

GENERAL ASSEMBLY OF NORTH CAROLINA
1995 SESSION

CHAPTER 653
SENATE BILL 1286

AN ACT TO EXPAND THE MEMBERSHIP OF THE FORESTRY COUNCIL OF THE DEPARTMENT OF ENVIRONMENT, HEALTH, AND NATURAL RESOURCES AND REDEFINE ITS RESPONSIBILITIES, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143B-308 reads as rewritten:

"§ 143B-308. Forestry Council – creation; powers and duties.

There is hereby created the Forestry Council of the Department of Environment, Health, and Natural Resources. The Forestry Council shall have the following functions and duties:

- (1) To advise the Secretary of Environment, Health, and Natural Resources with respect to all matters concerning the ~~conservation and development of both state-owned and privately-owned forests in the State, including, the promotion of a more profitable use of forestlands;~~ protection, management, and preservation of State-owned, privately owned, and municipally owned forests in the State, including but not limited to:
 - a. Profitable use of the State's forests consistent with the principles of sustained productivity.
 - b. Best management practices, including those for protection of soil, water, wildlife, and wildlife habitat, to be used in managing the State's forests and their resources.
 - c. Restoration of forest ecosystems and protection of rare and endangered species occurring in the State's private forests consistent with principles of private ownership of land.
- (2) ~~To undertake such studies and make such reports to the Secretary of Environment, Health, and Natural Resources as the Secretary may direct; and~~
To maintain oversight of a continuous monitoring and planning process, to provide a long-range, comprehensive plan for the use, management, and sustainability of North Carolina's forest resources, and to report regularly on progress made toward meeting the objectives of the plan.
- (3) ~~To advise the Secretary of Environment, Health, and Natural Resources upon any matter the Secretary may refer to it.~~

To provide a forum for the identification, discussion, and development of recommendations for the resolution of conflicts in the management of North Carolina's forests.

- (4) To undertake any other studies, make any reports, and advise the Secretary of Environment, Health, and Natural Resources on any matter as the Secretary may direct."

Sec. 2. G.S. 143B-309 reads as rewritten:

"§ 143B-309. Forestry Council – members; ~~chairman~~ chairperson; selection; removal; compensation; ~~quorum~~; services. quorum.

(a) ~~The Forestry Advisory Council of the Department of Environment, Health, and Natural Resources shall consist of 11 members appointed by the Governor. The composition of the Council shall be as follows: three members shall represent wood-using industries; two members shall represent farmers or other private, nonindustrial forest landowners; two members shall represent forestry interests not primarily concerned with the production of commercial timber, those interests to include but not be limited to watershed protection and environmental protection; one member who shall represent forestry organizations; one member who shall represent banking and financial interests; and two members who shall represent the general public. 18 members appointed as follows:~~

- (1) Three persons who are registered foresters and who represent the primary forest products industry, one each from the Mountains, Piedmont and Coastal Plain.
- (2) One person who represents the secondary wood-using industry.
- (3) One person who represents the logging industry.
- (4) Four persons who are nonindustrial woodland owners actively involved in forest management, one of whom has agricultural interests, and at least one each from the Mountains, Piedmont, and Coastal Plain.
- (5) Three persons who are members of statewide environmental or wildlife conservation organizations.
- (6) One consulting forester.
- (7) Two persons who are forest scientists with knowledge of the functioning and management of forest ecosystems.
- (8) One person who represents a banking institution that manages forestland.
- (9) One person with expertise in urban forestry.
- (10) One person with active experience in city and regional planning.

(b) The Governor shall appoint one person from categories (1) and (5), two persons from category (4), and the persons from categories (6), (7), (8), (9), and (10). The President Pro Tempore of the Senate shall appoint the person from category (2) and one person each from categories (1), (4), and (5). The Speaker of the House of Representatives shall appoint the person from category (3) and one person each from categories (1), (4), and (5). The Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives shall consult with one another to insure

that each of the three geographic regions of the State are represented in appointments made to fill categories (1) and (4).

(c) The Governor shall designate one member of the Council to serve as chairman-chairperson at the pleasure of the Governor.

(d) The initial members of the Council shall be appointed as follows: five members for two year terms and six members for four year terms. At the end of the respective terms of office of the initial members of the Council, the appointments of all members shall be for terms of four years and until their successors are appointed and qualify. Members shall serve staggered terms of office of four years. The terms of office of members filling categories (1), (4), and (5) shall expire on 30 June of years that follow by one year those years that are evenly divisible by four. The terms of office of members filling categories (2), (3), (6), (7), (8), (9), and (10) shall expire on 30 June of years that follow by three years those years that are evenly divisible by four. Terms shall expire as provided by this subsection except that members of the Council shall serve until their successors are appointed and duly qualified as provided by G.S. 128-7. Any appointment to fill a vacancy on the Council created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term-term and shall be made by the appointing authority responsible for that category. Vacancies in appointments made by the General Assembly shall be filled in accordance with G.S. 120-122.

(e) The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of G.S. 143B-16 of the Executive Organization Act of 1973. The Governor shall have the power to remove, in accordance with G.S. 143B-13, any member appointed by the Governor. The General Assembly shall have the power to remove, in accordance with G.S. 143B-13, any member appointed by the General Assembly.

(f) Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

(g) A majority of the Council shall constitute a quorum for the transaction of business.

(h) All clerical and other services required by the Council-Council, including the support required to carry out studies it is requested to make, shall be supplied by the Secretary of Environment, Health, and Natural Resources."

Sec. 3. G.S. 143B-310 reads as rewritten:

"§ 143B-310. Forestry Council – meetings.

The Forestry Council shall meet at least semiannually-annually in October and at least three other times a year and may hold special meetings at any time and place within the State at the call of the chairman-chairperson or upon the written request of at least a majority of the members. At least one meeting during each two-year period shall be held in the Mountains, Piedmont, and the Coastal Plain."

Sec. 4. Article 2B of Chapter 113 of the North Carolina General Statutes is repealed.

Sec. 5. The Forestry Council as it is constituted at the time this act becomes effective shall be replaced by the Forestry Council as it is reconstituted by this act.

Persons who are members of the Forestry Council at the time this act becomes effective are eligible for appointment to the reconstituted Forestry Council. To provide for staggered terms, initial appointments to categories (2), (3), (6), (7), (8), (9), and (10), as provided in G.S. 143B-309(a), as amended by Section 2 of this act shall expire on 30 June 1999. Initial appointments to categories (1), (4), and (5), as provided in G.S. 143B-309(a), as amended by Section 2 of this act, shall expire on 30 June 1997.

Sec. 6. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 21st day of June, 1996.

Dennis A. Wicker
President of the Senate

Harold J. Brubaker
Speaker of the House of Representatives