

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 2165*

Short Title: Environmental Technical Corrections 2006. (Public)

Sponsors: Representatives Gibson, Harrell, and Justice (Primary Sponsors).

Referred to: Environment and Natural Resources.

May 18, 2006

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CLARIFYING, CONFORMING, AND TECHNICAL
3 AMENDMENTS TO VARIOUS LAWS RELATED TO THE ENVIRONMENT,
4 ENVIRONMENTAL HEALTH, AND NATURAL RESOURCES, AS
5 RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 113-174.2(c)(6)i. reads as rewritten:

8 "i. Resident ~~Elderly~~-Age 65 Lifetime CRFL. – \$15.00. This license
9 shall be issued only to an individual who is 65 years of age or
10 older and who is a resident of the State."

11 **SECTION 2.** G.S. 113-351(c)(3)e. reads as rewritten:

12 "e. Resident ~~Elderly~~-Age 65 Lifetime Unified Sportsman/Coastal
13 Recreational Fishing License. – \$30.00. This license shall be
14 issued only to an individual who is 65 years of age or older and
15 who is a resident of the State."

16 **SECTION 3.** G.S. 143B-291(a)(1) reads as rewritten:

17 "(1) One member who is the ~~chairman~~-chair of the North Carolina State
18 University Minerals Research Laboratory Advisory Committee, ex
19 officio."

20 **SECTION 4.** G.S. 143B-291(g) reads as rewritten:

21 "(g) Staff. – All clerical and other services required by the Commission shall be
22 supplied by the Secretary of ~~the Department~~-Environment and Natural Resources."

23 **SECTION 5.** G.S. 143B-292 reads as rewritten:

24 **"§ 143B-292. North Carolina Mining Commission – officers.**

25 The North Carolina Mining Commission shall have a ~~chairman~~-chair and a
26 ~~vice-chairman~~-vice-chair. The ~~chairman~~-chair shall be designated by the Governor from
27 among the members of the Commission to serve as ~~chairman at his pleasure~~-chair at the
28 pleasure of the Governor. The ~~vice-chairman~~-vice-chair shall be elected by and from the

1 members of the Commission and shall serve for a term of two years or until the
2 expiration of ~~his~~the vice-chair's regularly appointed term."

3 **SECTION 6.** G.S. 143B-293 reads as rewritten:

4 **"§ 143B-293. North Carolina Mining Commission – meetings.**

5 The North Carolina Mining Commission shall meet at least semiannually and may
6 hold special meetings at any time and place within the State at the call of the ~~chairman~~
7 chair or upon the written request of at least five members."

8 **SECTION 7.** G.S. 143B-296 reads as rewritten:

9 **"§ 143B-296. Soil and Water Conservation Commission – officers.**

10 The Soil and Water Conservation Commission shall have a ~~chairman~~chair and a
11 ~~vice-chairman~~vice-chair. The ~~chairman~~chair shall be designated by the Governor from
12 among the members of the Commission to serve as ~~chairman~~chair at the pleasure of the
13 Governor. The ~~vice-chairman~~vice-chair shall be elected by and from the members of the
14 Commission and shall serve for a term of two years or until the expiration of ~~his~~the
15 vice-chair's regularly appointed term."

16 **SECTION 8.** G.S. 143B-297 reads as rewritten:

17 **"§ 143B-297. Soil and Water Conservation Commission – meetings.**

18 The Soil and Water Conservation Commission shall meet at least quarterly and may
19 hold special meetings at any time and place within the State at the call of the ~~chairman~~
20 chair or upon the written request of at least four members."

21 **SECTION 9.** G.S. 143B-299 reads as rewritten:

22 **"§ 143B-299. Sedimentation Control Commission – members; selection;
23 compensation; meetings.**

24 (a) Creation; Membership. – There is hereby created in the Department of
25 Environment and Natural Resources the North Carolina Sedimentation Control
26 Commission, which is charged with the duty of developing and administering the
27 sedimentation control program provided for in this Article. The Commission shall
28 consist of the following members:

- 29 (1) A person to be nominated jointly by the boards of the North Carolina
30 League of Municipalities and the North Carolina Association of
31 County Commissioners;
- 32 (2) A person to be nominated by the Board of the North Carolina Home
33 Builders Association;
- 34 (3) A person to be nominated by the Carolinas Branch, Associated
35 General Contractors of America;
- 36 (4) The president, vice-president, or general counsel of a North Carolina
37 public utility company;
- 38 (5) The Director of the North Carolina Water Resources Research
39 Institute;
- 40 (6) A member of the State Mining Commission who shall be a
41 representative of nongovernmental conservation interests, as required
42 by G.S. 74-38(b);
- 43 (7) A member of the State Soil and Water Conservation Commission;
- 44 (8) A member of the Environmental Management Commission;

- 1 (9) A soil scientist from the faculty of North Carolina State University;
2 (10) Two persons who shall be representatives of nongovernmental
3 conservation interests; and
4 (11) A professional engineer registered under the provisions of Chapter
5 89C of the General Statutes nominated by the Professional Engineers
6 of North Carolina, Inc.

7 (b) Appointment. – The Commission members shall be appointed by the
8 Governor. All Commission members, except the person ~~filling position number five, as~~
9 ~~specified above, appointed under subdivision (5) of subsection (a) of this section,~~ shall
10 serve staggered terms ~~of office~~ of three years and until their successors are appointed
11 and duly qualified. The person ~~filling position number five appointed under subdivision~~
12 ~~(5) of subsection (a) of this section~~ shall serve as a member of the Commission, subject
13 to removal by the Governor as hereinafter specified in this section, so long as ~~he the~~
14 ~~person~~ continues as Director of the Water Resources Research Institute. The terms ~~of~~
15 ~~office~~ of members ~~filling positions two, four, seven, and eight appointed under~~
16 ~~subdivisions (2), (4), (7), and (8) of subsection (a) of this section~~ shall expire on 30 June
17 of years evenly divisible by three. The terms ~~of office~~ of members ~~filling positions one,~~
18 ~~three, and ten appointed under subdivisions (1), (3), and (10) of subsection (a) of this~~
19 ~~section~~ shall expire on 30 June of years that follow by one year those years that are
20 evenly divisible by three. The terms ~~of office~~ of members ~~filling positions six, nine, and~~
21 ~~eleven, appointed under subdivisions (6), (9), and (11) of subsection (a) of this section~~
22 shall expire on 30 June of years that precede by one year those years that are evenly
23 divisible by three. Except for the person ~~filling position number five, appointed under~~
24 ~~subdivision (5) of subsection (a) of this section,~~ no member of the Commission shall
25 serve more than two complete consecutive three-year terms. Any member appointed by
26 the Governor to fill a vacancy occurring in any of the appointments shall be appointed
27 for the remainder of the term of the member causing the vacancy. The Governor may at
28 any time remove any member of the Commission for inefficiency, neglect of duty,
29 malfeasance, misfeasance, ~~nonfeasance or, in the case of members filling positions five,~~
30 ~~six, seven, eight, nine, and eleven as specified above, nonfeasance, or~~ because they no
31 longer possess the required qualifications for membership. ~~In each instance~~
32 ~~appointments to fill vacancies in the membership of the Commission shall be a person~~
33 ~~or persons with similar experience and qualifications in the same field required of the~~
34 ~~member being replaced.~~ The office of the North Carolina Sedimentation Control
35 Commission is declared to be an office that may be held concurrently with any other
36 elective or appointive office, under the authority of Article VI, Sec. 9, of the North
37 Carolina Constitution.

38 (b1) ~~Chairman.~~Chair. – The Governor shall designate a member of the
39 Commission to serve as ~~chairman.~~chair.

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

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

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

8 **SECTION 10.** G.S. 143B-300(c) reads as rewritten:

9 "(c) The Commission may by rule delegate any of its powers, other than the
10 power to adopt rules, to the Secretary of Environment and Natural Resources or ~~his~~the
11 Secretary's designee."

12 **SECTION 11.** This act is effective when it becomes law.