earned by local health departments for maternal and child health
2 programs supported in whole or in part from State or federal funds, received from the
3 ~~Department of Environment, Health, and Natural Resources, Department,~~ shall be
4 budgeted and expended by local health departments to further the objectives of the
5 program that generated the income."

6 Section 58. G.S. 130A-4.2 reads as rewritten:

7 **"§ 130A-4.2. State funds for health promotion/non-supplanting.**

8 The ~~Department of Environment, Health, and Natural Resources~~ shall ensure that
9 local health departments do not reduce county appropriations for health promotion
10 services provided by the local health departments because they have received State
11 appropriations for this purpose."

12 Section 60. G.S. 130A-17 reads as rewritten:

13 **"§ 130A-17. Right of entry.**

14 (a) The Secretary and a local health director shall have the right of entry upon the
15 premises of any place where entry is necessary to ~~carry out~~ enforce the provisions of this
16 Chapter or the rules adopted by the Commission or a local board of health. If consent for
17 entry is not obtained, an administrative search and inspection warrant shall be obtained
18 pursuant to G.S. 15-27.2. However, if an imminent hazard exists, no warrant is required
19 for entry upon the premises.

20 (b) The Secretary of the Department of Environment and Natural Resources shall
21 have the same rights enumerated in subsection (a) of this section to enforce the provisions
22 of Articles 9 and 11 of this Chapter."

23 Section 61. G.S. 130A-18 reads as rewritten:

24 **"§ 130A-18. Injunction.**

25 (a) If a person shall violate any provision of this Chapter or the rules adopted by
26 the Commission or rules adopted by a local board of health, the Secretary or a local
27 health director may institute an action for injunctive relief, irrespective of all other
28 remedies at law, in the superior court of the county where the violation occurred or where
29 a defendant resides.

30 (b) The Secretary of the Department of Environment and Natural Resources shall
31 have the same rights enumerated in subsection (a) of this section to enforce the provisions
32 of Articles 9 and 11 of this Chapter."

33 Section 62. G.S. 130A-19 reads as rewritten:

34 **"§ 130A-19. Abatement of public health nuisance.**

35 (a) If the Secretary or a local health director determines that a public health
36 nuisance exists, the Secretary or a local health director may issue an order of abatement
37 directing the owner, lessee, operator or other person in control of the property to take any
38 action necessary to abate the public health nuisance. If the person refuses to comply with
39 the order, the Secretary or the local health director may institute an action in the superior
40 court of the county where the public health nuisance exists to enforce the order. The
41 action shall be calendared for trial within 60 days after service of the complaint upon the
42 defendant. The court may order the owner to abate the nuisance or direct the Secretary or
43 the local health director to abate the nuisance. If the Secretary or the local health director

1 is ordered to abate the nuisance, the Department or the local health department shall have
2 a lien on the property for the costs of the abatement of the nuisance in the nature of a
3 mechanic's and materialmen's lien as provided in Chapter 44A of the General Statutes
4 and the lien may be enforced as provided therein.

5 (b) The Secretary of Environment and Natural Resources shall have the same
6 rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9
7 and 11 of this Chapter."

8 Section 63. G.S. 130A-20 reads as rewritten:

9 **"§ 130A-20. Abatement of an imminent hazard.**

10 (a) If the Secretary or a local health director determines that an imminent hazard
11 exists, the Secretary or a local health director may, after notice to or reasonable attempt to
12 notify the owner, enter upon any property and take any action necessary to abate the
13 imminent hazard. The Department or the local health department shall have a lien on the
14 property for the cost of the abatement of the imminent hazard in the nature of a
15 mechanic's and materialmen's lien as provided in Chapter 44A and the lien may be
16 enforced as provided therein. The lien may be defeated by a showing that an imminent
17 hazard did not exist at the time the Secretary or the local health director took the action.

18 (b) The Secretary of Environment and Natural Resources shall have the same
19 rights enumerated in subsection (a) of this section to enforce the provisions of Articles 9
20 and 11 of this Chapter."

21 Section 63.1. G.S. 130A-21(d) reads as rewritten:

22 "(d) Nothing in this section is intended to limit the embargo authority of the
23 Department of Agriculture. ~~The Department of Human Resources~~ and the Department of
24 Agriculture are authorized to enter agreements respecting the duties and responsibilities
25 of each agency in the exercise of their embargo authority."

26 Section 64. G.S. 130A-22 reads as rewritten:

27 **"§ 130A-22. Administrative penalties.**

28 (a) The Secretary of Environment and Natural Resources may impose an
29 administrative penalty on a person who violates Article 9 of this Chapter, rules adopted
30 by the Commission pursuant to Article 9, or any order issued under Article 9. Each day of
31 a continuing violation shall constitute a separate violation. The penalty shall not exceed
32 five thousand dollars (\$5,000) per day in the case of a violation involving nonhazardous
33 waste. The penalty shall not exceed twenty-five thousand dollars (\$25,000) per day in
34 case of a first violation involving hazardous waste as defined in G.S. 130A-290 or
35 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in
36 a manner that results in medical waste entering waters or lands of the State; and shall not
37 exceed fifty thousand dollars (\$50,000) per day for a second or further violation
38 involving the disposal of medical waste as defined in G.S. 130A-290 in or upon water in
39 a manner that results in medical waste entering waters or lands of the State. If a person
40 fails to pay a civil penalty within 60 days after the final agency decision or court order
41 has been served on the violator, the Secretary of Environment and Natural Resources
42 shall request the Attorney General to institute a civil action in the superior court of any
43 county in which the violator resides or has his or its principal place of business to recover

1 the amount of the assessment. Such civil actions must be filed within three years of the
2 date the final agency decision or court order was served on the violator.

3 (a1) Part 5 of Article 21A of Chapter 143 of the General Statutes shall apply to the
4 determination of civil liability or penalty pursuant to subsection (a) of this section.

5 (b) The Secretary may impose an administrative penalty on a person who violates
6 G.S. 130A-325. Each day of a continuing violation shall constitute a separate violation.
7 The penalty shall not exceed twenty-five thousand dollars (\$25,000) for each day the
8 violation continues.

9 (b1) The Secretary may impose an administrative penalty on a person who violates
10 Article 19 of this Chapter or a rule adopted pursuant to that Article. Except as provided in
11 subsection (b2) of this section, the penalty shall not exceed one thousand dollars (\$1,000)
12 per day per violation. Until the Department has notified the person of the violation, a
13 continuing violation shall be treated as one violation. Each day thereafter of a continuing
14 violation shall be treated as a separate violation.

15 In determining the amount of a penalty under this subsection or subsection (b2) of this
16 section, the Secretary shall consider all of the following factors:

- 17 (1) The degree and extent of harm to the natural resources of the State, to
18 the public health, or to private property resulting from the violation.
- 19 (2) The duration and gravity of the violation.
- 20 (3) The effect on air quality.
- 21 (4) The cost of rectifying the damage.
- 22 (5) The amount of money the violator saved by noncompliance.
- 23 (6) The prior record of the violator in complying or failing to comply with
24 Article 19 of this Chapter or a rule adopted pursuant to that Article.
- 25 (7) The cost to the State of the enforcement procedures.
- 26 (8) If applicable, the size of the renovation and demolition involved in the
27 violation.

28 Administrative penalties imposed by the Secretary under this subsection or subsection
29 (b2) of this section shall be credited to the General Fund as nontax revenue.

30 (b2) The penalty for violations of the asbestos NESHAP for demolition and
31 renovation, as defined in G.S. 130A-444, shall not exceed ten thousand dollars (\$10,000)
32 per day per violation. Until the Department has provided the person with written
33 notification of the violation of the asbestos NESHAP for demolition and renovation that
34 describes the violation, recommends a general course of action, and establishes a time
35 frame in which to correct the violations, a continuing violation shall be treated as one
36 violation. Each day thereafter of a continuing violation shall be treated as a separate
37 violation. A violation of the asbestos NESHAP for demolition and renovation is not
38 considered to continue during the period a person who has received the notice of
39 violation is following the general course of action and complying with the time frame set
40 forth in the notice of violation.

41 (c) The Secretary of Environment and Natural Resources may impose an
42 administrative penalty on a person who willfully violates Article 11 of this Chapter, rules
43 adopted by the Commission pursuant to Article 11 or any condition imposed upon a

1 permit issued under Article 11. An administrative penalty may not be imposed upon a
2 person who establishes that neither the site nor the system may be improved or a new
3 system installed so as to comply with Article 11 of this Chapter. Each day of a continuing
4 violation shall constitute a separate violation. The penalty shall not exceed fifty dollars
5 (\$50.00) per day in the case of a wastewater collection, treatment and disposal system
6 with a design daily flow of no more than 480 gallons or in the case of any system serving
7 a single one-family dwelling. The penalty shall not exceed three hundred dollars
8 (\$300.00) per day in the case of a wastewater collection, treatment and disposal system
9 with a design daily flow of more than 480 gallons which does not serve a single one-
10 family dwelling.

11 (c1) The Secretary may impose a monetary penalty on a vendor who violates rules
12 adopted by the Commission pursuant to Article 13 of this Chapter when the Secretary
13 determines that disqualification would result in hardship to participants in the Women,
14 Infants, and Children (WIC) program. The penalty shall be calculated using the following
15 formula: multiply five percent (5%) times the average dollar amount of the vendor's
16 monthly redemptions of WIC food instruments for the 12-month period immediately
17 preceding disqualification, then multiply that product by the number of months of the
18 disqualification period determined by the Secretary.

19 (d) In determining the amount of the penalty in subsections (a), (b) and (c), the
20 Secretary and the Secretary of the Department of Environment and Natural Resources
21 shall consider the degree and extent of the harm caused by the violation and the cost of
22 rectifying the damage.

23 (e) A person contesting a penalty shall, by filing a petition pursuant to G.S. 150B-
24 23(a) not later than 30 days after receipt by the petitioner of the document which
25 constitutes agency action, be entitled to an administrative hearing and judicial review in
26 accordance with Chapter 150B of the General Statutes, the Administrative Procedure Act.

27 (f) The Commission shall adopt rules concerning the imposition of administrative
28 penalties under this section.

29 (g) The Secretary or the Secretary of Environment and Natural Resources may
30 bring a civil action in the superior court of the county where the violation occurred or
31 where the defendant resides to recover the amount of ~~the~~ an administrative penalty
32 authorized under this section whenever a person:

33 (1) Who has not requested an administrative hearing in accordance with
34 subsection (e) of this section fails to pay the penalty within 60 days after
35 being notified of the penalty; or

36 (2) Who has requested an administrative hearing fails to pay the penalty
37 within 60 days after service of a written copy of the final agency
38 decision.

39 (h) A local health director may impose an administrative penalty on any person
40 who willfully violates the wastewater collection, treatment, and disposal rules of the local
41 board of health adopted pursuant to G.S. 130A-335(c) or who willfully violates a
42 condition imposed upon a permit issued under the approved local rules. An
43 administrative penalty may not be imposed upon a person who establishes that neither the

1 site nor the system may be improved or a new system installed so as to comply with
2 Article 11 of this Chapter. The local health director shall establish and recover the
3 amount of the administrative penalty in accordance with subsections (d) and (g). Each
4 day of a continuing violation shall constitute a separate violation. The penalty shall not
5 exceed fifty dollars (\$50.00) per day in the case of a wastewater collection, treatment and
6 disposal system with a design daily flow of no more than 480 gallons or in the case of
7 any system serving a single one-family dwelling. The penalty shall not exceed three
8 hundred dollars (\$300.00) per day in the case of a wastewater collection, treatment and
9 disposal system with a design daily flow of more than 480 gallons which does not serve a
10 single one-family dwelling. A person contesting a penalty imposed under this subsection
11 shall be entitled to an administrative hearing and judicial review in accordance with G.S.
12 130A-24. A local board of health shall adopt rules concerning the imposition of
13 administrative penalties under this subsection."

14 Section 65. G.S. 130A-23 reads as rewritten:

15 "**§ 130A-23. Suspension and revocation of permits and program participation.**

16 (a) The Secretary may suspend or revoke a permit issued under this Chapter upon
17 a finding that a violation of the applicable provisions of this Chapter, the rules of the
18 Commission or a condition imposed upon the permit has occurred. A permit may also be
19 suspended or revoked upon a finding that its issuance was based upon incorrect or
20 inadequate information that materially affected the decision to issue the permit.

21 (b) The Secretary may suspend or revoke a person's participation in a program
22 administered under this Chapter upon a finding that a violation of the applicable
23 provisions of this Chapter or the rules of the Commission has occurred. Program
24 participation may also be suspended or revoked upon a finding that participation was
25 based upon incorrect or inadequate information that materially affected the decision to
26 grant program participation.

27 (c) A person shall be given notice that there has been a tentative decision to
28 suspend or revoke the permit or program participation and that an administrative hearing
29 will be held in accordance with Chapter 150B of the General Statutes, the Administrative
30 Procedure Act, at which time the person may challenge the tentative decision.

31 (d) A permit shall be suspended or revoked immediately if a violation of the
32 Chapter, the rules or a condition imposed upon the permit presents an imminent hazard.
33 An operation permit issued pursuant to G.S. 130A-281 shall be immediately suspended
34 for failure of a public swimming pool to maintain minimum water quality or safety
35 standards or design and construction standards pertaining to the abatement of suction
36 hazards which result in an unsafe condition. A permit issued pursuant to G.S. 130A-248
37 shall be revoked immediately for failure of an establishment to maintain a minimum
38 grade of C. The Secretary shall immediately give notice of the suspension or revocation
39 and the right of the permit holder or program participant to appeal the suspension or
40 revocation under G.S. 150B-23.

41 (e) The Secretary of Environment and Natural Resources shall have all of the
42 applicable rights enumerated in this section to enforce the provisions of Articles 9 and 11
43 of this Chapter."

1 Section 66. G.S. 130A-24 reads as rewritten:

2 **"§ 130A-24. Appeals procedure.**

3 (a) Appeals concerning the enforcement of rules adopted by the Commission,
4 concerning the suspension and revocation of permits and program participation by the
5 Secretary and concerning the imposition of administrative penalties by the Secretary shall
6 be governed by Chapter 150B of the General Statutes, the Administrative Procedure Act.

7 (a1) Any person appealing an action taken by the Department pursuant to this
8 Chapter or rules of the Commission shall file a petition for a contested case with the
9 Office of Administrative Hearings as provided in G.S. 150B-23(a). The petition shall be
10 filed not later than 30 days after notice of the action which confers the right of appeal
11 unless a federal statute or regulation provides for a different time limitation. The time
12 limitation imposed under this subsection shall commence when notice of the agency
13 decision is given to all persons aggrieved. Such notice shall be provided to all persons
14 known to the agency by personal delivery or by the placing of notice in an official
15 depository of the United States Postal Service addressed to the person at the latest address
16 provided to the agency by the person.

17 (b) Appeals concerning the enforcement of rules adopted by the local board of
18 health and concerning the imposition of administrative penalties by a local health director
19 shall be conducted in accordance with subsections (b), (c) and (d) of this section. The
20 aggrieved person shall give written notice of appeal to the local health director within 30
21 days of the challenged action. The notice shall contain the name and address of the
22 aggrieved person, a description of the challenged action and a statement of the reasons
23 why the challenged action is incorrect. Upon filing of the notice, the local health director
24 shall, within five working days, transmit to the local board of health the notice of appeal
25 and the papers and materials upon which the challenged action was taken.

26 (c) The local board of health shall hold a hearing within 15 days of the receipt of
27 the notice of appeal. The board shall give the person not less than 10 days' notice of the
28 date, time and place of the hearing. On appeal, the board shall have authority to affirm,
29 modify or reverse the challenged action. The local board of health shall issue a written
30 decision based on the evidence presented at the hearing. The decision shall contain a
31 concise statement of the reasons for the decision.

32 (d) A person who wishes to contest a decision of the local board of health under
33 subsection (b) of this section shall have a right of appeal to the district court having
34 jurisdiction within 30 days after the date of the decision by the board. The scope of
35 review in district court shall be the same as in G.S. 150B-51.

36 (e) The appeals procedures enumerated in this section shall apply to appeals
37 concerning the enforcement of rules, the imposition of administrative penalties, or any
38 other action taken by the Department of Environment and Natural Resources pursuant to
39 Articles 9 and 11 of this Chapter."

40 Section 67. G.S. 130A-26.1(d) reads as rewritten:

41 "(d) For the purposes of the felony provisions of this section, a person's state of
42 mind shall not be found 'knowingly and willfully' or 'knowingly' if the conduct that is the

1 subject of the prosecution is the result of any of the following occurrences or
2 circumstances:

- 3 (1) A natural disaster or other act of God which could not have been
4 prevented or avoided by the exercise of due care or foresight.
- 5 (2) An act of third parties other than agents, employees, contractors, or
6 subcontractors of the defendant.
- 7 (3) An act done in reliance on the written advice or emergency on-site
8 direction of an employee of the ~~Department~~ Department of
9 Environment and Natural Resources. In emergencies, oral advice may
10 be relied upon if written confirmation is delivered to the employee as
11 soon as practicable after receiving and relying on the advice.
- 12 (4) An act causing no significant harm to the environment or risk to the
13 public health, safety, or welfare and done in compliance with other
14 conflicting environmental requirements or other constraints imposed in
15 writing by environmental agencies or officials after written notice is
16 delivered to all relevant agencies that the conflict exists and will cause a
17 violation of the identified standard.
- 18 (5) Violations of permit limitations causing no significant harm to the
19 environment or risk to the public health, safety, or welfare for which no
20 enforcement action or civil penalty could have been imposed under any
21 written civil enforcement guidelines in use by the ~~Department~~
22 Department of Environment and Natural Resources at the time,
23 including but not limited to, guidelines for the pretreatment permit civil
24 penalties. This subdivision shall not be construed to require the
25 ~~Department~~ Department of Environment and Natural Resources to
26 develop or use written civil enforcement guidelines."

27 Section 68. G.S. 130A-27 reads as rewritten:

28 **"§ 130A-27. Recovery of money.**

29 The Secretary ~~or the Secretary of Environment and Natural Resources~~ may institute
30 an action in the county where the action arose or the county where the defendant resides
31 to recover any money, other property or interest in property or the monetary value of
32 goods or services provided or paid for by the Department ~~or the Department of~~
33 Environment and Natural Resources which are wrongfully paid or transferred to a person
34 under a program administered by the Department ~~or the Department of Environment and~~
35 Natural Resources pursuant to this Chapter."

36 Section 69. G.S. 130A-33.30 reads as rewritten:

37 **"§ 130A-33.30. Commission of Anatomy – creation; powers and duties.**

38 There is ~~hereby~~ created the Commission of Anatomy ~~of~~ in the Department ~~of~~
39 ~~Environment, Health, and Natural Resources~~ with the power and duty to adopt rules for
40 the distribution of dead human bodies and parts thereof for the purpose of promoting the
41 study of anatomy in the State of North Carolina. The Commission ~~is authorized to~~ may
42 receive dead bodies pursuant to G.S. 130A-415 and to be a donee of a body or parts
43 thereof pursuant to Part 3, Article 16 of Chapter 130A of the General Statutes known as

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

3 Section 70. G.S. 130A-33.31 reads as rewritten:

4 **"§ 130A-33.31. Commission of Anatomy – Members; selection; term; chairman;
5 quorum; meetings.**

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

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

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

22 (d) The Commission shall elect a ~~chairman~~ chair annually from its own
23 membership.

24 (e) A majority of the Commission shall constitute a quorum for the transaction of
25 business.

26 (f) The Commission shall meet at any time and place within the State at the call of
27 the ~~chairman~~ chair or upon the written request of three members.

28 (g) All clerical and other services required by the Commission shall be supplied by
29 the ~~Secretary of Environment, Health, and Natural Resources~~ Secretary."

30 Section 71. G.S. 130A-33.40 reads as rewritten:

31 **"§ 130A-33.40. Governor's Council on Physical Fitness and Health – creation;
32 powers; duties.**

33 There is hereby created the Governor's Council on Physical Fitness and Health in the
34 ~~Department of Environment, Health, and Natural Resources~~ Department. The Council
35 shall have the following functions and duties:

36 (1) To promote interest in the area of physical fitness; to consider the need
37 for new State programs in the field of physical fitness; to enlist the
38 active support of individual citizens, professional and civic groups,
39 amateur and professional athletes, voluntary organizations, State and
40 local government agencies, private industry and business, and
41 community recreation programs in efforts to improve the physical
42 fitness and ~~thereby~~ the health of the citizens of North Carolina;

- 1 (2) To examine current programs of physical fitness available to the people
2 of North Carolina, and to make recommendations to the Governor for
3 coordination of programs to prevent duplication of such services; to
4 support programs of physical fitness in the public school systems; to
5 develop cooperative programs with medical, dental, and other groups; to
6 maintain a liaison with government, private and other agencies
7 concerning physical fitness programs; to stimulate research in the area
8 of physical fitness; to sponsor physical fitness workshops, clinics,
9 conferences, and other related activities pertaining to physical fitness
10 throughout the State;
- 11 (3) To serve as an agency for recognizing outstanding developments,
12 contributions, and achievements in physical fitness in North Carolina;
- 13 (3a) To serve as the North Carolina sanctioning body for the State Games
14 and for other competitive athletic events for which sanctioning by the
15 State is required; and
- 16 (4) To make an annual report to the Governor and to the ~~Secretary of~~
17 ~~Environment, Health, and Natural Resources, Secretary,~~ including
18 ~~therein~~ suggestions and recommendations for the furtherance of the
19 physical fitness of the people of North Carolina."

20 Section 72. G.S. 130A-33.41 reads as rewritten:

21 **"§ 130A-33.41. The Governor's Council on Physical Fitness and Health – members;**
22 **selection; quorum; compensation.**

23 The Governor's Council on Physical Fitness in the Department of ~~Environment,~~
24 ~~Health, and Natural Resources~~ shall consist of 10 members, including a ~~chairman.~~ chair.

- 25 (1) The composition of the Council shall be as follows: one member of the
26 Senate appointed by the President Pro Tempore of the Senate, and one
27 member of the House of Representatives appointed by the Speaker of
28 the House of Representatives, and eight persons from the health care
29 professions, the fields of business and industry, physical education,
30 recreation, sports and the general public. The eight nonlegislative
31 members of the Council shall be appointed by the Governor to serve at
32 ~~his~~ the Governor's pleasure.
- 33 (2) The eight initial nonlegislative members of the Council shall be
34 appointed ~~thusly:~~ as follows: two for a term of one year, two for a term
35 of two years, two for a term of three years, two for a term of four years.
36 At 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 qualified
41 person appointed by the Governor for the balance of the 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 serve
3 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. 138-
6 5 or 138-6, or travel and subsistence expenses under G.S. 120-3.1, as
7 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 Section 73. G.S. 130A-33.43 reads as rewritten:

12 **"§ 130A-33.43. Minority Health Advisory Council.**

13 There is established the Minority Health Advisory Council in the ~~Department of~~
14 ~~Environment, Health, and Natural Resources.~~ Department. The Council shall have the
15 following duties and responsibilities:

- 16 (1) To make recommendations to the Governor and the Secretary of
17 ~~Environment, Health, and Natural Resources~~ aimed at improving the
18 health status of North Carolina's minority populations;
- 19 (2) To identify and examine the limitations and problems associated with
20 existing laws, regulations, programs and services related to the health
21 status of North Carolina's minority populations;
- 22 (3) To examine the financing and access to health services for North
23 Carolina's minority populations;
- 24 (4) To identify and review health promotion and disease prevention
25 strategies relating to the leading causes of death and disability among
26 minority populations; and
- 27 (5) To advise the Governor and the Secretary of ~~Environment, Health, and~~
28 ~~Natural Resources~~ upon any matter which the Governor or Secretary
29 may refer to it."

30 Section 74. G.S. 130A-33.44 reads as rewritten:

31 **"§ 130A-33.44. Minority Health Advisory Council – members; selection; quorum;
32 compensation.**

33 (a) The Minority Health Advisory Council in the ~~Department of Environment,~~
34 ~~Health, and Natural Resources~~ shall consist of 15 members to be appointed as follows:

- 35 (1) Five members shall be appointed by the Governor. Members appointed
36 by the Governor shall be representatives of the following: health care
37 providers, public health, health related public and private agencies and
38 organizations, community-based organizations, and human ~~resources~~
39 services agencies and organizations.
- 40 (2) Five members shall be appointed by the Speaker of the House of
41 Representatives, two of whom shall be members of the House of
42 Representatives, and at least one of whom shall be a public member.

1 The remainder of the Speaker's appointees shall be representative of any
2 of the entities named in subdivision (1) of this ~~section~~-subsection.

3 (3) Five members shall be appointed by the President Pro Tempore of the
4 Senate, two of whom shall be members of the Senate, and at least one of
5 whom shall be a public member. The remainder of the President Pro
6 Tempore's appointees shall be representative of any of the entities
7 named in subdivision (1) of this ~~section~~-subsection.

8 (4) Of the members appointed by the Governor, two shall serve initial terms
9 of one year, two shall serve initial terms of two years, and one shall
10 serve an initial term of three years. Thereafter, the Governor's
11 appointees shall serve terms of four years.

12 (5) Of the nonlegislative members appointed by the Speaker of the House
13 of Representatives, two shall serve initial terms of two years, and one
14 shall serve an initial term of three years. Thereafter, nonlegislative
15 members appointed by the Speaker of the House of Representatives
16 shall serve terms of four years. Of the nonlegislative members
17 appointed by the President Pro Tempore of the Senate, two shall serve
18 initial terms of two years, and one shall serve an initial term of three
19 years. Thereafter, nonlegislative members appointed by the President
20 Pro Tempore of the Senate shall serve terms of four years. Legislative
21 members of the Council shall serve two-year terms.

22 (b) The Chairperson of the Council shall be elected by the Council from among its
23 membership.

24 (c) The majority of the Council shall constitute a quorum for the transaction of
25 business.

26 (d) Members of the Council shall receive per diem and necessary travel and
27 subsistence expenses in accordance with the provisions of G.S. 138-5 or G.S. 138-6, or
28 travel and subsistence expenses in accordance with the provisions of G.S. 120-3.1, as
29 applicable.

30 (e) All clerical support and other services required by the Council shall be
31 provided by the ~~Department of Environment, Health, and Natural Resources~~-
32 Department."

33 Section 75. G.S. 130A-33.50 reads as rewritten:

34 "**§ 130A-33.50. Advisory Committee on Cancer Coordination and Control**
35 **established; membership, compensation.**

36 (a) The Advisory Committee on Cancer Coordination and Control is ~~created~~
37 established in the ~~Department of Environment, Health, and Natural Resources~~-
38 Department.

39 (b) The Committee shall have 24 members, including the Secretary of the
40 ~~Department of Environment, Health, and Natural Resources, who shall chair the~~
41 Committee or the Secretary's designee. The members of the Committee shall elect a
42 chair and vice-chair from among the Committee membership. The Committee shall meet
43 at the call of the chair. Six of the members shall be legislators, three of whom shall be

1 appointed by the Speaker of the House of Representatives, and three of whom shall be
2 appointed by the President Pro Tempore of the Senate. Two of the members shall be
3 cancer survivors, one of whom shall be appointed by the Speaker of the House of
4 Representatives, and one of whom shall be appointed by the President Pro Tempore of
5 the Senate. The remainder of the members shall be appointed by the Governor as
6 follows:

- 7 (1) One member from the Department of ~~Environment, Health,~~
8 Environment and Natural Resources;
- 9 (2) Three members, one from each of the following: the ~~Department of~~
10 ~~Human Resources, Department,~~ the Department of Public Instruction,
11 and the North Carolina Community College System;
- 12 (3) Four members representing the cancer control programs at North
13 Carolina medical schools, one from each of the following: the
14 University of North Carolina at Chapel Hill School of Medicine, the
15 Bowman Gray School of Medicine, the Duke University School of
16 Medicine, and the East Carolina University School of Medicine;
- 17 (4) One member who is an oncology nurse representing the North Carolina
18 Nurses Association;
- 19 (5) One member representing the Cancer Committee of the North Carolina
20 Medical Society;
- 21 (6) One member representing the Old North State Medical Society;
- 22 (7) One member representing the American Cancer Society, North Carolina
23 Division, Inc.;
- 24 (8) One member representing the North Carolina Hospital Association;
- 25 (9) One member representing the North Carolina Association of Local
26 Health Directors;
- 27 (10) One member who is a primary care physician licensed to practice
28 medicine in North Carolina.

29 Except for the ~~Secretary of the Department of Environment, Health, and Natural~~
30 ~~Resources, Secretary,~~ the members shall be appointed for staggered four-year terms and
31 until their successors are appointed and qualify. However, the following appointees shall
32 serve initial two-year terms: two of the legislators appointed by the Speaker of the House
33 of Representatives; one of the legislators appointed by the President Pro Tempore of the
34 Senate; the cancer survivor appointed by the President Pro Tempore of the Senate; and
35 the members representing the ~~Department of Human Resources, Department,~~ the
36 Department of Public Instruction, the University of North Carolina at Chapel Hill School
37 of Medicine, the Bowman Gray School of Medicine, the Cancer Committee of the North
38 Carolina Medical Society, the Old North State Medical Society, the North Carolina
39 Hospital Association, and the North Carolina Association of Local Health Directors. The
40 Governor may remove any member of the Committee from office in accordance with the
41 provisions of G.S. 143B-13. Members may succeed themselves for one term and may be
42 appointed again after being off the Committee for one term.

1 (c) The Speaker of the House of Representatives, the President Pro Tempore of the
2 Senate, and the Governor shall make their appointments to the Committee not later than
3 30 days after the adjournment of the 1993 Regular Session of the General Assembly. A
4 vacancy on the Committee shall be filled by the original appointing authority, using the
5 criteria set out in this section for the original appointment.

6 (d) To the extent that funds are made available, members of the Committee shall
7 receive per diem and necessary travel and subsistence expenses in accordance with G.S.
8 138-5.

9 (e) A majority of the Committee shall constitute a quorum for the transaction of its
10 business.

11 (f) The Committee may use funds allocated to it to employ an administrative staff
12 person to assist the Committee in carrying out its duties. The Secretary of ~~Environment,
13 Health, and Natural Resources~~ shall provide clerical and other support staff services
14 needed by the Committee."

15 Section 76. G.S. 130A-131.2 reads as rewritten:

16 "**§ 130A-131.2. Council role.**

17 The Council shall advise the Department of ~~Environment, Health, and Natural
18 Resources~~ and the Commission for Health Services on the needs of persons with sickle
19 cell syndrome, and shall make recommendations to meet these needs. Such
20 recommendations shall include but not be limited to recommendations for legislative
21 action and for rules regarding the services of the Sickle Cell Program. The Council shall
22 develop procedures to facilitate its operation. All clerical and other services required by
23 the Council shall be furnished by the Department of ~~Environment, Health, and Natural
24 Resources~~ within budget limitations."

25 Section 77. G.S. 130A-131.15(c) reads as rewritten:

26 "(c) The Department shall evaluate all of the adolescent pregnancy prevention
27 projects funded as a result of this program at least yearly and shall report its findings to
28 the Commission for Health Services, the Joint Legislative Commission on Governmental
29 Operations, and the Chairmen of the House Appropriations Subcommittee on ~~Natural and
30 Economic Resources, Health and Human Services~~, and the Senate Appropriations
31 Committee on ~~Natural and Economic Resources-Health and Human Services~~ by April 1
32 of each year. The evaluation shall be conducted by a firm or individual external to the
33 Department. Any evaluation of these projects shall include a study of the effectiveness of
34 the project in reducing the pregnancy rate within the target population."

35 Section 78. G.S. 130A-231 reads as rewritten:

36 "**§ 130A-231. Agreements between the State Health Director and the Division of
37 Marine Fisheries.**

38 Nothing in this Part is intended to limit the authority of the Division of Marine
39 Fisheries of the Department of Environment and Natural Resources to regulate aspects of
40 the harvesting, processing and handling of scallops, shellfish and crustacea relating to
41 conservation of the fisheries resources of the State. The State Health Director and the
42 Division of Marine Fisheries are authorized to enter into agreements respecting the duties

1 and responsibilities of each agency as to the harvesting, processing and handling of
2 scallops, shellfish and crustacea."

3 Section 79. G.S. 130A-235 reads as rewritten:

4 **"§ 130A-235. Regulation of sanitation in institutions.**

5 For protection of the public health, the Commission shall adopt rules to establish
6 sanitation requirements for all institutions and facilities at which individuals are provided
7 room or board and for which a license to operate is required to be obtained or a certificate
8 for payment is obtained from the ~~Department of Human Resources~~. Department. The
9 rules shall also apply to facilities that provide room and board to individuals but are
10 exempt from licensure under G.S. 131D-10.4(1). No other State agency may adopt rules
11 to establish sanitation requirements for these institutions and facilities. The Department
12 ~~of Human Resources~~ shall issue a license to operate or a certificate for payment to such
13 an institution or facility only upon compliance with all applicable sanitation rules of the
14 Commission, and the Department ~~of Human Resources~~ may suspend or revoke a license
15 or a certificate for payment for violation of these rules. In adopting rules pursuant to this
16 section, the Commission shall define categories of standards to which such institutions
17 and facilities shall be subject and shall establish criteria for the placement of any such
18 institution or facility into one of the categories. This section shall not apply to State
19 institutions and facilities subject to inspection under G.S. 130A-5(10)."

20 Section 80. G.S. 130A-280 reads as rewritten:

21 **"§ 130A-280. Scope.**

22 This Article provides for the regulation of public swimming pools in the State as they
23 may affect the public health and safety. As used in this Article, the term 'public
24 swimming pool' means any structure, chamber, or tank containing an artificial body of
25 water used by the public for swimming, diving, wading, recreation, or therapy, together
26 with buildings, appurtenances, and equipment used in connection with the body of water,
27 regardless of whether a fee is charged for its use. The term includes municipal, school,
28 hotel, motel, apartment, boarding house, athletic club, or other membership facility pools
29 and spas. This Article does not apply to a private pool serving a single family dwelling
30 and used only by the residents of the dwelling and their guests. This Article also does not
31 apply to therapeutic pools used in physical therapy programs operated by medical
32 facilities licensed by the Department ~~of Human Resources~~—or operated by a licensed
33 physical therapist, nor to therapeutic chambers drained, cleaned, and refilled after each
34 individual use."

35 Section 81. G.S. 130A-290(a) reads as rewritten:

36 "(a) Unless a different meaning is required by the context, the following definitions
37 shall apply throughout this Article:

- 38 (1) CERCLA/SARA' means the Comprehensive Environmental Response,
39 Compensation, and Liability Act of 1980, Pub. L. No. 96-510, 94 Stat.
40 2767, 42 U.S.C. § 9601 et seq., as amended, and the Superfund
41 Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, 100
42 Stat. 1613, as amended.

- 1 (1a) 'Chemical or portable toilet' means a self-contained mobile toilet facility
2 and holding tank and includes toilet facilities in recreational vehicles.
- 3 (1b) 'Chlorofluorocarbon refrigerant' means any of the following when used
4 as a liquid heat transfer agent in a mechanical refrigeration system:
5 carbon tetrachloride, chlorofluorocarbons, halons, or methyl
6 chloroform.
- 7 (2) 'Closure' means the cessation of operation of a solid waste management
8 facility and the act of securing the facility so that it will pose no
9 significant threat to human health or the environment.
- 10 (3) 'Commercial' when applied to a hazardous waste facility, means a
11 hazardous waste facility that accepts hazardous waste from the general
12 public or from another person for a fee.
- 13 (4) 'Construction' or 'demolition' when used in connection with 'waste' or
14 'debris' means solid waste resulting solely from construction,
15 remodeling, repair, or demolition operations on pavement, buildings, or
16 other structures, but does not include inert debris, land-clearing debris
17 or yard debris.
- 18 (4a) 'Department' means the Department of Environment and Natural
19 Resources.
- 20 (5) Repealed by Session Laws 1995 (Regular Session, 1996), c. 594, s. 1.
- 21 (6) 'Disposal' means the discharge, deposit, injection, dumping, spilling,
22 leaking or placing of any solid waste into or on any land or water so that
23 the solid waste or any constituent part of the solid waste may enter the
24 environment or be emitted into the air or discharged into any waters,
25 including groundwaters.
- 26 (7) 'Garbage' means all putrescible wastes, including animal offal and
27 carcasses, and recognizable industrial by-products, but excluding
28 sewage and human waste.
- 29 (8) 'Hazardous waste' means a solid waste, or combination of solid wastes,
30 which because of its quantity, concentration or physical, chemical or
31 infectious characteristics may:
32 a. Cause or significantly contribute to an increase in mortality or an
33 increase in serious irreversible or incapacitating reversible
34 illness; or
35 b. Pose a substantial present or potential hazard to human health or
36 the environment when improperly treated, stored, transported,
37 disposed of or otherwise managed.
- 38 (9) 'Hazardous waste facility' means a facility for the collection, storage,
39 processing, treatment, recycling, recovery, or disposal of hazardous
40 waste.
- 41 (10) 'Hazardous waste generation' means the act or process of producing
42 hazardous waste.

- 1 (11) 'Hazardous waste disposal facility' means any facility or any portion of a
2 facility for disposal of hazardous waste on or in land in accordance with
3 rules adopted under this Article.
- 4 (12) 'Hazardous waste management' means the systematic control of the
5 collection, source separation, storage, transportation, processing,
6 treatment, recovery and disposal of hazardous wastes.
- 7 (13) 'Hazardous waste management program' means the program and
8 activities within the Department pursuant to Part 2 of this Article, for
9 hazardous waste management.
- 10 (13a) 'Industrial solid waste' means solid waste generated by manufacturing or
11 industrial processes that is not hazardous waste.
- 12 (14) 'Inert debris' means solid waste which consists solely of material that is
13 virtually inert and that is likely to retain its physical and chemical
14 structure under expected conditions of disposal.
- 15 (15) 'Land-clearing debris' means solid waste which is generated solely from
16 land-clearing activities.
- 17 (16) 'Landfill' means a disposal facility or part of a disposal facility where
18 waste is placed in or on land and which is not a land treatment facility, a
19 surface impoundment, an injection well, a hazardous waste long-term
20 storage facility or a surface storage facility.
- 21 (17) 'Manifest' means the form used for identifying the quantity, composition
22 and the origin, routing and destination of hazardous waste during its
23 transportation from the point of generation to the point of disposal,
24 treatment or storage.
- 25 (18) 'Medical waste' means any solid waste which is generated in the
26 diagnosis, treatment, or immunization of human beings or animals, in
27 research pertaining thereto, or in the production or testing of biologicals,
28 but does not include any hazardous waste identified or listed pursuant to
29 this Article, radioactive waste, household waste as defined in 40 Code
30 of Federal Regulations § 261.4(b)(1) in effect on 1 July 1989, or those
31 substances excluded from the definition of 'solid waste' in this section.
- 32 (18a) 'Municipal solid waste' means any solid waste resulting from the
33 operation of residential, commercial, industrial, governmental, or
34 institutional establishments that would normally be collected, processed,
35 and disposed of through a public or private solid waste management
36 service. Municipal solid waste does not include hazardous waste,
37 sludge, industrial waste managed in a solid waste management facility
38 owned and operated by the generator of the industrial waste for
39 management of that waste, or solid waste from mining or agricultural
40 operations.
- 41 (18b) 'Municipal solid waste management facility' means any publicly or
42 privately owned solid waste management facility permitted by the

- 1 Department that receives municipal solid waste for processing,
2 treatment, or disposal.
- 3 (19) 'Natural resources' means all materials which have useful physical or
4 chemical properties which exist, unused, in nature.
- 5 (20) 'Open dump' means a solid waste disposal site which is not a sanitary
6 landfill.
- 7 (21) 'Operator' means any person, including the owner, who is principally
8 engaged in, and is in charge of, the actual operation, supervision, and
9 maintenance of a solid waste management facility and includes the
10 person in charge of a shift or periods of operation during any part of the
11 day.
- 12 (22) 'Person' means an individual, corporation, company, association,
13 partnership, unit of local government, State agency, federal agency or
14 other legal entity.
- 15 (23) 'Processing' means any technique designed to change the physical,
16 chemical, or biological character or composition of any solid waste so
17 as to render it safe for transport; amenable to recovery, storage or
18 recycling; safe for disposal; or reduced in volume or concentration.
- 19 (24) 'Recovered material' means a material that has known recycling
20 potential, can be feasibly recycled, and has been diverted or removed
21 from the solid waste stream for sale, use, or reuse. In order to qualify as
22 a recovered material, a material must meet the requirements of G.S.
23 130A-309.05(c).
- 24 (25) 'RCRA' means the Resource Conservation and Recovery Act of 1976,
25 Pub. L. 94-580, 90 Stat. 2795, 42 U.S.C. § 6901 et seq., as amended.
- 26 (26) 'Recyclable material' means those materials which are capable of being
27 recycled and which would otherwise be processed or disposed of as
28 solid waste.
- 29 (27) 'Recycling' means any process by which solid waste, or materials which
30 would otherwise become solid waste, are collected, separated, or
31 processed, and reused or returned to use in the form of raw materials or
32 products.
- 33 (28) 'Refuse' means all nonputrescible waste.
- 34 (28a) 'Refuse-derived fuel' means fuel that consists of municipal solid waste
35 from which recyclable and noncombustible materials are removed so
36 that the remaining material is used for energy production.
- 37 (29) 'Resource recovery' means the process of obtaining material or energy
38 resources from discarded solid waste which no longer has any useful life
39 in its present form and preparing the solid waste for recycling.
- 40 (30) 'Reuse' means a process by which resources are reused or rendered
41 usable.

- 1 (31) 'Sanitary landfill' means a facility for disposal of solid waste on land in
2 a sanitary manner in accordance with the rules concerning sanitary
3 landfills adopted under this Article.
- 4 (31a) 'Secretary' means the Secretary of Environment and Natural Resources.
- 5 (32) 'Septage' means solid waste that is a fluid mixture of untreated and
6 partially treated sewage solids, liquids, and sludge of human or
7 domestic origin which is removed from a wastewater system. The term
8 septage includes the following:
- 9 a. Domestic septage, which is either liquid or solid material
10 removed from a septic tank, cesspool, portable toilet, Type III
11 marine sanitation device, or similar treatment works receiving
12 only domestic sewage. Domestic septage does not include liquid
13 or solid material removed from a septic tank, cesspool, or similar
14 treatment works receiving either commercial wastewater or
15 industrial wastewater and does not include grease removed from
16 a grease trap at a restaurant.
- 17 b. Domestic treatment plant septage, which is solid, semisolid, or
18 liquid residue generated during the treatment of domestic sewage
19 in a treatment works where the designed disposal is subsurface.
20 Domestic treatment plant septage includes, but is not limited to,
21 scum or solids removed in primary, secondary, or advanced
22 wastewater treatment processes and a material derived from
23 domestic treatment plant septage. Domestic treatment plant
24 septage does not include ash generated during the firing of
25 domestic treatment plant septage in an incinerator or grit and
26 screenings generated during preliminary treatment of domestic
27 sewage in a treatment works.
- 28 c. Grease septage, which is material pumped from grease
29 interceptors, separators, traps, or other appurtenances used for the
30 purpose of removing cooking oils, fats, grease, and food debris
31 from the waste flow generated from food handling, preparation,
32 and cleanup.
- 33 d. Industrial or commercial septage, which is material pumped from
34 septic tanks or other devices used in the collection, pretreatment,
35 or treatment of any water-carried waste resulting from any
36 process of industry, manufacture, trade, or business where the
37 design disposal of the wastewater is subsurface. Domestic
38 septage mixed with any industrial or commercial septage is
39 considered industrial or commercial septage.
- 40 e. Industrial or commercial treatment plant septage, which is solid,
41 semisolid, or liquid residue generated during the treatment of
42 sewage that contains any waste resulting from any process of
43 industry, manufacture, trade, or business in a treatment works

1 where the designed disposal is subsurface. Industrial or
2 commercial treatment plant septage includes, but is not limited
3 to, scum or solids removed in primary, secondary, or advanced
4 wastewater treatment processes and a material derived from
5 domestic treatment plant septage. Industrial or commercial
6 treatment plant septage does not include ash generated during the
7 firing of industrial or commercial treatment plant septage in an
8 incinerator or grit and screenings generated during preliminary
9 treatment of domestic sewage in a treatment works.

10 (33) 'Septage management firm' means a person engaged in the business of
11 pumping, transporting, storing, treating or disposing septage. The term
12 does not include public or community wastewater systems that treat or
13 dispose septage.

14 (34) 'Sludge' means any solid, semisolid or liquid waste generated from a
15 municipal, commercial, institutional or industrial wastewater treatment
16 plant, water supply treatment plant or air pollution control facility, or
17 any other waste having similar characteristics and effects.

18 (35) 'Solid waste' means any hazardous or nonhazardous garbage, refuse or
19 sludge from a waste treatment plant, water supply treatment plant or air
20 pollution control facility, domestic sewage and sludges generated by the
21 treatment thereof in sanitary sewage collection, treatment and disposal
22 systems, and other material that is either discarded or is being
23 accumulated, stored or treated prior to being discarded, or has served its
24 original intended use and is generally discarded, including solid, liquid,
25 semisolid or contained gaseous material resulting from industrial,
26 institutional, commercial and agricultural operations, and from
27 community activities. The term does not include:

28 a. Fecal waste from fowls and animals other than humans.

29 b. Solid or dissolved material in:

30 1. Domestic sewage and sludges generated by treatment
31 thereof in sanitary sewage collection, treatment and
32 disposal systems which are designed to discharge effluents
33 to the surface waters.

34 2. Irrigation return flows.

35 3. Wastewater discharges and the sludges incidental to and
36 generated by treatment which are point sources subject to
37 permits granted under Section 402 of the Water Pollution
38 Control Act, as amended (P.L. 92-500), and permits
39 granted under G.S. 143-215.1 by the Environmental
40 Management Commission. However, any sludges that
41 meet the criteria for hazardous waste under RCRA shall
42 also be a solid waste for the purposes of this Article.

- 1 c. Oils and other liquid hydrocarbons controlled under Article 21A
2 of Chapter 143 of the General Statutes. However, any oils or
3 other liquid hydrocarbons that meet the criteria for hazardous
4 waste under RCRA shall also be a solid waste for the purposes of
5 this Article.
- 6 d. Any source, special nuclear or byproduct material as defined by
7 the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011).
- 8 e. Mining refuse covered by the North Carolina Mining Act, G.S.
9 74-46 through 74-68 and regulated by the North Carolina Mining
10 Commission (as defined under G.S. 143B-290). However, any
11 specific mining waste that meets the criteria for hazardous waste
12 under RCRA shall also be a solid waste for the purposes of this
13 Article.
- 14 f. Recovered material.
- 15 (36) 'Solid waste disposal site' means any place at which solid wastes are
16 disposed of by incineration, sanitary landfill or any other method.
- 17 (37) 'Solid waste generation' means the act or process of producing solid
18 waste.
- 19 (38) 'Solid waste management' means purposeful, systematic control of the
20 generation, storage, collection, transport, separation, treatment,
21 processing, recycling, recovery and disposal of solid waste.
- 22 (39) 'Solid waste management facility' means land, personnel and equipment
23 used in the management of solid waste.
- 24 (40) 'Special wastes' means solid wastes that can require special handling and
25 management, including white goods, whole tires, used oil, lead-acid
26 batteries, and medical wastes.
- 27 (41) 'Storage' means the containment of solid waste, either on a temporary
28 basis or for a period of years, in a manner which does not constitute
29 disposal.
- 30 (41a) 'Tire-derived fuel' means a form of fuel derived from scrap tires.
- 31 (42) 'Treatment' means any method, technique or process, including
32 neutralization, designed to change the physical, chemical or biological
33 character or composition of any hazardous waste so as to neutralize such
34 waste or so as to render such waste nonhazardous, safer for transport,
35 amenable for recovery, amenable for storage or reduced in volume.
36 'Treatment' includes any activity or processing designed to change the
37 physical form or chemical composition of hazardous waste so as to
38 render it nonhazardous.
- 39 (43) 'Unit of local government' means a county, city, town or incorporated
40 village.
- 41 (44) 'White goods' includes refrigerators, ranges, water heaters, freezers, unit
42 air conditioners, washing machines, dishwashers, clothes dryers, and
43 other similar domestic and commercial large appliances.

1 (45) 'Yard trash' means solid waste consisting solely of vegetative matter
2 resulting from landscaping maintenance."

3 Section 82. G.S. 130A-334 reads as rewritten:

4 **"§ 130A-334. Definitions.**

5 The following definitions shall apply throughout this Article:

6 (1) 'Construction' means any work at the site of placement done for the
7 purpose of preparing a residence, place of business or place of public
8 assembly for initial occupancy, or subsequent additions or modifications
9 which increase sewage flow.

10 (1a) 'Department' means the Department of Environment and Natural
11 Resources.

12 (2) Repealed by Session Laws 1985, c. 462, s. 18.

13 (2a) 'Industrial process wastewater' means any water-carried waste resulting
14 from any process of industry, manufacture, trade, or business.

15 (3) 'Location' means the initial placement for occupancy of a residence,
16 place of business or place of public assembly.

17 (3a) 'Maintenance' means normal or routine maintenance including
18 replacement of broken pipes, cleaning, or adjustment to an existing
19 wastewater system.

20 (4), (5) Repealed by Session Laws 1985, c. 462, s. 18.

21 (6) 'Place of business' means a store, warehouse, manufacturing
22 establishment, place of amusement or recreation, service station, office
23 building or any other place where people work.

24 (7) 'Place of public assembly' means a fairground, auditorium, stadium,
25 church, campground, theater or any other place where people assemble.

26 (7a) 'Plat' means a property survey prepared by a registered land surveyor,
27 drawn to a scale of one inch equals no more than 60 feet, that includes:
28 the specific location of the proposed facility and appurtenances, the site
29 for the proposed wastewater system, and the location of water supplies
30 and surface waters. 'Plat' also means, for subdivision lots approved by
31 the local planning authority and recorded with the county register of
32 deeds, a copy of the recorded subdivision plat that is accompanied by a
33 site plan that is drawn to scale.

34 (7b) 'Pretreatment' means any biological, chemical, or physical process or
35 system for improving wastewater quality and reducing wastewater
36 constituents prior to final treatment and disposal in a subsurface
37 wastewater system and includes, but is not limited to aeration,
38 clarification, digestion, disinfection, filtration, separation, and settling.

39 (8) 'Public or community wastewater system' means a single system of
40 wastewater collection, treatment and disposal owned and operated by a
41 sanitary district, a metropolitan sewage district, a water and sewer
42 authority, a county or municipality or a public utility.

- 1 (9) 'Relocation' means the displacement of a residence or place of business
2 from one site to another.
- 3 (9a) 'Repair' means the extension, alteration, of a wastewater system.
- 4 (10) 'Residence' means a private home, dwelling unit in a multiple family
5 structure, hotel, motel, summer camp, labor work camp, manufactured
6 home, institution or any other place where people reside.
- 7 (10a) 'Secretary' means the Secretary of Environment and Natural Resources.
- 8 (11) Repealed by Session Laws 1992, c. 944, s. 3.
- 9 (12) 'Septic tank system' means a subsurface wastewater system consisting of
10 a settling tank and a subsurface disposal field.
- 11 (13) 'Sewage' means the liquid and solid human body waste and liquid waste
12 generated by water-using fixtures and appliances, including those
13 associated with foodhandling. The term does not include industrial
14 process wastewater or sewage that is combined with industrial process
15 wastewater.
- 16 (13a) 'Site plan' means a drawing not necessarily drawn to scale that shows
17 the existing and proposed property lines with dimensions, the location
18 of the facility and appurtenances, the site for the proposed wastewater
19 system, and the location of water supplies and surface waters.
- 20 (14) 'Wastewater' means any sewage or industrial process wastewater
21 discharged, transmitted, or collected from a residence, place of business,
22 place of public assembly, or other places into a wastewater system.
- 23 (15) 'Wastewater system' means a system of wastewater collection,
24 treatment, and disposal in single or multiple components, including a
25 privy, septic tank system, public or community wastewater system,
26 wastewater reuse or recycle system, mechanical or biological
27 wastewater treatment system, any other similar system, and any
28 chemical toilet used only for human waste."

29 Section 83. G.S. 130A-336(d) reads as rewritten:

30 "(d) If a local health department repeatedly fails to issue or deny improvement
31 permits for conventional septic tank systems within 60 days of receiving completed
32 applications for the permits, then the Department of ~~Environment, Health, and Natural~~
33 ~~Resources of Environment and Natural Resources~~ may withhold public health funding
34 from that local health department."

35 Section 84. G.S. 130A-342(c) reads as rewritten:

36 "(c) The performance of individual aerobic treatment plants is to be documented by
37 the counties and sent to the Department of ~~Environment, Health, and Natural Resources~~
38 annually."

39 Section 85. G.S. 130A-423 reads as rewritten:

40 **"§ 130A-423. North Carolina Childhood Vaccine-Related Injury Compensation**
41 **Program; exclusive remedy; relationship to federal law; subrogation.**

42 (a) There is established the North Carolina Childhood Vaccine-Related Injury
43 Compensation Program.

1 (b) The rights and remedies granted the claimant, the claimant's parent, guardian
2 ad litem, guardian, or personal representative shall exclude all other rights and remedies
3 of the claimant, his parent, guardian ad litem, guardian, or personal representative against
4 any respondent at common law or otherwise on account of ~~such~~-injury, illness, disability,
5 death, or condition. If ~~such~~-an action is filed, it shall be dismissed, with prejudice, on the
6 motion of any party under law.

7 (b1) A claimant may file a petition pursuant to this Article only after ~~such~~-the
8 claimant has filed an election pursuant to Section 2121 of the Public Health Service Act,
9 P.L. 99-660, permitting ~~such~~-the claimant to file a civil action for damages for a vaccine-
10 related injury or death or if ~~such~~-the claimant is otherwise permitted by federal law to file
11 an action against a vaccine manufacturer.

12 (c) Nothing in this Article prohibits any individual from bringing a civil action
13 against a vaccine manufacturer for damages for a vaccine-related injury or death if the
14 action is not barred by federal law under subtitle 2 of Title XXI of the Public Health
15 Service Act.

16 (d) If any action is brought against a vaccine manufacturer as permitted by subtitle
17 2 of Title XXI of the Public Health Service Act and subsection (c) of this section, the
18 plaintiff in the action may recover damages only to the extent permitted by subdivisions
19 (1) through (3) of subsection (a) of G.S. 130A-427. The aggregate amount awarded in
20 any ~~such~~-action may not exceed the limitation established by subsection (b) of G.S.
21 130A-427. Regardless of whether ~~such~~-an action is brought against a vaccine
22 manufacturer, a claimant who has filed an election pursuant to Section 2121 of the Public
23 Health Service Act, as enacted into federal law by Public Law 99-660, permitting ~~such~~-a
24 claimant to file a civil action for damages for a vaccine-related injury or death, or who is
25 otherwise permitted by federal law to file an action against a vaccine manufacturer, may
26 file a petition pursuant to G.S. 130A-425 to obtain services from the Department ~~and the~~
27 ~~Department of Human Resources~~ pursuant to subdivision (5) of subsection (a) of G.S.
28 130A-427 and, if no action has been brought against a vaccine manufacturer, to obtain
29 other relief available pursuant to G.S. 130A-427.

30 (e) In order to prevent recovery of duplicate damages, or the imposition of
31 duplicate liability, in the event that an individual seeks an award pursuant to G.S. 130A-
32 427 and also files suit against the manufacturer as permitted by subtitle 2 of Title XXI of
33 the Public Health Service Act and subsection (c) of this section, the following provisions
34 shall apply:

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

40 (2) If, at any time after an award is made to a claimant pursuant to G.S.
41 130A-427, an individual recovers damages for the same vaccine-related
42 injury from a manufacturer pursuant to a judgment or settlement, the
43 individual who recovers the damages shall reimburse the State for all

1 amounts previously recovered from the State in the prior proceeding.
2 Before a defendant in any action for a vaccine-related injury pays any
3 amount to a plaintiff to discharge a judgment or settlement, he shall
4 request from the Secretary ~~and the Secretary of Human Resources~~ a
5 statement itemizing any reimbursement owed by the plaintiff pursuant
6 to this subdivision, and, if any reimbursement is owed by the plaintiff to
7 ~~either department, the Department,~~ the defendant shall pay the
8 reimbursable amounts, as determined by ~~each~~ the Secretary, directly to
9 the ~~department to which such reimbursement is owed.~~ Department.
10 This payment shall discharge the plaintiff's obligations to the State
11 under this subdivision and any obligation the defendant may have to the
12 plaintiff with respect to these amounts.

13 (3) If:

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

29 (f) Subrogation claims pursued under the National Childhood Vaccine Injury Act
30 of 1986 shall be filed with the appropriate court, not with the Industrial Commission."

31 Section 86. G.S. 130A-427 reads as rewritten:

32 "**§ 130A-427. Commission awards for vaccine-related injuries; duties of Secretary.**

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

- 36 (1) Actual and projected reasonable expenses of medical care,
37 developmental evaluation, special education, vocational training,
38 physical, emotional or behavioral therapy, and residential and custodial
39 care and service expenses, that cannot be provided by the Department
40 ~~and the Department of Human Resources~~ pursuant to subdivision (5) of
41 this subsection;
42 (2) Loss of earnings and projected earnings, determined in accordance with
43 generally accepted actuarial principles;

- 1 (3) Noneconomic, general damages arising from pain, suffering, and
2 emotional distress;
- 3 (4) Reasonable attorneys fees;
- 4 (5) Needs that the Secretary ~~and the Secretary of Human Resources~~
5 determines on a case-by-case basis shall be met by medical, health,
6 developmental evaluation, special education, vocational training,
7 physical, emotional, or behavioral therapy, residential and custodial
8 care, and other essential and necessary services, to be provided the
9 injured party by the programs and services administered by the
10 ~~Department and the Department of Human Resources.~~ Department. The
11 Secretary ~~and the Secretary of Human Resources~~ shall develop an
12 itemized list of the service needs of the injured party upon review and
13 evaluation of the injured party's medical record and shall present it to
14 the Commission prior to the Commission's determination. In the event
15 that the Commission's award includes the provision of any of these
16 services, the Secretary ~~and the Secretary of Human Resources~~ shall
17 develop a comprehensive, coordinated plan for the delivery of these
18 services to the injured party. Notwithstanding any other provision of
19 State law, the Secretary ~~and the Secretary of Human Resources~~ shall
20 waive all eligibility criteria in determining eligibility for services
21 provided by the Department ~~and the Department of Human Resources~~
22 under the plan of care developed pursuant to this subdivision. If the
23 award includes any such services, these services shall be provided by
24 the Department ~~and the Department of Human Resources~~ free of any
25 cost to the injured party.

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

36 Section 87. G.S. 130A-430 reads as rewritten:

37 "**§ 130A-430. Right of State to bring action against health care provider and**
38 **manufacturer.**

39 (a) If the Industrial Commission makes an award for a claimant who it determines
40 has sustained a vaccine-related injury, the State may, within two years of the date the
41 Commission renders its decision, bring an action against the health care provider who
42 administered the vaccine on the ground that the health care provider was negligent in
43 administering the vaccine. Damages in an action brought under this section are limited to

1 the amount of the award made by the Commission plus the estimated present value of all
2 the services to be provided to the claimant by the Department ~~and the Department of~~
3 ~~Human Resources~~ under G.S. 130A-427.

4 (b) Manufacturer. – If the Industrial Commission makes an award for a claimant
5 who it determines has sustained a vaccine-related injury, the State may, within two years
6 of the date the Commission renders its decision, bring an action against the manufacturer
7 who made the vaccine on the ground that the vaccine was a defective product. Damages
8 in an action brought under this section are limited to the amount of the award made by
9 the Commission plus the estimated present value of all the services to be provided to the
10 claimant by the Department ~~and the Department of Human Resources~~ under G.S. 130A-
11 427, the reasonable costs of prosecuting the action, including, but not limited to,
12 attorneys fees, fees charged by witnesses, and costs of exhibits. For purposes of this
13 subsection, a defective product is a covered vaccine that was manufactured, transported,
14 or stored in a negligent manner, or was distributed after its expiration date, or that
15 otherwise violated the applicable requirements of any license, approval, or permit, or any
16 applicable standards or requirements issued under Section 351 of the Public Health
17 Service Act, as amended, or the federal Food, Drug, and Cosmetic Act, as these standards
18 or requirements were interpreted or applied by the federal agency charged with their
19 enforcement. The negligence or other action in violation of applicable federal standards
20 or requirements shall be demonstrated by the State, by a preponderance of the evidence,
21 to be the proximate cause of the injury for which an award was rendered pursuant to G.S.
22 130A-427, in order to allow recovery by the State against the manufacturer pursuant to
23 this subsection."

24 Section 88. G.S. 130A-434(b) reads as rewritten:

25 "(b) Should the Department find that the sum of appropriations and receipts is
26 insufficient to meet financial obligations incurred in the administration of this article,
27 appropriations and receipts in the Department ~~and in the Department of Human~~
28 ~~Resources~~ which would otherwise revert to the General Fund may be transferred to the
29 Child Vaccine Injury Compensation Fund in order to meet such obligations. The
30 Department may also budget anticipated receipts as needed to implement this article."

31 Section 89. G.S. 131D-10.3A reads as rewritten:

32 "**§ 131D-10.3A. Mandatory criminal checks of foster parents.**

33 (a) Effective January 1, 1996, the Department shall ensure that the criminal
34 histories of all foster parents are checked and a determination of the foster parent's fitness
35 to have responsibility for the safety and well-being of children based on the criminal
36 history is made. The Department shall ensure that, as of the effective date of this act, all
37 foster parents are checked for county, state, and federal criminal histories.

38 (b) The Department shall ensure that all foster parents who have been checked
39 pursuant to subsection (a) of this section are checked annually upon relicensure for
40 county and State criminal histories.

41 (c) The Department may prohibit a foster parent from providing foster care by
42 denying or revoking the license to provide foster care if the Department determines that

1 the foster parent is unfit to have responsibility for the safety and well-being of children
2 based on the criminal history.

3 (d) The Department of Justice shall provide to the Department of ~~Human~~
4 ~~Resources-Health and Human Services~~ the criminal history of the foster parent obtained
5 from the State and National Repositories of Criminal Histories as requested by the
6 Department. The Department shall provide to the Department of Justice, along with the
7 request, the fingerprints of the foster parent to be checked, any additional information
8 required by the Department of Justice, and a form consenting to the check of the criminal
9 record and to the use of fingerprints and other identifying information required by the
10 State or National Repositories signed by the foster parent to be checked. The fingerprints
11 of the foster parent shall be forwarded to the State Bureau of Investigation for a search of
12 the State's criminal history record file, and the State Bureau of Investigation shall forward
13 a set of fingerprints to the Federal Bureau of Investigation for a national criminal history
14 record check.

15 (e) At the time of application, the foster parent whose criminal history is to be
16 checked shall be furnished with a statement substantially similar to the following:

17
18 **'NOTICE**

19
20 **FOSTER PARENT**
21 **MANDATORY CRIMINAL HISTORY CHECK**

22
23 NORTH CAROLINA LAW REQUIRES THAT A CRIMINAL HISTORY
24 CHECK BE CONDUCTED ON ALL PERSONS WHO PROVIDE FOSTER
25 CARE IN A LICENSED FAMILY FOSTER HOME.

26 'Criminal history' includes any county, state, and federal convictions or
27 pending indictments of any crime, of any of the following crimes: the following
28 Articles of Chapter 14 of the General Statutes: Article 6, Homicide; Article 7A,
29 Rape and Kindred Offenses; Article 8, Assaults; Article 10, Kidnapping and
30 Abduction; Article 13, Malicious Injury or Damage by Use of Explosive or
31 Incendiary Device or Material; Article 26, Offenses Against Public Morality and
32 Decency; Article 27, Prostitution; Article 39, Protection of Minors; Article 40,
33 Protection of the Family; and Article 59, Public Intoxication; violation of the
34 North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General
35 Statutes, and alcohol-related offenses such as sale to underage persons in violation
36 of G.S. 18B-302 or driving while impaired in violation of G.S. 20-138.1 through
37 G.S. 20-138.5; or similar crimes under federal law or under the laws of other
38 states. Your fingerprints will be used to check the criminal history records of the
39 State Bureau of Investigation (SBI) and the Federal Bureau of Investigation (FBI).

40 If it is determined, based on your criminal history, that you are unfit to have
41 responsibility for the safety and well-being of children, you shall have the
42 opportunity to complete, or challenge the accuracy of, the information contained
43 in the SBI or FBI identification records.

1 If you are denied licensure or your foster home license is revoked by the
2 Department of ~~Human Resources~~ Health and Human Services as a result of the
3 criminal history check, you may request a hearing pursuant to Article 3 of Chapter
4 150B of the General Statutes, the Administrative Procedure Act.

5 Any foster parent who intentionally falsifies any information required to be
6 furnished to conduct the criminal history is guilty of a Class 2 misdemeanor.'

7 Refusal to consent to a criminal history check is grounds for the Department to
8 prohibit the foster parent from providing foster care. Any foster parent who intentionally
9 falsifies any information required to be furnished to conduct the criminal history is guilty
10 of a Class 2 misdemeanor.

11 (f) The Department shall notify in writing the foster parent and that individual's
12 supervising agency of the determination by the Department of whether the foster parent is
13 qualified to provide foster care based on the foster parent's criminal history. In
14 accordance with the law regulating the dissemination of the contents of the criminal
15 history file furnished by the Federal Bureau of Investigation, the Department shall not
16 release nor disclose any portion of the foster parent's criminal history to the foster parent.
17 The Department shall also notify the foster parent of the foster parent's right to review the
18 criminal history information, the procedure for completing or challenging the accuracy of
19 the criminal history, and the foster parent's right to contest the Department's
20 determination.

21 A foster parent who disagrees with the Department's decision may request a hearing
22 pursuant to Chapter 150B of the General Statutes, the Administrative Procedure Act.

23 (g) All the information that the Department receives through the checking of the
24 criminal history is privileged information and is not a public record but is for the
25 exclusive use of the Department and those persons authorized under this section to
26 receive the information. The Department may destroy the information after it is used for
27 the purposes authorized by this section after one calendar year.

28 (h) There is no liability for negligence on the part of a supervising agency, or a
29 State or local agency, or the employees of a State or local agency, arising from any action
30 taken or omission by any of them in carrying out the provisions of this section. The
31 immunity established by this subsection shall not extend to gross negligence, wanton
32 conduct, or intentional wrongdoing that would otherwise be actionable. The immunity
33 established by this subsection shall be deemed to have been waived to the extent of
34 indemnification by insurance, indemnification under Article 31A of Chapter 143 of the
35 General Statutes, and to the extent sovereign immunity is waived under the Torts Claim
36 Act, as set forth in Article 31 of Chapter 143 of the General Statutes.

37 (i) The Department of Justice shall perform the State and national criminal history
38 checks on foster parents and shall charge the Department of ~~Human Resources~~ Health
39 and Human Services a reasonable fee only for conducting the checks of the national
40 criminal history records authorized by this section. The Division of Social Services,
41 Department of ~~Human Resources~~, Health and Human Services, shall bear the costs of
42 implementing this section."

43 Section 90. G.S. 131E-136 reads as rewritten:

1 **"§ 131E-136. Definitions.**

2 As used in this Part, unless otherwise specified:

- 3 (1) 'Commission' means the North Carolina Medical Care Commission.
- 4 (2) 'Home care agency' means a private or public organization which
- 5 provides home care services.
- 6 (3) 'Home care services' means any of the following services and directly
- 7 related medical supplies and appliances, which are provided to an
- 8 individual in a place of temporary or permanent residence used as an
- 9 individual's home:
- 10 a. Nursing care provided by or under the supervision of a registered
- 11 nurse;
- 12 b. Physical, occupational, or speech therapy, when provided to an
- 13 individual who also is receiving nursing services, or any other of
- 14 these therapy services, in a place of temporary or permanent
- 15 residence used as the individual's home;
- 16 c. Medical social services;
- 17 d. In-home aide services that involve hands-on care to an
- 18 individual;
- 19 e. Infusion nursing services; and
- 20 f. Assistance with pulmonary care, pulmonary rehabilitation or
- 21 ventilation.

22 The term does not include: health promotion, preventative health and

23 community health services provided by public health departments;

24 maternal and child health services provided by public health

25 departments, by employees of the Department of ~~Environment, Health,~~

26 ~~and Natural Resources~~ Health and Human Services under G.S. 130A-

27 124, or by developmental evaluation centers under contract with the

28 Department of ~~Environment, Health, and Natural Resources~~ Health and

29 Human Services to provide services under G.S. 130A-124; hospitals

30 licensed under Article 5 of Chapter 131E of the General Statutes when

31 providing follow-up care initiated to patients within six months after

32 their discharge from the hospital; facilities and programs operated under

33 the authority of G.S. 122C and providing services within the scope of

34 G.S. 122C; schools, when providing services pursuant to Article 9 of

35 Chapter 115C; the practice of midwifery by a person licensed under

36 Article 10A of Chapter 90 of the General Statutes; hospices licensed

37 under Article 10 of Chapter 131E of the General Statutes when

38 providing care to a hospice patient; an individual who engages solely in

39 providing his own services to other individuals; incidental health care

40 provided by an employee of a physician licensed to practice medicine in

41 North Carolina in the normal course of the physician's practice; or

42 nursing registries if the registry discloses to a client or the client's

43 responsible party, before providing any services, that (i) it is not a

1 licensed home care agency, and (ii) it does not make any representations
2 or guarantees concerning the training, supervision, or competence of the
3 personnel provided.

- 4 (4) 'Home health agency' means a home care agency which is certified to
5 receive Medicare and Medicaid reimbursement for providing nursing
6 care, therapy, medical social services, and home health aide services on
7 a part-time, intermittent basis as set out in G.S. 131E-176(12), and is
8 thereby also subject to Article 9 of Chapter 131E."

9 Section 91. The heading for Article 1 of Chapter 134A of the General Statutes
10 reads as rewritten:

11 "ARTICLE 1.

12 "Division of Youth Services in the Department of ~~Human Resources~~ Health and Human
13 Services."

14 Section 92. The heading for Article 7 of Chapter 143 of the General Statutes
15 reads as rewritten:

16 "ARTICLE 7.

17 "Persons Admitted to Department of ~~Human Resources~~ Health and Human Services
18 **INSTITUTIONS TO PAY COSTS."**

19 Section 93. G.S. 143-138(b) reads as rewritten:

20 "(b) Contents of the Code. – The North Carolina State Building Code, as adopted
21 by the Building Code Council, may include reasonable and suitable classifications of
22 buildings and structures, both as to use and occupancy; general building restrictions as to
23 location, height, and floor areas; rules for the lighting and ventilation of buildings and
24 structures; requirements concerning means of egress from buildings and structures;
25 requirements concerning means of ingress in buildings and structures; rules governing
26 construction and precautions to be taken during construction; rules as to permissible
27 materials, loads, and stresses; rules governing chimneys, heating appliances, elevators,
28 and other facilities connected with the buildings and structures; rules governing
29 plumbing, heating, air conditioning for the purpose of comfort cooling by the lowering of
30 temperature, and electrical systems; and such other reasonable rules pertaining to the
31 construction of buildings and structures and the installation of particular facilities therein
32 as may be found reasonably necessary for the protection of the occupants of the building
33 or structure, its neighbors, and members of the public at large.

34 In addition, the Code may regulate activities and conditions in buildings, structures,
35 and premises that pose dangers of fire, explosion, or related hazards. Such fire
36 prevention code provisions shall be considered the minimum standards necessary to
37 preserve and protect public health and safety, subject to approval by the Council of more
38 stringent provisions proposed by a municipality or county as provided in G.S. 143-
39 138(e). These provisions may include regulations requiring the installation of either
40 battery-operated or electrical smoke detectors in every dwelling unit used as rental
41 property, regardless of the date of construction of the rental property. For dwelling units
42 used as rental property constructed prior to 1975, smoke detectors shall have an
43 Underwriters' Laboratories, Inc., listing or other equivalent national testing laboratory

1 approval, and shall be installed in accordance with either the standard of the National Fire
2 Protection Association or the minimum protection designated in the manufacturer's
3 instructions, which the property owner shall retain or provide as proof of compliance.

4 The Code may contain provisions regulating every type of building or structure,
5 wherever it might be situated in the State.

6 Provided further, that nothing in this Article shall be construed to make any building
7 rules applicable to farm buildings located outside the building-rules jurisdiction of any
8 municipality.

9 Provided further, that no building permit shall be required under the Code or any local
10 variance thereof approved under subsection (e) for any construction, installation, repair,
11 replacement, or alteration costing five thousand dollars (\$5,000) or less in any single
12 family residence or farm building unless the work involves: the addition, repair, or
13 replacement of load bearing structures; the addition (excluding replacement of same size
14 and capacity) or change in the design of plumbing; the addition, replacement or change in
15 the design of heating, air conditioning, or electrical wiring, devices, appliances, or
16 equipment, the use of materials not permitted by the North Carolina Uniform Residential
17 Building Code; or the addition (excluding replacement of like grade of fire resistance) of
18 roofing.

19 Provided further, that no building permit shall be required under such Code from any
20 State agency for the construction of any building or structure, the total cost of which is
21 less than twenty thousand dollars (\$20,000), except public or institutional buildings.

22 For the information of users thereof, the Code shall include as appendices

- 23 (1) Any rules governing boilers adopted by the Board of Boiler and
24 Pressure Vessels Rules,
- 25 (2) Any rules relating to the safe operation of elevators adopted by the
26 Commissioner of Labor, and
- 27 (3) Any rules relating to sanitation adopted by the Commission for Health
28 Services or the ~~Department~~ Departments of Environment, Health, and
29 ~~Natural Resources~~ Health and Human Services and Environment and
30 Natural Resources which the Building Code Council believes pertinent.

31 In addition, the Code may include references to such other rules of special types, such
32 as those of the Medical Care Commission and the Department of Public Instruction as
33 may be useful to persons using the Code. No rule issued by any agency other than the
34 Building Code Council shall be construed as a part of the Code, nor supersede that Code,
35 it being intended that they be presented with the Code for information only.

36 Nothing in this Article shall extend to or be construed as being applicable to the
37 regulation of the design, construction, location, installation, or operation of (1) equipment
38 for storing, handling, transporting, and utilizing liquefied petroleum gases for fuel
39 purposes or anhydrous ammonia or other liquid fertilizers, except for liquefied petroleum
40 gas from the outlet of the first stage pressure regulator to and including each liquefied
41 petroleum gas utilization device within a building or structure covered by the Code, or (2)
42 equipment or facilities, other than buildings, of a public utility, as defined in G.S. 62-3, or

1 an electric or telephone membership corporation, including without limitation poles,
 2 towers, and other structures supporting electric or communication lines.

3 In addition, the Code may contain rules concerning minimum efficiency requirements
 4 for replacement water heaters, which shall consider reasonable availability from
 5 manufacturers to meet installation space requirements."

6 Section 94. G.S. 143-138(g) reads as rewritten:

7 "(g) Publication and Distribution of Code. – The Building Code Council shall cause
 8 to be printed, after adoption by the Council, the North Carolina State Building Code and
 9 each amendment thereto. It shall, at the State's expense, distribute copies of the Code and
 10 each amendment to State and local governmental officials, departments, agencies, and
 11 educational institutions, as is set out in the table below. (Those marked by an asterisk
 12 will receive copies only on written request to the Council.)

13 OFFICIAL OR AGENCY	14 NUMBER OF COPIES
15 State Departments and Officials	
16 Governor	1
17 Lieutenant Governor	1
18 Auditor	1
19 Treasurer	1
20 Secretary of State	1
21 Superintendent of Public Instruction	1
22 Attorney General (Library)	1
23 Commissioner of Agriculture	1
24 Commissioner of Labor	1
25 Commissioner of Insurance	1
26 Department of Environment, Health, Environment and Natural Resources	1
27 Department of Human Resources <u>Health and Human</u> <u>Services</u>	1
28 Board of Transportation	1
29 Utilities Commission	1
30 Department of Administration	1
31 Clerk of the Supreme Court	1
32 Clerk of the Court of Appeals	1
33 Clerk of the Superior Court	1 each
34 Department of Cultural Resources [State 35 Library]	5
36 Supreme Court Library	2
37 Legislative Library	1
38 Schools	
39 All state-supported colleges and universities 40 in the State of North Carolina	* 1 each
41 Local Officials	
42 Clerks of the Superior Courts	1 each

1 Chief Building Inspector of each incorporated
2 municipality or county

1

3 In addition, the Building Code Council shall make additional copies available at such
4 price as it shall deem reasonable to members of the general public."

5 Section 95. G.S. 143-280 reads as rewritten:

6 **"§ 143-280. Membership.**

7 The Commission shall consist of ~~one member~~ three members from the North Carolina
8 Department of ~~Human Resources, one member from the Department of Human~~
9 ~~Resources, one member from the Department of Human Resources, Health and Human~~
10 Services, one member from the boards of county commissioners, one county
11 superintendent of social services, one local health director, and one clerk of the superior
12 court."

13 Section 96. G.S. 143-300.8 reads as rewritten:

14 **"§ 143-300.8. Defense of local sanitarians.**

15 Any local health department sanitarian enforcing rules of the Commission for Health
16 Services under the supervision of the Department of ~~Environment, Health, and Natural~~
17 ~~Resources-Health and Human Services~~ pursuant to G.S. 130A-4(b) shall be defended by
18 the Attorney General, subject to the provisions of G.S. 143-300.4, and shall be protected
19 from liability in accordance with the provisions of this Article in any civil or criminal
20 action or proceeding brought against the sanitarian in his official or individual capacity,
21 or both, on account of an act done or omission made in the scope and course of enforcing
22 the rules of the Commission for Health Services. The Department of ~~Environment,~~
23 ~~Health, and Natural Resources-Health and Human Services~~ shall pay any judgment
24 against the sanitarian, or any settlement made on his behalf, subject to the provisions of
25 G.S. 143-300.6."

26 Section 97. G.S. 143-436 reads as rewritten:

27 **"§ 143-436. North Carolina Pesticide Board; creation and organization.**

28 (a) There is hereby established the North Carolina Pesticide Board which, together
29 with the Commissioner of Agriculture, shall be responsible for carrying out the
30 provisions of this Article.

31 (b) The Pesticide Board shall consist of seven members, to be appointed by the
32 Governor, as follows:

33 (1) One member each representing the North Carolina Department of
34 ~~Agriculture and two members representing the North Carolina~~
35 ~~Department of Environment, Health, and Natural Resources, one of~~
36 ~~whom shall be Agriculture, the State Health Director or his designee~~
37 ~~and one of whom shall represent designee, and one member from an~~
38 environmental protection agency—agency in the Department of
39 Environment and Natural Resources. The persons so selected may be
40 either members of a policy board or departmental officials or
41 employees.

42 (2) A representative of the agricultural chemical industry.

43 (3) A person directly engaged in agricultural production.

1 (4) Two at-large members, from fields of endeavor other than those
2 enumerated in subdivisions (2) and (3) of this subsection, one of whom
3 shall be a nongovernmental conservationist.

4 (c) The members of the Pesticide Board shall serve staggered four-year terms. Of
5 the persons originally appointed, the members representing State agencies shall serve
6 two-year terms, and the four at-large members shall serve four-year terms. All members
7 shall hold their offices until their successors are appointed and qualified. Any vacancy
8 occurring in the membership of the Board prior to the expiration of the term shall be
9 filled by appointment by the Governor for the remainder of the unexpired term. The
10 Governor may at any time remove any member from the Board for gross inefficiency,
11 neglect of duty, malfeasance, misfeasance, or nonfeasance in office. Each appointment to
12 fill a vacancy in the membership of the Board shall be of a person having the same
13 credentials as his predecessor.

14 (d) The Board shall select its ~~chairman~~ chair from its own membership, to serve
15 for a term of two years. The ~~chairman~~ chair shall have a full vote. Any vacancy occurring
16 in the ~~chairmanship~~ chair's position shall be filled by the Board for the remainder of the
17 term. The Board may select such other officers as it deems necessary.

18 (e) Any action of the Board shall require at least four concurring votes.

19 (f) The members of the Board who are not officers or employees of the State shall
20 receive for their services the per diem and compensation prescribed in G.S. 138-5."

21 Section 98. G.S. 143-573 reads as rewritten:

22 "**§ 143-573. Task Force – creation; membership; vacancies.**

23 (a) There is created the North Carolina Child Fatality Task Force within the
24 Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services
25 for budgetary purposes only.

26 (b) The Task Force shall be composed of ~~36~~ 35 members, ~~12~~ 11 of whom shall be
27 ex officio members, four of whom shall be appointed by the Governor, ten of whom shall
28 be appointed by the Speaker of the House of Representatives, and ten of whom shall be
29 appointed by the President Pro Tempore of the Senate. The ex officio members other
30 than the Chief Medical Examiner shall be nonvoting members and may designate
31 representatives from their particular departments, divisions, or offices to represent them
32 on the Task Force. The members shall be as follows:

33 (1) The Chief Medical Examiner;

34 (2) The Attorney General;

35 (3) The Director of the Division of Social Services;

36 (4) The Director of the State Bureau of Investigation;

37 (5) The Director of the Division of Maternal and Child Health of the
38 Department of ~~Environment, Health, and Natural Resources~~; Health and
39 Human Services;

40 (6) The Director of the Governor's Youth Advocacy and Involvement
41 Office;

42 (7) The Superintendent of Public Instruction;

43 (8) The Chairman of the State Board of Education;

- 1 (9) The Director of the Division of Mental Health, Developmental
2 Disabilities, and Substance Abuse Services;
- 3 (10) The Secretary of the Department of Human Resources;
- 4 ~~(11) The Secretary of the Department of Environment, Health, and Natural~~
5 ~~Resources;~~
- 6 (11.1) The Director of the Administrative Office of the Courts;
- 7 (12) A director of a county department of social services appointed by the
8 Governor upon recommendation of the President of the North Carolina
9 Association of County Directors of Social Services;
- 10 (13) A representative from a Sudden Infant Death Syndrome counseling and
11 education program appointed by the Governor upon recommendation of
12 the Director of the Division of Maternal and Child Health of the
13 Department of ~~Environment, Health, and Natural Resources;~~ Health and
14 Human Services;
- 15 (14) A representative from the North Carolina Child Advocacy Institute
16 appointed by the Governor upon recommendation of the President of the
17 Institute;
- 18 (14.1) A director of a local department of health, appointed by the Governor
19 upon the recommendation of the President of the North Carolina
20 Association of Local Health Directors;
- 21 (15) A representative from a private group, other than the North Carolina
22 Child Advocacy Institute, that advocates for children, appointed by the
23 Speaker of the House of Representatives upon recommendation of
24 private child advocacy organizations;
- 25 (16) A pediatrician, licensed to practice medicine in North Carolina,
26 appointed by the Speaker of the House of Representatives upon
27 recommendation of the North Carolina Pediatric Society;
- 28 (17) A representative from the North Carolina League of Municipalities
29 appointed by the Speaker of the House of Representatives upon
30 recommendation of the League;
- 31 (18) Two public members appointed by the Speaker of the House of
32 Representatives;
- 33 (19) A county or municipal law enforcement officer appointed by the
34 President Pro Tempore of the Senate upon recommendation of
35 organizations that represent local law enforcement officers;
- 36 (20) A district attorney appointed by the President Pro Tempore of the
37 Senate upon recommendation of the President of the North Carolina
38 Conference of District Attorneys;
- 39 (21) A representative from the North Carolina Association of County
40 Commissioners appointed by the President Pro Tempore of the Senate
41 upon recommendation of the Association;
- 42 (22) Two public members appointed by the President Pro Tempore of the
43 Senate; and

1 (23) Five members of the Senate appointed by the President Pro Tempore of
2 the Senate and five members of the House of Representatives appointed
3 by the Speaker of the House of Representatives.

4 (c) All members of the Task Force are voting members. Vacancies in the
5 appointed membership shall be filled by the appointing officer who made the initial
6 appointment. The Speaker of the House of Representatives shall call the first meeting no
7 later than October 1, 1991. At the first meeting the members shall elect a chair who shall
8 preside for the duration of the Task Force."

9 Section 99. G.S. 143-575 reads as rewritten:

10 "**§ 143-575. State Team – creation; membership; vacancies.**

11 (a) There is created the North Carolina Child Fatality Prevention Team within the
12 Department of ~~Environment, Health, and Natural Resources~~ Health and Human Services
13 for budgetary purposes only.

14 (b) The State Team shall be composed of eleven members of whom nine members
15 are ex officio and two are appointed. The ex officio members other than the Chief
16 Medical Examiner may designate a representative from their departments, divisions, or
17 offices to represent them on the State Team.

18 (1) The Chief Medical Examiner, who shall chair the State Team;

19 (2) The Attorney General;

20 (3) The Director of the Division of Social Services, Department of ~~Human~~
21 ~~Resources;~~ Health and Human Services;

22 (4) The Director of the State Bureau of Investigation;

23 (5) The Director of the Division of Maternal and Child Health of the
24 Department of ~~Environment, Health, and Natural Resources;~~ Health and
25 Human Services;

26 (6) The Superintendent of Public Instruction;

27 (7) The Director of the Division of Mental Health, Developmental
28 Disabilities, and Substance Abuse Services, Department of ~~Human~~
29 ~~Resources;~~ Health and Human Services;

30 (7.1) The Director of the Administrative Office of the Courts;

31 (8) The pediatrician appointed pursuant to G.S. 143-573(b)(16) to the Task
32 Force;

33 (9) A public member, appointed by the Governor; and

34 (10) The Team Coordinator.

35 (c) All members of the State Team are voting members. Vacancies in the
36 appointed membership shall be filled by the appointing officer who made the initial
37 appointment."

38 Section 100. G.S. 143-576.2(b) reads as rewritten:

39 "(b) Each Local Team shall consist of the following persons:

40 (1) The director of the county department of social services, and a member
41 of the director's staff;

42 (2) A local law enforcement officer, appointed by the board of county
43 commissioners;

- 1 (3) An attorney from the district attorney's office, appointed by the district
2 attorney;
- 3 (4) The executive director of the local community action agency, as defined
4 by the ~~Division of Economic Opportunity, Department of Human~~
5 ~~Resources, Health and Human Services,~~ or the executive director's
6 designee;
- 7 (5) The superintendent of each local school administrative unit located in
8 the county, or the superintendent's designee;
- 9 (6) A member of the county board of social services, appointed by the chair
10 of that board;
- 11 (7) A local mental health professional, appointed by the director of the area
12 authority established under Chapter 122C of the General Statutes;
- 13 (8) The local guardian ad litem coordinator, or the coordinator's designee;
- 14 (9) The director of the local department of public health; and
- 15 (10) A local health care provider, appointed by the local board of health.

16 In addition, a Local Team that reviews the records of additional child fatalities shall
17 include the following four additional members:

- 18 (1) An emergency medical services provider or firefighter, appointed by the
19 board of county commissioners;
- 20 (2) A district court judge, appointed by the chief district judge in that
21 district;
- 22 (3) A county medical examiner, appointed by the Chief Medical Examiner;
- 23 (4) A representative of a local day care facility or Head Start program,
24 appointed by the director of the county department of social services;
25 and
- 26 (5) A parent of a child who died before reaching the child's eighteenth
27 birthday, to be appointed by the board of county commissioners.

28 The Team Coordinator shall serve as an ex officio member of each Local Team that
29 reviews the records of additional child fatalities. The board of county commissioners
30 may appoint a maximum of five additional members to represent county agencies or the
31 community at large to serve on any Local Team. Vacancies on a Local Team shall be
32 filled by the original appointing authority."

33 Section 101. G.S. 143B-139.1 reads as rewritten:

34 "**§ 143B-139.1. ~~Department of Human Resources~~ Secretary of Health and Human**
35 **Services regulations—applicable to local health and human resource**
36 **services agencies.**

37 The Secretary of the Department of ~~Human Resources~~ Health and Human Services is
38 ~~authorized to establish~~ may adopt rules and regulations applicable to local health and
39 ~~human resource services agencies~~ for the purpose of program evaluation, fiscal audits,
40 and collection of third-party payments."

41 Section 102. G.S. 143B-139.2 reads as rewritten:

42 "**§ 143B-139.2. ~~Department of Human Resources~~ Secretary of Health and Human**
43 **Services non-State agencies.**

1 It is the intent of this General Assembly that non-State health and human resources
2 services agencies submit their appropriation requests for grants-in-aid through the
3 Secretary of the Department of ~~Human Resources~~ Health and Human Services for
4 recommendations to the Governor and the Advisory Budget Commission and the General
5 Assembly, and that agencies receiving these grants, at the request of the Secretary of the
6 Department of ~~Human Resources~~, Health and Human Services, provide a postaudit of
7 their operations that has been done by a certified public accountant."

8 Section 103. G.S. 143B-150.7 reads as rewritten:

9 "**§ 143B-150.7. Advisory Committee on Family-Centered Services; establishment,**
10 **membership, compensation.**

11 (a) There is established the Advisory Committee on Family-Centered Services
12 within the Department of ~~Human Resources~~ Health and Human Services.

13 (b) The Committee shall have 24 members appointed for staggered four-year terms
14 and until their successors are appointed and qualify. The Governor shall have the power
15 to remove any member of the Committee from office in accordance with the provisions
16 of G.S. 143B-13. Members may succeed themselves for one term and may be appointed
17 again after being off the Committee for one term. Six of the members shall be legislators
18 appointed by the General Assembly, three of whom shall be recommended by the
19 Speaker of the House of Representatives, and three of whom shall be recommended by
20 the President Pro Tempore of the Senate. Two of the members shall be appointed by the
21 General Assembly from the public at large, one of whom shall be recommended by the
22 Speaker of the House of Representatives, and one of whom shall be recommended by the
23 President Pro Tempore of the Senate. The remainder of the members shall be appointed
24 by the Governor as follows:

25 (1) ~~Four~~ Five members representing the Department of ~~Human Resources~~,
26 Health and Human Services, one of whom shall be the Assistant
27 Secretary for Children and Family, one of whom shall represent the
28 Division of Social Services, one of whom shall represent the Division of
29 Youth Services, ~~and~~ one of whom shall represent the Division of Mental
30 Health, Developmental Disabilities, and Substance Abuse ~~Services~~;
31 Services, and one of whom shall represent the Division of Maternal and
32 Child Health;

33 (2) ~~Three~~ Two members, one from each of the following: the
34 Administrative Office of the ~~Courts~~, Courts and the Department of
35 Public ~~Instruction~~, ~~and the Division of Maternal and Child Health of the~~
36 ~~Department of Environment, Health, and Natural Resources;~~
37 Instruction;

38 (3) One member who represents the Juvenile Justice Planning Committee of
39 the Governor's Crime Commission, and one member appointed at large;

40 (4) One member who is a district court judge certified by the
41 Administrative Office of the Courts to hear juvenile cases;

42 (5) One member representing the schools of social work of The University
43 of North Carolina;

1 (6) Two members, one of whom is a provider of family preservation
2 services, and one of whom is a consumer of family preservation
3 services; and

4 (7) Three members who represent county-level associations; one of whom
5 represents the Association of County Commissioners, one of whom
6 represents the Association of Directors of Social Services, and one of
7 whom represents the North Carolina Council of Mental Health,
8 Developmental Disabilities, and Substance Abuse Services.

9 The Secretary of the Department of ~~Human Resources~~ Health and Human Services
10 shall serve as the ~~Chairman~~ Chair of the Committee. The Secretary shall appoint the
11 cochair of the Committee for a two-year term on a rotating basis from among the
12 Committee members who represent the Division of Youth Services, the Division of
13 Social Services, and the Division of Mental Health, Developmental Disabilities, and
14 Substance Abuse Services.

15 (c) To the extent that funds are made available, members of the Committee shall
16 receive per diem and necessary travel and subsistence expenses in accordance with G.S.
17 138-5.

18 (d) A majority of the Committee shall constitute a quorum for the transaction of its
19 business.

20 (e) The Committee may use funds allocated to it to employ an administrative staff
21 person to assist the Committee in carrying out its duties. Clerical and other support staff
22 services needed by the Committee shall be provided by the Secretary of ~~Human~~
23 Resources Health and Human Services."

24 Section 104. G.S. 143B-150.9 reads as rewritten:

25 "**§ 143B-150.9. State agency cooperation with Advisory Committee on Family-**
26 **Centered Services.**

27 All appropriate State agencies, including the Department of ~~Human Resources~~, ~~the~~
28 ~~Department of Environment, Health, and Natural Resources~~, Health and Human Services,
29 the Department of Public Instruction, the Administrative Office of the Courts, the
30 Governor's Crime Commission, and other public family preservation service providers
31 shall cooperate with the Advisory Committee on Family-Centered Services in carrying
32 out its responsibilities."

33 Section 105. G.S. 143B-168.12(a) reads as rewritten:

34 "(a) In order to receive State funds, the following conditions shall be met:

35 (1) The North Carolina Partnership shall have a Board of Directors
36 consisting of the following ~~39~~ 38 members:

37 a. The Secretary of ~~Human Resources~~, Health and Human Services,
38 ex officio;

39 b. ~~The Secretary of Environment, Health, and Natural Resources~~, ex
40 officio;

41 c. The Superintendent of Public Instruction, ex officio;

42 d. The President of the Department of Community Colleges, ex
43 officio;

- 1 e. One resident from each of the 1st, 3rd, 5th, 7th, 9th, and 11th
2 Congressional Districts, appointed by the President Pro Tempore
3 of the Senate;
- 4 f. One resident from each of the 2nd, 4th, 6th, 8th, 10th, and 12th
5 Congressional Districts, appointed by the Speaker of the House
6 of Representatives;
- 7 g. Seventeen members, of whom four shall be members of the party
8 other than the Governor's party, appointed by the Governor;
- 9 h. The President Pro Tempore of the Senate, or a designee;
- 10 i. The Speaker of the House of Representatives, or a designee;
- 11 j. The Majority Leader of the Senate, or a designee;
- 12 k. The Majority Leader of the House of Representatives, or a
13 designee;
- 14 l. The Minority Leader of the Senate, or a designee; and
- 15 m. The Minority Leader of the House of Representatives, or a
16 designee.
- 17 (2) The North Carolina Partnership shall agree to adopt procedures for its
18 operations that are comparable to those of Article 33C of Chapter 143 of
19 the General Statutes, the Open Meetings Law, and Chapter 132 of the
20 General Statutes, the Public Records Law, and provide for enforcement
21 by the Department.
- 22 (3) The North Carolina Partnership shall oversee the development and
23 implementation of the local demonstration projects as they are selected.
- 24 (4) The North Carolina Partnership shall develop and implement a
25 comprehensive standard fiscal accountability plan to ensure the fiscal
26 integrity and accountability of State funds appropriated to it and to the
27 local partnerships. The standard fiscal accountability plan shall, at a
28 minimum, include a uniform, standardized system of accounting,
29 internal controls, payroll, fidelity bonding, chart of accounts, and
30 contract management and monitoring. The North Carolina Partnership
31 may contract with outside firms to develop and implement the standard
32 fiscal accountability plan. All local partnerships shall be required to
33 participate in the standard fiscal accountability plan developed and
34 adopted by the North Carolina Partnership pursuant to this subdivision.
- 35 (5) The North Carolina Partnership shall develop and implement a
36 centralized accounting and contract management system which
37 incorporates features of the required standard fiscal accountability plan
38 described in subdivision (4) of subsection (a) of this section. The
39 following local partnerships shall be required to participate in the
40 centralized accountability system developed by the North Carolina
41 Partnership pursuant to this subdivision:
- 42 a. Local partnerships which have significant deficiencies in their
43 accounting systems, internal controls, and contract management

1 systems, as determined by the North Carolina Partnership based
2 on the annual financial audits of the local partnerships conducted
3 by the Office of the State Auditor; and

- 4 b. Local partnerships which are in the first two years of operation
5 following their selection. At the end of this two-year period,
6 local partnerships shall continue to participate in the centralized
7 accounting and contract management system. With the approval
8 of the North Carolina Partnership, local partnerships may
9 perform accounting and contract management functions at the
10 local level using the standardized and uniform accounting
11 system, internal controls, and contract management systems
12 developed by the North Carolina Partnership.

13 Local partnerships which otherwise would not be required to participate
14 in the centralized accounting and contract management system pursuant
15 to this subdivision may voluntarily choose to participate in the system.
16 Participation or nonparticipation shall be for a minimum of two years,
17 unless, in the event of nonparticipation, the North Carolina Partnership
18 determines that any partnership's annual financial audit reveals serious
19 deficiencies in accounting or contract management.

- 20 (6) The North Carolina Partnership shall develop a formula for allocating
21 direct services funds appropriated for this purpose to local partnerships.

- 22 (7) The North Carolina Partnership may adjust its allocations on the basis
23 of local partnerships' performance assessments. In determining whether
24 to adjust its allocations to local partnerships, the North Carolina
25 Partnership shall consider whether the local partnerships are meeting the
26 outcome goals and objectives of the North Carolina Partnership and the
27 goals and objectives set forth by the local partnerships in their approved
28 annual program plans.

29 The North Carolina Partnership may use additional factors to
30 determine whether to adjust the local partnerships' allocations. These
31 additional factors shall be developed with input from the local
32 partnerships and shall be communicated to the local partnerships when
33 the additional factors are selected. These additional factors may include
34 board involvement, family and community outreach, collaboration
35 among public and private service agencies, and family involvement.

36 On the basis of performance assessments, local partnerships annually
37 shall be rated 'superior', 'satisfactory', or 'needs improvement'. Local
38 partnerships rated 'superior' shall receive, to the extent that funds are
39 available, a ten percent (10%) increase in their annual funding
40 allocation. Local partnerships rated 'satisfactory' shall receive their
41 annual funding allocation. Local partnerships rated 'needs
42 improvement' shall receive ninety percent (90%) of their annual funding
43 allocation.

1 The North Carolina Partnership may contract with outside firms to
2 conduct the performance assessments of local partnerships.

3 (8) The North Carolina Partnership shall establish a local partnership
4 advisory committee comprised of 15 members. Eight of the members
5 shall be chairs of local partnerships' board of directors, and seven shall
6 be staff of local partnerships. Members shall be chosen by the Chair of
7 the North Carolina Partnership from a pool of candidates nominated by
8 their respective boards of directors. The local partnership advisory
9 committee shall serve in an advisory capacity to the North Carolina
10 Partnership and shall establish a schedule of regular meetings.
11 Members shall serve two-year terms and may not serve more than two
12 consecutive terms. Members shall be chosen from local partnerships on
13 a rotating basis. The advisory committee shall annually elect a chair
14 from among its members.

15 (9) The North Carolina Partnership shall report (i) quarterly to the Joint
16 Legislative Commission on Governmental Operations and (ii) to the
17 General Assembly and the Governor on the ongoing progress of all the
18 local partnerships' work, including all details of the use to which the
19 allocations were put, and on the continuing plans of the North Carolina
20 Partnership and of the Department, together with legislative proposals,
21 including proposals to implement the program statewide."

22 Section 106. G.S. 143B-179.5 reads as rewritten:

23 "**§ 143B-179.5. Interagency Coordinating Council for Children from Birth to Five**
24 **with Disabilities and Their Families; establishment, composition,**
25 **organization; duties, compensation, reporting.**

26 (a) There is established an Interagency Coordinating Council for Children from
27 Birth to Five with Disabilities and Their Families in the Department of ~~Human~~
28 ~~Resources.~~ Health and Human Services.

29 (b) The Interagency Coordinating Council shall have 26 members, appointed by
30 the Governor. Effective July 1, 1994, the Governor shall designate 13 appointees to
31 serve for two years and 13 appointees to serve for one year. Thereafter, the terms of all
32 Council members shall be two years. The Governor shall have the power to remove any
33 member of the Council from office in accordance with the provisions of G.S. 143B-16.
34 Any appointment to fill a vacancy on the Council created by the resignation, dismissal,
35 death, or disability of a member shall be for the balance of the unexpired term. Members
36 may be appointed to succeed themselves for one term and may be appointed again, after
37 being off the Council for one term.

38 The composition of the Council and the designation of the Council's chair shall be as
39 specified in the 'Individuals with Disabilities Education Act' (IDEA), P.L. 102-119, the
40 federal early intervention legislation, except that two members shall be members of the
41 Senate, appointed from recommendations of the President Pro Tempore of the Senate and
42 two members shall be members of the House of Representatives, appointed from
43 recommendations of the Speaker of the House of Representatives.

1 (c) The chair may establish those standing and ad hoc committees and task forces
2 as may be necessary to carry out the functions of the Council and appoint Council
3 members or other individuals to serve on these committees and task forces. The Council
4 shall meet at least quarterly. A majority of the Council shall constitute a quorum for the
5 transaction of business.

6 (d) The Council shall advise the ~~Departments of Human Resources, and~~
7 ~~Environment, Health, and Natural Resources, Department of Health and Human Services~~
8 and other appropriate agencies in carrying out their early intervention services, and the
9 Department of Public Instruction, and other appropriate agencies, in their activities
10 related to the provision of special education services for preschoolers. The Council shall
11 specifically address in its studies and evaluations that it considers necessary to its
12 advising:

- 13 (1) The identification of sources of fiscal and other support for the early
14 intervention system;
- 15 (2) The development of policies related to the early intervention services;
- 16 (3) The preparation of applications for available federal funds;
- 17 (4) The resolution of interagency disputes; and
- 18 (5) The promotion of interagency agreements.

19 (e) Members of the Council and parents on ad hoc committees and task forces of
20 the Council shall receive travel and subsistence expenses in accordance with the
21 provisions of G.S. 138-5.

22 (f) The Council shall prepare and submit an annual report to the Governor and to
23 the General Assembly on the status of the early intervention system for eligible infants
24 and toddlers and on the status of special education services for preschoolers.

25 All clerical and other services required by the Council shall be supplied by the
26 Secretary of ~~Human Resources-Health and Human Services~~ and the Superintendent of
27 Public Instruction, as specified by the interagency agreement authorized by G.S. 122C-
28 112(a)(13)."

29 Section 107. G.S. 143B-179.6 reads as rewritten:

30 "**§ 143B-179.6. Interagency Coordinating Council for Handicapped Children from**
31 **Birth to Five Years of Age; agency cooperation.**

32 All appropriate agencies, including the Department of ~~Human Resources, the~~
33 ~~Department of Environment, Health, and Natural Resources, Health and Human Services~~
34 and the Department of Public Instruction, and other public and private service providers
35 shall cooperate with the Council in carrying out its mandate."

36 Section 108. G.S. 143B-181 reads as rewritten:

37 "**§ 143B-181. Governor's Advisory Council on Aging – members; selection;**
38 **quorum; compensation.**

39 The Governor's Advisory Council on Aging of the Department of ~~Human Resources~~
40 ~~Health and Human Services~~ shall consist of 33 members, 29 members to be appointed by
41 the Governor, two members to be appointed by the President Pro Tempore of the Senate,
42 and two members to be appointed by the Speaker of the House of Representatives. The
43 composition of the Council shall be as follows: one representative of the Department of

1 Administration; one representative of the Department of Cultural Resources; one
2 representative of the Employment Security Commission; one representative of the
3 Teachers' and State Employees' Retirement System; one representative of the
4 Commissioner of Labor; one representative of the Department of Public Instruction; one
5 representative of the Department of ~~Environment, Health, Environment~~ and Natural
6 Resources; one representative of the Department of Insurance; one representative of the
7 Department of Crime Control and Public Safety; one representative of the Department of
8 Community Colleges; one representative of the School of Public Health of The
9 University of North Carolina; one representative of the School of Social Work of The
10 University of North Carolina; one representative of the Agricultural Extension Service of
11 North Carolina State University; one representative of the collective body of the Medical
12 Society of North Carolina; and 19 members at large. The at large members shall be
13 citizens who are knowledgeable about services supported through the Older Americans
14 Act of 1965, as amended, and shall include persons with greatest economic or social
15 need, minority older persons, and participants in programs under the Older Americans
16 Act of 1965, as amended. The Governor shall appoint 15 members at large who meet
17 these qualifications and are 60 years of age or older. The four remaining members at
18 large, two of whom shall be appointed by the President Pro Tempore of the Senate and
19 two of whom shall be appointed by the Speaker of the House of Representatives, shall be
20 broadly representative of the major private agencies and organizations in the State who
21 are experienced in or have demonstrated particular interest in the special concerns of
22 older persons. At least one of each of the at-large appointments of the President Pro
23 Tempore of the Senate and the Speaker of the House of Representatives shall be persons
24 60 years of age or older. The Council shall meet at least quarterly.

25 Members at large shall be appointed for four-year terms and until their successors are
26 appointed and qualify. Ad interim appointments shall be for the balance of the unexpired
27 term.

28 The Governor shall have the power to remove any member of the Council from office
29 in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of
30 1973.

31 The Governor shall designate one member of the Council as ~~chairman~~ chair to serve
32 in such capacity at his pleasure.

33 Members of the Council shall receive per diem and necessary travel and subsistence
34 expenses in accordance with the provisions of G.S. 138-5.

35 A majority of the Council shall constitute a quorum for the transaction of business.

36 All clerical and other services required by the Council shall be supplied by the
37 Secretary of ~~Human Resources, Health and Human Services.~~"

38 Section 108.1. G.S. 143B-279.7 reads as rewritten:

39 "**§ 143B-279.7. Fish kill response protocols; report.**

40 (a) The Department of ~~Environment, Health, Environment~~ and Natural Resources
41 shall coordinate an intradepartmental effort to develop scientific protocols to respond to
42 significant fish kill events utilizing staff from the Division of Environmental
43 Management, Division of Marine Fisheries, ~~Division of Epidemiology, Department of~~

1 Health and Human Services, Wildlife Resources Commission, the scientific community,
2 and other agencies, as necessary. In developing these protocols, the Department of
3 Environment and Natural Resources shall address the unpredictable nature of fish kills
4 caused by both natural and man-made factors. The protocols shall contain written
5 procedures to respond to significant fish kill events including:

- 6 (1) Developing a plan of action to evaluate the impact of fish kills on public
7 health and the environment.
- 8 (2) Responding to fish kills within 24 hours.
- 9 (3) Investigating and collecting data relating to fish kill events.
- 10 (4) Summarizing and distributing fish kill information to participating
11 agencies, scientists and other interested parties.

12 (b) The Secretary of the Department of Environment and Natural Resources shall
13 take all necessary and appropriate steps to effectively carry out the purposes of this act
14 including:

- 15 (1) Providing adequate training for fish kill investigators.
- 16 (2) Taking immediate action to protect public health and the environment.
- 17 (3) Cooperating with agencies, scientists, and other interested parties, to
18 help determine the cause of the fish kill.

19 (c) The Department of Environment and Natural Resources shall report annually
20 to the Environmental Review Commission and the Senate Agriculture and Environment
21 Committee no later than December 1 of each year. This report shall include a summary of
22 all fish kill activity within the last year, an overview of any trend analyses, a discussion
23 of any new or modified methodologies or reporting protocols, and any other relevant
24 information."

25 Section 109. G.S. 143B-426.22(a) reads as rewritten:

26 "**§ 143B-426.22. Governor's Management Council.**

27 (a) Creation; Membership. – The Governor's Management Council is created in
28 the Department of Administration. The Council shall contain the following members:
29 The Secretary of Administration, who shall serve as chairman, a senior staff officer
30 responsible for productivity and management programs from the Departments of
31 Commerce, Revenue, ~~Environment, Health,~~ Environment and Natural Resources,
32 Transportation, Crime Control and Public Safety, Cultural Resources, Correction, Human
33 Resources, Health and Human Services, and Administration; and an equivalent officer
34 from the Offices of State Personnel, State Budget and Management, and the Governor's
35 Program for Executive and Organizational Development. The following persons may
36 also serve on the Council if the entity represented chooses to participate: a senior staff
37 officer responsible for productivity and management programs from any State department
38 not previously specified in this section, and a representative from The University of
39 North Carolina."

40 Section 110. G.S. 150B-1(e) reads as rewritten:

41 "(e) Exemptions From Contested Case Provisions. – The contested case provisions
42 of this Chapter apply to all agencies and all proceedings not expressly exempted from the
43 Chapter. The contested case provisions of this Chapter do not apply to the following:

- 1 (1) The Department of ~~Human Resources~~ Health and Human Services and
2 the Department of ~~Environment, Health, Environment~~ and Natural
3 Resources in complying with the procedural safeguards mandated by
4 Section 680 of Part H of Public Law 99-457 as amended (Education of
5 the Handicapped Act Amendments of 1986).
- 6 (2) Repealed by Session Laws 1993, c. 501, s. 29.
- 7 (3) The North Carolina Low-Level Radioactive Waste Management
8 Authority in administering the provisions of G.S. 104G-9, 104G-10, and
9 104G-11.
- 10 (4) The North Carolina Hazardous Waste Management Commission in
11 administering the provisions of G.S. 130B-11, 130B-13, and 130B-14.
- 12 (5) Hearings required pursuant to the Rehabilitation Act of 1973, (Public
13 Law 93-122), as amended and federal regulations promulgated
14 thereunder. G.S. 150B-51(a) is considered a contested case hearing
15 provision that does not apply to these hearings.
- 16 (6) The Department of Revenue.
- 17 (7) The Department of Correction.
- 18 (8) The Department of Transportation, except as provided in G.S. 136-29.
- 19 (9) The Occupational Safety and Health Review Board in all actions that do
20 not involve agricultural employers.
- 21 (10) The North Carolina Global TransPark Authority with respect to the
22 acquisition, construction, operation, or use, including fees or charges, of
23 any portion of a cargo airport complex.
- 24 (11) Hearings that are provided by the Department of ~~Human Resources~~
25 Health and Human Services regarding the eligibility and provision of
26 services for eligible assaultive and violent children, as defined in G.S.
27 122C-3(13a), shall be conducted pursuant to the provisions outlined in
28 G.S. 122C, Article 4, Part 7."

29 Section 111. G.S. 148-10 reads as rewritten:

30 **"§ 148-10. Department of ~~Environment, Health, and Natural Resources~~ Health and
31 Human Services to supervise sanitary and health conditions of prisoners.**

32 The Department of ~~Environment, Health, and Natural Resources~~ Health and Human
33 Services shall have general supervision over the sanitary and health conditions of the
34 central prison, over the prison camps, or other places of confinement of prisoners under
35 the jurisdiction of the State Department of Correction, and shall make periodic
36 examinations of the same and report to the State Department of Correction the conditions
37 found there with respect to the sanitary and hygienic care of such prisoners."

38 Section 112. G.S. 153A-225(b) reads as rewritten:

39 "(b) If a prisoner in a local confinement facility dies, the medical examiner and the
40 coroner shall be notified immediately. Within five days after the day of the death, the
41 administrator of the facility shall make a written report to the local or district health
42 director and to the Secretary of ~~Environment, Health, and Natural Resources~~ Health and
43 Human Services. The report shall be made on forms developed and distributed by the

1 Department of ~~Environment, Health, and Natural Resources.~~ Health and Human
2 Services."

3 Section 113. G.S. 153A-226(b) reads as rewritten:

4 "(b) The Commission for Health Services shall prepare a score sheet to be used by
5 local health departments in inspecting local confinement facilities. The local health
6 departments shall inspect local confinement facilities as often as may be required by the
7 Commission for Health Services. If an inspector of the Department finds conditions that
8 reflect hazards or deficiencies in the sanitation or food service of a local confinement
9 facility, he shall immediately notify the local health department. The health department
10 shall promptly inspect the facility. After making its inspection, the local health
11 department shall forward a copy of its report to the Department of ~~Human Resources~~
12 Health and Human Services and to the unit operating the facility, on forms prepared by
13 the Department of ~~Environment, Health, and Natural Resources.~~ Health and Human
14 Services. The report shall indicate whether the facility and its kitchen or other place for
15 preparing food is approved or disapproved for public health purposes. If the facility is
16 disapproved, the situation shall be rectified according to the procedures of G.S. 153A-
17 223."

18 Section 114. G.S. 159I-28 reads as rewritten:

19 "**§ 159I-28. Rules.**

20 (a) The Office of State Budget and Management and the Commission for Health
21 Services ~~of the Department of Environment, Health, and Natural Resources~~ may adopt,
22 modify and repeal rules establishing the procedures to be followed in the administration
23 of this Chapter and regulations interpreting and applying the provisions of this Chapter,
24 as provided in the Administrative Procedure Act. Uniform rules may be jointly adopted
25 where feasible and desirable, and no rule jointly adopted may be modified or revoked
26 except upon the concurrence of both agencies involved.

27 (b) A copy of the rules adopted to implement the provisions of this Chapter shall
28 be furnished free of charge by the Division and the Office of State Budget and
29 Management to any unit of local government."

30 Section 115. G.S. 161-11.1 reads as rewritten:

31 "**§ 161-11.1. Fees for Children's Trust Fund.**

32 (a) Five dollars (\$5.00) of each fee collected by a register of deeds on or after
33 October 1, 1983, for issuance of a marriage license pursuant to G.S. 161-10(a)(2) shall be
34 forwarded, as soon as practical but no later than 60 days after collection by the register of
35 deeds, to the county finance officer, who shall forward same to the State Treasurer for
36 deposit in the Children's Trust Fund.

37 (b) The register of deeds shall distribute with each marriage license issued a
38 pamphlet promoting the prevention of fetal alcohol syndrome, cocaine exposure, and
39 other potential harm to the fetus from drug and alcohol abuse by the mother. The
40 pamphlet to be distributed shall be prepared and paid for by the Department of
41 ~~Environment, Health, and Natural Resources,~~ Health and Human Services, which shall
42 forward the requisite number of copies to the register of deeds of each county. The funds

1 necessary to prepare and distribute this pamphlet shall not come from the Children's Trust
2 Fund."

3 Section 116. G.S. 162A-30 reads as rewritten:

4 **"§ 162A-30. Construction of Article.**

5 This Article shall be construed as providing supplemental authority in addition to the
6 powers of the North Carolina Utilities Commission under Chapter 62 of the North
7 Carolina General Statutes, the North Carolina Environmental Management Commission
8 under Articles 21 and 38 of Chapter 143 of the North Carolina General Statutes, and the
9 North Carolina Department of ~~Human Resources~~ Environment and Natural Resources
10 under General Statutes ~~Chapter 130~~, Chapter 130A, and any other provisions of law
11 concerning local and regional sewage disposal."

12 Section 117. G.S. 163-82.14(b) reads as rewritten:

13 "(b) Death. – The Department of ~~Environment, Health, and Natural Resources~~,
14 Health and Human Services, on or before the fifteenth day of March, June, September,
15 and December, shall furnish free of charge to each county board of elections a certified
16 list of the names of deceased persons who were residents of that county. The Department
17 of ~~Environment, Health, and Natural Resources~~ Health and Human Services shall base
18 each list upon information supplied by death certifications it received during the
19 preceding quarter. Upon the receipt of the certified list, the county board of elections
20 shall remove from its voter registration records any person the list shows to be dead. The
21 county board need not send any notice to the address of the person so removed."

22 Section 118. The phrase "Human Resources" is deleted and replaced by the
23 phrase "Health and Human Services" wherever it occurs in each of the following sections
24 of the General Statutes:

25	G.S. 7A-29	Appeals of right from certain administrative agencies.
26	G.S. 7A-289.2	Definitions.
27	G.S. 7A-289.13	Legislative intent.
28	G.S. 7A-289.14	Duties of Secretary of Human Resources.
29	G.S. 7A-289.15	Purchase of care or services from programs meeting State 30 standards.
31	G.S. 7A-289.16	County assessment of youth needs.
32	G.S. 7A-289.32	Grounds for terminating parental rights.
33	G.S. 7A-450.4	Exemptions.
34	G.S. 7A-517	Definitions.
35	G.S. 7A-548	Duty of Director to report evidence of abuse, neglect; 36 investigation by local law enforcement; notification of 37 Department of Human Resources and State Bureau of 38 Investigation.
39	G.S. 7A-552	Central registry.
40	G.S. 7A-571	Taking a juvenile into temporary custody.
41	G.S. 7A-576	Place of secure or nonsecure custody.
42	G.S. 7A-652	Commitment of delinquent juvenile to Division of Youth 43 Services.

1	G.S. 7A-653	Transfer authority of Governor.
2	G.S. 7A-676	Expunction of records of juveniles alleged or adjudicated delinquent and undisciplined.
3		
4	G.S. 8B-1	Definitions; right to interpreter; determination of competence.
5	G.S. 8B-6	List of interpreters; coordination of interpreter services.
6	G.S. 8B-8	Compensation.
7	G.S. 8B-10	North Carolina Interpreter Classification System application and assessment fee.
8		
9	G.S. 14-45.1	When abortion not unlawful.
10	G.S. 14-309.7	Licensing procedure.
11	G.S. 14-309.11	Accounting and use of proceeds.
12	G.S. 14-313	Youth access to tobacco products.
13	G.S. 14-316.1	Contributing to delinquency and neglect by parents and others.
14		
15	G.S. 15-155.1	Reports to district attorneys of aid to dependent children and illegitimate births.
16		
17	G.S. 15-155.2	District attorney to take action on report of aid to dependent child or illegitimate birth.
18		
19	G.S. 15-206	Cooperation with Department of Correction and officials of local units.
20		
21	G.S. 15A-533	Right to pretrial release in capital and noncapital cases.
22	G.S. 15A-534.2	Detention of impaired drivers.
23	G.S. 17C-3	North Carolina Criminal Justice Education and Training Standards Commission established; members; terms; vacancies.
24		
25		
26	G.S. 18B-805	Distribution of revenue.
27	G.S. 19-8.2	Right of entry.
28	G.S. 20-17.6	Restoration of a license after a conviction of driving while impaired or driving while less than 21 years old after consuming alcohol or drugs.
29		
30		
31	G.S. 20-79.5	Special registration plates for elected and appointed State government officials.
32		
33	G.S. 20-79.7	Fees for special registration plates and distribution of the fees.
34	G.S. 20-84	Vehicles owned by State, municipalities or orphanages, etc.; certain vehicles operated by the local chapters of American National Red Cross.
35		
36		
37	G.S. 35A-1116	Costs and Fees.
38	G.S. 48-1-101	Definitions.
39	G.S. 50-13.4	(For applicability see note) Action for support of minor child.
40	G.S. 50-13.9	Procedure to insure payment of child support.
41	G.S. 52C-3-309	Duties of State information agency.
42	G.S. 58-3-185	Lien created for payment of past-due child support obligations.
43		

1	G.S. 58-50-50	Preferred provider; definition.
2	G.S. 58-51-120	Coverage of children.
3	G.S. 58-64-85	Other licensing or regulation.
4	G.S. 58-67-10	Establishment of health maintenance organizations.
5	G.S. 58-3-185	Lien created for payment of past-due child support obligations.
6		
7	G.S. 58-68-15	Commission composition; appointment; terms; reimbursement; and liability.
8		
9	G.S. 62-157	Dual Party relay system.
10	G.S. 66-87	Injunctions.
11	G.S. 66-88	Application of Article after enactment of federal legislation.
12	G.S. 70-29	Discovery of remains and notification of authorities.
13	G.S. 72-34	Verification of application; disqualifications for license.
14	G.S. 88-28.1	Restraining orders against persons engaging in illegal practices.
15		
16	G.S. 90-14	Revocation, suspension annulment or denial of license.
17	G.S. 90-21.25	Definitions.
18	G.S. 90-88	Authority to control.
19	G.S. 90-96	Conditional discharge and expunction of records for first offense.
20		
21	G.S. 90-96.01	Drug education schools; responsibilities of the Department of Human Resources; fees.
22		
23	G.S. 90-99	Republishing of schedules.
24	G.S. 90-101	Annual registration and fee to engage in listed activities with controlled substances; effect of registration; exceptions; waiver; inspection.
25		
26		
27	G.S. 90-102	Additional provisions as to registration.
28	G.S. 90-107	Prescriptions, stocks, etc., open to inspection by officials.
29	G.S. 90-109	Licensing required.
30	G.S. 90-109.1	Treatment.
31	G.S. 90-111	Cooperative arrangements.
32	G.S. 90-113.3	Education and research.
33	G.S. 90-113.14	Conditional discharge and expunction of records for first offenses.
34		
35	G.S. 90-113.32	Board.
36	G.S. 90-271	Operation lawful upon request of married person or person over 18.
37		
38	G.S. 90-294	License required; Article not applicable to certain activities.
39	G.S. 90-405	Definitions.
40	G.S. 90-408	Exceptions for underserved areas.
41	G.S. 90-501	Board of Employee Assistance Professionals; members.
42	G.S. 93B-12	Information from licensing boards having authority over health care providers.
43		

1	G.S. 93B-13	Revocation when licensing privilege forfeited for
2		nonpayment of child support.
3	G.S. 96-8	Definitions.
4	G.S. 96-17	Protection of rights and benefits; deductions for child support
5		obligations.
6	G.S. 105-60	(Repealed effective July 1, 1997) Day-care facilities.
7	G.S. 105-164.13	Retail sales and use tax.
8	G.S. 105-187.6	Exemptions from highway use tax.
9	G.S. 105-449.106	Quarterly refunds for certain local governmental entities,
10		nonprofit organizations, and taxicabs.
11	G.S. 105A-2	Definitions.
12	G.S. 106-141	Examinations and investigations.
13	G.S. 106-266.17	Marketing agreements not to be deemed illegal or in restraint
14		of trade; conflicting laws.
15	G.S. 106-583	Policy of State; cooperation of departments and agencies with
16		Agricultural Extension Service.
17	G.S. 108A-1	Creation.
18	G.S. 108A-2	Size.
19	G.S. 108A-3	Method of appointment; residential qualifications; fee or
20		compensation for services; consolidated human services
21		board appointments.
22	G.S. 108A-9	Duties and responsibilities.
23	G.S. 108A-10	Fees.
24	G.S. 108A-14	Duties and responsibilities.
25	G.S. 108A-15.1	Consolidated human services board; human services director.
26	G.S. 108A-18	Duties and responsibilities.
27	G.S. 108A-24	Definitions.
28	G.S. 108A-25	Creation of programs.
29	G.S. 108A-26	Certain financial assistance and in-kind goods not
30		considered in determining assistance paid under
31		Chapters 108A and 111.
32	G.S. 108A-39.1	AFDC Emergency Assistance Program.
33	G.S. 108A-51	Authorization for Food Stamp Program.
34	G.S. 108A-59	Acceptance of medical assistance constitutes assignment to
35		the State of right to third party benefits; recovery procedure.
36	G.S. 108A-62	Therapeutic leave for medical assistance patients.
37	G.S. 108A-65	Conflict of interest.
38	G.S. 108A-68	Drug Use Review Program; rules.
39	G.S. 108A-69	Employer obligations.
40	G.S. 108A-70	Recoupment of amounts spent on medical care.
41	G.S. 108A-70.5	Medicaid Estate Recovery Plan.
42	G.S. 108A-79	Appeals.
43	G.S. 108A-80	Confidentiality of records.

1	G.S. 108A-103	Duty of director upon receiving report.
2	G.S. 108B-23	Designation of administering agency powers and
3		responsibilities.
4	G.S. 110-50	Consent required for bringing child into State for placement
5		or adoption.
6	G.S. 110-51	Bond required.
7	G.S. 110-52	Consent required for removing child from State.
8	G.S. 110-55	Violation of Article a misdemeanor.
9	G.S. 110-56	Definitions.
10	G.S. 110-57.1	Adoption of Compact.
11	G.S. 110-57.3	Agreements under Compact.
12	G.S. 110-86	Definitions.
13	G.S. 110-90	Powers and duties of Secretary of Human Resources.
14	G.S. 110-90.2	Mandatory day care providers' criminal history checks.
15	G.S. 110-93	Licensing procedure.
16	G.S. 110-100	Licenses are property of the State.
17	G.S. 110-102	Information for parents.
18	G.S. 110-129	Definitions.
19	G.S. 110-130.1	Non-AFDC services.
20	G.S. 110-136	Garnishment for enforcement of child-support obligation.
21	G.S. 110-136.2	Use of unemployment compensation benefits for child
22		support.
23	G.S. 110-136.3	Income withholding procedures; applicability.
24	G.S. 110-136.9	Payment of withheld funds.
25	G.S. 110-139	Location of absent parents.
26	G.S. 110-139.1	Access to federal parent locator service; parental kidnapping
27		and child custody cases.
28	G.S. 110-141	Effectuation of intent of Article.
29	G.S. 110-142	Definitions; suspension and revocation of occupational,
30		professional, or business licenses of obligors who are
31		delinquent in court-ordered child support or subject to
32		outstanding warrants for failure to appear for failure to
33		comply with the terms of a court order for child support.
34	G.S. 110-142.1	IV-D notified suspension, revocation, and issuance of
35		occupational, professional, or business licenses of obligors
36		who are delinquent in court-ordered child support or subject
37		to outstanding warrants for failure to appear for failure to
38		comply with the terms of a court order for child support.
39	G.S. 110-142.2	Suspension, revocation, restriction of license to operate a
40		motor vehicle or hunting, fishing, or trapping licenses; refusal
41		of registration of motor vehicle.
42	G.S. 111-4	Register of State's blind.
43	G.S. 111-5	Information and aid bureaus.

1	G.S. 111-6	Training schools and workshops; training outside State; sale
2		of products; direct relief; matching of federal funds.
3	G.S. 111-6.1	Rehabilitation center for the adult blind.
4	G.S. 111-7	Promotion visits.
5	G.S. 111-8	Investigations; eye examination and treatment.
6	G.S. 111-8.1	Certain eye examinations to be reported to Department of
7		Human Resources.
8	G.S. 111-12.1	Acceptance of private contributions for particular facilities
9		authorized.
10	G.S. 111-12.2	Contributions treated as State funds to match federal funds.
11	G.S. 111-12.3	Rules and regulations as to receiving and expending
12		contributions.
13	G.S. 111-12.5	Reserve and operating capital fund.
14	G.S. 111-12.6	Disposition of funds deposited with or transferred to State
15		Treasurer.
16	G.S. 111-13	Administration of assistance; objective standards for
17		personnel rules and regulations.
18	G.S. 111-14	Application for benefits under Article; investigation and
19		award by county commissioners.
20	G.S. 111-16	Application for aid; notice of award; review.
21	G.S. 111-17	Amount and payment of assistance; source of funds.
22	G.S. 111-18	Payment of awards.
23	G.S. 111-20	Awards subject to reopening upon change in condition.
24	G.S. 111-24	Cooperation with federal departments or agencies; grants
25		from federal government.
26	G.S. 111-25	Acceptance and use of federal aid.
27	G.S. 111-27	Department of Human Resources to promote employment of
28		needy blind persons; vending stands on public property.
29	G.S. 111-27.1	Department of Human Resources authorized to conduct
30		certain business operations.
31	G.S. 111-27.2	Blind vending-stand operators; retirement benefits.
32	G.S. 111-28	Department of Human Resources authorized to receive
33		federal, etc., grants for benefit of needy blind; use of
34		information concerning blind persons.
35	G.S. 111-28.1	Department of Human Resources authorized to cooperate
36		with federal government in rehabilitation of blind.
37	G.S. 111-29	Expenditure of equalizing funds; grants affording maximum
38		federal aid; lending North Carolina reports.
39	G.S. 111-30	Personal representatives for certain recipients of aid to the
40		blind.
41	G.S. 111-31	Courts for purposes of §§ 111-30 to 111-33; records.

1	G.S. 111-41	Preference to visually handicapped persons in operation of vending facilities; responsibility of Department of Human Resources.
2		
3		
4	G.S. 111-44	Location and services provided by State agency.
5	G.S. 111-46	Vending facilities operated by those other than visually handicapped persons.
6		
7	G.S. 111-47	Exclusions.
8	G.S. 111-48	Preference to blind persons in operation of highway vending facilities.
9		
10	G.S. 111-50	Operations of highway vending.
11	G.S. 113-271	Hook-and-line licenses in inland fishing waters.
12	G.S. 114-19.2	Criminal record checks of school personnel.
13	G.S. 114-19.4	Criminal record checks of foster parents.
14	G.S. 114-19.5	Criminal record checks of child day care providers.
15	G.S. 115C-110	Services mandatory; single-agency responsibility; State and local plans; census and registration.
16		
17	G.S. 115C-111	Free appropriate education for all children with special needs.
18	G.S. 115C-113	Diagnosis and evaluation; individualized education program.
19	G.S. 115C-113.1	Surrogate parents.
20	G.S. 115C-115	Placements in private schools, out-of-state schools and schools in other local educational agencies.
21		
22	G.S. 115C-117	Creation.
23	G.S. 115C-121	Establishment; organization; powers and duties.
24	G.S. 115C-122	Early childhood development program; evaluation and placement of children.
25		
26	G.S. 115C-123	Establishment; operations.
27	G.S. 115C-124	Pupils admitted; education.
28	G.S. 115C-126.1	Fees for athletic programs; appeal.
29	G.S. 115C-127	Incorporation, name and management.
30	G.S. 115C-128	Admission of pupils; how admission obtained.
31	G.S. 115C-130	Admission of pupils from other states.
32	G.S. 115C-131	Department of Human Resources may confer diplomas.
33	G.S. 115C-132	State Treasurer is ex officio treasurer of institution.
34	G.S. 115C-139	Interlocal cooperation.
35	G.S. 115C-144	Departmental requests.
36	G.S. 115C-250	Authority to expend funds for transportation of children with special needs.
37		
38	G.S. 115C-325	System of employment for public school teachers.
39	G.S. 115D-1	Statement of purpose.
40	G.S. 115D-5	Administration of institution by State Board of Community Colleges; personnel exempt from State Personnel Act; extension courses; tuition waiver; in-plant training; contracting, etc., for establishment and operation of extension
41		
42		
43		

1		units of the community college system; use of existing public
2		school facilities.
3	G.S. 116-37.1	Center for public television.
4	G.S. 116-209.30	Social Workers' Education Loan Fund.
5	G.S. 120-65	Assistance of Department of Human Resources, State Board
6		of Education, and Department of Public Instruction.
7	G.S. 120-70.72	Membership; cochairmen; vacancies.
8	G.S. 120-182	(For applicability see note) Commission; membership.
9	G.S. 122A-5.13	Adult Care Home, Group Home, and Nursing Home Fire
10		Protection Fund authorized; authority.
11	G.S. 122C-3	Definitions.
12	G.S. 122C-113	Cooperation between Secretary and other agencies.
13	G.S. 122C-117	Powers and duties of the area authority.
14	G.S. 122C-124	Area Authority funding suspended.
15	G.S. 122C-125	Area Authority financial failure; State assumption of financial
16		control.
17	G.S. 122C-197	Mediation.
18	G.S. 122C-199	Administrative review by Review Officer.
19	G.S. 122C-403	Secretary's authority over Camp Butner reservation.
20	G.S. 122C-412.1	Butner Advisory Council; powers.
21	G.S. 122C-412.2	Butner Advisory Council; planning responsibility.
22	G.S. 122C-421	Joint security force.
23	G.S. 126-5	Employees subject to Chapter; exemptions.
24	G.S. 130A-248	Regulation of food and lodging establishments.
25	G.S. 131A-19	Annual report.
26	G.S. 131D-1	Licensing of maternity homes.
27	G.S. 131D-2	Licensing of adult care homes for the aged and disabled.
28	G.S. 131D-4.2	Adult care homes; family care homes; annual cost reports;
29		exemptions; enforcement.
30	G.S. 131D-4.3	Adult care home rules.
31	G.S. 131D-6	Certification of adult day care programs; purpose; definition;
32		penalty.
33	G.S. 131D-10.2	Definitions.
34	G.S. 131D-10.3A	Mandatory criminal checks of foster parents.
35	G.S. 131D-10.6A	Training by the Division of Social Services required.
36	G.S. 131D-11	Inspection.
37	G.S. 131D-12	Approval of new facilities.
38	G.S. 131D-13	Failure to provide information.
39	G.S. 131D-21	Declaration of residents' rights.
40	G.S. 131D-24	Notice to resident.
41	G.S. 131D-26	Enforcement and investigation.
42	G.S. 131D-27	Confidentiality.
43	G.S. 131D-28	Civil action.

1	G.S. 131D-29	Revocation of license.
2	G.S. 131D-31	Adult care home community advisory committees.
3	G.S. 131D-32	Functions of adult care home community advisory
4		committees.
5	G.S. 131D-34	Penalties; remedies.
6	G.S. 131E-1	Definitions.
7	G.S. 131E-13	Lease or sale of hospital facilities to for-profit corporations by
8		municipalities and hospital authorities.
9	G.S. 131E-76	Definitions.
10	G.S. 131E-117	Declaration of patient's rights.
11	G.S. 131E-125	Revocation of a license.
12	G.S. 131E-128	Nursing home advisory committees.
13	G.S. 131E-138	Licensure requirements.
14	G.S. 131E-154.2	Definitions.
15	G.S. 131E-159	Requirements for certification.
16	G.S. 131E-175	Findings of fact.
17	G.S. 131E-176	Definitions.
18	G.S. 131E-177	Department of Human Resources is designated State Health
19		Planning and Development Agency; powers and duties.
20	G.S. 131E-188	Administrative and judicial review.
21	G.S. 131E-190	Enforcement and sanctions.
22	G.S. 131E-192.2	Definitions.
23	G.S. 131E-201	Definitions.
24	G.S. 131E-214.1	Definitions.
25	G.S. 131E-214.4	Statewide data processor.
26	G.S. 131F-2	Definitions.
27	G.S. 134A-1	Legislative intent and purpose.
28	G.S. 134A-2	Definitions.
29	G.S. 134A-6	Transfer of institutions.
30	G.S. 134A-8	Powers and duties of Secretary of Human Resources.
31	G.S. 135-16.1	Blind or visually handicapped employees.
32	G.S. 135-40.2	Eligibility.
33	G.S. 135-40.6	Benefits subject to deductible and coinsurance
34		(comprehensive benefits).
35	G.S. 136-18	Powers of Department of Transportation.
36	G.S. 136-41.1	Appropriation to municipalities; allocation of funds generally;
37		allocation to Butner.
38	G.S. 136-89.56	Commercial enterprises.
39	G.S. 137-31.3	Members of board of directors; terms of office; per diem and
40		expenses.
41	G.S. 143-23.2	Transfers to Department of Human Resources.
42	G.S. 143-31.1	Study and review of plans and specifications for building,
43		improvement, etc., projects.

1	G.S. 143-31.3	Grants to nonstate health and welfare agencies.
2	G.S. 143-48.1	Medicaid program exemption.
3	G.S. 143-49	Powers and duties of Secretary.
4	G.S. 143-116.6	Rules concerning conduct; violation.
5	G.S. 143-116.7	Motor vehicle laws applicable to streets, alleys and driveways
6		on the grounds of Department of Human Resources
7		institutions; traffic regulations; registration and regulation of
8		motor vehicles.
9	G.S. 143-117	Institutions included.
10	G.S. 143-117.1	Definitions.
11	G.S. 143-118	Secretary of Human Resources to fix cost and charges.
12	G.S. 143-126.1	Lien on property for unpaid balance due institution.
13	G.S. 143-127.1	Parental liability for payment of cost of care for long-term
14		patients in Department of Human Resources facilities.
15	G.S. 143-127.2	Repair or replacement of personal property.
16	G.S. 143-138	North Carolina State Building Code.
17	G.S. 143-166.2	Definitions.
18	G.S. 143-166.13	Persons entitled to benefits under Article.
19	G.S. 143-507	Establishment of emergency medical services program.
20	G.S. 143-508	Department of Human Resources to establish program; rules
21		and regulations of North Carolina Medical Care Commission.
22	G.S. 143-509	Powers and duties of Secretary.
23	G.S. 143-510	(For applicability see note) Emergency Medical Advisory
24		Council.
25	G.S. 143-511	Powers and duties of the Council.
26	G.S. 143-512	Regional demonstration plans.
27	G.S. 143-513	Regional emergency medical services councils.
28	G.S. 143-514	Training programs; utilization of emergency services
29		personnel.
30	G.S. 143-516	Single State agency.
31	G.S. 143-545A	Purpose, establishment and administration of program;
32		services.
33	G.S. 143-546A	Duties of Secretary; cooperation with federal rehabilitation
34		services administration or successor.
35	G.S. 143-548	Vocational Rehabilitation Advisory Council.
36	G.S. 143-576.6	Community Child Protection Teams; responsibility for
37		training of team members.
38	G.S. 143B-2	Interim applicability of the Executive Organization Act of
39		1973.
40	G.S. 143B-6	Principal departments.
41	G.S. 143B-139.3	Department of Human Resources – authority to contract with
42		other entities.

1	G.S. 143B-139.4	Department of Human Resources; authority to assist private nonprofit foundations.
2		
3	G.S. 143B-139.5	Department of Human Resources; adult care State/county share of costs.
4		
5	G.S. 143B-139.6	Confidentiality of records.
6	G.S. 143B-139.7	Consolidated county human services funding.
7	G.S. 143B-147	Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services – creation, powers and duties.
8		
9	G.S. 143B-148	Commission for Mental Health, Developmental Disabilities, and Substance Abuse Services – members; selection; quorum; compensation.
10		
11		
12	G.S. 143B-150.5	Family Preservation Services Program established; purpose.
13	G.S. 143B-150.6	Program services; eligibility; grants for local projects; fund transfers.
14		
15	G.S. 143B-152.1	Establishment of program; purpose; goals.
16	G.S. 143B-152.5	Grants review and selection.
17	G.S. 143B-152.6	Cooperation of State and local agencies.
18	G.S. 143B-152.7	Program evaluation; reporting requirements.
19	G.S. 143B-152.10	Family Resource Center Grant Program; creation; purpose; intent.
20		
21	G.S. 143B-152.11	Administration of program.
22	G.S. 143B-152.13	Grants review and selection.
23	G.S. 143B-152.14	Cooperation of State and local agencies.
24	G.S. 143B-152.15	Program evaluation; reporting requirements.
25	G.S. 143B-153	Social Services Commission – creation, powers and duties.
26	G.S. 143B-154	Social Services Commission – members; selection; quorum; compensation.
27		
28	G.S. 143B-157	Commission for the Blind – creation, powers and duties.
29	G.S. 143B-158	Commission for the Blind – members; selection; quorum; compensation.
30		
31	G.S. 143B-161	Professional Advisory Committee – creation, powers and duties.
32		
33	G.S. 143B-162	Professional Advisory Committee – members; selection; quorum; compensation.
34		
35	G.S. 143B-163	Consumer and Advocacy Advisory Committee for the Blind – creation, powers and duties.
36		
37	G.S. 143B-164	(For applicability, see note) Consumer and Advocacy Advisory Committee for the Blind – members; selection; quorum; compensation.
38		
39		
40	G.S. 143B-165	North Carolina Medical Care Commission – creation, powers and duties.
41		
42	G.S. 143B-166	North Carolina Medical Care Commission – members; selection; quorum; compensation.
43		

1	G.S. 143B-168.3	Child Day-Care Commission – powers and duties.
2	G.S. 143B-168.4	Child Day-Care Commission – members; selection; quorum.
3	G.S. 143B-168.5	Child Day Care – special unit.
4	G.S. 143B-168.11	Early childhood initiatives; purpose; definitions.
5	G.S. 143B-176.1	Board of Directors of the Governor Morehead School –
6		creation, powers and duties.
7	G.S. 143B-176.2	Board of Directors of the Governor Morehead School –
8		members; selection; quorum; compensation.
9	G.S. 143B-177	Council on Developmental Disabilities – creation, powers and
10		duties.
11	G.S. 143B-179	Council on Developmental Disabilities – members; selection;
12		quorum; compensation.
13	G.S. 143B-180	Governor's Advisory Council on Aging – creation, powers
14		and duties.
15	G.S. 143B-181.1	Division of Aging – creation, powers and duties.
16	G.S. 143B-181.1A	Plan for serving older adults; inventory of existing data;
17		cooperation by State agencies.
18	G.S. 143B-181.1B	Division as clearinghouse for information; agencies to
19		provide information.
20	G.S. 143B-181.2	Assistant Secretary for Aging – appointment and duties.
21	G.S. 143B-181.4	Responsibility for policy.
22	G.S. 143B-181.6	Purpose and intent.
23	G.S. 143B-181.10	Respite care program established; eligibility; services;
24		administration; payment rates.
25	G.S. 143B-181.15	Long-Term Care Ombudsman Program/Office; policy.
26	G.S. 143B-181.17	Office of State Long-Term Care Ombudsman
27		Program/Office; establishment.
28	G.S. 143B-181.18	Office of State Long-Term Care Ombudsman Program/State
29		Ombudsman duties.
30	G.S. 143B-181.55	Creation, membership, meetings, organization, and adoption
31		of measures.
32	G.S. 143B-216.30	Definitions.
33	G.S. 143B-216.31	Council for the Deaf and the Hard of Hearing – creation and
34		duties.
35	G.S. 143B-216.32	Council for the Deaf and the Hard of Hearing – membership;
36		quorum; compensation.
37	G.S. 143B-216.33	Division of Services for the Deaf and Hard of
38		Hearing – creation, powers and duties.
39	G.S. 143B-269	Black Mountain Advancement Center for Women –
40		established; inmates; medical and food services; training;
41		work release.
42	G.S. 143B-407	North Carolina State Commission of Indian Affairs –
43		membership; term of office; chairman; compensation.

1	G.S. 143B-411.1	North Carolina Advisory Council on the Eastern Band of the Cherokee – creation; membership; terms of office.
2		
3	G.S. 143B-415	(For applicability see note) Governor's Advocacy Council on Children and Youth – members; selection; quorum; compensation.
4		
5		
6	G.S. 143B-417	North Carolina Internship Council – creation; powers and duties.
7		
8	G.S. 143B-426.25	North Carolina Farmworker Council – creation; membership; meetings.
9		
10	G.S. 143B-478	Governor's Crime Commission – creation; composition; terms; meetings, etc.
11		
12	G.S. 147-45	Distribution of copies of State publications.
13	G.S. 148-19	Health services.
14	G.S. 150B-3	Special provisions on licensing.
15	G.S. 153A-217	Definitions.
16	G.S. 153A-221	Minimum standards.
17	G.S. 153A-221.1	Standards and inspections.
18	G.S. 153A-222	Inspections of local confinement facilities.
19	G.S. 153A-226	Sanitation and food.
20	G.S. 153A-230.4	Standards.
21	G.S. 153A-230.5	Satellite jails/work release units built with non-State funds.
22	G.S. 153A-250	Ambulance services.
23	G.S. 153A-256	County home.
24	G.S. 162-56	Place of confinement.
25	G.S. 162A-21	Preamble.
26	G.S. 163-152.1	Assistance to blind voters in primaries and elections.
27	G.S. 168-2	Right of access to and use of public places.
28	G.S. 168-4.2	May be accompanied by assistance dog.
29	G.S. 168-4.3	Training and registration of assistance dog.
30	G.S. 168-14	Vocational rehabilitation services for deaf persons.
31	Section 119. The phrase "Environment, Health, and Natural Resources" is	
32	deleted and replaced by the phrase "Environment and Natural Resources" wherever it	
33	occurs in each of the following sections of the General Statutes:	
34	G.S. 7A-29	Appeals of right from certain administrative agencies.
35	G.S. 14-131	Trespass on land under option by the federal government.
36	G.S. 14-137	Willfully or negligently setting fire to woods and fields
37	G.S. 15A-1343	Conditions of probation.
38	G.S. 20-79.5	Special registration plates for elected and appointed State government officials.
39		
40	G.S. 20-128	Prevention of noise, smoke, etc.; muffler cut-outs regulated.
41	G.S. 20-183.7	Fees for performing an inspection and putting an inspection sticker on a vehicle; use of civil penalties.
42		
43	G.S. 47-30	Plats and subdivisions; mapping requirements.

1	G.S. 58-78.1	(Applicable January 1, 1997) State Fire and Rescue Commission created; membership.
2		
3	G.S. 62-102	Application for certificate.
4	G.S. 68-43	Authority of Secretary of Environment, Health, and Natural Resources to remove or confine ponies on Ocracoke Island and Shackelford Banks.
5		
6		
7	G.S. 69-25.5	Methods of providing fire protection.
8	G.S. 74-38	Commission to file copies of bylaws with Department of Environment, Health, and Natural Resources.
9		
10	G.S. 74-49	Definitions.
11	G.S. 74-53	Reclamation plan.
12	G.S. 74-76	Definitions.
13	G.S. 75A-17	Enforcement of Chapter.
14	G.S. 75A-5.1	Commercial fishing boats; renewal of number.
15	G.S. 76-40	Navigable waters; certain practices regulated.
16	G.S. 77-13	Obstructing streams a misdemeanor.
17	G.S. 77-14	Obstructions in streams and drainage ditches.
18	G.S. 87-85	Definitions.
19	G.S. 87-91	Notice.
20	G.S. 87-94	Civil penalties.
21	G.S. 87-95	Injunctive relief.
22	G.S. 90A-37	Classification of water pollution control systems.
23	G.S. 90A-38	Grades of certificates.
24	G.S. 90A-39	Operator qualifications and examination.
25	G.S. 90A-43	Promotion of training and other powers.
26	G.S. 90A-47.3	Qualifications for certification; training; examination.
27	G.S. 100-2	Approval of memorials before acceptance by State; regulation of existing memorials, etc.; "work of art" defined; highway markers.
28		
29		
30	G.S. 102-8	Administrative agency.
31	G.S. 102-9	Duties and powers of the agency.
32	G.S. 100-11	Duties.
33	G.S. 100-12	Roads, trails, and fences authorized; protection of property.
34	G.S. 100-13	Fees for use of improvements; fees for other privileges; leases; rules.
35		
36	G.S. 100-14	Use of fees and other collections.
37	G.S. 102-1.1	Name and description in relation to 1983 North American Datum.
38		
39	G.S. 102-10	Prior work.
40	G.S. 102-15	Improvement of land records.
41	G.S. 102-17	County projects eligible for assistance.
42	G.S. 104E-10.1	Additional requirements for low-level radioactive waste facilities.
43		

1	G.S. 104E-5	Definitions.
2	G.S. 104E-7	Radiation Protection Commission-Creation and powers.
3	G.S. 104E-9	Powers and functions of Department of Environment, Health, 4 and Natural Resources.
5	G.S. 104E-15	Transportation of radioactive materials.
6	G.S. 104E-17	Payments to State and local agencies.
7	G.S. 104E-24	Administrative penalties.
8	G.S. 104F-4	(Applicable January 1, 1997) Advisory Committee.
9	G.S. 104G-11	Technology, license application, and environmental impact 10 statement.
11	G.S. 104G-13	Closure and decommissioning.
12	G.S. 104G-22	Inter-Agency Committee.
13	G.S. 105-122	Franchise or privilege tax on domestic and foreign 14 corporations.
15	G.S. 105-130.10	Amortization of air-cleaning devices, waste treatment 16 facilities and recycling facilities.
17	G.S. 105-130.34	Credit for certain real property donations.
18	G.S. 105-151.12	Credit for certain real property donations.
19	G.S. 105-275	Property classified and excluded from the tax base.
20	G.S. 105-277.7	Use-Value Advisory Board.
21	G.S. 105A-2	Definitions.
22	G.S. 106-202.14	Creation of Board; membership; terms; chairman; quorum; 23 board actions; compensation.
24	G.S. 106-202.17	Creation of committee; membership; terms; chairman; 25 meetings; committee action; quorum; compensation.
26	G.S. 106-760	Advisory Board.
27	G.S. 106-762	Fish disease management.
28	G.S. 106-802	Definitions.
29	G.S. 106-805	Written notice of swine farms.
30	G.S. 110-142.2	Suspension, revocation, restriction of license to operate a 31 motor vehicle, or hunting, fishing, or trapping licenses; 32 refusal of registration of motor vehicle.
33	G.S. 113-1	Meaning of terms.
34	G.S. 113-28.1	Designated employees commissioned special peace officers 35 by Governor.
36	G.S. 113-28.2	Powers of arrest.
37	G.S. 113-28.4	Oaths required.
38	G.S. 113-29	Policy and plan to be inaugurated by Department of 39 Environment, Health, and Natural Resources.
40	G.S. 113-35	State timber may be sold by Department of Environment, 41 Health, and Natural Resources; forest nurseries; control over 42 parks, etc.; operation of public service facilities; concessions 43 to private concerns.

1	G.S. 113-44.9	Definitions.
2	G.S. 113-51	Powers of Department of Environment, Health, and Natural
3		Resources.
4	G.S. 113-60.4	Purpose and intent.
5	G.S. 113-60.14	Compact Administrator; North Carolina members of advisory
6		committee.
7	G.S. 113-60.15	Agreements with nonconductor states.
8	G.S. 113-60.22	Definitions.
9	G.S. 113-60.32	Definitions.
10	G.S. 113-60.33	Standby duty.
11	G.S. 113-61	Private limited dividend corporations may be formed.
12	G.S. 113-64	Duties of supervision by Secretary of Environment, Health,
13		and Natural Resources.
14	G.S. 113-77.6	Definitions.
15	G.S. 113-81.1	Authority to render scientific forestry services.
16	G.S. 113-128	Definitions relating to agencies and their powers.
17	G.S. 113-145.5	Clean Water Management Trust Fund: Board of Trustees
18		established; membership qualifications; vacancies; meetings
19		and meeting facilities.
20	G.S. 113-145.8	Clean Water Management Trust Fund: Advisory Council.
21	G.S. 113-378	Persons drilling for oil or gas to register and furnish bond.
22	G.S. 113-389	Definitions.
23	G.S. 113A-33	Definitions.
24	G.S. 113A-52	Definitions.
25	G.S. 113A-74	Appalachian Trails System; connecting or side trails;
26		coordination with the National Trails System Act.
27	G.S. 113A-75	Assistance under this Article with the National Trails System
28		Act (PL 90-543).
29	G.S. 113A-85	Definitions.
30	G.S. 113A-103	Definitions.
31	G.S. 113A-104	Coastal Resources Commission.
32	G.S. 113A-107	State guidelines for the coastal area.
33	G.S. 113A-112	Planning grants.
34	G.S. 113A-113	Areas of environmental concern; in general.
35	G.S. 113A-118	Permit required.
36	G.S. 113A-124	Additional powers and duties.
37	G.S. 113A-129.2	Coastal Reserve Program.
38	G.S. 113A-153	North Carolina Land Policy Council.
39	G.S. 113A-164.3	Definitions.
40	G.S. 113A-166	Rules.
41	G.S. 113A-167	Existing billboards.
42	G.S. 113A-168	Removal, etc., of unlawful advertising.
43	G.S. 113A-169	Condemnation procedure.

1	G.S. 113A-170	Violation a misdemeanor; injunctive relief.
2	G.S. 113A-177	Statement of purpose.
3	G.S. 113A-178	Definitions.
4	G.S. 113A-183	Forest Development Fund.
5	G.S. 113A-193	Duties of Secretaries.
6	G.S. 113A-194	Assessment rates.
7	G.S. 113A-208	Regulation of mountain ridge construction by counties and
8		cities.
9	G.S. 113A-212	Assistance to counties and cities under ridge law.
10	G.S. 113A-221	Definitions.
11	G.S. 113B-3	Composition of Council; appointments; terms of members;
12		qualifications.
13	G.S. 120-70.33	Powers and duties.
14	G.S. 120-70.43	Powers and duties.
15	G.S. 120-70.62	Powers and duties.
16	G.S. 120-150	(Effective January 1, 1997) Creation; appointment of
17		members.
18	G.S. 120-161	Facilities and staff.
19	G.S. 120-183.7	Fees for performing an inspection and putting an inspection
20		sticker on a vehicle; use of civil penalties.
21	G.S. 121-4	Powers and duties of the Department of Cultural Resources.
22	G.S. 126-5	Employees subject to Chapter; exemptions.
23	G.S. 130A-310.8	Recordation of inactive hazardous substance or waste
24		disposal sites.
25	G.S. 130A-336	Improvement permit and authorization for wastewater system
26		construction required.
27	G.S. 130A-342	Aerobic systems.
28	G.S. 130B-2	Definitions.
29	G.S. 130B-22	Inter-Agency Committee on Hazardous Waste.
30	G.S. 136-21	Drainage of highway; application to court; summons;
31		commissioners.
32	G.S. 136-28.8	Use of recycled materials in construction.
33	G.S. 136-44.12	Maintenance of roads and parking lots in areas administered
34		by the Division of Parks and Recreation.
35	G.S. 136-44.36D	Recreational leasing requirements.
36	G.S. 136-102.3	Filing record of results of test drilling or boring with
37		Secretary of Administration and Secretary of Environment,
38		Health, and Natural Resources.
39	G.S. 139-4	Powers and duties of Soil and Water Conservation
40		Commission generally.
41	G.S. 139-5	Creation of soil and water conservation districts.
42	G.S. 139-7	District board of supervisors-appointive members;
43		organization of board; certain powers and duties.

1	G.S. 139-8	Powers of districts and supervisors.
2	G.S. 139-13	Discontinuance of districts.
3	G.S. 139-46	Recreational and related aspects of watershed improvement
4		programs.
5	G.S. 143-58.2	State policy; bid procedures and specifications; identification
6		of products.
7	G.S. 143-116.8	Motor vehicle laws applicable to State parks and forests road
8		system.
9	G.S. 143-138	North Carolina State Building Code.
10	G.S. 143-166.2	Definitions.
11	G.S. 143-166.7	Applicability of Article.
12	G.S. 143-166.13	Persons entitled to benefits under Article.
13	G.S. 143-169	Limitations on publications.
14	G.S. 143-177.3	Sources of funds.
15	G.S. 143-211	Declaration of public policy.
16	G.S. 143-212	Definitions.
17	G.S. 143-214.8	Wetlands Restoration Program; established.
18	G.S. 143-214.11	Wetlands Restoration Program; compensatory mitigation.
19	G.S. 143-214.13	Wetlands Restoration Program: reporting requirement.
20	G.S. 143-215.3B	Wastewater Treatment Works Emergency Maintenance,
21		Operation and Repair Fund.
22	G.S. 143-215.18	Map or description of boundaries of capacity use areas.
23	G.S. 143-215.22I	Regulation of surface water transfers.
24	G.S. 143-215.22J	Scientific Advisory Council on Water Resources and Coastal
25		Fisheries Management established; membership,
26		compensation.
27	G.S. 143-215.40	Resolutions and ordinances assuring local cooperation.
28	G.S. 143-215.70	Secretary of Environment, Health, and Natural Resources
29		authorized to accept applications.
30		
31	G.S. 143-215.73A	Water Resources Development Plan.
32	G.S. 143-215.74F	Program authorized.
33	G.S. 143-215.77	Definitions.
34	G.S. 143-215.86	Other State agencies and State-designated local agencies.
35	G.S. 143-215.94HH	Oil spill contingency plan.
36	G.S. 143-240	Creation of Wildlife Resources Commission; districts;
37		qualifications of members.
38	G.S. 143-243	Organization of the Commission; election of officers;
39		Robert's Rules of Order.
40	G.S. 143-252	Article subject to Chapter 113.
41	G.S. 143-253	Jurisdictional questions.
42	G.S. 143-286.1	Nutbush Conservation Area.

1	G.S. 143-289	Contributions from certain counties and municipalities authorized; other grants or donations.
2		
3	G.S. 143-320	Definitions.
4	G.S. 143-323	Functions of Department of Environment, Health, and Natural Resources.
5		
6	G.S. 143-350	Definitions.
7	G.S. 143-439	Pesticide Advisory Committee; creation and functions.
8	G.S. 143-670	Definitions.
9	G.S. 143-671	Adopt-A-Beach Program; established; purposes.
10	G.S. 143B-2	Interim applicability of the Executive Organization Act of 1973.
11		
12	G.S. 143B-6	Principal departments.
13	G.S. 143B-86	America's Four Hundredth Anniversary Committee-members; selection; quorum; compensation.
14		
15	G.S. 143B-115	John Motley Morehead Memorial Commission-members; selection; quorum; compensation.
16		
17	G.S. 143B-131.2	Roanoke Island Commission – Purpose, powers and duties.
18	G.S. 143B-279.1	Department of Environment, Health, and Natural Resources-creation.
19		
20	G.S. 143B-279.4	The Department of Environment, Health, and Natural Resources-Secretary; Deputy Secretaries.
21		
22	G.S. 143B-281.1	Wildlife Resources Commission-transfer; independence preserved; appointment of Executive Director and employees.
23		
24	G.S. 143B-282	Environmental Management Commission-creation; powers and duties.
25		
26	G.S. 143B-282.1	Environmental Management Commission-quasi-judicial powers; procedures.
27		
28	G.S. 143B-283	(Applicable January 1, 1997) Environmental Management Commission-members; selection; removal; compensation; quorum; services.
29		
30		
31	G.S. 143B-285.22	Creation.
32	G.S. 143B-285.23	Powers and duties of the Secretary of Environment, Health, and Natural Resources.
33		
34	G.S. 143B-289.2	Definitions.
35	G.S. 143B-289.3	Marine Fisheries Commission-creation; purpose and transfer of function.
36		
37	G.S. 143B-289.4	Marine Fisheries Commission-powers and duties.
38	G.S. 143B-289.5	Marine Fisheries Commission-members; selection; removal; compensation; quorum; services.
39		
40	G.S. 143B-289.11	Jurisdictional questions.
41	G.S. 143B-289.12	Rules of Department continued.
42	G.S. 143B-289.20	Office of Marine Affairs-organization; powers and duties.
43	G.S. 143B-289.22	Local advisory committees; duties; membership.

1	G.S. 143B-290	North Carolina Mining Commission-creation; powers and duties.
2		
3	G.S. 143B-294	Soil and Water Conservation Commission-creation; powers and duties.
4		
5	G.S. 143B-295	Soil and Water Conservation Commission-members; selection; removal; compensation; quorum; services.
6		
7	G.S. 143B-298	Sedimentation Control Commission-creation; powers and duties.
8		
9	G.S. 143B-299	Sedimentation Control Commission-members; selection; compensation; meetings.
10		
11	G.S. 143B-300	Water Pollution Control System Operators Certification Commission-creation; powers and duties.
12		
13	G.S. 143B-301	Water Pollution Control System Operators Certification Commission-members; selection; removal; compensation; quorum; services.
14		
15		
16	G.S. 143B-308	Forestry Council-creation; powers and duties.
17	G.S. 143B-309	Forestry Council-members; chairperson; selection; removal; compensation; quorum.
18		
19	G.S. 143B-313.1	North Carolina Parks and Recreation Authority; creation; powers and duties.
20		
21	G.S. 143B-313.2	North Carolina Parks and Recreation Authority; members; selection; compensation; meetings.
22		
23	G.S. 143B-317	Air Quality Compliance Advisory Panel-creation; powers and duties.
24		
25	G.S. 143B-318	Air Quality Compliance Advisory Panel-members; chairman; selection; removal; compensation; quorum; services.
26		
27	G.S. 143B-333	North Carolina Trails Committee-creation; powers and duties.
28	G.S. 143B-334	North Carolina Trails Committee-members; selection; removal; compensation.
29		
30	G.S. 143B-335	North Carolina Zoological Park Council-creation; powers and duties.
31		
32	G.S. 143B-336	North Carolina Zoological Park Council-members; selection; removal; chairman; compensation; quorum; services.
33		
34	G.S. 143B-336.1	Special Zoo Fund.
35	G.S. 143B-344.17	North Carolina Aquariums Commission-organization, powers, and duties.
36		
37	G.S. 143B-344.18	Commission created; membership.
38	G.S. 143B-407	(Applicable January 1,1997) North Carolina State Commission of Indian Affairs-membership; term of office; chairman; compensation.
39		
40		
41	G.S. 143B-411.1	North Carolina Advisory Council on the Eastern Band of the Cherokee-creation; membership; term of office.
42		

1	G.S. 143B-417	North Carolina Internship Council-creation; powers and
2		duties.
3	G.S. 143B-426.22	Governor's Management Council.
4	G.S. 143B-426.25	(Applicable January 1, 1997) North Carolina Farmworker
5		Council-creation; membership; meetings.
6	G.S. 143B-437	Investigation of impact of proposed new and expanding
7		industry.
8	G.S. 146-30	Application of net proceeds.
9	G.S. 146-8	Disposition of mineral deposits in State lands under water.
10	G.S. 147-45	Distribution of copies of State publications.
11	G.S. 150B-1	Policy and scope.
12	G.S. 158-8.2	Creation of Northeastern North Carolina Regional Economic
13		Development Commission.
14	G.S. 159I-7	Solid Waste Management Loan Fund.
15	G.S. 161-22.2	Parcel identifier number indexes.

16 Section 120. References in the Session Laws to any department, division, or
17 other agency that is transferred by this act shall be considered to refer to the successor
18 department, division, or other agency. Every Session Law that refers to any department,
19 division, or other agency to which this act applies that relates to any power, duty,
20 function, or obligation of any department, division, or agency and that continues in effect
21 after this act shall be construed so as to be consistent with this act.

22 Section 121. The Revisor of Statutes is authorized to correct any references or
23 citations in the General Statutes to any portion of the General Statutes that is recodified,
24 transferred, subdivided, or amended by this act by deleting incorrect references and
25 substituting correct references.

26 Section 122. The Revisor of Statutes is authorized to delete any reference to
27 the Department of Human Resources, the Secretary of Human Resources, and the
28 Secretary of the Department of Human Resources in any portion of the General Statutes
29 to which conforming amendments are not made by this act and to substitute, as
30 appropriate and consistent with this act, the Department of Health and Human Services
31 and the Secretary of Health and Human Services.

32 Section 123. The Revisor of Statutes is authorized to delete any reference to
33 the Department of Environment, Health, and Natural Resources, the Secretary of
34 Environment, Health, and Natural Resources, and the Secretary of the Department of
35 Environment, Health, and Natural Resources in any portion of the General Statutes to
36 which conforming amendments are not made by this act and to substitute, as appropriate
37 and consistent with this act, the Department of Environment and Natural Resources and
38 the Secretary of Environment and Natural Resources.

39 Section 124. The Secretary of Health and Human Services may reorganize the
40 Department of Health and Human Services in accordance with G.S. 143B-10 and shall
41 report as required by that section. The Department of Health and Human Services shall
42 report to the 1997 General Assembly, Regular Session 1998, on additional changes,
43 including proposed legislation, necessary to effectuate the purposes of this act.

1 Section 125. All statutory authority, powers, duties, functions, records,
2 personnel, property, and unexpended balances of appropriations or other funds of any
3 agency which is transferred pursuant to this act shall be transferred in their entirety.

4 Section 126. Unless specifically provided to the contrary or unless a contrary
5 intent is clear from the context, any official designation of any agency transferred by this
6 act as the State agency for any function, including specifically purposes of federal
7 programs, shall be considered to be a designation of the successor agency.

8 Section 127. No later than 30 days after the effective date of this Act, the
9 Department of Health and Human Services and the Department of Environment and
10 Natural Resources shall enter into a Memorandum of Agreement that provides for
11 coordination between the departments as to any functions shared by the departments as a
12 result of the passage of this Act. This Memorandum shall require that the Department of
13 Environment and Natural Resources provide staff to the Commission for Health Services
14 for the Commission's duties under Articles 9 and 11 of Chapter 130A of the General
15 Statutes. Until a Memorandum of Agreement has been entered into by the departments,
16 the Department of Health and Human Services shall provide all clerical and other
17 services required by the Commission for Health Services.

18 Section 128. This act becomes effective July 1, 1997.