

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 771
HOUSE BILL 1119

AN ACT TO REORGANIZE THE DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES AS THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT; TO CREATE A NORTH CAROLINA EMPLOYMENT AND TRAINING COUNCIL IN THE DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT; AND TO MAKE NECESSARY CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-276, as amended by Chapter 198 of the Session Laws of 1977, is rewritten to read as follows:

"§ 143B-276. Department of Natural Resources and Community Development-duties. — It shall be the duty of the department:

- (1) to provide for the management and protection of the State's natural resources and environment;
- (2) to promote and assist in the orderly development of North Carolina counties and communities; and
- (3) to provide job training and promote employment for economically disadvantaged persons."

Sec. 2. G.S. 143B-277, as amended by Chapter 198 of the Session Laws of 1977, is rewritten to read as follows:

"§ 143B-277. Department of Natural Resources and Community Development - functions. — The Department of Natural Resources and Community Development, except as otherwise provided by Article 1 of this Chapter or by the Constitution of North Carolina, shall include:

- (a) all of the executive functions of the State in relation to the protection and management of the natural resources and environment of the State, the orderly development of North Carolina's counties and communities, the job training of economically disadvantaged persons and the promotion of employment for economically disadvantaged persons;
- (b) all of the functions, powers, duties and obligations vested in the Department of Natural and Economic Resources and in any agency, commission, board, council or sub-part of the Department of Natural and Economic Resources all of which are hereby transferred to and vested in the Department of Natural Resources and Community Development; and
- (c) all other functions, powers, duties and obligations as are conferred by this Chapter, delegated or assigned by the Governor or conferred by the Constitution and laws of this State."

Sec. 3. G.S. 143B-279 is hereby rewritten to read as follows:

"§ 143B-279. Department of Natural Resources and Community Development - organization. — The Department of Natural Resources and Community Development shall be organized initially to include: (1) the Board of Natural Resources and Community Development, (2) the Wildlife Resources Commission, (3) the Environmental Management Commission, (4) the Marine Fisheries Commission, (5) the North Carolina Mining Commission, (6) the State Soil and Water Conservation Commission, (7) the Sedimentation Control Commission, (8) the Wastewater Treatment Plant Operators Certification Commission,

(9) the Earth Resources Council, (10) the Community Development Council, (11) the Forestry Council, (12) the Parks and Recreation Council (13) the North Carolina Zoological Park Council, (14) the Water Safety Council, (15) the Air Quality Council, (16) the Water Quality Council, (17) the North Carolina Employment and Training Council, (18) the Commercial and Sports Fisheries Committee, (19) the John H. Kerr Reservoir Committee, (20) the North Carolina Trails Committee, (21) the North Carolina Land Policy Council, and such divisions as may be established under the provisions of Article 1 of this Chapter."

Sec. 4. Wherever the words "Natural and Economic Resources are used or appear in any existing statute or law of this State or in any statute or law enacted during the 1977 Session of the General Assembly in reference to the Department of Natural and Economic Resources or the Secretary of Natural and Economic Resources or the Board of Natural and Economic Resources, the same shall be deleted and the words "Natural Resources and Community Development" shall be substituted therefor.

Sec. 5. There is hereby enacted a new section G.S. 113-14.3 to read as follows:

"§ 113-14.3. Publications. — The Department of Natural Resources and Community Development shall publish, from time to time, reports and statements, with illustrations, maps, and other descriptions, which shall adequately set forth the natural and material resources of the State for the purpose of furnishing information to educate the people about the natural and material resources of the State."

—CREATION OF EMPLOYMENT AND TRAINING COUNCIL

Sec. 6. G.S. Chapter 143B is amended by adding to Article 7 thereof a new Part 24 as follows:

"PART 24.

"North Carolina Employment and Training Council.

"§ 143B-340. North Carolina Employment and Training Council-creation, duties and responsibilities. — There is hereby created a North Carolina Employment and Training Council, within the Department of Natural Resources and Community Development hereinafter referred to as 'the Council'.

The Council shall have the following duties and responsibilities:

- (1) to advise the Governor on goals, objectives and policies regarding employment, training, and related programs, including community employment;
- (2) to review the plans and programs of agencies operating federally funded programs related to employment and training and of other agencies providing employment and training-related services in the State;
- (3) to make recommendations to the affected agencies, and to the Governor regarding the effective planning, delivery and coordination of employment, training and related services within the State; and
- (4) to conduct studies, prepare reports and provide such advisory services as may be authorized or directed by the Governor or the Secretary of Natural Resources and Community Development.

"§ 143B-341. North Carolina Employment and Training Council-structure, staff support, related councils. — The North Carolina Employment and Training Council shall consist of 21 members, to be selected by the Governor in a manner consistent with related federal law and regulations and who shall serve at the pleasure of the Governor. The Governor, who shall not be a voting member, shall serve as the chairman. The Governor may appoint a vice-chairman who shall preside over meetings in his absence.

The Council shall meet at least three times annually at the call of the chairman or the Secretary of Natural Resources and Community Development. A majority of the Council shall constitute a quorum for the transaction of business. Members shall receive per diem and

necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5, G.S. 138-6, or G.S. 120-3.1, as the case may be.

The Council may create such committees as may be necessary to the proper conduct of its business. The Governor may establish such additional advisory bodies, in accordance with existing law, related to employment and training as may be necessary and appropriate to the conduct of federally supported employment and training-related programs.

Clerical and other services required by the Council shall be supplied by the Secretary of Natural Resources and Community Development.

The Secretary of Natural Resources and Community Development or his designee shall serve as Secretary of the Council."

—CONFORMING CHANGE/DUTIES OF DEPARTMENT

Sec. 7. G.S. 113-3(a) as it appears in the 1975 Replacement Volume 3A of the General Statutes is amended by deleting subdivisions (3) and (5) and by renumbering subdivision (4) as subdivision (3).

—COMMUNITY DEVELOPMENT COUNCIL/CONFORMING CHANGES AND RECONSTRUCTION

Sec. 8. Wherever the words "Community and Economic Development Council" are used or appear in any existing statute or law of the State the same shall be deleted and the words "Community Development Council" inserted in lieu thereof. G.S. 143B-305 as the same appears in the 1975 Cumulative Supplement to replace Volume 3C of the General Statutes is amended by rewriting subdivision (1) as follows:

"(1) To advise the Secretary of Natural Resources and Community Development with respect to promoting and assisting in the orderly development of North Carolina counties and communities."

Sec. 9. G.S. 143B-306, as the same appears in the 1975 Cumulative Supplement to Volume 3C of the General Statutes, is amended by rewriting the second sentence of the first paragraph thereof to read as follows:

"The composition of the Council shall be as follows: one member who shall be a local government official, one member who shall be the Executive Secretary of the League of Municipalities, one member who shall be the Executive Secretary of the County Commissioners Association, one member who shall represent industry, one member who shall represent labor, and six members at large."

Sec. 10. The terms of the current members of the Community Development Council, renamed by virtue of Chapter 198 of the 1977 Session Laws, the successor to the Community and Economic Development Council are terminated upon the effective date of this act.

—TRANSFER OF STATE ECONOMIC OPPORTUNITY OFFICE /CONFORMING CHANGES

Sec. 11. Article 6 of Chapter 108 of the General Statutes entitled "Economic Opportunity Agencies" is amended by deleting the words "Department of Human Resources" from that Article wherever the same shall appear and inserting in lieu thereof the words "Department of Natural Resources and Community Development". The words "the Department" as they appear in that Article shall be deemed to refer to the Department of Natural Resources and Community Development. The State Economic Opportunity Office, created pursuant to the authority granted in Article 6 of Chapter 108 of the General Statutes is hereby transferred to the Department of Natural Resources and Community Development by a Type I transfer, as defined in G.S. 143A-6.

—TRANSFER AIR TRANSPORTATION PROGRAM FROM DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT TO DEPARTMENT OF COMMERCE

Sec. 11.1. The Air Transportation Program is hereby transferred to the Department of Commerce by a Type I transfer, as defined in G.S. 143A-6. All transfers of personnel, equipment and appropriations shall be completed on or before July 1, 1977. The Secretary of Commerce shall have authority over such personnel, equipment and appropriations transferred by this section upon the effective date of this act.

—TRANSFER OF OFFICE OF EMPLOYMENT AND TRAINING

Sec. 12. The Office of Employment and Training which was transferred to the Department of Administration by Executive Order Number VIII, issued September 4, 1974, is hereby transferred to the Department of Natural Resources and Community Development by a Type I transfer, as defined by G.S. 143A-6.

—ABOLITION OF MANPOWER SERVICES COUNCIL AND MANPOWER PLANNING COUNCIL

Sec. 13. The North Carolina State Manpower Services Council, which was created by Executive Order Number XVII, issued May 12, 1976, and the North Carolina Balance of State Manpower Planning Council, which was created by Executive Order Number XVIII, issued May 12, 1976, are hereby abolished.

—REPEAL OF N. C. MANPOWER COUNCIL

Sec. 14. Part 11 of Article 9 of G.S. Chapter 143B, G.S. 143B-395 through G.S. 143B-396, is hereby repealed.

—TRANSFER OF LAND POLICY COUNCIL/CONFORMING CHANGES

Sec. 15. The Land Policy Act of 1974 (G.S. Chapter 113A, Article 9) is hereby amended by deleting all references to "Department of Administration" and inserting in lieu thereof references to "Department of Natural Resources and Community Development"; by deleting all references to "Secretary of Administration" and inserting in lieu thereof references to "Secretary of Natural Resources and Community Development"; and by deleting the words

"Office of State Planning" in G.S. 113A-153(b)(4) and inserting in lieu thereof the words "Department of Natural Resources and Community Development".

—GENERAL TRANSFERS /SALARY

Sec. 16. All records, personnel and property of the Department of Natural and Economic Resources and the unexpended balances of appropriations to the Department of Natural and Economic Resources are hereby transferred to the Department of Natural Resources and Community Development.

Sec. 17. All records, personnel, property, and unexpended balances of appropriations to any agency or subunit transferred by this act to the Department of Natural Resources and Community Development are hereby transferred in accordance with the provisions of this act to the Department of Natural Resources and Community Development.

Sec. 18. All transfers of personnel, equipment, appropriations and functions of an agency or division transferred by this act to the re-created and reconstituted Department of Natural Resources and Community Development shall be completed by July 1, 1977, but the Secretary of Natural Resources and Community Development shall have the authority over such personnel, equipment, appropriations and functions transferred by this act upon the effective date of this act.

Sec. 19. The salary of the Secretary of Natural Resources and Community Development shall be the same as the salary heretofore established by the General Assembly for the Secretary of Natural and Economic Resources.

Sec. 20. The Department of Natural Resources and Community Development is authorized to utilize funds awarded from the Contingency and Emergency Fund by the Council of State for the expenses of the North Carolina Employment and Training Council and the members and officers thereof as may be required for the remainder of the 1976-1977 fiscal year.

Sec. 21. All rules and regulations adopted by the Department of Natural and Economic Resources and any agency, division, board, commission or sub- part of said department transferred to the Department of Natural Resources and Community Development or any other agency, division, board, commission or sub-part transferred by this act to the Department of Natural Resources and Community Development shall continue in full force and effect as the rules and regulations of the Department of Natural Resources and Community Development as successor to the Department of Natural and Economic Resources until repealed, modified or amended as authorized by law.

—SEVERABILITY

Sec. 22. If any provision of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions of this act or applications which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Sec. 23. It is the intent of the General Assembly that the provisions of this act shall be implemented without additional appropriations to the Department of Natural Resources and Community Development, and nothing herein contained shall be construed to obligate the General Assembly to appropriate additional funds to implement this act.

—EFFECTIVE DATE

Sec. 24. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1977.