

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 388

Short Title: Transfer Forestry & Forestry Council to DACS. (Public)

Sponsors: Senators East, Rouzer, Jackson; Allran, Bingham, Blake, Brock, Brown, Daniel, Forrester, Hartsell, Hise, Hunt, Pate, Preston, Rucho, Soucek, Tillman, Tucker, and Walters.

Referred to: Agriculture/Environment/Natural Resources.

March 22, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT TO TRANSFER THE DIVISION OF FOREST RESOURCES AND THE  
3 FORESTRY COUNCIL OF THE DEPARTMENT OF ENVIRONMENT AND  
4 NATURAL RESOURCES TO THE DEPARTMENT OF AGRICULTURE AND  
5 CONSUMER SERVICES AND TO MAKE CONFORMING CHANGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** The Division of Forest Resources is transferred from the  
8 Department of Environment and Natural Resources to the Department of Agriculture and  
9 Consumer Services with all the elements of a Type I transfer as defined by G.S. 143A-6.

10 **SECTION 1.(b)** G.S. 143B-279.3(a) reads as rewritten:

11 "(a) All functions, powers, duties, and obligations previously vested in the following  
12 subunits of the following departments are transferred to and vested in the Department of  
13 Environment and Natural Resources by a Type I transfer, as defined in G.S. 143A-6:

14 ...  
15 (6) ~~Forest Resources Division, Department of Natural Resources and~~  
16 ~~Community Development.~~  
17 ...."

18 **SECTION 1.(c)** Article 7 of Chapter 143A of the General Statutes is amended by  
19 adding a new section to read:

20 **"§ 143A-65.1. Division of Forest Resources; transfer.**

21 (a) The Division of Forest Resources is transferred from the Department of  
22 Environment and Natural Resources to the Department of Agriculture and Consumer Services  
23 with all the elements of a Type I transfer as defined by G.S. 143A-6.

24 (b) The Department of Agriculture shall have charge of the work of forest maintenance,  
25 forest fire prevention, reforestation, and the protection of lands and water supplies by the  
26 preservation of forests; it shall also have the care of State forests and parks, and other  
27 recreational areas now owned or to be acquired by the State, including the lakes referred to in  
28 G.S. 146-7."

29 **SECTION 2.(a)** All functions, powers, duties, and obligations previously vested in  
30 the Forestry Council are transferred from the Department of Environment and Natural  
31 Resources to and vested in the Department of Agriculture and Consumer Services by a Type II  
32 transfer, as defined in G.S. 143A-6.

33 **SECTION 2.(b)** G.S. 143B-279.3(b) reads as rewritten:

34 "(b) All functions, powers, duties, and obligations previously vested in the following  
35 commissions, boards, councils, and committees of the following departments are transferred to



1 and vested in the Department of Environment and Natural Resources by a Type II transfer, as  
2 defined in G.S. 143A-6:

3 ...

4 (13) ~~Forestry Council, Department of Natural Resources and Community~~  
5 ~~Development.~~

6 ...."

7 **SECTION 2.(c)** Part 12 of Article 7 of Chapter 143B of the General Statutes  
8 (G.S. 143B-308, 143B-309, and 143B-310) is recodified in Article 7 of Chapter 143A of the  
9 General Statutes as G.S. 143A-66.1, 143A-66.2, and 143A-66.3.

10 **SECTION 2.(d)** G.S. 143A-66.1, as recodified in Section 2(c) of this act, reads as  
11 rewritten:

12 "**§ 143A-66.1. Forestry Council – creation; powers and duties.**

13 There is hereby created the Forestry Council of the Department of ~~Environment and Natural~~  
14 ~~Resources.~~Agriculture and Consumer Services. The Forestry Council shall have the following  
15 functions and duties:

16 (1) To advise the ~~Secretary of Environment and Natural~~  
17 ~~Resources~~Commissioner of Agriculture with respect to all matters  
18 concerning the protection, management, and preservation of State-owned,  
19 privately owned, and municipally owned forests in the State, including but  
20 not limited to:

- 21 a. Profitable use of the State's forests consistent with the principles of  
22 sustained productivity.
- 23 b. Best management practices, including those for protection of soil,  
24 water, wildlife, and wildlife habitat, to be used in managing the  
25 State's forests and their resources.
- 26 c. Restoration of forest ecosystems and protection of rare and  
27 endangered species occurring in the State's private forests consistent  
28 with principles of private ownership of land.

29 (2) To maintain oversight of a continuous monitoring and planning process, to  
30 provide a long-range, comprehensive plan for the use, management, and  
31 sustainability of North Carolina's forest resources, and to report regularly on  
32 progress made toward meeting the objectives of the plan.

33 (3) To provide a forum for the identification, discussion, and development of  
34 recommendations for the resolution of conflicts in the management of North  
35 Carolina's forests.

36 (4) To undertake any other studies, make any reports, and advise the ~~Secretary~~  
37 ~~of Environment and Natural Resources~~Commissioner of Agriculture on any  
38 matter as the ~~Secretary~~Commissioner may direct."

39 **SECTION 2.(e)** G.S. 143A-66.2, as recodified in Section 2(c) of this act, reads as  
40 rewritten:

41 "**§ 143A-66.2. Forestry Council – members; chairperson; selection; removal;**  
42 **compensation; quorum.**

43 (a) The Forestry Advisory Council of the Department of ~~Environment and Natural~~  
44 ~~Resources~~Agriculture and Consumer Services shall consist of 18 members appointed as  
45 follows:

- 46 (1) Three persons who are registered foresters and who represent the primary  
47 forest products industry, one each from the Mountains, Piedmont and  
48 Coastal Plain.
- 49 (2) One person who represents the secondary wood-using industry.
- 50 (3) One person who represents the logging industry.

- 1 (4) Four persons who are nonindustrial woodland owners actively involved in
- 2 forest management, one of whom has agricultural interests, and at least one
- 3 each from the Mountains, Piedmont, and Coastal Plain.
- 4 (5) Three persons who are members of statewide environmental or wildlife
- 5 conservation organizations.
- 6 (6) One consulting forester.
- 7 (7) Two persons who are forest scientists with knowledge of the functioning and
- 8 management of forest ecosystems.
- 9 (8) One person who represents a banking institution that manages forestland.
- 10 (9) One person with expertise in urban forestry.
- 11 (10) One person with active experience in city and regional planning.

12 ...  
 13 (h) All clerical and other services required by the Council, including the support  
 14 required to carry out studies it is requested to make, shall be supplied by the ~~Secretary of~~  
 15 ~~Environment and Natural Resources~~ Commissioner of Agriculture."

16 **SECTION 3.** G.S. 106-22 is amended by adding two new subdivisions to read:

17 "(18) Forests. – Have charge of forest maintenance, forest fire protection,  
 18 reforestation, and the protection of the forests.

19 (19) State Forests. – Have charge of all State forests and measures for forest fire  
 20 prevention."

21 **SECTION 4.** The Revisor of Statutes shall make the conforming statutory changes  
 22 necessary to reflect the transfers under Section 1 of this act. The Revisor of Statutes may  
 23 correct any reference in the General Statutes to the statutes that are recodified by this act and  
 24 make any other conforming changes necessitated by this act.

25 **SECTION 5.** This act becomes effective July 1, 2011.