

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE BILL 831  
Agriculture/Environment/Natural Resources Committee Substitute Adopted  
4/17/03  
House Committee Substitute Favorable 7/15/03

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.

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

- 1           (16) 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 are evenly divisible by four.
- 4           (17) One member appointed by the General Assembly upon the  
5           recommendation of the Speaker of the House of Representatives to a  
6           term that expires on 1 July of years that are evenly divisible by four.
- 7           (18) One member appointed by the General Assembly upon the  
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18          years that are evenly divisible by four.
- 19          (21) 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          (b1) Qualifications. – The office of Trustee is declared to be an office that may be  
24 held concurrently with any other executive or appointive office, under the authority of  
25 Article VI, Section 9, of the North Carolina Constitution. Persons appointed shall be  
26 knowledgeable in at least one of the following areas:

- 27           (1) Acquisition and management of natural areas.  
28           (2) Conservation and restoration of water quality.  
29           (3) Wildlife and fisheries habitats and resources.  
30           (4) Environmental management.

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

37          (d) ~~Vacancies. – If a vacancy occurs, other than by the expiration of term, of a~~  
38 ~~member subject to appointment by the General Assembly upon the recommendation of~~  
39 ~~the Speaker of the House of Representatives or the President Pro Tempore of the~~  
40 ~~Senate, the vacancy shall be filled in accordance with G.S. 120-122. All other vacancies~~  
41 ~~shall be filled by the appointing official in the original manner. An appointment to fill a~~  
42 ~~vacancy on the Board of Trustees created by the resignation, removal, disability, or~~  
43 ~~death of a member shall be for the balance of the unexpired term. Vacancies in~~

1 appointments made by the General Assembly shall be filled as provided in G.S.  
2 120-122.

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

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

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

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

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

- 20 (1) Philip A. Baddour shall serve in the position established by G.S.  
21 113-145.5(b)(1) through 1 July 2007.
- 22 (2) Joseph M. Hester, Jr. shall serve in the position established by G.S.  
23 113-145.5(b)(2) through 1 July 2007.
- 24 (3) John McMillan shall serve in the position established by G.S.  
25 113-145.5(b)(3) through 1 July 2008.
- 26 (4) Robert Stanley Vaughan shall serve in the position established by G.S.  
27 113-145.5(b)(4) through 1 July 2008.
- 28 (5) Edwin G. Wilson, Jr. shall serve in the position established by G.S.  
29 113-145.5(b)(5) through 1 July 2005.
- 30 (6) The Governor shall appoint a member to serve in the position  
31 established by G.S. 113-145.5(b)(6) through 1 July 2006.
- 32 (7) The Governor shall appoint a member to serve in the position  
33 established by G.S. 113-145.5(b)(7) through 1 July 2006.
- 34 (8) Alex MacFadyen of Wake County is appointed to the position  
35 established by G.S. 113-145.5(b)(8) to serve through 1 July 2007.
- 36 (9) Johnnie Mosley shall serve in the position established by G.S.  
37 113-145.5(b)(9) through 1 July 2007.
- 38 (10) William E. Hollan, Jr. shall serve in the position established by G.S.  
39 113-145.5(b)(10) through 1 July 2004.
- 40 (11) William J. Brooks, III shall serve in the position established by G.S.  
41 113-145.5(b)(11) through 1 July 2005.
- 42 (12) Dickson McLean, Jr. shall serve in the position established by G.S.  
43 113-145.5(b)(12) through 1 July 2005.

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

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