

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 831

Short Title: Clean Water Mgt. Trust Fund Board Terms.

(Public)

Sponsors: Senator Albertson.

Referred to: Agriculture/Environment/Natural Resources.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR IMPROVED STAGGERED TERMS OF THE MEMBERS OF THE CLEAN WATER MANAGEMENT FUND BOARD OF TRUSTEES, TO INCREASE THE NUMBER OF MEMBERS OF THE BOARD, AND TO MAKE APPOINTMENTS TO THE BOARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-145.5 reads as rewritten:

"§ 113-145.5. Clean Water Management Trust Fund: Board of Trustees established; membership qualifications; vacancies; meetings and meeting facilities.

(a) Board of Trustees Established. – There is established the Clean Water Management Trust Fund Board of Trustees. The Clean Water Management Trust Fund Board of Trustees shall be ~~independent, but for administrative purposes shall be~~ administratively located under within the Department of Environment and Natural Resources. ~~Resources~~ but shall be independent of the Department.

(b) Membership. – The Clean Water Management Trust Fund Board of Trustees shall be composed of ~~18 members. Six members shall be appointed by the Governor, six by the General Assembly upon the recommendation of the President Pro Tempore of the Senate in accordance with G.S. 120-121, and six by the General Assembly upon the recommendation of the Speaker of the House of Representatives in accordance with G.S. 120-121.~~ 21 members appointed to four-year terms as follows:

- (1) One member appointed by the Governor to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by four.
- (2) One member appointed by the Governor to a term that expires on 1 July of years that precede by one year those years that are evenly divisible by four.
- (3) One member appointed by the Governor to a term that expires on 1 July of years that are evenly divisible by four.

- 1 (4) One member appointed by the Governor to a term that expires on 1
2 July of years that are evenly divisible by four.
- 3 (5) One member appointed by the Governor to a term that expires on 1
4 July of years that follow by one year those years that are evenly
5 divisible by four.
- 6 (6) One member appointed by the Governor to a term that expires on 1
7 July of years that follow by two years those years that are evenly
8 divisible by four.
- 9 (7) One member appointed by the Governor to a term that expires on 1
10 July of years that follow by two years those years that are evenly
11 divisible by four.
- 12 (8) One member appointed by the General Assembly upon the
13 recommendation of the President Pro Tempore of the Senate to a term
14 that expires on 1 July of years that precede by one year those years that
15 are evenly divisible by four.
- 16 (9) One member appointed by the General Assembly upon the
17 recommendation of the President Pro Tempore of the Senate to a term
18 that expires on 1 July of years that precede by one year those years that
19 are evenly divisible by four.
- 20 (10) One member appointed by the General Assembly upon the
21 recommendation of the President Pro Tempore of the Senate to a term
22 that expires on 1 July of years that are evenly divisible by four.
- 23 (11) One member appointed by the General Assembly upon the
24 recommendation of the President Pro Tempore of the Senate to a term
25 that expires on 1 July of years that follow by one year those years that
26 are evenly divisible by four.
- 27 (12) One member appointed by the General Assembly upon the
28 recommendation of the President Pro Tempore of the Senate to a term
29 that expires on 1 July of years that follow by one year those years that
30 are evenly divisible by four.
- 31 (13) One member appointed by the General Assembly upon the
32 recommendation of the President Pro Tempore of the Senate to a term
33 that expires on 1 July of years that follow by two years those years that
34 are evenly divisible by four.
- 35 (14) One member appointed by the General Assembly upon the
36 recommendation of the President Pro Tempore of the Senate to a term
37 that expires on 1 July of years that follow by two years those years that
38 are evenly divisible by four.
- 39 (15) One member appointed by the General Assembly upon the
40 recommendation of the Speaker of the House of Representatives to a
41 term that expires on 1 July of years that precede by one year those
42 years that are evenly divisible by four.

- 1 (16) One member appointed by the General Assembly upon the
2 recommendation of the Speaker of the House of Representatives to a
3 term that expires on 1 July of years that are evenly divisible by four.
- 4 (17) One member appointed by the General Assembly upon the
5 recommendation of the Speaker of the House of Representatives to a
6 term that expires on 1 July of years that are evenly divisible by four.
- 7 (18) One member appointed by the General Assembly upon the
8 recommendation of the Speaker of the House of Representatives to a
9 term that expires on 1 July of years that follow by one year those years
10 that are evenly divisible by four.
- 11 (19) One member appointed by the General Assembly upon the
12 recommendation of the Speaker of the House of Representatives to a
13 term that expires on 1 July of years that follow by one year those years
14 that are evenly divisible by four.
- 15 (20) One member appointed by the General Assembly upon the
16 recommendation of the Speaker of the House of Representatives to a
17 term that expires on 1 July of years that follow by two years those
18 years that are evenly divisible by four.
- 19 (21) One member appointed by the General Assembly upon the
20 recommendation of the Speaker of the House of Representatives to a
21 term that expires on 1 July of years that follow by two years those
22 years that are evenly divisible by four.

23 (b1) Qualifications. – The office of Trustee is declared to be an office that may be
24 held concurrently with any other executive or appointive office, under the authority of
25 Article VI, Section 9, of the North Carolina Constitution. Persons appointed shall be
26 knowledgeable in at least one of the following areas:

- 27 (1) Acquisition and management of natural areas.
28 (2) Conservation and restoration of water quality.
29 (3) Wildlife and fisheries habitats and resources.
30 (4) Environmental management.

31 (c) ~~Initial Appointments. Chair. – Each appointing officer shall designate two of~~
32 ~~the officer's initial appointments to serve two year terms, two to serve four year terms,~~
33 ~~and two to serve six year terms. Thereafter, all appointments shall be for four years,~~
34 ~~subject to reappointment. All initial appointments shall be made on or before January 1,~~
35 ~~1997. The Governor shall appoint one Trustee member to serve as Chair of the~~
36 ~~Board.~~ Board of Trustees.

37 (d) ~~Vacancies. – If a vacancy occurs, other than by the expiration of term, of a~~
38 ~~member subject to appointment by the General Assembly upon the recommendation of~~
39 ~~the Speaker of the House of Representatives or the President Pro Tempore of the~~
40 ~~Senate, the vacancy shall be filled in accordance with G.S. 120-122. All other vacancies~~
41 ~~shall be filled by the appointing official in the original manner.~~ An appointment to fill a
42 vacancy on the Board of Trustees created by the resignation, removal, disability, or
43 death of a member shall be for the balance of the unexpired term. Vacancies in

1 appointments made by the General Assembly shall be filled as provided in G.S.
2 120-122.

3 (e) Frequency of Meetings. – The Board of Trustees shall meet at least twice
4 each year and may hold special meetings at the call of the Chair or a majority of the
5 members.

6 (e1) Quorum. – A majority of the membership of the Board of Trustees constitutes
7 a quorum for the transaction of business.

8 (f) Per Diem and Expenses. —~~The Trustees~~ Each member of the Board of
9 Trustees shall receive per diem and necessary travel and subsistence expenses in
10 accordance with the provisions of G.S. 138-5. Per diem, subsistence, and travel
11 expenses of the Trustees shall be paid from the Fund.

12 (g) Meeting Facilities. – The Secretary of Environment and Natural Resources
13 shall provide meeting facilities for the Board of Trustees and its staff as requested by
14 the Chair."

15 **SECTION 2.** In order to alter the schedule of staggered terms of four years
16 for the Board of Trustees of the Clean Water Management Trust Fund so that, as nearly
17 as possible, the same number of terms will expire each year and to provide for an
18 orderly transition in membership of the Board of Trustees to the terms specified in G.S.
19 113-145.5, as amended by Section 1 of this act, the following provisions shall apply:

- 20 (1) Joseph M. Hester, Jr. shall serve in the position established by G.S.
21 113-145.5(b)(1) through 1 July 2003.
- 22 (2) William McPhatter, Sr. shall serve in the position established by G.S.
23 113-145.5(b)(2) through 1 July 2003.
- 24 (3) Caroline B. Ansbacher shall serve in the position established by G.S.
25 113-145.5(b)(3) through 1 July 2004.
- 26 (4) John McMillan shall serve in the position established by G.S.
27 113-145.5(b)(4) through 1 July 2004.
- 28 (5) Leland McKinley Simmons shall serve in the position established by
29 G.S. 113-145.5(b)(5) through 1 July 2005.
- 30 (6) Edwin G. Wilson, Jr. shall serve in the position established by G.S.
31 113-145.5(b)(6) through 1 July 2006.
- 32 (7) The Governor shall appoint a member to serve in the position
33 established by G.S. 113-145.5(b)(7) through 1 July 2006.
- 34 (8) Alex MacFadyen of Wake County is appointed to the position
35 established by G.S. 113-145.5(b)(8) to serve through 1 July 2007.
- 36 (9) Johnnie Mosley shall serve in the position established by G.S.
37 113-145.5(b)(9) through 1 July 2007.
- 38 (10) William E. Hollan, Jr. shall serve in the position established by G.S.
39 113-145.5(b)(10) through 1 July 2004.
- 40 (11) William J. Brooks, III shall serve in the position established by G.S.
41 113-145.5(b)(11) through 1 July 2005.
- 42 (12) Dickson McLean, Jr. shall serve in the position established by G.S.
43 113-145.5(b)(12) through 1 July 2005.

- 1 (13) Claudette Weston shall serve in the position established by G.S.
2 113-145.5(b)(13) through 1 July 2006.
- 3 (14) Jerry W. Wright shall serve in the position established by G.S.
4 113-145.5(b)(14) through 1 July 2006.
- 5 (15) C. Leroy Smith shall serve in the position established by G.S.
6 113-145.5(b)(15) through 1 July 2003.
- 7 (16) Charles R. Wakild shall serve in the position established by G.S.
8 113-145.5(b)(16) through 1 July 2004.
- 9 (17) Karen Cragolin shall serve in the position established by G.S.
10 113-145.5(b)(17) through 1 July 2004.
- 11 (18) Robert Dare Howard shall serve in the position established by G.S.
12 113-145.5(b)(18) through 1 July 2005.
- 13 (19) Margaret B. Markey shall serve in the position established by G.S.
14 113-145.5(b)(19) through 1 July 2005.
- 15 (20) Allen Holt Gwyn shall serve in the position established by G.S.
16 113-145.5(b)(20) through 1 July 2006.
- 17 (21) The Speaker of the House of Representatives shall appoint a person to
18 serve in the position established by G.S. 113-145.5(b)(21) through 1
19 July 2006.

20 **SECTION 3.** This act becomes effective 30 June 2003.