

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 512

Short Title: Sedimentation Control Commission.

(Public)

Sponsors: Representative Flaherty.

Referred to: State Government.

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 JULY 10, 1974.

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;~~

(1a) 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.

14 (b) Appointment. – The Commission members shall be appointed by the
15 Governor and all initial appointments shall be made on or before August 1, 1973. All
16 Commission members, except the person filling position number five, as specified
17 above, shall serve staggered terms of office of three years. The person filling position
18 number five shall serve as a member of the Commission, subject to removal by the
19 Governor as hereinafter specified in this section, so long as he continues as Director of
20 the Water Resources Research Institute. The initial terms of office for members filling
21 positions two, three, and four, as specified above, shall expire June 30, 1975; thereafter,
22 the terms of office for members filling those positions shall be three years. All
23 Commission members serving on June 30, 1981, shall be eligible to complete their
24 respective terms. Except for the person filling position number five, no member
25 appointed to the Commission on or after July 1, 1981, shall serve more than two
26 complete consecutive three-year terms. Any member appointed by the Governor to fill
27 a vacancy occurring in any of the appointments shall be appointed for the remainder of
28 the term of the member causing the vacancy. The Governor may at any time remove
29 any member of the Commission for inefficiency, neglect of duty, malfeasance,
30 misfeasance, nonfeasance or, in the case of members filling positions one, five, six,
31 seven, eight, and nine, as specified above, because they no longer possess the required
32 qualifications for membership. In each instance appointments to fill vacancies in the
33 membership of the Commission shall be a person or persons with similar experience
34 and qualifications in the same field required of the member being replaced. The office
35 of the North Carolina Sedimentation Control Commission is declared to be an office
36 that may be held concurrently with any other elective or appointive office, under the
37 authority of Article VI, Sec. 9, of the North Carolina Constitution. The Governor shall
38 designate a member of the Commission to serve as chairman.

39 (c) Compensation. – The members of the Commission shall receive the usual and
40 customary per diem allowed for the other members of boards and commissions of the
41 State and as fixed in the Biennial Appropriation Act, and, in addition, the members of
42 the Commission shall receive subsistence and travel expenses according to the
43 prevailing State practice and as allowed and fixed by statute for such purposes, which
44 said travel expenses shall also be allowed while going to or from any place of meeting

1 or when on official business for the Commission. The per diem payments made to each
2 member of the Commission shall include necessary time spent in traveling to and from
3 their places of residence within the State to any place of meeting or while traveling on
4 official business for the Commission.

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

7 Sec. 2. This act is effective upon ratification.