

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 38
Committee Substitute Favorable 5/5/89

Short Title: CRC Membership Changes.

(Public)

Sponsors:

Referred to:

January 19, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY THE MEMBERSHIP QUALIFICATIONS OF THE
3 COASTAL RESOURCES COMMISSION.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 113A-104 reads as rewritten:

6 "**§ 113A-104. Coastal Resources Commission.**

7 (a) Established. – The General Assembly hereby establishes within the
8 Department of Natural Resources and Community Development a commission to be
9 designated the Coastal Resources Commission.

10 (b) Composition. – The Coastal Resources Commission shall consist of 15
11 members appointed by the Governor, as follows:

12 (1) One who shall at the time of appointment be actively connected with
13 or have experience in commercial fishing.

14 (2) One who shall at the time of appointment be actively connected with
15 or have experience in wildlife or sports fishing.

16 (3) One who shall at the time of appointment be actively connected with
17 or have experience in marine ecology.

18 (4) One who shall at the time of appointment be actively connected with
19 or have experience in coastal agriculture.

20 (5) One who shall at the time of appointment be actively connected with
21 or have experience in coastal forestry.

22 (6) One who shall at the time of appointment be actively connected with
23 or have experience in coastal land development.

- 1 (7) One who shall at the time of appointment be actively connected with
2 or have experience in marine-related business (other than fishing and
3 wildlife).
- 4 (8) One who shall at the time of appointment be actively connected with
5 or have experience in engineering in the coastal area.
- 6 (9) One who shall at the time of appointment be actively associated with a
7 State or national conservation organization.
- 8 (10) One who shall at the time of appointment be actively connected with
9 or have experience in financing of coastal land development.
- 10 (11) Two who shall at the time of appointment be actively connected with
11 or have experience in local government within the coastal area.
- 12 (12) Three at-large members.

13 (c) Appointment of Members. – Appointments to the Commission shall be made
14 to provide knowledge and experience in a diverse range of coastal interests. The
15 members of the Commission shall serve and act on the Commission solely for the best
16 interests of the public and public trust, and shall bring their particular knowledge and
17 experience to the Commission for that end alone.

18 The Governor shall appoint in his sole discretion those members of the Commission
19 whose qualifications are described in subdivisions (6) and (10), and one of the three
20 members described in subdivision (12) of subsection (b) of this section.

21 The remaining members of the Commission shall be appointed by the Governor after
22 completion of the nominating procedures prescribed by subsection (d) of this
23 section. The members of the Commission whose qualifications are described in
24 subdivisions (1) through (5), (9), and (11), shall be persons who do not derive any
25 significant portion of their income from land development, construction, real estate
26 sales, lobbying or who otherwise serve as an agent for development-related business
27 activities. The Governor shall require adequate disclosure of potential conflicts of
28 interest by members. The Governor, by executive order, shall promulgate criteria
29 regarding conflicts of interest and disclosure thereof for determining the eligibility of
30 persons under this section.

31 (d) Nominations for Membership. – On or before May 1 in every even-numbered
32 year the Governor shall designate and transmit to the board of commissioners in each
33 county in the coastal area four nominating categories applicable to that county for that
34 year. Said nominating categories shall be selected by the Governor from among the
35 categories represented, respectively by subdivisions (1), (2), (3), (4), (5), (7), (8), (9),
36 (11) – two persons, and (12) – two persons, of subsection (b) of this section (or so many
37 of the above-listed paragraphs as may correspond to vacancies by expiration of term
38 that are subject to being filled in that year). On or before June 1 in every even-numbered
39 year the board of commissioners of each county in the coastal area shall nominate (and
40 transmit to the Governor the names of) one qualified person in each of the four
41 nominating categories that was designated by the Governor for that county for that year.
42 In designating nominating categories from biennium to biennium, the Governor shall
43 equitably rotate said categories among the several counties of the coastal area as in his
44 judgment he deems best; and he shall assign, as near as may be, an even number of

1 nominees to each nominating category and shall assign in his best judgment any excess
2 above such even number of nominees. On or before June 1 in every even-numbered
3 year the governing body of each incorporated city within the coastal area shall nominate
4 and transmit to the Governor the name of one person as a nominee to the Commission.
5 In making nominations, the boards of county commissioners and city governing bodies
6 shall give due consideration to the nomination of women and minorities. The Governor
7 shall appoint 12 persons from among said city and county nominees to the Commission.
8 The several boards of county commissioners and city governing bodies shall transmit
9 the names, addresses, and a brief summary of the qualifications of their nominees to the
10 Governor on or before June 1 in each even-numbered year, beginning in 1974;
11 provided, that the Governor, by registered or certified mail, shall notify the chairman or
12 the mayors of the said local governing boards by May 20 in each such even-numbered
13 year of the duties of local governing boards under this sentence. If any board of
14 commissioners or city governing body fails to transmit its list of nominations to the
15 Governor by June 1, the Governor may add to the nominations a list of qualified
16 nominees in lieu of those that were not transmitted by the board of commissioners or
17 city governing body; Provided however, the Governor may not add to the list a nominee
18 in lieu of one not transmitted by an incorporated city within the coastal area that neither
19 has a population of 2,000 or more nor is contiguous with the Atlantic Ocean. Within the
20 meaning of this section, the 'governing body' is the mayor and council of a city as
21 defined in G.S. 160A-66. The population of cities shall be determined according to the
22 most recent annual estimates of population as certified to the Secretary of Revenue by
23 the Secretary of Administration.

24 (e) Residential Qualifications. – All nominees of the several boards of county
25 commissioners and city governing bodies must reside within the coastal area, but need
26 not reside in the county from which they were nominated. No more than one of those
27 members appointed by the Governor from among said nominees may reside in a
28 particular county. No more than two members of the entire Commission, at any time,
29 may reside in a particular county. No more than two members of the entire Commission,
30 at any time, may reside outside the coastal area.

31 (f) Office May Be Held Concurrently with Others. – Membership on the Coastal
32 Resources Commission is hereby declared to be an office that may be held concurrently
33 with other elective or appointive offices in addition to the maximum number of offices
34 permitted to be held by one person under G.S. 128-1.1.

35 (g) Terms. – The members shall serve staggered terms of office of four years. At
36 the expiration of each member's term, the Governor, shall reappoint or replace the
37 member with a new member of like qualification (as specified in subsection (b) of this
38 section), in the manner provided by subsections (c) and (d) of this section. The initial
39 term shall be determined by the Governor in accordance with customary practice but
40 eight of the initial members shall be appointed for two years and seven for four years.

41 (h) Vacancies. – In the event of a vacancy arising otherwise than by expiration
42 of term, the Governor shall appoint a successor of like qualification (as specified in
43 subsection (b) of this section) who shall then serve the remainder of his predecessor's
44 term. When any such vacancy arises, the Governor shall immediately notify the board

1 of commissioners of each county in the coastal area and the governing body of each
2 incorporated city within the coastal area. Within 30 days after receipt of such
3 notification each such county board and city governing body shall nominate and
4 transmit to the Governor the name and address of one person who is qualified in the
5 category represented by the position to be filled, together with a brief summary of the
6 qualifications of the nominee. The Governor shall make the appointment from among
7 said city and county nominees. If any county board or city governing body fails to make
8 a timely transmittal of its nominee, the Governor may add to the nominations a qualified
9 person in lieu of said nominee; Provided however, the Governor may not add to the list
10 a nominee in lieu of one not transmitted by an incorporated city within the coastal area
11 that neither has a population of 2,000 or more nor is contiguous with the Atlantic
12 Ocean.

13 (i) Officers. – The chairman shall be designated by the Governor from among
14 the members of the Commission to serve as chairman at the pleasure of the Governor.
15 The vice-chairman shall be elected by and from the members of the Commission and
16 shall serve for a term of two years or until the expiration of his regularly appointed
17 term.

18 (j) Compensation. – The members of the Commission shall receive per diem and
19 necessary travel and subsistence expenses in accordance with the provisions of G.S.
20 138-5.

21 (k) In making appointments to and filling vacancies upon the Commission, the
22 Governor shall give due consideration to securing appropriate representation of women
23 and minorities.

24 (l) Regular attendance at Commission meetings is a duty of each member. The
25 Commission shall develop procedures for declaring any seat on the Commission to be
26 vacant upon failure by a member to perform this duty."

27 Sec. 2. This act is effective upon ratification. However, members serving on
28 the Coastal Resources Commission at the date of ratification shall be eligible to
29 complete their respective terms.