

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

S

1

SENATE BILL 1251*

Short Title: Merge Radiation Prot. Into Div. Env. Health. (Public)

Sponsors: Senators Odom; Albertson, Clodfelter, and Kinnaird.

Referred to: Agriculture/Environment/Natural Resources.

June 6, 2002

A BILL TO BE ENTITLED

1 AN ACT TO MERGE THE DIVISION OF RADIATION PROTECTION OF THE
2 DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES INTO
3 THE DIVISION OF ENVIRONMENTAL HEALTH OF THE DEPARTMENT OF
4 ENVIRONMENT AND NATURAL RESOURCES, TO CREATE THE
5 RADIATION PROTECTION SECTION OF THE DIVISION OF
6 ENVIRONMENTAL HEALTH, AND TO MAKE CONFORMING STATUTORY
7 CHANGES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW
8 COMMISSION.
9

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** G.S. 143B-279.3(c) reads as rewritten:

12 "(c)

- 13 (1) ~~There is created a division within the environmental area of the~~
14 ~~Department of Environment and Natural Resources to be named the~~
15 ~~Division of Radiation Protection. All functions, powers, duties, and~~
16 ~~obligations of the Radiation Protection Section of the Division of~~
17 ~~Facility Services of the Department of Health and Human Services are~~
18 ~~transferred in their entirety to the Radiation Protection Division of the~~
19 ~~Department of Environment and Natural Resources.~~
- 20 (2) There is created a division within the environmental area of the
21 Department of Environment and Natural Resources to be named the
22 Division of Waste Management. All functions, powers, duties, and
23 obligations of the Solid Waste Management Section of the Division of
24 Health Services of the Department of Health and Human Services are
25 transferred in their entirety to the Division of Waste Management of
26 the Department of Environment and Natural Resources.
- 27 (3) There is created a division within the environmental areas of the
28 Department of Environment and Natural Resources to be named the
29 Division of Environmental Health. All functions, powers, duties and

1 obligations of the Division of Environmental Health of the Department
2 of Environment and Natural Resources are transferred in their entirety
3 to the Division of Environmental Health, Department of Environment
4 and Natural Resources. All functions, powers, duties, and obligations
5 of the Division of Radiation Protection of the Department of
6 Environment and Natural Resources are transferred in their entirety to
7 the Radiation Protection Section of the Division of Environmental
8 Health of the Department of Environment and Natural Resources."

9 **SECTION 2.** G.S. 104E-8(c) reads as rewritten:

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

- 13 (1) The Utilities ~~Commission;~~Commission.
- 14 (2) The Commission for Health ~~Services;~~Services.
- 15 (3) The Environmental Management ~~Commission;~~Commission.
- 16 (4) The Board of ~~Transportation;~~Transportation.
- 17 (5) The Division of Emergency Management of the Department of Crime
18 Control and Public ~~Safety;~~Safety.
- 19 (6) The ~~Division of~~ Radiation Protection Section of the Division of
20 Environmental Health of the ~~Department;~~Department.
- 21 (7) The Department of ~~Labor;~~Labor.
- 22 (8) The Industrial ~~Commission;~~Commission.
- 23 (9) The Department of ~~Insurance;~~Insurance.
- 24 (10) The Medical Care Commission."

25 **SECTION 3.** G.S. 104E-9(b) reads as rewritten:

26 "(b) The Radiation Protection ~~Division~~ Section of the Division of Environmental
27 Health of the Department of ~~Environment and Natural Resources~~ shall develop a
28 training program for tanning equipment operators that meets the training rules adopted
29 by the ~~North Carolina Radiation Protection~~ Commission. If the training program is
30 provided by the Department, the Department may charge each person trained a
31 reasonable fee to recover the actual cost of the training program."

32 **SECTION 4.** G.S. 120-70.33(3) reads as rewritten:

- 33 "(3) To evaluate actions of the Radiation Protection Commission, the
34 ~~Division of~~ Radiation Protection Section of the Division of
35 Environmental Health of the Department of Environment and Natural
36 Resources, and of any other board, commission, department, or agency
37 of the State or local government as such actions relate to low-level
38 radioactive waste management;".

39 **SECTION 5.** G.S. 166A-6.1(b) reads as rewritten:

40 "(b) Every person, firm, corporation or municipality who is licensed to construct
41 or who is operating a fixed nuclear facility for the production of electricity shall pay to
42 the Department of Crime Control and Public Safety, for the use of the ~~Division of~~
43 Radiation Protection Section of the Division of Environmental Health of the
44 Department of Environment and Natural Resources, an annual fee of thirty-six thousand

1 dollars (\$36,000) for each fixed nuclear facility that is located within this State or has a
2 Plume Exposure Pathway Emergency Planning Zone of which any part is located within
3 this State. This fee shall be applied to the costs of planning and implementing
4 emergency response activities as are required by the Federal Emergency Management
5 Agency for the operation of nuclear facilities. This fee is to be paid no later than July 31
6 of each year."

7 **SECTION 6.** This act becomes effective 1 July 2002.