

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 1158
HOUSE BILL 1195

AN ACT RELATING TO THE AUTHORITY OF THE ENVIRONMENTAL
MANAGEMENT COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.3 as it now appears in Replacement Volume 3C of the General Statutes is amended by deleting on lines 23 and 24 and line 39 of G.S. 143-215.3(a)(7) the words "Department of Natural Resources and Community Development" and inserting in their place the words "Environmental Management Commission".

Sec. 2. G.S. 143-211 as it now appears in 1978 Replacement Volume 3C of the General Statutes is amended by adding the following sentence at the end thereof:

"It is the intent of the General Assembly that the powers and duties of the Environmental Management Commission and the Department of Natural Resources and Community Development be construed so as to enable the Department and the Commission to qualify to administer federally mandated programs of environmental management and to qualify to accept and administer funds from the federal government for such programs."

Sec. 3. G.S. 143-215.3(c) as it now appears in the 1978 Replacement Volume 3C of the General Statutes is amended by adding the following sentence at the end thereof:

"In order for the State of North Carolina to effectively participate in programs administered by federal agencies for the regulation and abatement of water and air pollution, the Department of Natural Resources and Community Development is authorized to accept and administer funds provided by federal agencies for water and air pollution programs and to enter into contracts with federal agencies regarding the use of such funds."

Sec. 4. G.S. 143-215.3(e) as the same appears in the 1978 Replacement Volume 3C of the General Statutes is hereby amended by deleting on line 15, the words "amendments of 1972" and substituting therefor the words "as amended" and inserting after the words "Clean Air Act" the words "as amended" and by deleting on line 18, the words "amendments of 1972" and substituting therefor the words "as amended" and inserting after the words "Clean Air Act" the words "as amended".

Sec. 5. G.S. 143B-283, as the same appears in the 1978 Replacement Volume of the General Statutes, is hereby amended by deleting the second sentence, beginning with "The Governor...", in G.S. 143B-283(a)(9), and adding a new subsection (c) as follows:

"Nine of the members appointed by the Governor under this section shall be persons who do not derive any significant portion of their income from persons subject to permits or enforcement orders under this Chapter. The Governor shall require adequate disclosure of potential conflicts of interest by members. The Governor, by executive order, shall promulgate criteria regarding conflicts of interest and disclosure thereof for determining the eligibility of persons under this section, giving due regard to the requirements of federal legislation, and for this purpose may promulgate rules, regulations or guidelines in conformance with those established by any federal agency interpreting and applying provisions of federal law."

Sec. 6. G.S. 143B-283 is amended by adding a new subsection (d) as follows:

"(d) In addition to the members designated by subsection (a), the Environmental Management Commission shall also consist of four members of the General Assembly, appointed as follows:

- (1) two members of the North Carolina House of Representatives to be appointed by the Speaker of the House; and
- (2) two members of the North Carolina Senate to be appointed by the President of the Senate.

The appointed members of the General Assembly shall be initially appointed by July 30, 1980, and shall serve until January 31, 1981. Thereafter, such members shall serve two-year terms, or until their respective successors are appointed."

Sec. 7. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of June, 1980.