

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE BILL 831
Agriculture/Environment/Natural Resources Committee Substitute Adopted
4/17/03
House Committee Substitute Favorable 7/15/03
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Short Title: Clean Water Mgt. Trust Fund Board Terms.

(Public)

Sponsors:

Referred to:

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.

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

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

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

- 31 (1) Acquisition and management of natural areas.
32 (2) Conservation and restoration of water quality.
33 (3) Wildlife and fisheries habitats and resources.
34 (4) Environmental management.

35 (c) ~~Initial Appointments. Chair. – Each appointing officer shall designate two of~~
36 ~~the officer's initial appointments to serve two year terms, two to serve four year terms,~~
37 ~~and two to serve six year terms. Thereafter, all appointments shall be for four years,~~
38 ~~subject to reappointment. All initial appointments shall be made on or before January 1,~~
39 ~~1997. The Governor shall appoint one Trustee member to serve as Chair of the~~
40 ~~Board. Board of Trustees.~~

41 (d) ~~Vacancies. – If a vacancy occurs, other than by the expiration of term, of a~~
42 ~~member subject to appointment by the General Assembly upon the recommendation of~~
43 ~~the Speaker of the House of Representatives or the President Pro Tempore of the~~
44 ~~Senate, the vacancy shall be filled in accordance with G.S. 120-122. All other vacancies~~

1 ~~shall be filled by the appointing official in the original manner.~~ An appointment to fill a
2 vacancy on the Board of Trustees created by the resignation, removal, disability, or
3 death of a member shall be for the balance of the unexpired term. Vacancies in
4 appointments made by the General Assembly shall be filled as provided in G.S.
5 120-122.

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

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

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

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

18 **SECTION 2.** In order to alter the schedule of staggered terms of four years
19 for the Clean Water Management Trust Fund Board of Trustees so that, as nearly as
20 possible, the same number of terms will expire each year and to provide for an orderly
21 transition in membership of the Board of Trustees to the terms specified in G.S.
22 113-145.5, as amended by Section 1 of this act, the following provisions shall apply:

- 23 (1) Philip A. Baddour shall serve in the position established by G.S.
24 113-145.5(b)(1) through 1 July 2007.
- 25 (2) Joseph M. Hester, Jr. shall serve in the position established by G.S.
26 113-145.5(b)(2) through 1 July 2007.
- 27 (3) John McMillan shall serve in the position established by G.S.
28 113-145.5(b)(3) through 1 July 2008.
- 29 (4) Robert Stanley Vaughan shall serve in the position established by G.S.
30 113-145.5(b)(4) through 1 July 2008.
- 31 (5) The Governor shall appoint a member to serve in the position
32 established by G.S. 113-145.5(b)(5) through 1 July 2005.
- 33 (6) The Governor shall appoint a member to serve in the position
34 established by G.S. 113-145.5(b)(6) through 1 July 2006.
- 35 (7) The Governor shall appoint a member to serve in the position
36 established by G.S. 113-145.5(b)(7) through 1 July 2006.
- 37 (8) Alex MacFadyen of Wake County is appointed to the position
38 established by G.S. 113-145.5(b)(8) to serve through 1 July 2007.
- 39 (9) Johnnie Mosley shall serve in the position established by G.S.
40 113-145.5(b)(9) through 1 July 2007.
- 41 (10) William E. Hollan, Jr. shall serve in the position established by G.S.
42 113-145.5(b)(10) through 1 July 2004.
- 43 (11) William J. Brooks, III shall serve in the position established by G.S.
44 113-145.5(b)(11) through 1 July 2005.

- 1 (12) Dickson McLean, Jr. shall serve in the position established by G.S.
2 113-145.5(b)(12) through 1 July 2005.
- 3 (13) Claudette Weston shall serve in the position established by G.S.
4 113-145.5(b)(13) through 1 July 2006.
- 5 (14) Jerry W. Wright shall serve in the position established by G.S.
6 113-145.5(b)(14) through 1 July 2006.
- 7 (15) Clarence Leroy Smith shall serve in the position established by G.S.
8 113-145.5(b)(15) through 1 July 2003. Clarence Leroy Smith of Pitt
9 County is reappointed to serve in the position established by G.S.
10 113-145.5(b)(15) through 1 July 2007.
- 11 (16) Charles R. Wakild shall serve in the position established by G.S.
12 113-145.5(b)(16) through 1 July 2003. Anthony T. Lathrop of
13 Mecklenburg County is appointed to serve in the position established
14 by G.S. 113-145.5(b)(16) through 1 July 2008.
- 15 (17) Edmond John Maguire III of Moore County is appointed to serve in
16 the position established by G.S. 113-145.5(b)(17) through 1 July 2008.
- 17 (18) Robert Dare Howard shall serve in the position established by G.S.
18 113-145.5(b)(18) through 1 July 2005.
- 19 (19) Margaret B. Markey shall serve in the position established by G.S.
20 113-145.5(b)(19) through 1 July 2005.
- 21 (20) Allen Holt Gwyn shall serve in the position established by G.S.
22 113-145.5(b)(20) through 1 July 2003. Ronald L. Smith of Carteret
23 County is appointed to serve in the position established by G.S.
24 113-145.5(b)(20) through 1 July 2006.
- 25 (21) Karen Cragolin shall serve in the position established by G.S.
26 113-145.5(b)(21) through 1 July 2003. Karen Cragolin of Buncombe
27 County is reappointed to serve in the position established by G.S.
28 113-145.5(b)(21) through 1 July 2006.

29 **SECTION 3.** This act is effective retroactively to 1 July 2003 except that
30 this act is effective retroactively to 31 December 2002 with respect to the term of any
31 person named in Section 2 of this act whose term as a member of the Clean Water
32 Management Trust Fund Board of Trustees would have expired on 31 December 2002 if
33 this act had not become law.