

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 512

Senate Environment & Natural Resources Committee Substitute Adopted 6/27/91

Short Title: Sedimentation Control Commission.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO RATIFY THE PROCEDURE FOR APPOINTING THE MEMBERS OF THE SEDIMENTATION CONTROL COMMISSION IN ACCORDANCE WITH AN OPINION OF THE ATTORNEY GENERAL DATED 10 JULY 1974 AND TO ADD AN ADDITIONAL MEMBER TO THE COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-299 reads as rewritten:

"§ 143B-299. Sedimentation Control Commission – members; selection; compensation; meetings.

(a) Creation; Membership. – There is hereby created in the Department of Environment, Health, and Natural Resources the North Carolina Sedimentation Control Commission, which is charged with the duty of developing and administering the sedimentation control program provided for in this Article. The Commission shall consist of the following members:

- (1) ~~The Secretary of Environment, Health, and Natural Resources, who shall be chairman, and who may designate some other officer in the Department to act in his stead;~~ A person to be nominated jointly by the boards of the North Carolina League of Municipalities and the North Carolina Association of County Commissioners;
- (2) A person to be nominated by the Board of the North Carolina Home Builders Association;
- (3) A person to be nominated by the Carolinas Branch, Associated General Contractors of America;

- 1 (4) The president, vice-president, or general counsel of a North Carolina
2 public utility company;
- 3 (5) The Director of the North Carolina Water Resources Research
4 Institute;
- 5 (6) A member of the State Mining Commission who shall be a
6 representative of nongovernmental conservation interests, as required
7 by G.S. 74-38(b);
- 8 (7) A member of the State Soil and Water Conservation Commission;
- 9 (8) A member of the Environmental Management Commission;
- 10 (9) A soil scientist from the faculty of North Carolina State University;
- 11 ~~and~~
- 12 (10) Two persons who shall be representatives of nongovernmental
13 conservation ~~interests.~~ interests; and
- 14 (11) A professional engineer registered under the provisions of Chapter
15 89C of the General Statutes nominated by the Professional Engineers
16 of North Carolina, Inc.

17 (b) Appointment. – The Commission members shall be appointed by the
18 ~~Governor and all initial appointments shall be made on or before August 1, 1973.~~ Governor.
19 All Commission members, except the person filling position number five, as specified
20 above, shall serve staggered terms of office of three ~~years.~~ years and until their
21 successors are appointed and duly qualified. The person filling position number five
22 shall serve as a member of the Commission, subject to removal by the Governor as
23 hereinafter specified in this section, so long as he continues as Director of the Water
24 Resources Research Institute. ~~The initial terms of office for members filling positions two,~~
25 ~~three, and four, as specified above, shall expire June 30, 1975; thereafter, the terms of office for~~
26 ~~members filling those positions shall be three years.~~ The terms of office of members filling
27 positions two, four, seven, and eight shall expire on 30 June of years evenly divisible by
28 three. The terms of office of members filling positions one, three, and ten shall expire
29 on 30 June of years that follow by one year those years that are evenly divisible by
30 three. The terms of office of members filling positions six, nine, and eleven shall expire
31 on 30 June of years that precede by one year those years that are evenly divisible by
32 three. All Commission members serving on June 30, 1981, shall be eligible to complete their
33 ~~respective terms.~~—Except for the person filling position number five, no member
34 ~~appointed to~~ of the Commission on or after July 1, 1981, shall serve more than two
35 complete consecutive three-year terms. Any member appointed by the Governor to fill
36 a vacancy occurring in any of the appointments shall be appointed for the remainder of
37 the term of the member causing the vacancy. The Governor may at any time remove
38 any member of the Commission for inefficiency, neglect of duty, malfeasance,
39 misfeasance, nonfeasance or, in the case of members filling positions ~~one,~~ five, six,
40 seven, eight, ~~and nine,~~ and eleven, as specified above, because they no longer possess
41 the required qualifications for membership. In each instance appointments to fill
42 vacancies in the membership of the Commission shall be a person or persons with
43 similar experience and qualifications in the same field required of the member being
44 replaced. The office of the North Carolina Sedimentation Control Commission is

1 declared to be an office that may be held concurrently with any other elective or
2 appointive office, under the authority of Article VI, Sec. 9, of the North Carolina
3 Constitution.

4 (b1) Chairman. – The Governor shall designate a member of the Commission to
5 serve as chairman.

6 (c) Compensation. – The members of the Commission shall receive the usual and
7 customary per diem allowed for the other members of boards and commissions of the
8 State and as fixed in the Biennial Appropriation Act, and, in addition, the members of
9 the Commission shall receive subsistence and travel expenses according to the
10 prevailing State practice and as allowed and fixed by statute for such purposes, which
11 said travel expenses shall also be allowed while going to or from any place of meeting
12 or when on official business for the Commission. The per diem payments made to each
13 member of the Commission shall include necessary time spent in traveling to and from
14 their places of residence within the State to any place of meeting or while traveling on
15 official business for the Commission.

16 (d) Meetings of Commission. – The Commission shall meet at the call of the
17 chairman and shall hold special meetings at the call of a majority of the members."

18 Sec. 2. In order to reestablish a schedule of staggered terms of three years for
19 the Sedimentation Control Commission, the terms of members of the Commission
20 filling positions established by G.S. 143B-299(a) are extended by one year as follows:
21 position number three shall expire on 30 June 1993 instead of 30 June 1992, and
22 positions number six and nine shall expire on 30 June 1994 instead of 30 June 1993.
23 The term of the member of the Commission filling position eleven, which is added by
24 this act, shall expire 30 June 1994.

25 Sec. 3. This act shall not be construed to obligate the General Assembly to
26 make any appropriation to implement the provisions of this act. The Sedimentation
27 Control Commission and the Department of Environment, Health, and Natural
28 Resources shall implement the provisions of this act from funds otherwise appropriated
29 or available to the Commission or to the Department.

30 Sec. 4. This act becomes effective 1 July 1991.