

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1354*

Short Title: Restructure Forestry Council.

(Public)

Sponsors: Representatives Locke, Weatherly; Church, Culp, McCrary, Mitchell, Nichols, Owens, Tolson, Weatherly, and Yongue.

Referred to: Health and Environment.

May 24, 1996

A BILL TO BE ENTITLED

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.

1 b. Best management practices, including those for protection of
2 soil, water, wildlife, and wildlife habitat, to be used in managing
3 the State's forests and their resources.

4 c. Restoration of forest ecosystems and protection of rare and
5 endangered species occurring in the State's private forests
6 consistent with principles of private ownership of land.

7 (2) ~~To undertake such studies and make such reports to the Secretary of~~
8 ~~Environment, Health, and Natural Resources as the Secretary may~~
9 ~~direct; and~~

10 To maintain oversight of a continuous monitoring and planning process,
11 to provide a long-range, comprehensive plan for the use, management,
12 and sustainability of North Carolina's forest resources, and to report
13 regularly on progress made toward meeting the objectives of the plan.

14 (3) ~~To advise the Secretary of Environment, Health, and Natural Resources~~
15 ~~upon any matter the Secretary may refer to it.~~

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

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

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

23 "**§ 143B-309. Forestry Council – members; ~~chairman~~ chairperson; selection;**
24 **removal; compensation; ~~quorum~~; services. quorum.**

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

35 (1) Three persons who are registered foresters and who represent the
36 primary forest products industry, one each from the Mountains,
37 Piedmont and Coastal Plain.

38 (2) One person who represents the secondary wood-using industry.

39 (3) One person who represents the logging industry.

40 (4) Four persons who are nonindustrial woodland owners actively involved
41 in forest management, one of whom has agricultural interests, and at
42 least one each from the Mountains, Piedmont, and Coastal Plain.

1 (5) Three persons who are members of statewide environmental or wildlife
2 conservation organizations.

3 (6) One consulting forester.

4 (7) Two persons who are forest scientists with knowledge of the
5 functioning and management of forest ecosystems.

6 (8) One person who represents a banking institution that manages
7 forestland.

8 (9) One person with expertise in urban forestry.

9 (10) One person with active experience in city and regional planning.

10 (b) The Governor shall appoint one person from categories (1) and (5), two
11 persons from category (4), and the persons from categories (6), (7), (8), (9), and (10).
12 The President Pro Tempore of the Senate shall appoint the person from category (2) and
13 one person each from categories (1), (4), and (5). The Speaker of the House of
14 Representatives shall appoint the person from category (3) and one person each from
15 categories (1), (4), and (5). The Governor, the President Pro Tempore of the Senate, and
16 the Speaker of the House of Representatives shall consult with one another to insure that
17 each of the three geographic regions of the State are represented in appointments made to
18 fill categories (1) and (4).

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

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

36 (e) The Governor shall have the power to remove any member of the Council from
37 office in accordance with the provisions of G.S. 143B-16 of the Executive Organization
38 Act of 1973. The Governor shall have the power to remove, in accordance with G.S.
39 143B-13, any member appointed by the Governor. The General Assembly shall have the
40 power to remove, in accordance with G.S. 143B-13, any member appointed by the
41 General Assembly.

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

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

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

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

7 "**§ 143B-310. Forestry Council – meetings.**

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

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

15 Sec. 5. The Forestry Council as it is constituted at the time this act becomes
16 effective shall be replaced by the Forestry Council as it is reconstituted by this act.
17 Persons who are members of the Forestry Council at the time this act becomes effective
18 are eligible for appointment to the reconstituted Forestry Council. To provide for
19 staggered terms, initial appointments to categories (2), (3), (6), (7), (8), (9), and (10), as
20 provided in G.S. 143B-309(a), as amended by Section 2 of this act shall expire on 30
21 June 1999. Initial appointments to categories (1), (4), and (5), as provided in G.S. 143B-
22 309(a), as amended by Section 2 of this act, shall expire on 30 June 1997.

23 Sec. 6. This act is effective upon ratification.