

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 1024**

Short Title: Amend Appointment of EMC Members.

(Public)

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Sponsors: Senator Carter.

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Referred to: Rules and Operations of the Senate.

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April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE MANNER IN WHICH MEMBERS OF THE ENVIRONMENTAL MANAGEMENT COMMISSION ARE APPOINTED.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 143B-283 reads as rewritten:

**"§ 143B-283. Environmental Management Commission – members; selection; removal; compensation; quorum; services.**

(a) The Environmental Management Commission shall consist of 13 members appointed by the Governor. The Governor shall select the members so that the membership of the Commission shall consist of:

- (1) One who shall be a licensed physician with specialized training and experience in the health effects of environmental pollution;
- (2) One who shall, at the time of appointment, be actively connected with the Commission for Health Services or local board of health or have experience in health sciences;
- (3) One who shall, at the time of appointment, be actively connected with or have had experience in agriculture;
- (4) One who shall, at the time of appointment, be a registered engineer with specialized training and experience in water supply or water or air pollution control;
- (5) One who shall, at the time of appointment, be actively connected with or have had experience in the fish and wildlife conservation activities of the State;
- (6) One who shall, at the time of appointment, have special training and scientific expertise in hydrogeology or groundwater hydrology;
- (7) Three members interested in water and air pollution control, appointed from the public at large;

- 1 (8) One who shall, at the time of appointment, be actively employed by, or  
2 recently retired from, an industrial manufacturing facility and  
3 knowledgeable in the field of industrial air and water pollution control;  
4 (9) One who shall, at the time of appointment, be actively connected with  
5 or have had experience in pollution control problems of municipal or  
6 county government;  
7 (10) One who shall, at the time of appointment, have special training and  
8 scientific expertise in air pollution control and the effects of air  
9 pollution; and  
10 (11) One who shall, at the time of appointment, have special training and  
11 scientific expertise in freshwater, estuarine, marine biological, or  
12 ecological sciences.

13 (b) Members appointed by the Governor shall serve terms of office of six years.  
14 Any appointment to fill a vacancy on the Commission created by the resignation,  
15 dismissal, death or disability of a member shall be for the balance of the unexpired term.  
16 The Governor may reappoint a member of the Commission to an additional term if, at  
17 the time of the reappointment, the member qualifies for membership on the Commission  
18 under subsection (a) of this section.

19 (b1) The Governor shall have the power to remove any member of the  
20 Commission from office for misfeasance, malfeasance, or nonfeasance in accordance  
21 with the provisions of G.S. 143B-13 of the Executive Organization Act of 1973.

22 (b2) The members of the Commission shall receive per diem and necessary travel  
23 and subsistence expenses in accordance with the provisions of G.S. 138-5.

24 (b3) A majority of the Commission shall constitute a quorum for the transaction of  
25 business.

26 (b4) All clerical and other services required by the Commission shall be supplied  
27 by the Secretary of Environment and Natural Resources.

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

37 (d) In addition to the members designated by subsection (a) of this section, the  
38 General Assembly shall appoint four members, two upon the recommendation of the  
39 Speaker of the House of Representatives, and two upon the recommendation of the  
40 President Pro Tempore of the Senate. Appointments by the General Assembly shall be  
41 made in accordance with G.S. 120-121, and vacancies in those appointments shall be  
42 filled in accordance with G.S. 120-122. Members appointed by the General Assembly  
43 shall serve terms of two years."

1           **SECTION 2.** This act becomes effective July 1, 2001, and applies to  
2 appointments made on or after that date.