

NORTH CAROLINA GENERAL ASSEMBLY  
1973 SESSION

CHAPTER 1262  
HOUSE BILL 1129

AN ACT TO FURTHER EFFECTUATE THE REORGANIZATION OF STATE  
GOVERNMENT #4.

The General Assembly of North Carolina enacts:

**Section 1.** There is hereby re-created and reconstituted the following principal State departments to be known as the Department of Correction and the Department of Natural and Economic Resources with the organization, powers and duties as hereinafter defined and as further defined in the Executive Organization Act of 1973.

DEPARTMENT OF CORRECTION

**Sec. 2.** Department of Correction; creation. — There is hereby created and established a department to be known as the Department of Correction with the organization, powers, and duties hereafter defined in the Executive Organization Act of 1973.

**Sec. 3.** Duties of the Department. — It shall be the duty of the Department to provide the necessary custody, supervision, and treatment to control and rehabilitate criminal offenders and juvenile delinquents and thereby to reduce the rate and cost of crime and delinquency.

**Sec. 4.** Functions of the Department of Correction. — (a) The functions of the Department of Correction shall comprise except as otherwise expressly provided by the Executive Organization Act of 1973 or by the Constitution of North Carolina all functions of the executive branch of the State in relation to corrections and the rehabilitation of adult offenders and juvenile delinquents including detention, parole, and after-care supervision, and further including those prescribed powers, duties, and functions enumerated in Article 14 of Chapter 143A of the General Statutes and other laws of this State.

(b) All such functions, powers, duties, and obligations heretofore vested in the Department of Social Rehabilitation and Control and any agency enumerated in Article 14 of Chapter 143A of the General Statutes and Laws of this State are hereby transferred to and vested in the Department of Correction except as otherwise provided by the Executive Organization Act of 1973. They shall include, by way of extension and not of limitation, the functions of: (1) the State Department of Correction and Commission of Correction, (2) the State Board of Youth Development, (3) the State Probation Commission, (4) the State Board of Paroles, (5) the Interstate Agreement on Detainers, and (6) the Uniform Act for Out-of-State Parolee Supervision.

**Sec. 5.** Head of the Department. — The Secretary of Correction shall be the head of the Department.

**Sec. 6.** Organization of the Department. — The Department of Correction shall be organized initially to include the Parole Commission, the Board of Correction, the Division of Prisons, the Division of Youth Development, the Division of Adult Probation and Parole, and such other divisions as may be established under the provisions of the Executive Organization Act of 1973.

**Sec. 7.** The Board of Correction. — The Board of Correction shall consider and advise the Secretary of Correction upon any matter that the Secretary may refer to it. The Board

shall assist the Secretary of Correction in the development of major programs and recommend priorities for the programs within the Department.

The Board of Correction shall have such other responsibilities and shall perform such other duties as may be specifically given to it by the Secretary of Correction.

The Board of Correction shall consist of nine members appointed by the Governor to serve at his pleasure. One member shall be a psychiatrist or a psychologist, one an attorney with experience in the criminal courts, one a judge in the General Court of Justice, five members appointed at large, and the Secretary of Correction who shall be a member and chairman ex officio. The initial composition of the Board of Correction shall include the Chairman of the present State Probation Commission, the Chairman of the present State Commission of Correction, and the Chairman of the present State Board of Youth Development.

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

The Board of Correction shall meet at least quarterly and may hold special meetings at any time and place within the State at the call of its chairman.

A majority of the Board shall constitute a quorum for the transaction of business.

All clerical and other services required by the Board shall be supplied by the Secretary of Correction.

**Sec. 8.** Parole Commission; creation, powers, and duties. — (a) There is hereby created a Parole Commission of the Department of Correction with the authority to grant paroles, including both regular and temporary paroles, to persons held by virtue of any final order or judgment of any court of this State in any prison, jail, or penal institution of this State or its political subdivisions as provided in Chapter 148 of the General Statutes and Laws of the State of North Carolina. The Commission shall also have authority to revoke, terminate, and suspend paroles of such persons (including persons placed on parole on or before the effective date of the Executive Organization Act of 1973) and to assist the Governor in exercising his authority in granting reprieves, commutations, and pardons, and shall perform such other services as may be required by the Governor in exercising his powers of executive clemency.

(b) All releasing authority previously resting in the Commissioner and Commission of Correction with the exception of authority for extension of the limits of the place of confinement of a prisoner contained in G.S. 148-4 is hereby transferred to the Parole Commission. Specifically, such releasing authority includes work release (G.S. 148-33.1), indeterminate sentence release (G.S. 148-42), and release of youthful offenders (G.S. 148-49.8), provided the individual considered for work release, indeterminate sentence release, and release of youthful offenders shall have been recommended for release by the Secretary of Correction or his designee.

(c) The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, in accordance with which prisoners eligible for parole consideration may have their cases reviewed and investigated and by which such proceedings may be initiated and considered. All rules and regulations heretofore adopted by the Board of Paroles shall remain in full force and effect unless and until repealed or superseded by action of the Parole Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Correction.

**Sec. 9.** Parole Commission; members, selection, quorum, compensation. — The Parole Commission shall consist of five full-time members, all of whom shall be appointed by the Governor from persons whose recognized ability, training, experience, and character qualify them for service on the Commission. The term of office of the members of the Commission shall be for four years and until their successors are appointed and qualify, the terms of the members shall expire on June 30 with one member's term expiring on June 30 of the first year of a Governor's term, two members' terms expiring on June 30 of the second year of a Governor's term, one member's term expiring on June 30 of the third year of a Governor's

term, and one member's term expiring on June 30 of the fourth year of a Governor's term. The terms of the three members presently serving on the Board of Paroles will expire on June 30, 1974, June 30, 1975, and June 30, 1977, respectively. Thereafter, the terms of individuals filling these positions will be for four years. The two additional members increasing the size of the Commission to five as provided for by this statute, shall be appointed for terms expiring on June 30, 1976, and June 30, 1978, respectively; and thereafter at the end of the respective terms of office of the two new members, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term only.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance according to the provisions of Section 13 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Commission to serve as chairman at the pleasure of the Governor.

The members of the Commission shall receive pay and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-6.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Correction.

**Sec. 10.** Department of Correction; conforming changes. — (a)(1) Whenever the words "Commissioner of Correction," "Chairman of the Board of Paroles," "Director of Probation," and "Commissioner of Youth Development" or the words "Commissioner", "Chairman", or "Director" when referring to the above are used to appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Correction", or "Secretary", as appropriate, shall be inserted in lieu thereof, unless otherwise provided for in the Executive Organization Act of 1973.

- (2) Whenever the words "Department of Correction," "Department of Youth Development," "State Board of Corrections and Training," "Department of Juvenile Correction," "Probation Commission," "Board of Youth Development," and "Corrections Commission" or the words "Department", "Board", or "Commission" when referring to the above are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Correction" or "Department", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (3) Whenever the words "Board of Paroles" or "Board" when referring to the Board of Paroles are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Correction" or "Department", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973 except that in the following references the words "Board of Paroles" shall be deleted and the words "Parole Commission" shall be inserted in lieu thereof: G.S. 148-33. 1(b), lines 1 and 6; G.S. 148-33.1(d), line 7; G.S. 148-45(b), line 5; G.S. 148-48, line 2; G.S. 148-49.1, line 10; G.S. 148-49.4, line 8; G.S. 148-49.5, line 11; G.S. 148-49.6, line 3; G.S. 148-49.8(a), line 4; G.S. 148-49.8(c), lines 1, 3, and 6; G.S. 148-49.9(a), line 7; G.S. 148-49.9(b), lines 2, 4, 9, and 10; G.S. 148-52.1, first reference to "Board" on line 7; G.S. 148-53, lines 6 and 7; G.S. 148-54, line 13; G.S. 148-56, lines 1 and 3; G.S. 148-57, line 1; G.S. 148-58.1(a), line 3; G.S. 148-58.1(b), line 1; G.S. 148-

59, line 3; G.S. 148-60.1, line 5; G.S. 148-61.1(a), line 1; G.S. 148-61.1(b), lines 1, 6, 7, 8, and 9; G.S. 148-62, lines 4, 5, 8, and 12; G.S. 148-64, line 4; G.S. 148-74, lines 2 and 7; and G.S. 148-84, lines 3 and 8.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina shall be made:

- (1) G.S. 148-33.1(d) is hereby amended by deleting from line 1 thereof the words "State Department of Corrections" and inserting in lieu thereof the words "Parole Commission".
- (2) G.S. 148-42 is hereby amended by deleting from lines 9 and 10 thereof the words "Commissioner" and "Commissioner of Correction" and inserting in lieu thereof the words "Parole Commission".
- (3) G.S. 148-42 is hereby amended by deleting the last sentence thereof.
- (4) G.S. 148-52.1 is hereby amended by adding on line 1 thereof the words "of the Paroles Commission" immediately following the words "no member" and immediately before the words "or employee".
- (5) G.S. 148-53 is hereby amended by deleting from line 6 thereof the words "direction of" and inserting in lieu thereof the words "rules and regulations duly adopted by".
- (6) G.S. 148-54 is hereby amended by deleting from line 5 thereof the word "it" and inserting in lieu thereof the words "the Commission".
- (7) G.S. 148-64 is hereby amended by deleting from line 2 thereof the words "and its officers and employees".
- (8) G.S. 148-64 is hereby amended by deleting from line 5 thereof the words "and its staff".
- (9) G.S. 148-74 is hereby amended by deleting from lines 11 and 12 thereof the words "Director of Probation, the Commissioner of Correction, and the Chairman of the Board of Paroles" and inserting in lieu thereof the words "the Secretary of Correction".
- (10) The first paragraph of G.S. 15-203 is hereby deleted.
- (11) G.S. 143B-2 is hereby amended by adding the following subsection: "5. Department of Correction".
- (12) G.S. 143B-6 is hereby amended by adding the following subsection: "5. Department of Correction".

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 148-1; G.S. 148-52(a) through (d); G.S. 148-55; G.S. 134-1; G.S. 134-3; G.S. 134-4; G.S. 134-5; G.S. 134-6; G.S. 134-7; G.S. 134-8; G.S. 15-201; G.S. 15-202; and Article 14 of Chapter 143A of the General Statutes of the State of North Carolina, being Sections G.S. 143A-163 through G.S. 143A-170.

#### DEPARTMENT OF NATURAL AND ECONOMIC RESOURCES

**Sec. 11.** Department of Natural and Economic Resources; creation. — There is hereby re-created and reconstituted a department known as the Department of Natural and Economic Resources with the organization, powers, and duties defined in the Executive Organization Act of 1973.

**Sec. 12.** Duties of the Department. — It shall be the duty of the Department:

- (1) To provide for management and protection of the State's natural resources and environment, and
- (2) To promote and assist in the economic development statewide.

**Sec. 13.** Functions of the Department of Natural and Economic Resources. — (a) The functions of the Department of Natural and Economic Resources shall comprise, except as otherwise expressly provided by the Executive Organization Act of 1973 or by the Constitution of North Carolina, all executive functions of the State in relation to economic development and

the protection and management of natural resources and further including those prescribed powers, duties, and functions enumerated in Article 12 of Chapter 143A of the General Statutes of North Carolina.

(b) All such functions, powers, duties, and obligations heretofore vested in any agency enumerated in Article 12 of Chapter 143A of the General Statutes of North Carolina are hereby transferred to and vested in the Department of Natural and Economic Resources, except as otherwise provided by the Executive Organization Act of 1973. They shall include, by way of extension and not of limitation, functions of (1) the Geodetic Survey Division, (2) the North Carolina Board of Science and Technology, (3) the North Carolina Forestry Advisory Committee, (4) the Mining Council, (5) the Commercial and Sports Fisheries Advisory Board, (6) the North Carolina National Park, Parkway, and Forests Development Commission, (7) the Department of Conservation and Development, (8) the Department of Water and Air Resources, (9) the Board of Water and Air Resources, (10) the Water Control Advisory Council, (11) the Air Control Advisory Council, (12) the John H. Kerr Reservoir Development Commission, (13) the Lockhart Gaddy Wild Goose Refuge Commission, (14) the State Soil and Water Conservation Committee, (15) the North Carolina Water Safety Committee, (16) the Department of Local Affairs, (17) the Board of Conservation and Development, (18) the Atlantic States Marine Fisheries Commission, (19) the Interstate Mining Compact, and (20) the Committee on Recreation and all other committees of the Department of Local Affairs, with the exception of the Committee on Law and Order.

**Sec. 14.** Head of the Department. — The Secretary of Natural and Economic Resources shall be the head of the Department.

**Sec. 15.** Organization of the Department. — The Department of Natural and Economic Resources shall be organized initially to include the Board of Natural and Economic Resources, the Wildlife Resources Commission, the Environmental Management Commission, the Marine Fisheries Commission, the North Carolina Mining Commission, the State Soil and Water Conservation Commission, the Sedimentation Control Commission, the Wastewater Treatment Plant Operators Commission of Certification, the Earth Resource Council, the Community and Economic Development Council, the Forestry Council, the Parks and Recreation Council, the North Carolina Zoological Park Council, the Water Safety Council, the Air Quality Council, the Water Quality Council, the North Carolina National Park, Parkway and Forests Development Council, the Commercial and Sports Fisheries Committee, the Science and Technology Committee, the Federal Reservoirs local committees, the North Carolina Trails Committee, the Division of Environmental Management, the Division of Commercial and Sports Fisheries, the Division of Earth Resources, the Division of Community and Economic Development, the Division of Forest Resources, and the Division of Parks and Recreation and such other divisions as may be established under the provisions of the Executive Organization Act of 1973.

**Sec. 16.** The Board of Natural and Economic Resources. — The Board of Natural and Economic Resources shall consider and advise the Secretary of Natural and Economic Resources upon any matter that the Secretary may refer to it. The Board shall assist the Secretary of Natural and Economic Resources in the development of major programs and recommend priorities for programs within the Department.

The Board of Natural and Economic Resources shall perform such other duties as may be specifically given to it.

The Board of Natural and Economic Resources shall consist of the following twenty-five members. The chairman and one elected member from each of the following Commissions: the Wildlife Resources Commission, the Environmental Management Commission, and the Marine Fisheries Commission; the chairman and one elected member from each of the following Councils: the Earth Resources Council, the Community and Economic Development Council, the Forestry Council, and the Parks and Recreation Council;

ten members-at-large appointed by the Governor to serve at his pleasure; and the Secretary of Natural and Economic Resources who shall be a member and chairman ex officio.

The Board of Natural and Economic Resources shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of its chairman.

A majority of the Board shall constitute a quorum for the transaction of business.

Members of the Board shall receive per diem and necessary travel expenses in accordance with the provisions of G.S. 138-5.

All clerical and other services required by the Board shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 17.** Wildlife Resources Commission; transfer. — The Wildlife Resources Commission, as contained in Chapters 75A, 113 and 143 of the General Statutes and the laws of this State, is hereby transferred to the Department of Natural and Economic Resources. The Wildlife Resources Commission shall exercise all its prescribed statutory powers independently of the Secretary of Natural and Economic Resources and, other provisions of this Chapter notwithstanding, shall be subject to the direction and supervision of the Secretary only with respect to the management functions of coordinating and reporting. Any other provisions of this Chapter to the contrary notwithstanding, the Executive Director of the Wildlife Resources Commission shall be appointed by the Commission and the employees of the Commission shall be employed as now provided in G.S. 143-246 and the laws of this State.

Notwithstanding any provision of the Executive Organization Act of 1973 to the contrary, the Wildlife Resources Commission shall exercise all its prescribed statutory powers independently of the Secretary of Natural and Economic Resources to the end that the independence of the Wildlife Resources Commission be preserved, the Executive Organization Act of 1973 shall not be construed as amending or repealing the provisions of this section.

**Sec. 18.** Wildlife Resources Commission; conforming changes. — (a)(1) Whenever the words "Commissioner of Game and Inland Fisheries" or the word "Commissioner," when referring to the Commissioner of Game and Inland Fisheries as designated and defined in Article 7 of Chapter 113 of the General Statutes of the State of North Carolina are used or appear in any statute or law of this State, the same shall be deleted and the words "Executive Director of the North Carolina Wildlife Resources Commission" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

- (2) Whenever the words "Board of Conservation and Development" or "Board," when referring to the Board of Conservation and Development, are used or appear in Articles 7, 8, 9, 10, 10A, 10B, and 11 of Chapter 113, the same shall be deleted and the words "Wildlife Resources Commission" or "Commission," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (3) Whenever the words "Department of Conservation and Development" or "Department," when referring to the Department of Conservation and Development are used in Article 7 of Chapter 113, the same shall be deleted and the words "Wildlife Resources Commission" or "Commission," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (4) Whenever the words "Division of Game and Inland Fisheries" or the word "Division," when referring to the Division of Game and Inland Fisheries are used or appear in Article 7 of Chapter 113, the same shall be deleted and the words "Wildlife Resources Commission" or "Commission," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

- (5) Whenever the words "Conservation Board" or "Board," when referring to the Conservation Board are used or appear in Article 7 of Chapter 113, the same shall be deleted and the words "Wildlife Resources Commission" or "Commission," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
  - (6) Whenever the word "Commission" is used or appears in Articles 6B, 7, 8, 9, 10, 10A, 10B, 11, 12, 13, 20, 21, 22, 22A, and 23 of Chapter 113 of the General Statutes, the same shall be deleted and the words "Wildlife Resources Commission" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina shall be made:
- (1) G.S. 113-86 is hereby amended by deleting from line 2 thereof the word "Commissioner" and inserting in lieu thereof the words "Executive Director".
  - (2) G.S. 113-83 is hereby amended by deleting the word "Commissioner" from line 5 and inserting in lieu thereof the words "Executive Director".
  - (3) The word "Commission" is hereby deleted and the words "Wildlife Resources Commission" are hereby inserted in lieu thereof on line 2 of G.S. 113-138.

**Sec. 19.** Environmental Management Commission. — There is hereby created the Environmental Management Commission of the Department of Natural and Economic Resources with the power and duty to promulgate rules and regulations to be followed in the protection, preservation, and enhancement of the water and air resources of the State.

(a) Within the limitations of G.S. 143-215.9 concerning industrial health and safety, the Environmental Management Commission shall have the following powers and duties:

- (1) to grant a permit or temporary permit, to modify or revoke a permit, and to refuse to grant permits pursuant to G.S. 143-215.1 and G.S. 143-215.108 with regard to controlling sources of air and water pollution;
- (2) to issue a special order pursuant to G.S. 143-215.2(b) and G.S. 143-215.110 to any person whom the Commission finds responsible for causing or contributing to any pollution of water within such watershed or pollution of the air within the area for which standards have been established;
- (3) to conduct and direct that investigations be conducted pursuant to G.S. 143-215.3 and G.S. 143-215.108(b)(5);
- (4) to conduct public hearings, institute actions in superior court, and agree upon or enter into settlements, all pursuant to G.S. 143-215.3;
- (5) to direct the investigation of any killing of fish and wildlife pursuant to G.S. 143-215.3;
- (6) to consult with any person proposing to construct, install, or acquire an air or water pollution source pursuant to G.S. 143-215.3 and G.S. 143-215.111;
- (7) to encourage local government units to handle air pollution problems and to provide technical and consultative assistance pursuant to G.S. 143-215.3 and G.S. 143-215.112;
- (8) to review and have general oversight and supervision over local air pollution control programs pursuant to G.S. 143-215.3 and G.S. 143-215.112;
- (9) to declare an emergency when it finds a generalized dangerous condition of water or air pollution pursuant to G.S. 143-215.3;
- (10) to render advice and assistance to local government regarding floodways pursuant to G.S. 143-215.56;

- (11) to declare and delineate and modify capacity use areas pursuant to G.S. 143-215.13;
- (12) to grant permits for water use within capacity use areas pursuant to G.S. 143-215.15;
- (13) to direct that investigations be conducted when necessary to carry out duties regarding capacity use areas pursuant to G.S. 143-215.19;
- (14) to approve, disapprove and approve subject to conditions all applications for dam construction pursuant to G.S. 143-215.28; to require construction progress reports pursuant to G.S. 143-215.29;
- (15) to halt dam construction pursuant to G.S. 143-215.29;
- (16) to grant final approval of dam construction work pursuant to G.S. 143-215.30;
- (17) to have jurisdiction and supervision over the maintenance and operation of dams pursuant to G.S. 143-215.31;
- (18) to direct the inspection of dams pursuant to G.S. 143-215.32;
- (19) to modify or revoke any final action previously taken by the Commission pursuant to G.S. 143-214.1 and G.S. 143-215.107; and
- (20) to have jurisdiction and supervision over oil pollution pursuant to Article 21A of Chapter 143.

(b) The Environmental Management Commission shall have the power and duty to establish standards and adopt rules and regulations:

- (1) for air quality standards, emission control standards and classifications for air contaminant sources pursuant to G.S. 143-215.107;
- (2) for water quality standards and classifications pursuant to G.S. 143-214.1 and G.S. 143-215;
- (3) to implement water and air quality reporting pursuant to G.S. 143-215.68;
- (4) to be applied in capacity use areas pursuant to G.S. 143-215.14;
- (5) to implement the issuance of permits for water use within capacity use areas pursuant to G.S. 143-215.20;
- (6) for the protection of sand dunes pursuant to Chapter 104B of the General Statutes of North Carolina; and
- (7) for the protection of the land and the waters over which this State has jurisdiction from pollution by oil, oil products and oil by-products pursuant to Article 21 A of Chapter 143.

(c) The Commission is authorized and empowered to make such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for water and air resources purposes which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(d) The Commission shall make rules and regulations consistent with the provisions of this Chapter. All rules and regulations adopted by the Commission shall be enforced by the Department of Natural and Economic Resources.

**Sec. 20.** Environmental Management Commission; members, selection, quorum, compensation. — (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;
- (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 had experience in water and air pollution control activities;

- (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 experienced in the planning or conservation of water or air resources, or planning of water or sewer systems, or having experience in the field of industrial water supply or water and air pollution control, or have had practical experience in water supply and water and air pollution control problems of municipal government;
- (5) one who shall, at the time of appointment, be actively connected with or have had experience in the fish and wildlife activities of the State;
- (6) one who shall, at the time of appointment, be actively connected with or knowledgeable in the ground water industry;
- (7) five members interested in water and air pollution control, appointed from the public at large;
- (8) one who shall, at the time of appointment, be actively connected with industrial production or have had experience in the field of industrial air and water pollution control; and
- (9) one who shall, at the time of appointment, be actively connected with or have had experience in pollution control problems of municipal or county government. The Governor, by executive order, shall promulgate criteria for determining the eligibility of persons under this section and for this purpose, may promulgate the rules, regulations or guidelines established by any federal agency interpreting and applying equivalent provisions of law.

(b) Members so appointed shall serve terms of office of six years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. At the expiration of each member's term, the Governor shall replace the member with a new member of like qualifications. The initial members of the Environmental Management Commission shall be those members of the present Board of Water and Air Resources who shall meet the above standards for membership on the Environmental Management Commission and who shall serve on the Environmental Management Commission for a period equal to the remainder of their current terms on the Board of Water and Air Resources four of whose appointments expire June 30, 1975, five of whose appointments expire June 30, 1977, and four of whose appointments expire June 30, 1979. Any initial appointment to replace a member of the present Board of Water and Air Resources who does not meet the above standards for membership on the Environmental Management Commission shall be for a period equal to the replaced member's unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

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

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 21.** Officers of the Environmental Management Commission. — The Environmental Management Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term whichever comes first.

**Sec. 22.** Regular and special meetings. — The Environmental Management Commission shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least five members.

**Sec. 23.** Environmental Management Commission; conforming changes. — (a)(1) Whenever the words "Board of Water and Air Resources" or "Board" when referring to the Board of Water and Air Resources or the words "Board of Water Resources of the State of North Carolina" or the word "Board" when referring to the "Board of Water Resources of the State of North Carolina" are used or appear in any statute or law of this State, the same shall be deleted and the words "Environmental Management Commission" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references the words "Board of Water and Air Resources" or "Board" when referring to the Board of Water and Air Resources shall be deleted and the words "Department of Natural and Economic Resources" or "Department" as appropriate shall be inserted in lieu thereof: G.S. 87-91(b), line 3; G.S. 87-92(3), lines 2 and 5; G.S. 87-92(5), line 1; G.S. 87-93, line 5; G.S. 87-93(1), line 4; G.S. 105-122(b), line 15; G.S. 105-122(d), line 46; G.S. 105-122(d), line 47 and 48; G.S. 105-130.10, line 14; G.S. 105-147(13), line 16; G.S. 105-278(11), lines 6 and 7; G.S. 143-211, line 13; G.S. 143-214.1(e)(2), line 4; G.S. 143-214.1(e)(3), line 2; G.S. 143-215.1(c)(2), line 1; G.S. 143-215.3(a)(7), lines 18, 21, and line 2 of paragraph 2; G.S. 143-215.3(a)(11)e.2., line 6; G.S. 143-215.3(a)(12), line 4; G.S. 143-215.3(b), lines 1, 4, 7, and 12; G.S. 143-215.4(a), lines 3, 6, 10, and 12; G.S. 143-215.4(b), lines 9 and 10; G.S. 143-215.4(c), lines 1 and 5; G.S. 143-215.4(d)(1), line 4; G.S. 143-215.4(d)(3), lines 2 and 5; G.S. 143-215.4(d)(10), lines 1, 6, and 7; G.S. 143-215.5(1), lines 1 and 4; G.S. 143-215.13(c)(1), line 2; G.S. 143-215.13(c)(2), lines 1 and 6; G.S. 143-215.13(c)(4), line 7; G.S. 143-215.13(c)(5), line 4; G.S. 143-215.13(c)(7), line 11; G.S. 143-215.15(c), line 2; G.S. 143-215.15(d), lines 8 and 11; G.S. 143-215.15(f)(3), line 5; G.S. 143-215.15(11), lines 1 and 7; G.S. 143-215.15(g), line 5; G.S. 143-215.15(g)(1), lines 1 and the second reference on line 3; G.S. 143-215.16(c), line 5; G.S. 143-215.18(a), the reference to department on line 1, and lines 4 and 10; G.S. 143-215.18(b), line 1; G.S. 143-215.25(4), line 2; G.S. 143-215.26(a), lines 3, 7, 10, and 14; G.S. 143-215.30(a), first reference on line 4; G.S. 143-215.30(c), line 3; G.S. 143-215.32(a), line 4; G.S. 143-215.34, line 5; G.S. 143-215.37, line 11; G.S. 143-215.42(c), line 1; G.S. 143-215.56(b), lines 1 and 12; G.S. 143-215.62(a), lines 1 and 7; G.S. 143-215.62(a)(3), line 2; G.S. 143-215.78, lines 1 and 3; G.S. 143-215.84(b), line 2; G.S. 143-215.87, lines 2, 10 and 12; and G.S. 143-215.88, line 4.

(2) Whenever the words "State Department of Water Resources" or "Department of Water Resources" or "Department" when referring to the State Department of Water Resources are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Natural and Economic Resources" or "Department," as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(3) Whenever the words "North Carolina Director of Water and Air Resources", "Director of the Department of Water and Air Resources" or "Director of Water Resources", or "Director" when referring to the Director of the Department of Water and Air Resources or the words "Assistant Director of the Department of Water and Air Resources" or "Assistant Director" when referring to the Assistant Director of the Department of Water and Air Resources are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Natural and Economic Resources" or "Secretary," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina are hereby made:

- (1) The words "or Department" shall be inserted after the word "Board" on line 2 of G.S. 87-90.
- (2) The words "or Department" shall be inserted after the word "Board" on line 3 of G.S. 87-91(a).
- (3) The words "or Department" shall be inserted after the word "Board" on line 10 of G.S. 87-91(b).
- (4) A new section to be designated G.S. 87-85(5a) shall read "'Department' means the Department of Natural and Economic Resources unless otherwise indicated." (5) The word "its" shall be deleted and the words "the Department's" shall be inserted in lieu thereof on line 2 of G.S. 87-92(2).
- (6) The words "of the Department" shall be inserted after the word "employee" on line 3 of G.S. 87-92(2).
- (7) The word "its" shall be deleted and the words "the Department's" shall be inserted in lieu thereof on line 1 of G.S. 87-92(4).
- (8) The words "director or assistant director of the department" shall be deleted and the words "the Secretary of Natural and Economic Resources" shall be inserted in lieu thereof on line 6 of G.S. 87-92(11).
- (9) The words "said Board" shall be deleted and the words "the Environmental Management Commission" shall be inserted in lieu thereof on line 15 of G.S. 105-130.10 and line 17 of G.S. 105-147(13) and line 7 of G.S. 105-278(11).
- (10) G.S. 143-213(7) shall be deleted and the words "'Commission' means the Environmental Management Commission created under the provisions of this Article and the provisions of the Executive Organization Act of 1973." shall be inserted in lieu thereof.
- (11) G.S. 143-213(8) shall be deleted and the words "'Department' means the Department of Natural and Economic Resources." shall be inserted in lieu thereof.
- (12) The words "the office of the Board" shall be deleted and the words "Department of Natural and Economic Resources" shall be inserted in lieu thereof on line 9 of G.S. 143-214.1(e)(1).
- (13) The word "it" shall be deleted and the words "Environmental Management Commission" shall be inserted in lieu thereof on line 1 of G.S. 143-215.1(c)(2).
- (14) The word "Board" shall be deleted and the words "Commission or Department" shall be inserted in lieu thereof on line 16 of G.S. 143-215.3(a)(2).
- (15) The words "to conduct such investigation" shall be deleted and the words "to direct that such investigation be conducted" shall be inserted in lieu thereof on line 1 of G.S. 143-215.3(a)(2).
- (16) The words "its Director, Assistant Director, or to any other qualified employee of the Board" shall be deleted and the words "the Secretary or any other qualified employee of the Department of Natural and Economic Resources" shall be inserted in lieu thereof on lines 2 and 3 of G.S. 143-215.3(a)(4).
- (17) The words "its own qualified employees" shall be deleted and the words "the designated employees of the Department" shall be inserted in lieu thereof on lines 6 and 7 of G.S. 143-215.3(a)(4).

- (18) The word "investigate" shall be deleted and the words "direct the investigation of" shall be inserted in lieu thereof on line 1 of G.S. 143-215.3(a)(7).
- (19) The second sentence of G.S. 143-215.3(a)(7) being lines 11 through 17 shall be rewritten to read as follows: "The measure of damages shall be the amount determined by the Department of Natural and Economic Resources and the North Carolina Wildlife Resources Commission, whichever has jurisdiction over the fish or wildlife destroyed to be the replacement cost thereof plus the cost of all reasonable and necessary investigations made or caused to be made by the State in connection therewith."
- (20) The words "it deems" shall be deleted and the words "the Commission may deem" shall be inserted in lieu thereof on line 20 of G.S. 143-215.3(a)(7).
- (21) The third sentence of the second paragraph of G.S. 143-215.3(a)(7) shall be rewritten to read as follows: "The proceeds of any recovery, less the cost of investigation, shall be used to replace, insofar as and as promptly as possible, the fish and wildlife killed, or in cases where replacement is not practicable, the proceeds shall be used in whatever manner the responsible agency deems proper for improving the fish and wildlife habitat in question."
- (22) The words "the Assistant Director, with the approval of the Director and the concurrence of the Governor" shall be deleted and the words "the Secretary of the Department with the concurrence of the Governor" shall be inserted in lieu thereof on lines 6, 7, and 8 of G.S. 143-215.3(a)(12).
- (23) The words "Assistant Director" shall be deleted and the word "Secretary" shall be inserted in lieu thereof on line 2 of paragraph 2 of G.S. 143-215.3(a)(12).
- (24) The words "the approval of the Director and" shall be deleted from line 6 of paragraph 2 of G.S. 143-215.3(a)(12).
- (25) The words "or the Department" shall be inserted between the words "the Board" and the words "may, with the" on line 1 of G.S. 143-215.3(d).
- (26) The words "its official acts" shall be deleted and the words "the official acts of the Commission" shall be inserted in lieu thereof on line 7 of G.S. 143-215.4(a).
- (27) The word "its" shall be deleted and the words "the Commission's" shall be inserted in lieu thereof on line 10 of G.S. 143-215.4(b).
- (28) The word "appointed" shall be deleted and the word "designated" shall be inserted in lieu thereof on line 2 of G.S. 143-215.4(d)(3).
- (29) The words "Director or Assistant Director of the Department" shall be deleted and the words "Secretary of the Department" shall be inserted in lieu thereof on line 6 of G.S. 143-215.4(d)(10).
- (30) The words "Board shall send a certified transcript" shall be deleted and the words "Department shall send a transcript certified by the Board" shall be inserted in lieu thereof on line 8 of G.S. 143-215.5(b).
- (31) The words "office of" shall be deleted from G.S. 143-215.13(c)(4), line 7.
- (32) The words "or the Department" shall be inserted between the words "given by the Board" and the words "or by any party" on line 1 of G.S. 143-215.15(e).
- (33) The words "or the Department" shall be inserted between the words "notice by the Board" and the words "may be given" on line 5 of G.S. 143-215.15(e).

- (34) The words "of its own qualified employees" shall be deleted and the words "qualified employees of the Department" shall be inserted in lieu thereof on lines 2 and 3 of G.S. 143-215.15(f)(2).
- (35) The last sentence of G.S. 143-215.15(f)(2) shall be rewritten to read as follows: "Any member of the Commission or employee of the Department of Natural and Economic Resources to whom a delegation of power is made to conduct a hearing shall report the hearing with its evidence and record to the Commission for decision."
- (36) The words "appointed by the Board" shall be deleted and the words "designated by the Department" shall be inserted in lieu thereof on line 2 of G.S. 143-215.15(f)(3).
- (37) The words "Director or Assistant Director of the Department" shall be deleted and the words "Secretary of the Department" shall be inserted in lieu thereof on line 5 of G.S. 143-215.15(f)(11).
- (38) The word "conduct" shall be deleted and the words "direct the conduct of" shall be inserted in lieu thereof on line 1 of G.S. 143-215.19.
- (39) The words "or Department" shall be inserted between the words "representative of the Board" and the words "who request entry" on line 12 of G.S. 143-215.19.
- (40) G.S. 143-215.21(2) shall be rewritten to read as follows: "'Commission' means the Environmental Management Commission, or its successor."
- (41) G.S. 143-215.21(4) shall be rewritten to read as follows: "'Department' means the Department of Natural and Economic Resources, or its successor."
- (42) G.S. 143-215.25(1) shall be rewritten to read as follows: "'Commission' means the Environmental Management Commission."
- (43) G.S. 143-215.25(3) shall be rewritten to read "'Department' means the North Carolina Department of Natural and Economic Resources."
- (44) The words "the Department of Conservation and Development," shall be deleted from lines 3 and 4 of G.S. 143-215.26(b).
- (45) The first sentence of G.S. 143-215.32(a) shall be rewritten to read as follows: "The Department is hereby authorized at any time to inspect any dam upon receipt of a written request of any affected person or agency, or upon a motion of the Environmental Management Commission."
- (46) G.S. 143-215.32(b) shall be rewritten to read as follows: "If the Department upon inspection finds that any dam is not sufficiently strong, or is not maintained in good repair or operating condition, or is dangerous to life or property, or does not satisfy minimum stream flow requirements, the Department shall cause such evidence to be presented to the Commission and the Commission may issue an order directing the owner or owners of the dam to make at his or her expense maintenance, alterations, repairs, reconstruction, change in construction or location, or removal as may be deemed necessary by the Commission within a time limited by the order, not less than ninety days from the date of issuance of each order, except in the case of extreme danger to the safety of life or property, as provided by subsection (c) of this section."
- (47) The first sentence of G.S. 143-215.35 is hereby rewritten to read: "No action shall be brought against the State of North Carolina, the Department, or the Environmental Management Commission or any agent of the Commission or any employee of the State or the Department for damages sustained through

the partial or total failure of any dam or its maintenance by reason of any supervision or other action taken pursuant to or under this part."

(48) The word "Department" shall be deleted and the word "Commission" shall be inserted in lieu thereof on line 2 of G.S. 143-215.36(b).

(49) G.S. 143-215.37 is hereby rewritten to read as follows:

**"§ 143-215.37. Rights of investigation, entry, access, and inspection.** — The Commission shall have the right to direct the conduct of such investigations as it may reasonably deem necessary to carry out its duties prescribed in this part, and the Department shall have the right to conduct such investigations, and for this purpose the employees of the Department and agents of the Commission have the right to enter at reasonable times on any property, public or private, for the purpose of investigating the condition, construction, or operation of any dam or associated equipment facility or property, and to require written statements or the filing of reports under oath, with respect to pertinent questions relating to the construction or operation of any dam: Provided, that no person shall be required to disclose any secret formula, processes or methods used in any manufacturing operation or any confidential information concerning business activities carried on by him or under his supervision. No person shall refuse entry or access to any authorized representative of the Commission or Department who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties."

(50) The word "its" shall be deleted and the words "the Commission's" shall be inserted in lieu thereof on line 1 of G.S. 143-215.42(c).

(51) The word "make" shall be deleted from the third line of G.S. 143-215.48(b).

(52) The word "make" shall be deleted and the word "authorize" shall be inserted in lieu thereof on line 15 of G.S. 143-215.62(b).

(53) The word "either" shall be deleted from line 6 of G.S. 143-215.65.

(54) The word "or" shall be deleted and the words "the Department and" shall be inserted in lieu thereof on line 7 of G.S. 143-215.65.

(55) The last sentence of G.S. 143-215.65 shall be rewritten to read as follows: "The Department shall provide proper and adequate facilities and procedures and the Commission shall adopt adequate regulations to safeguard the confidentiality of proprietary manufacturing processes except that confidentiality shall not extend to wastes discharged or air contaminants emitted."

(56) G.S. 143-215.77(7) shall be rewritten to read as follows:

"(7) 'Department' shall mean the Department of Natural and Economic Resources."

(57) The words "Director or Assistant Director of the Board" shall be deleted and the words "Secretary of Natural and Economic Resources" shall be inserted in lieu thereof on line 7 of G.S. 143-215.85.

(58) The words "The North Carolina Department of Conservation and Development" shall be deleted from lines 2 and 3 of G.S. 143-215.86(a) and G.S. 143-215.86(b).

(59) The words "the Board of Conservation and Development" shall be deleted from lines 14 and 15 of G.S. 143-215.90.

(60) Notwithstanding the conforming changes in the Executive Organization Act of 1973, G.S. 143-357(a) will remain as worded on the date of ratification of the Executive Organization Act of 1973.

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 143-212; G.S. 143-214; G.S. 143-215.10.

**Sec. 24.** Marine Fisheries Commission; creation, powers, and duties. — There is hereby created the Marine Fisheries Commission of the Department of Natural and Economic Resources with the power and duty to adopt rules and regulations to be followed in the protection, preservation, and enhancement of the commercial and sports fisheries resources of the State.

- (a) The Marine Fisheries Commission shall have the following powers and duties:
- (1) the Commission is authorized to authorize, license, regulate, prohibit, prescribe, or restrict all forms of marine and estuarine resources in coastal fishing waters with respect to:
    - (i) Time, place, character, or dimensions of any methods or equipment that may be employed in taking fish.
    - (ii) Seasons for taking fish.
    - (iii) Size limits on and maximum quantities of fish that may be taken, possessed, bailed to another, transported, bought, sold, or given away.
  - (2) to adopt regulations and take all steps necessary to develop and improve the cultivation, harvesting, and marketing of oysters and clams in North Carolina both from public grounds and private beds as provided in G.S. 113-201;
  - (3) to close areas of public bottoms under coastal fishing waters for such time as may be necessary in any program of propagation of shellfish as provided in G.S. 113-204;
  - (4) in the interest of conservation of the marine and estuarine resources of North Carolina, the Commission may institute an action in the superior court to contest the claim of title or claimed right of fishery in any navigable waters of North Carolina registered with the Department as provided in G.S. 113-206(d);
  - (5) to delegate to the Secretary of Natural and Economic Resources the authority by proclamation to suspend or implement, in whole or in part, particular regulations of the Commission which may be affected by variable conditions as provided in G.S. 113-221(e);
  - (6) to make reciprocal agreements with other jurisdictions respecting any of the matters governed in this Subchapter as provided by G.S. 113-223;
  - (7) to make relevant provisions of federal laws and regulations as State regulations pursuant to G.S. 113-228; and
  - (8) to control activities in coastal wetlands as provided in G.S. 113-230.
- (b) The Marine Fisheries Commission shall have the power and duty to establish standards and adopt rules and regulations:
- (1) implementing the provisions of Subchapter IV of Chapter 113 as provided in G.S. 113-134 of the General Statutes of the State of North Carolina;
  - (2) for the disposition of confiscated property as set forth in G.S. 113-137;
  - (3) governing all license requirements and taxes prescribed in G.S. Chapter 113, Article 14;
  - (4) governing the importation and exportation of fish, and equipment that may be used in taking or processing fish, as necessary to enhance the conservation of marine and estuarine resources of North Carolina as provided in G.S. 113-160;
  - (5) governing the possession, transportation and disposition of seafood as provided in G.S. 113-164;
  - (6) regarding the disposition of the young of edible fish taken incidentally and unavoidably as provided by G.S. 113-185;

- (7) regarding the leasing of public grounds for oysters and clam production as provided in G.S. 113-202;
  - (8) governing utilization of private fisheries as provided in G.S. 113-205;
  - (9) regarding permits to dredge or fill as provided in G.S. 113-229; and
  - (10) imposing further restrictions upon the throwing of fish offal in any coastal fishing waters as provided in G.S. 113-265.
- (c) The Commission is authorized to authorize, license, prohibit, prescribe, or restrict:
- (1) The opening and closing of coastal fishing waters, except as to inland game fish, whether entirely or only as to the taking of particular classes of fish, use of particular equipment, or as to other activities within the jurisdiction of the Department.
  - (2) The possession, cultivation, transportation, importation, exportation, sale, purchase, acquisition, and disposition of all marine and estuarine resources and all related equipment, implements, vessels, and conveyances as necessary to implement the work of the Department in carrying out its duties as provided in G.S. 113-182.
- (d) The Commission is authorized and empowered to make such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for coastal resource purposes which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.
- (e) The Commission shall make rules and regulations consistent with the provisions of this Chapter. All rules and regulations adopted by the Commission shall be enforced by the Department of Natural and Economic Resources.

**Sec. 25.** Marine Fisheries Commission; members, selection, quorum, compensation. — The Marine Fisheries Commission shall consist of seven members appointed by the Governor. The Governor shall select the members so that all the following interests are represented: (1) one who shall at the time of appointment be actively connected with and have experience in commercial fishing, (2) one who shall at the time of appointment be actively connected with and have experience in wildlife or sport fishing, (3) one who shall at the time of appointment have special training and expertise in marine ecology, (4) one who shall at the time of appointment be actively connected with and have experience in coastal land development, (5) one who shall at the time of appointment be actively connected with and have experience in seafood processing and distribution, and (6) two at large who shall at the time of appointment be residents of the coastal area.

Members so appointed shall serve terms of office of six years. Two of the initial members shall be appointed for two years, two for four years, and three for six years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. At the expiration of each member's term, the Governor shall replace the member with a new member of like qualifications.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

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

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 26.** Officers of the Marine Fisheries Commission.— The Marine Fisheries Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term, whichever comes first.

**Sec. 27.** Regular and special meetings. — The Marine Fisheries Commission shall meet at least once in each quarter and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least five members.

**Sec. 28.** Marine Fisheries Commission; conforming changes. — (a)(1) Whenever the words "Board of Conservation and Development" or "Board" when referring to the Board of Conservation and Development are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Natural and Economic Resources" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references the words "Board of Conservation and Development" or "Board" when referring to the Board of Conservation and Development shall be deleted and the words "Marine Fisheries Commission" or "Commission", as appropriate, shall be inserted in lieu thereof: G.S. 113-129, line 9 of paragraph 3; G.S. 113-132(e), line 6; G.S. 113-137(i), lines 1 and 7 of paragraph 2; G.S. 113-137(j), line 4; G.S. 113-138, line 1; G.S. 113-151, line 1; G.S. 113-152(b), lines 10 and 12; G.S. 113-153, line 6; G.S. 113-155(e), lines 7 and 10; G.S. 113-156(b), line 1; G.S. 113-156(b)(1), line 5; G.S. 113-157(b), line 2; G.S. 113-157(e), lines 15 and 16; G.S. 113-158(b), line 1; G.S. 113-160, line 1; G.S. 113-163(b), line 9; G.S. 113-164, line 1; G.S. 113-166(a), line 5; G.S. 113-166(f), line 4; G.S. 113-166(g), line 1; G.S. 113-181(b), line 2; G.S. 113-182(a), line 1; G.S. 113-185(b), line 1 of paragraph 2; G.S. 113-188, line 3; G.S. 113-201, line 1; G.S. 113-202(a), line 2; G.S. 113-202(f), lines 10 and 15; G.S. 113-202(g), lines 2 and 6; G.S. 113-202(h), lines 1, 4, 5, 7, 9, and 12; G.S. 113-202(i), lines 1 and 5; G.S. 113-202(l)(4), line 2; G.S. 113-202(l)(7) line 2 and lines 1 and 11 of paragraph 2; G.S. 113-202(m), lines 9 and 17; G.S. 113-202(p), lines 3 and 7, of paragraph 1, and lines 12, 13, 14, and 16 of paragraph 2; G.S. 113-203(c), lines 3 and 4; G.S. 113-203(d), paragraph 1, line 2 and paragraph 2, lines 8 and 10; G.S. 113-203(e), line 1; G.S. 113-205(b), line 1; G.S. 113-206(b), line 7; G.S. 113-221(a), lines 1 and 4; G.S. 113-221(b), line 1; G.S. 113-221(c), lines 1 and 6; G.S. 113-221(d), lines 1 and 6 and both references on lines 9 and 14; G.S. 113-221(e), lines 1 and 2; G.S. 113-221(f), line 2; G.S. 113-228, lines 3 and 6; G.S. 113-230(a), line 3; G.S. 113-230(g), line 3; G.S. 113-265(b), line 3; G.S. 113-310, line 3; G.S. 113-312, line 3; G.S. 113-313, line 2; G.S. 113-313(1), line 1; G.S. 113-313(2), line 1; G.S. 113-313(3), line 1; G.S. 113-315.5, line 3; and G.S. 113-322, line 2.

(2) Whenever the words "Commissioner of Commercial and Sports Fisheries" or "Commissioner" when referring to the Commissioner of Commercial and Sports Fisheries are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Natural and Economic Resources" or "Secretary," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(3) Whenever the words "Division of Commercial and Sports Fisheries" or "Division" when referring to the Division of Commercial and Sports Fisheries are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Natural and Economic Resources" or "Department," as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina shall be made:

- (1) The words "'Board' means the Board of Conservation and Development; and" shall be deleted from lines 3 and 4 of G.S. 113-1.
- (2) The words "'director' means the director of Conservation and Development" shall be deleted and the words "'Secretary' means the Secretary of Natural and Economic Resources" shall be inserted in lieu thereof on line 4 of G.S. 113-1.
- (3) The first sentence of G.S. 113-8 being lines 1 through 4 shall be deleted.
- (4) The word "it" shall be deleted and the words "the Department of Natural and Economic Resources" shall be inserted in lieu thereof on line 1 of paragraph 2 of G.S. 113-8.
- (5) The last sentence of G.S. 113-8 shall be deleted.
- (6) The first sentence of G.S. 113-14 shall be deleted.
- (7) The words "reports and" shall be deleted from paragraph 2, line 7 of G.S. 113-14.
- (8) The words "Director of the Department of Conservation and Development" shall be deleted and the words "Secretary of Natural and Economic Resources" shall be inserted in lieu thereof in G.S. 113-14.1(b), line 1.
- (9) The words "Department of Water and Air Resources" shall be deleted and the words "Environmental Management Commission" shall be inserted in lieu thereof in G.S. 113-14.1(b), paragraph 2, line 2.
- (10) The words "with the approval of the Board" shall be deleted from line 7 of G.S. 113-15.2.
- (11) The last sentence of G.S. 113-15.2 shall be deleted.
- (12) The words "through the Division of Forestry, to be known and hereafter designated" shall be deleted from lines 1 and 2 of G.S. 113-29.
- (13) The words "through the Forest Service" shall be deleted from line 9 of G.S. 113-29.1.
- (14) The words "through the Director of said Department" shall be deleted from lines 8 and 9 of G.S. 113-31.
- (15) The words "with the approval of the Board of Conservation and Development" shall be deleted from lines 2 and 3 of G.S. 113-48.
- (16) G.S. 113-52 shall be rewritten to read as follows:

**"§113-52. Forest rangers.** — The Secretary of Natural and Economic Resources may appoint one county forest ranger and one or more deputy forest rangers in each county of the State in which, after careful investigation, the amount of forest land and the risks from forest fires shall, in his judgment, warrant the establishment of a forest fire organization."

(17) The words "North Carolina Forest Service" shall be deleted from lines 2 and 3 of G.S. 113-60.4.

(18) The words "North Carolina Forest Service" shall be deleted from line 3 of G.S. 113-60.5.

(19) The words "by the State Forester," shall be deleted from line 4 of G.S. 113-60.5.

(20) The words "The North Carolina Forest Service with the prior approval of the Board of Conservation and Development," shall be deleted and the words "Department of Natural and Economic Resources" shall be inserted in lieu thereof on lines 2 and 3 of G.S. 113-60.15.

(21) The words "and the Board of Conservation and Development" and the words "North Carolina Forest Service" shall be deleted from lines 14, 19, and 20 of G.S. 113-81.1.

(22) G.S. 113-128 shall be rewritten to read as follows: "The following definitions apply to powers and administration of agencies charged with the conservation of marine and estuarine and wildlife resources:

- (a) Committee: Commercial and Sports Fisheries Committee.
- (b) Department: Department of Natural and Economic Resources.

- (c) Commercial and Sports Fisheries Inspector: An employee of the Department of Natural and Economic Resources sworn in as an officer and assigned the duties which include exercise of law enforcement power. All references and statutes, regulations, contracts, and other legal and official documents to Commercial Fisheries Inspectors apply to Commercial and Sports Fisheries Inspectors.
- (d) Secretary: Secretary of Natural and Economic Resources.
- (e) Executive Director: Executive Director, North Carolina Wildlife Resources Commission.
- (f) Inspector: Commercial and Sports Fisheries Inspector.
- (g) Protector: Wildlife Protector.
- (h) Notice: Notify: Where it is required that notice be given an agency of a situation within a given number of days, this places the burden on the person giving notice to make sure that the information is received in writing by a responsible member of the agency within the time limit.
- (i) Wildlife Protector: An employee of the North Carolina Wildlife Resources Commission sworn in as an officer and assigned to duties which include exercise of law enforcement powers.
- (j) Wildlife Resources Commission: North Carolina Wildlife Commission as established by Article 24 of Chapter 143 of the General Statutes of North Carolina and as modified by any amendments which became effective prior to 1974.

(23) The words "Board and Department of Water Resources" shall be deleted and the words "Environmental Management Commission" shall be inserted in lieu thereof in G.S. 113-132(c).

(24) The words "Department and the Commission are" shall be deleted and the words "Marine Fisheries Commission or The Wildlife Resources Commission, as appropriate, are" shall be inserted in lieu thereof on line 1 of G.S. 113-134.

(25) The words "Department or the Commission" shall be deleted and the words "Marine Fisheries Commission or The Wildlife Resources Commission, as appropriate," inserted in lieu thereof on line 2 of G.S. 113-135.

(26) The words "Division of Commercial and Sports Fisheries" shall be deleted and the words "Department of Natural and Economic Resources" shall be inserted in lieu thereof on line 3 of G.S. 113-136(b).

(27) The last sentence of G.S. 113-157(a) shall be rewritten to read as follows: "The Marine Fisheries Commission may make reasonable regulations governing the assessment of the seafood tax and the Department may make reasonable regulations governing the administration and collection of said tax."

(28) The words "upon recommendation of the Commissioner," shall be deleted from lines 1 and 2 of G.S. 113-161.

(29) The words "Director, and, if dissatisfied, to the" shall be deleted from lines 3 and 4 of G.S. 113-166(f).

(30) The words "The Board is authorized to authorize, license, regulate, prohibit, prescribe, or restrict:" shall be deleted and the words "The Marine Fisheries Commission is authorized to authorize, regulate, prohibit, prescribe, or restrict and the Department is authorized to license;" shall be inserted in lieu thereof on lines 1 and 2 of G.S. 113-182(b).

(31) The words "upon the recommendation of the Commissioner," shall be deleted from G.S. 113-202(a), lines 2 and 3.

(32) The word "him" shall be deleted and the words "the Department" shall be inserted in lieu thereof on line 2 of G.S. 113-202(d).

- (33) The words "Director, and, if dissatisfied, to the" shall be deleted from line 9 of G.S. 113-202(m).
- (34) The words "by the Director or" shall be deleted from line 17 of G.S. 113-202(m).
- (35) The words "upon the recommendation of the Commissioner" shall be deleted from G.S. 113-221(e), line 4.
- (36) The words "for the use of the division" shall be deleted from G.S. 113-226(b), line 3.
- (37) Whenever the words "Review Board" or "Board" when referring to the Review Board are used or appear in G.S. 113-229, the same shall be deleted and the words "Review Commission" shall be inserted in lieu thereof.
- (38) The words, "call a meeting of a Review Board composed of the director (or their designees) of the following State agencies: The Department of Administration, the Department of Conservation and Development, the Board of Health, the Department of Water and Air Resources, the Wildlife Resources Commission, and any other agency that may be designated by the Governor. The Director of the Department of Conservation and Development, if he does not sit on the review himself, may appoint two designees, one to represent conservation interests and one to represent development interests. The Review Board shall set a date for a hearing not more than 60 days from the date of the departmental action.", shall be deleted and the words, "refer the matter to the Marine Fisheries Commission. The Marine Fisheries Commission shall hear the matter at its next regularly scheduled meeting, but in no case more than 90 days from the date of the departmental action", shall be inserted in lieu thereof in G.S. 113-229(f), line 3.
- (39) G.S. 113-251(b)(c) shall be rewritten to read as follows:
- "(b) The reference in Article III of the compact set out in G.S. 113-252 to the Chairman of the Committee on Commercial Fisheries shall be deemed to refer to the Chairman of the Marine Fisheries Commission.
- (c) The reference in Article III of the compact set out in G.S. 113-252 to the Commissioner of Commercial Fisheries shall be deemed to refer to the Secretary of Natural and Economic Resources.
- (d) The reference in Article III of the compact set out in G.S. 113-252 to the Board of the North Carolina Department of Conservation and Development shall be deemed to refer to the Secretary of Natural and Economic Resources."
- (40) The second sentence of G.S. 113-254 shall be deleted and the words "Secretary of Natural and Economic Resources" shall be inserted in lieu thereof on lines 10, 11, 12, and 13 of G.S. 113-254.
- (41) The words "the Director of the Department of Conservation and Development, the Chairman of the Commercial and Sports Fisheries Committee, or the Commissioner of Commercial and Sports Fisheries" shall be deleted and the words "Secretary of Natural and Economic Resources" shall be inserted in lieu thereof on lines 26, 27, and 28 of G.S. 113-254.
- (42) The words "Department of Water Resources and State Stream Sanitation Committee" shall be deleted from line 2 of G.S. 113-265(a) and the words "Environmental Management Commission" shall be inserted in lieu thereof.
- (43) G.S. 113-316 is hereby amended by deleting the words "The Commissioner of Commercial Fisheries and the Division of Commercial Fisheries of the Department of Conservation and Development are renamed the Commissioner of Commercial and Sports Fisheries and the Division of Commercial and Sports Fisheries; the Commercial Fisheries Committee of the Department of Conservation and Development is renamed the Commercial and Sports Fisheries Committee; the Commercial Fisheries Advisory Board is abolished and in its stead is created the Commercial and Sports Fisheries Advisory Board" from line 3 thereof.
- (44) The words "for transmittal to the Board of Conservation and Development" shall be deleted from line 7 of paragraph 2 of G.S. 113-315.9.

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 113-2; G.S. 113-4; G.S. 113-5; G.S. 113-5.1; G.S. 113-6; G.S. 113-7; G.S. 113-9; G.S. 113-10; G.S. 113-11; G.S. 113-12; G.S. 113-13; G.S. 113-14.1(a); G.S. 113-14.1(b)(7); G.S. 113-44.1; G.S. 113-44.2; G.S. 113-53; G.S. 113226(d); G.S. 113-227; G.S. 113-241; G.S. 113-242; G.S. 113-243; G.S. 113-244; G.S. 113-245; G.S. 113-318; G.S. 113-319; and G.S. 113-320.

**Sec. 29.** North Carolina Mining Commission; creation, powers, and duties. — There is hereby created the North Carolina Mining Commission of the Department of Natural and Economic Resources with the power and duty to promulgate rules and regulations for the enhancement of the mining resources of the State.

(a) The North Carolina Mining Commission shall have the following powers and duties:

- (1) to act as the advisory body to the Interstate Mining Compact pursuant to G.S. 74-38(a);
- (2) to adopt and modify rules and regulations to implement Chapter 74, Article 6, pursuant to G.S. 74-44(b);
- (3) to hear permit appeals, conduct a full and complete hearing on such controversies and affirm, modify, or overrule permit decisions made by the Department pursuant to G.S. 74-61; and
- (4) to promulgate rules and regulations necessary to administer the Mining Act of 1971, pursuant to G.S. 74-63.

(b) The Commission is authorized and empowered to make such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for mining resource purposes which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

(c) The Commission shall make such rules and regulations, consistent with the provisions of this Chapter. All rules and regulations adopted by the Commission shall be enforced by the Department of Natural and Economic Resources.

**Sec. 30.** North Carolina Mining Commission; members, selection, quorum, compensation. — (a) The North Carolina Mining Commission shall consist of nine members appointed by the Governor. The Commission shall be composed of the following: one member who is the chairman of the North Carolina State University Minerals Research Laboratory Advisory Committee; three representatives of mining industries; three representatives of nongovernmental conservation interests and two who shall represent the Environmental Management Commission and be knowledgeable in the principles of water and air resources management.

The initial members of the North Carolina Mining Commission shall be those members of the present North Carolina Mining Council who shall meet the above requirements for membership on the North Carolina Mining Commission and who shall serve on the North Carolina Mining Commission for a period equal to the remainder of their current terms on the North Carolina Mining Council. The remaining initial members shall be appointed by the Governor to staggered terms of six years. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term. At the expiration of each member's term, the Governor shall replace the member with a new member of like qualifications for a term of six years.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, or nonfeasance in accordance with the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary traveling and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of the Department.

**Sec. 31.** Officers of the North Carolina Mining Commission. — The North Carolina Mining Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at his pleasure. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 32.** Regular and special meetings. — The North Carolina Mining Commission shall meet at least semi-annually and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least five members.

**Sec. 33.** North Carolina Mining Commission; conforming changes. — (a)(1) Whenever the words "Mining Council" or "Council" when referring to the Mining Council are used or appear in any statute or law of this State, the same shall be deleted and the words "Mining Commission" or "Commission", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina shall be made:

- (1) G.S. 74-38(c) shall be redesignated G.S. 74-38(a) and rewritten to read as follows: "In accordance with Article V(i) of the Compact, the Commission shall file copies of the bylaws and any amendments thereto with the Department of Natural and Economic Resources."
- (2) The words "G.S. 74-38" shall be deleted and the words "the Executive Organization Act of 1973" shall be inserted in lieu thereof in G.S. 74-40(1).
- (3) The words "State Mining Engineer" shall be deleted and the words "Secretary of Natural and Economic Resources" shall be inserted in lieu thereof on line 1 of G.S. 74-42.
- (4) The words "State Mining Engineer" shall be deleted and the words "Department of Natural and Economic Resources" shall be inserted in lieu thereof on line 3 of G.S. 74-43 and line 1 of G.S. 74-43(3).
- (5) The words "its Secretary" shall be deleted and the words "the Department of Natural and Economic Resources" shall be inserted in lieu thereof on line 6 of G.S. 74-61.

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 74-38(a); G.S. 74-38(b); G.S. 74-41; and G.S. 74-44(a).

**Sec. 34.** Soil and Water Conservation Commission; creation, powers, and duties. — There is hereby created the Soil and Water Conservation Commission of the Department of Natural and Economic Resources with the power and duty to adopt rules and regulations to be followed in the development and implementation of a soil and water conservation program:

- (a) The Soil and Water Conservation Commission has the following powers and duties:
  - (1) to approve petitions for soil conservation districts
  - (2) to approve application for watershed plans; and
  - (3) such other duties as specified in Chapter 139.

(b) The Commission shall adopt rules and regulations consistent with the provisions of this Chapter. All rules and regulations not inconsistent with the provisions of this Chapter heretofore adopted by the Soil and Water Conservation Committee shall remain in full force and effect unless and until repealed or superseded by action of the Soil and Water Conservation Commission. All rules and regulations adopted by the Commission shall be enforced by the Department of Natural and Economic Resources.

**Sec. 35.** Soil and Water Conservation Commission; members, selection, quorum, compensation. — The Soil and Water Conservation Commission of the Department of Natural and Economic Resources shall be composed of seven members appointed by the Governor. The Commission shall be composed of the following members: (a) the president, first vice-president, and immediate past president of the North Carolina Association of Soil and Water Conservation Districts. Vacancies arising in any of these positions shall be filled through appointment by the Governor upon the nomination by the executive committee of the North Carolina Association of Soil and Water Conservation Districts; (b) three supervisor members nominated by the North Carolina Association of Soil and Water Conservation Districts from its own membership representing the three major geographical regions of the State and appointed by the Governor; (c) one member appointed at large by the Governor.

The initial members of the Commission shall be the members of the Soil Conservation Committee who shall serve for a period equal to the remainder of their current terms on the Soil Conservation Committee. At the end of the respective terms of office of the initial members of the Commission, their successors, except those members serving in an ex officio capacity, shall be appointed for terms of three years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, and nonfeasance according to the provisions of Section 13 of the Executive Organization Act of 1973.

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

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 36.** Officers of the Soil and Water Conservation Commission. — The Soil and Water Conservation Commission shall have a chairman and a vice-chairman. The chairman shall be designated by the Governor from among the members of the Commission to serve as chairman at the pleasure of the Governor. The vice-chairman shall be elected by and from the members of the Commission and shall serve for a term of two years or until the expiration of his regularly appointed term.

**Sec. 37.** Regular and special meetings. — The Soil and Water Conservation Commission shall meet at least quarterly and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least four members.

**Sec. 38.** State Soil and Water Conservation Commission; conforming changes. — (a)(1) Whenever the words "State Soil and Water Conservation Committee" or the words "State Committee" or "Committee" when referring to the State Soil and Water Conservation Committee or the words "State Soil Conservation Committee" are used or appear in any statute or law of this State, the same shall be deleted and the words "State Soil Conservation Commission" or "Commission", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973. With the exception that in the following references, the words "State Soil and Water Conservation Committee", "State Committee", "Committee" and "State Soil Conservation Committee" when referring to the State Soil and Water Conservation Committee shall be deleted and the words "Department of Natural and Economic Resources" or "Department", as appropriate, shall be inserted in lieu thereof: G.S. 139-5(d), line 1; G.S. 139-5(e), line 1; G.S. 139-7, paragraph 3, line 12 and paragraph 4, line 2; and G.S. 139-13, paragraph 2, line 1 and paragraph 4, line 1.

- (2) Whenever the words "State Stream Sanitation Committee" or "Stream Sanitation Committee" or "Committee" when referring to the State Stream Sanitation Committee are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Natural and Economic Resources" or "Department", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (3) Whenever the words "Board of Water Resources of the State of North Carolina" or the words "State Board" or "Board" when referring to the Board of Water Resources of the State of North Carolina as appearing in Chapter 139 of the General Statutes are used or appear in that or any law of this State, the same shall be deleted and the words "Environmental Management Commission" or "Commission", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendment shall be made to the General Statutes of North Carolina: The words "State Forest Nursery, operated by the State Department of Conservation and Development" shall be deleted and the words "Department of Natural and Economic Resources" shall be inserted in lieu thereof on lines 11 and 12 of G.S. 139-8(8).

(c) The following sections are hereby repealed: G.S. 139-4 (a); G.S. 139-4(b); and G.S. 139-4(c).

**Sec. 39.** Sedimentation Control Commission; creation, powers, and duties.— There is hereby created the Sedimentation Control Commission of the Department of Natural and Economic Resources with the power and duty to develop and administer a sedimentation control program as herein provided.

(a) The Sedimentation Control Commission has the following powers and duties:

- (1) In cooperation with the Secretary of the Department of Transportation and Highway Safety and other appropriate State and federal agencies, develop, promulgate, publicize, and administer a comprehensive State erosion and sedimentation control program.
- (2) Develop and adopt on or before July 1, 1974, rules and regulations for the control of erosion and sedimentation pursuant to G.S. 113A-54.
- (3) Conduct public hearings pursuant to G.S. 113A-54.
- (4) Assist local governments in developing erosion and sedimentation control programs pursuant to G.S. 113A-60.
- (5) Assist and encourage other State agencies in developing erosion and sedimentation control programs pursuant to G.S. 113A-56.
- (6) Develop recommended methods of control of sedimentation and prepare and make available for distribution publications and other materials dealing with sedimentation control techniques pursuant to G.S. 113A-54.

**Sec. 40.** Sedimentation Control Commission. — (a) There is hereby created in the Department of Natural and Economic Resources the North Carolina Sedimentation Control Commission, which is charged with the duty of developing and administering the sedimentation control program provided for in this Article. The Commission shall consist of the following members:

- (1) The Secretary of the Department of Natural and Economic Resources, who shall be chairman, and who may designate some other officer in the Department to act in his stead;
- (2) A person to be nominated by the Board of the North Carolina Home Builders Association;

- (3) A person to be nominated by the Carolinas Branch, Associated General Contractors of America;
- (4) The president, vice-president, or general counsel of a North Carolina public utility company;
- (5) The Director of the North Carolina Water Resources Research Institute;
- (6) A member of the State Mining Commission who shall be a representative of nongovernmental conservation interests, as required by G.S. 74-38(b);
- (7) A member of the State Soil and Water Conservation Commission;
- (8) A member of the Environmental Management Commission;
- (9) A soil scientist from the faculty of North Carolina State University; and
- (10) Two persons who shall be representatives of nongovernmental conservation interests.

(b) Appointment. The Commission members shall be appointed by the Governor and all initial appointments shall be made on or before August 1, 1973. All Commission members, except the person filling position number five, as specified above, shall serve staggered terms of office of four years. The person filling position number five shall serve as a member of the Commission, subject to removal by the Governor as hereinafter specified in this section, so long as he continues as Director of the Water Resources Research Institute. The initial terms of office for members filling positions two, three, and four, as specified above, shall expire June 30, 1975; thereafter, the terms of office for members filling those positions shall be four years. Any member appointed by the Governor to fill a vacancy occurring in any of the appointments shall be appointed for the remainder of the term of the member causing the vacancy. The Governor may at any time remove any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance, nonfeasance or, in the case of members filling positions one, five, six, seven, eight, and nine, as specified above, because they no longer possess the required qualifications for membership. In each instance appointments to fill vacancies in the membership of the Commission shall be a person or persons with similar experience and qualifications in the same field required of the member being replaced. The office of the North Carolina Sedimentation Control Commission is declared to be an office that may be held concurrently with any other elective or appointive office, under the authority of Article VI, Section 9, of the North Carolina Constitution.

(c) Compensation. The members of the Commission shall receive the usual and customary per diem allowed for the other members of boards and commissions of the State and as fixed in the Biennial Appropriation Act, and, in addition, the members of the Commission shall receive subsistence and travel expenses according to the prevailing State practice and as allowed and fixed by statute for such purposes, which said travel expenses shall also be allowed while going to or from any place of meeting or when on official business for the Commission. The per diem payments made to each member of the Commission shall include necessary time spent in traveling to and from their places of residence within the State to any place of meeting or while traveling on official business for the Commission.

(d) Meetings of Commission. The Commission shall meet at the call of the chairman and shall hold special meetings at the call of a majority of the members.

**Sec. 41.** Sedimentation Control Commission; conforming changes. — The following section of the General Statutes of North Carolina is hereby repealed: G.S. 113A-53.

**Sec. 42.** Wastewater Treatment Plant Operators Certification Commission; creation, powers and duties. — There is hereby created the Wastewater Treatment Plant Operators Certification Commission of the Department of Natural and Economic Resources with the power and duty to adopt rules and regulations with respect to the certification of wastewater treatment plant operators as provided by Article 3 of Chapter 90A of the General Statutes of North Carolina.

The Commission is authorized and empowered to adopt such rules and regulations, not inconsistent with the laws of this State, as may be required by the federal government for grants-in-aid for programs concerned with the certification of wastewater treatment plant operators which may be made available to the State by the federal government. This section is to be liberally construed in order that the State and its citizens may benefit from such grants-in-aid.

**Sec. 43.** Wastewater Treatment Plant Operators Certification Commission; members, selection, quorum, compensation. — The Wastewater Treatment Plant Operators Certification Commission of the Department of Natural and Economic Resources shall consist of seven members appointed by the Secretary of Natural and Economic Resources with the approval of the Environmental Management Commission with the following qualifications:

- (1) two members shall be currently employed as wastewater treatment plant operators, wastewater plant superintendents, water and sewer superintendents, or equivalent positions with a North Carolina municipality;
- (2) one member shall be manager of a North Carolina municipality having a population of more than 10,000 as of the most recent federal census;
- (3) one member shall be manager of a North Carolina municipality having a population of less than 10,000 as of the most recent federal census;
- (4) one member shall be employed by a private industry and shall be responsible for supervising the treatment or pretreatment of industrial wastewater;
- (5) one member who is a faculty member of a four-year college or university and whose major field is related to wastewater treatment; and
- (6) one member who is employed by the Department of Natural and Economic Resources and works in the field of water pollution control, who shall serve as Chairman of the Certification Commission.

The initial members of the Commission shall be the members of the Wastewater Treatment Plant Operators Board of Certification who shall serve for a period equal to the remainder of their current terms on the Wastewater Treatment Plant Operators Board of Certification. At the end of the respective terms of office of the initial members of the Commission, their successors shall be appointed for staggered terms of three years and until their successors are appointed and qualify.

The Chairman of the Wastewater Treatment Plant Operators Certification Commission shall serve at the pleasure of the Secretary of Natural and Economic Resources.

Any appointment to fill a vacancy on the Commission created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Commission from office for misfeasance, malfeasance, and nonfeasance according to the provisions of Section 13 of the Executive Organization Act of 1973.

The members of the Commission shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 and Section 15 of the Executive Organization Act of 1973.

A majority of the Commission shall constitute a quorum for the transaction of business.

All clerical and other services required by the Commission shall be supplied by the Secretary of the Department.

**Sec. 44.** Wastewater Treatment Plant Operators Certification Commission; conforming changes. — The following section of the General Statutes of North Carolina is hereby repealed: G.S. 90A-36.

**Sec. 45.** The Earth Resources Council; creation, powers, and duties. — There is hereby created the Earth Resources Council of the Department of Natural and Economic Resources. The Earth Resources Council shall have the following functions and duties:

(a) to advise the Secretary of Natural and Economic Resources with regard to improving the general welfare of the citizens of the State through the wise use and conservation of its soil, water, mineral and land resources; and

(b) the Council shall consider and advise the Secretary of Natural and Economic Resources upon any matter that the Secretary may refer to it.

**Sec. 46.** Earth Resources Council; members, selection, quorum, compensation. — The Earth Resources Council of the Department of Natural and Economic Resources shall consist of ten members appointed by the Governor. The composition of the Council shall be as follows: one representative of commercial oil interests, one official of a regional Council of Government, one land use planner, one land surveyor, one representative of the mining industry, one geologist, one representative of the construction industry, one engineer, and two representatives of nongovernmental conservation interests.

The Governor shall designate one member of the Council as chairman to serve in such capacity at the pleasure of the Governor.

Of the initial members of the Council, six shall be appointed by the Governor for terms of two years and four shall be appointed for terms of four years. At the end of the respective terms of office of the initial members of the Council, their successors shall be appointed for terms of four years and until their successors are appointed and qualify. 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.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

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

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

All clerical and other services required by the Council shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 47.** Regular and special meetings. — The Earth Resources Advisory Council shall meet at least semi-annually and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least a majority of the members.

**Sec. 48.** The Community and Economic Development Council; creation, powers, and duties. — There is hereby created the Community and Economic Development Council of the Department of Natural and Economic Resources. The Community and Economic Development Council shall have the following functions and duties:

(a) to advise the Secretary of Natural and Economic Resources with respect to the attraction of new commerce and industry, expansion of the existing commerce and industry and the creation of new and better job opportunities for the people of the State;

(b) to advise the Secretary of Natural and Economic Resources with respect to the type and effectiveness of planning and management services provided to local government;

(c) to advise the Secretary of Natural and Economic Resources with respect to the development of scientific and technological industry within the State;

(d) to advise the Secretary of Natural and Economic Resources with respect to the orderly development of the travel industry within the State; and

(e) the Council shall consider and advise the Secretary of Natural and Economic Resources upon any matter the Secretary may refer to it.

**Sec. 49.** The Community and Economic Development Council; members, selection, quorum, compensation. — The Community and Economic Development Council of the Department of Natural and Economic Resources shall consist of eleven members appointed by the Governor. The composition of the Council shall be as follows: one member who shall be a

local government official, one member who shall be the Executive Secretary of the League of Municipalities, one who shall be the Executive Secretary of the County Commissioners Association, one representative of the tourist industry, one representative of a scientific and technological industry, one member who shall be the president of the North Carolina Industrial Developers Association, one member who shall represent industry at large, one member who shall represent labor, and three members at large, one who shall be a resident of the eastern section, one of the western section and one of the Piedmont section of the State of North Carolina.

The Governor shall designate one member of the Council to serve as chairman at the pleasure of the Governor.

The initial members of the Council other than those members serving in an ex officio capacity shall be appointed to serve for terms of four years and until their successors are appointed and qualify. 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.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

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

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

All clerical and other services required by the Council shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 50.** Regular and special meetings. — The Community and Economic Development Council shall meet at least semi-annually and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least a majority of the members.

**Sec. 51.** Community and Economic Development Council; conforming changes. — (a) (1) Whenever the words "North Carolina Department of Local Affairs" or "Department" when referring to the North Carolina Department of Local Affairs are used or appear in any statute or law of this State the same shall be deleted and the words "Department of Natural and Economic Resources" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(2) Whenever the words "Director of Local Affairs" or "Director" when referring to the Director of Local Affairs are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Natural and Economic Resources" or the word "Secretary" as appropriate shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) In addition to the foregoing, the following amendments to the General Statutes of North Carolina shall be made:

(1) The first definition of G.S. 143-320 shall be rewritten to read as follows, "'Council' means the Community and Economic Development Council."

(2) The words "'Division' means a division of the North Carolina Department of Local Affairs" shall be deleted from G.S. 143-320.

(3) The words ", effective July 1, 1969" shall be deleted from line 4 of G.S. 143-326(c).

(c) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 143-319; G.S. 143-321; G.S. 143-322; G.S. 143-324; G.S. 143-325(a); G.S. 143-325(c); and G.S. 143-327.

**Sec. 52.** The Forestry Council; creation, powers, duties. — There is hereby created the Forestry Council of the Department of Natural and Economic Resources. The Forestry Council shall have the following functions and duties:

(a) to advise the Secretary of Natural and Economic 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 forest lands;

(b) to undertake such studies and make such reports to the Secretary of Natural and Economic Resources as the Secretary may direct; and

(c) to advise the Secretary of Natural and Economic Resources upon any matter the Secretary may refer to it.

**Sec. 53.** The Forestry Council; members, selection, quorum, compensation. — The Forestry Advisory Council of the Department of Natural and Economic Resources shall consist of eleven 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.

The Governor shall designate one member of the Council to serve as chairman at the pleasure of the Governor.

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. 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.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

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

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

All clerical and other services required by the Council shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 54.** Regular and special meetings. — The Forestry Council shall meet at least semi-annually and may hold special meetings at any time and place within the State at the call of the chairman or upon the written request of at least a majority of the members.

**Sec. 55.** The Parks and Recreation Council; creation, powers and duties. — There is hereby created the Parks and Recreation Council for the Department of Natural and Economic Resources. The Parks and Recreation Council shall have the following functions and duties:

(a) to advise the Secretary of Natural and Economic Resources with respect to the promotion, development and administration of the State's recreation and park system;

(b) to advise the Secretary of Natural and Economic Resources with respect to the quality and quantity of the total recreation services provided to the citizens of the State and out-of-state visitors by governmental units, private agencies and commercial organizations;

(c) to advise the Secretary of Natural and Economic Resources with respect to the development and maintenance of a feasible and effective action program to assure an adequate environment for satisfying recreation experiences;

(d) to educate and inform the citizens of the State with respect to both the needs and the opportunities of the recreation and park system; and

(e) the Council shall consider and advise the Secretary of Natural and Economic Resources upon any matter the Secretary may refer to it.

**Sec. 56.** The Parks and Recreation Council; members, selection, quorum, compensation. — The Parks and Recreation Council shall be composed of 13 members appointed by the Governor. Four of the members must reside in the western part of the State, four must reside in the Piedmont, and four must reside in the eastern part of the State. The composition of the Council shall be as follows: one person who is an active professor in the area of parks and recreation; one person who is an active professor of biology; one local government official who is involved in recreation planning and is aware of the recreational needs of communities; one person who represents private recreational interests; one person who is the Chairman of the Zoological Park Council; one person who is the Chairman of one of the Local Federal Reservoir Advisory Committees; and six persons who are citizens of the State and have both knowledge and interest in parks and recreation management. The President of the North Carolina Recreation and Parks Society, Inc. shall serve as ex officio member of the Council. The Governor shall designate one member of the Council to serve as chairman at his pleasure.

The members of the Council shall be appointed to terms of four years and until their successors are appointed and qualify. 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.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

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

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

All clerical and other services required by the Council shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 57.** Regular and special meetings. — The Parks and Recreation Council shall meet at least semi-annually and may hold special meetings at any time and place within the State at the call of the chairman or upon written request of at least a majority of the members.

**Sec. 58.** North Carolina Water Safety Council; creation, powers and duties. — There is hereby created the North Carolina Water Safety Council of the Department of Natural and Economic Resources. The North Carolina Water Safety Council shall have the following functions and duties:

(a) to advise the Wildlife Resources Commission with respect to the activities of the various public and private agencies, organizations, corporations, and individuals with responsibilities or interests relevant to the maintenance of an effective program of water safety in North Carolina; and

(b) the Council shall consider and advise the Wildlife Resources Commission upon any matter that the Commission may refer to it.

**Sec. 59.** The North Carolina Water Safety Council; members, selection, quorum, compensation. — The North Carolina Water Safety Council shall consist of fifteen members appointed by the Governor. They must represent the various viewpoints and interests respecting water safety that exist within the State.

The Governor shall designate one member of the Council to serve as chairman at his pleasure. The Council shall annually elect one member as vice-chairman to serve in the absence of the chairman.

In order to achieve staggered terms, the Governor shall initially appoint eight members for terms of two years and seven members for terms of four years. After the initial appointments, subsequent appointments of all members of the Council shall be for terms of

four years and until their successors are appointed and qualify. Any appointment to fill a vacancy created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Council from office for misfeasance, malfeasance or nonfeasance in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The members of the Council shall receive per diem necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of their business.

All clerical and other services required by the Council shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 60.** Regular and special meetings. — The Council shall meet at least semi-annually and may hold special meetings at any time and place at the call of the chairman or upon the written request of at least ten members.

**Sec. 61.** The Air Quality Council; creation, powers and duties. — There is hereby created the Air Quality Council of the Department of Natural and Economic Resources. The Air Quality Council shall have the following functions and duties:

- (1) to advise the Environmental Management Commission in the development of rules, regulations and quality standards for air; and
- (2) to consider and to advise the Commission upon any matter the Commission may refer to it.

**Sec. 62.** The Air Quality Council; members, selection, quorum, compensation. — The Air Quality Council of the Department of Natural and Economic Resources shall consist of nine members appointed by the Governor. The composition of the Council shall be as follows: one registered professional engineer knowledgeable in matters of air pollution; one representative from municipal government; one representative from county government; one representative of public health; two representatives from industry providing they are from different industries; one representative of agriculture; one licensed physician knowledgeable in the health aspects of air pollution; and one practicing biologist knowledgeable in the principles of air quality management.

The Governor shall designate one member of the Council to serve as chairman at his pleasure.

In order to achieve staggered terms, the Governor shall initially appoint three members for terms of two years, three members for terms of four years, and three members for terms of six years. At the end of the respective terms of office of the initial members, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. 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.

The Governor shall have the power to remove any member of the Council from office for misfeasance, malfeasance or nonfeasance in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of their business.

All clerical and other services required by the Council shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 63.** Regular and special meetings. — The Council shall meet at least semi-annually and may hold special meetings at any time and place at the call of the chairman or upon the written request of at least five members.

**Sec. 64.** The Water Quality Council; creation, powers and duties. — There is hereby created the Water Quality Council of the Department of Natural and Economic Resources. The Water Quality Council shall have the following functions and duties:

- (1) to advise the Environmental Management Commission in the development of rules, regulations and quality standards for water; and
- (2) to consider and to advise the Commission upon any matter the Commission may refer to it.

**Sec. 65.** The Water Quality Council; members, selection, quorum, compensation. — The Water Quality Council of the Department of Natural and Economic Resources shall consist of nine members appointed by the Governor. The composition of the Council shall be as follows: one registered professional engineer knowledgeable in matters of water pollution; one representative from municipal government; one representative from county government; one representative of public health; two representatives from industry providing they are from different industries; one representative of agriculture; one licensed physician knowledgeable in the health aspects of water pollution, and one practicing biologist knowledgeable in the principles of water quality management.

The Governor shall designate one member of the Council to serve as chairman at his pleasure.

In order to achieve staggered terms, the Governor shall initially appoint three members for terms of two years, three members for terms of four years, and three members for terms of six years. At the end of the respective terms of office of the initial members of the Council, their successors shall be appointed for terms of six years and until their successors are appointed and qualify. 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.

The Governor shall have the power to remove any member of the Council from office for misfeasance, malfeasance or nonfeasance in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

A majority of the Council shall constitute a quorum for the transaction of their business.

All clerical and other services required by the Council shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 66.** North Carolina National Park, Parkway and Forests Development Council; creation, powers and duties. — There is hereby created the North Carolina National Park, Parkway and Forests Development Council of the Department of Natural and Economic Resources. The North Carolina National Park, Parkway and Forests Development Council shall have the following functions and duties:

The Council shall endeavor to promote the development of that part of the Smoky Mountains National Park lying in North Carolina, the completion and development of the Blue Ridge Parkway in North Carolina, the development of the Nantahala and Pisgah national forests, and the development of other recreational areas in that part of North Carolina immediately affected by the Great Smoky Mountains National Park, the Blue Ridge Parkway or the Pisgah or Nantahala national forests. It shall be the duty of the Council to study the development of these areas and to recommend a policy that will promote the development of the entire area generally designated as the mountain section of North Carolina, with particular emphasis upon the development of the scenic and recreational resources of the region, and the encouragement of the location of tourist facilities along lines designed to develop to the fullest these resources in the mountain section. It shall confer with the various departments, agencies, commissioners and officials of the federal government and governments of adjoining states in connection with the development of the federal areas and projects named in this section. It shall

also advise and confer with the various officials, agencies or departments of the State of North Carolina that may be directly or indirectly concerned in the development of the resources of these areas. It shall also advise and confer with the various interested individuals, organizations or agencies that are interested in developing this area and shall use its facilities and efforts in formulating, developing and carrying out overall programs for the development of the area as a whole. It shall study the need for additional entrances to the Great Smoky Mountains National Park, together with the need for additional highway approaches and connections, and its findings in this connection shall be filed as recommendations with the National Park Service of the federal government, and the North Carolina Department of Transportation through the Department of Natural and Economic Resources. The Council shall provide information to the Department of Natural and Economic Resources to be included in the department's annual report. It shall also file any suggestions or recommendations as it deems proper with the Department of Natural and Economic Resources in respect to such matters as might be of interest to or affect any department of State government. It shall advise the secretary of the department upon any matter the secretary may refer to it.

**Sec. 67.** North Carolina National Park, Parkway and Forests Development Council; members, selection, quorum, compensation. — The North Carolina National Park, Parkway and Forests Development Council of the Department of Natural and Economic Resources shall consist of seven members appointed by the Governor. The composition of the Council shall be as follows: one member shall be a resident of Buncombe County, one member a resident of Haywood County, one member a resident of Jackson County, one member a resident of Swain County, three members residents of counties adjacent to the Blue Ridge Parkway, the Great Smoky Mountains National Park or the Pisgah or Nantahala national forests. The initial members of the Council shall be the appointed members of the National Park, Parkway and Forests Development Commission who shall serve for a period equal to the remainder of their current terms on the National Park, Parkway and Forests Development Commission. At the end of the respective terms of office of the initial members of the Council, the appointment of their successors shall be for terms of four years, or until their successors are appointed and qualify. 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.

The current officers of the North Carolina National Park, Parkway and Forests Development Commission shall continue to serve in that capacity for the remainder of their current terms. Thereafter, the Council shall elect a chairman, a vice-chairman and a secretary. The chairman and the vice-chairman shall all be members of the Council, but the secretary need not be a member of the Council. These officers shall perform the duties usually pertaining to such offices and when elected shall serve for a period of one year, but may be re-elected. In case of vacancies by resignation or death, the office shall be filled by the Council for the unexpired term of said officer.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

Members of the Council shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 and Section 15 of the Executive Organization Act of 1973.

Five members of the Council shall constitute a quorum for the transaction of business.

**Sec. 68.** Regular and special meetings. — The North Carolina National Park, Parkway and Forests Development Council shall meet monthly and may hold special meetings at any time and place within the State at the call of the chairman or upon written request of at least a majority of the members.

**Sec. 69.** Commercial and Sports Fisheries Committee; creation, powers and duties. — There is hereby created the Commercial and Sports Fisheries Committee of the Department of Natural and Economic Resources. The Commercial and Sports Fisheries Committee shall have the following functions and duties:

- (1) to study all matters and activities in connection with the conservation of marine and estuarine resources and make recommendations to the Secretary of Natural and Economic Resources;
- (2) to act as a liaison group between sports and commercial fishermen, and others interested in the beneficial utilization of the marine and estuarine resources, and the Secretary of Natural and Economic Resources;
- (3) the Committee shall consider and advise the Secretary of Natural and Economic Resources upon any matter the Secretary may refer to it; and
- (4) the Committee may originate its own studies on various matters within the scope of its interests and report on such matters to the public or to the agency or official appropriately concerned.

**Sec. 70.** The Commercial and Sports Fisheries Committee; members, selection, quorum, compensation. — The Commercial and Sports Fisheries Committee shall consist of nine members appointed by the Governor. The composition of the Committee shall be as follows: three members who are sports fishermen, three members who are commercial fishermen, and three members who are professional scientists with backgrounds relevant to the conservation of marine and estuarine resources.

The Governor shall designate one member of the Committee to serve as chairman at his pleasure.

The initial members of the Committee shall be appointed as follows: four members for two years and five members for four years. At the end of the respective terms of office of the initial members of the Committee, appointments shall be made for four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death, or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

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

A majority of the Committee shall constitute a quorum for the transaction of business.

All clerical and other services required by the Committee shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 71.** Regular and special meetings. — The Commercial and Sports Fisheries Committee shall meet at least semi-annually and may hold special meetings at any time or place within the State at the call of the chairman or upon the written request of at least a majority of the members.

**Sec. 72.** Commercial and Sports Fisheries Committee; conforming changes. — The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 113-241; G.S. 113-242; G.S. 113-243; G.S. 113-244; G.S. 113-245.

**Sec. 73.** The John H. Kerr Reservoir Committee; creation, powers and duties. — There is hereby created the John H. Kerr Reservoir Committee for the Department of Natural and Economic Resources. The John H. Kerr Reservoir Committee shall have the following functions and duties:

- (1) to study the development of the John H. Kerr area and recommend to the Secretary of Natural and Economic Resources policies and programs that

will promote the development of this area to the fullest extent possible for the benefit and enjoyment of the citizens of North Carolina and of the nation;

- (2) to recommend to the Secretary of Natural and Economic Resources reasonable rules and regulations for the use by the public of all real and personal property under jurisdiction of the John H. Kerr Reservoir;
- (3) to consider and advise the Secretary of Natural and Economic Resources upon any matter the Secretary may refer to it; and
- (4) to stimulate, inform and educate the citizens of the State about the needs as well as the opportunities of the John H. Kerr Reservoir.

**Sec. 74.** The John H. Kerr Reservoir Committee; members, selection, quorum, compensation. — The John H. Kerr Reservoir Committee shall be composed of nine members appointed by the Governor. Six of these shall be residents of three counties that are contiguous to the John H. Kerr Reservoir: two from Vance County; two from Granville County; and two from Warren County. The remaining three members may be appointed at large.

The Governor shall designate one member of the Committee to serve as chairman at his pleasure.

The initial members of the Committee shall be the appointed members of the John H. Kerr Reservoir Development Commission who shall serve for a period equal to the remainder of their current terms on the John H. Kerr Reservoir Development Commission, five of whose terms expire July 26, 1973, three of whose terms expire July 26, 1975, and one of whose term expires July 26, 1977. At the end of the respective terms of office of the initial members of the Committee, the appointments of their successors shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

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

A majority of the Committee shall constitute a quorum for the transaction of business.

All clerical and other services required by the Committee shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 75.** Regular and special meetings. — The John H. Kerr Reservoir Committee shall meet at least semiannually and may hold special meetings at any time, any place, within the State at the call of the chairman or upon the written request of at least a majority of the members.

**Sec. 76.** Federal Reservoir Local Committee; conforming changes. — (a) Whenever the words "John H. Kerr Reservoir Development Commission" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Natural and Economic Resources" shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.

(b) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 143-284; G.S. 143-285; G.S. 143-286; G.S. 143-287; G.S. 143-288; G.S. 143-290; and G.S. 143-290.1.

**Sec. 77.** Science and Technology Committee; creation, powers and duties. — There is hereby created the Science and Technology Committee of the Department of Natural and Economic Resources. The Committee shall have the following functions and duties:

- (1) The Committee shall be responsible for the allocation of funds for, but not necessarily limited to, such objects as grants for scientific engineering or technological projects, the support of scientific or research personnel, the purchase of equipment or supplies, the construction or modification of facilities, and the employment of consultants. In general, such allocations will be made for the support of activities, equipment and facilities in the space and associated science fields relevant to the objectives of the Committee which are associated with the existing public or private agencies in the State, such as the public and private institutions of higher education, the Research Triangle Institute and similar entities.
- (2) The Committee's activities shall be centered in the Research Triangle, and will be closely allied to the Research Triangle Institute.
- (3) The Committee shall encourage liaison between industry, educational institutions, the Research Triangle of North Carolina, and federal agencies, such as the National Aeronautics and Space Administration, the Atomic Energy Commission, the Department of Defense, the National Science Foundation, and the National Institute of Health.
- (4) The Committee shall hold regular meetings to inform industry of the possible space and nuclear applications which can accelerate the growth of the North Carolina industrial economy.
- (5) The Committee shall encourage the cooperation of the State's industrial community, to the end that industry shall assist in screening and identifying research results for possible industrial applications.
- (6) The Committee will from time to time, arrange to have seminars, short courses, visits and practical demonstrations held to foster interest in the results of research as a means of achieving economic progress.
- (7) To advise the Secretary of Natural and Economic Resources upon any matter the Secretary might refer to it.

**Sec. 78.** Science and Technology Committee; members, selection, quorum, compensation. — The Science and Technology Committee shall consist of fifteen members appointed by the Governor as follows: two members shall be from the University of North Carolina at Chapel Hill; two members shall be from North Carolina State University at Raleigh; two members shall be from Duke University; three members shall be from the membership of the General Assembly; three members shall be from industry within the State; one member shall be appointed upon nomination of the Executive Committee of the Board of the Research Triangle Institute; and two members shall be appointed by the Governor at large. The members appointed from the University of North Carolina at Chapel Hill and from North Carolina State University at Raleigh shall be nominated by the President of the University of North Carolina System. The members appointed from Duke University shall be nominated by the President of Duke University. The initial members of the Science and Technology Committee appointed by the Governor shall include the members of the Board of Science and Technology who shall serve for a period equal to the remainder of their current terms on the Board of Science and Technology, six of whose appointments expire June 30, 1973, and eight of whose appointments expire June 30, 1975. At the end of the respective terms of office of the initial members of the Council, the appointment of their successors shall be for terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Committee to serve as chairman at his pleasure.

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

A majority of the Committee shall constitute a quorum for the transaction of business.

All clerical and other services required by the Committee shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 79.** Science and Technology Committee; conforming changes. — The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 143-378; G.S. 143-379; G.S. 143-380; G.S. 143-381; G.S. 143-382; G.S. 143-383.

**Sec. 80.** North Carolina Trails Committee; creation, powers and duties. — There is hereby created the North Carolina Trails Committee of the Department of Natural and Economic Resources. The Committee shall have the following functions and duties:

(a) To meet not less than two times annually to advise the Department on all matters directly or indirectly pertaining to trails, their use, extent, location, and the other objectives and purposes of G.S. 113A-88.

(b) To coordinate trail development among local governments, and to assist local governments in the formation of their trail plans and advise the Department of its findings.

(c) To advise the Secretary of trail needs and potentials pursuant to G.S. 113A-88.

**Sec. 81.** North Carolina Trails Committee; members, selection, quorum, compensation. — The North Carolina Trails Committee shall consist of seven members appointed by the Secretary of Natural and Economic Resources. Two members shall be from the mountain section, two from the piedmont section, two from the coastal plain, and one at large. They shall as much as possible represent various trail users.

The initial members of the North Carolina Trails Committee shall be the members of the current North Carolina Trails Committee who shall serve for a period equal to the remainder of their current term on the North Carolina Trails Committee. At the end of the respective terms of office of the initial members of the Committee, the appointment of their successors shall be for staggered terms of four years and until their successors are appointed and qualify. Any appointment to fill a vacancy on the Committee created by the resignation, dismissal, death or disability of a member shall be for the balance of the unexpired term.

The Governor shall have the power to remove any member of the Committee from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Secretary of Natural and Economic Resources shall designate a member of the Committee to serve as chairman at the pleasure of the Governor.

Members of the Committee shall receive per diem and necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5 and Section 15 of the Executive Organization Act of 1973.

**Sec. 82.** North Carolina Trails Committee; conforming changes. — G.S. 113A-88 is hereby amended by deleting subsection (a) and redesignating subsections (b), (c), and (d) as subsections (a), (b), and (c) respectively.

**Sec. 83.** North Carolina Zoological Park Council; creation, powers and duties. — There is hereby created the North Carolina Zoological Park Council of the Department of Natural and Economic Resources. The North Carolina Zoological [H-Park] Council shall have the following functions and duties:

(a) to advise the Secretary on the basic concepts of and for the Zoological Park, approve conceptual plans for the Zoological Park and its building;

- (b) to advise on the construction, furnishings, equipment and operations of the North Carolina Zoological Park;
- (c) to recommend programs to promote public appreciation of the North Carolina Zoological Park;
- (d) to disseminate information on animals and the park as deemed necessary;
- (e) to develop effective public support of the North Carolina Zoological Park through whatever means are desirable and necessary;
- (f) to solicit financial and material support from various private sources within and without the State of North Carolina; and
- (g) to advise the Secretary of Natural and Economic Resources upon any matter the Secretary may refer to it.

**Sec. 84.** North Carolina Zoological Park Council; members, selection, quorum, compensation. — The North Carolina Zoological Park Council of the Department of Natural and Economic Resources shall consist of fifteen members appointed by the Governor.

The initial members of the Council shall be the members of the Board of Directors of the North Carolina Zoo Authority who shall serve for a period equal to the remainder of their current terms on the Board of Directors of the North Carolina Zoological Authority, all of whose terms expire July 15, 1975. At the end of the respective terms of office of the initial members of the Council, the Governor, to achieve staggered terms, shall appoint five members for terms of two years, five members for terms of four years and five members for terms of six years. Thereafter, the appointment of their successors shall be for terms of six years and until their successors are appointed and qualify. 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.

The Governor shall have the power to remove any member of the Council from office in accordance with the provisions of Section 16 of the Executive Organization Act of 1973.

The Governor shall designate a member of the Council to serve as chairman at his pleasure.

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

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

All clerical and other services required by the Council shall be supplied by the Secretary of Natural and Economic Resources.

**Sec. 85.** North Carolina Zoological Park Council, conforming changes. — (a) The following amendments to the General Statutes of North Carolina are hereby made:

- (1) G.S. 143-177.1 is hereby rewritten to read:

**"§ 143-177.1. North Carolina Zoological Park Fund.** — All gifts made to the North Carolina Zoological Park for the purposes of this Article shall be exempt from every form of taxation including, but not by the way of limitation, ad valorem, intangible, gift, inheritance and income taxation. Proceeds from the sale of any property acquired under the provisions of this Article shall be deposited in the North Carolina State Treasury and shall be credited to the North Carolina Zoological Park."

- (2) G.S. 143-177.3 is hereby rewritten to read:

**"§ 143-177.3. Sources of funds.** — It is the intent of this Article that the funds for the creation, establishment, construction, operation and maintenance of the North Carolina Zoological Park shall be obtained primarily from private sources; however, the Council under the supervision and approval and with the assistance of the Secretary of Natural and Economic Resources is hereby authorized to receive and expend such funds as may from time to time become available by appropriation or otherwise from the State of North Carolina; provided, that the North

Carolina Zoological Park Council shall not in any manner pledge the faith and credit of the State of North Carolina for any of its purposes."

(b) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 143-171; G.S. 143-172; G.S. 143-173; G.S. 143-174; G.S. 143-175; G.S. 143-176; and G.S. 143-176.1.

**Sec. 86.** Department of Natural and Economic Resources; conforming changes.

(a) In addition to the foregoing, the following amendments to the General Statutes of North Carolina shall be made:

- (1) The second sentence of G.S. 113-254 shall be rewritten to read as follows:  
"The first commissioner from the State of North Carolina shall be the Secretary of Natural and Economic Resources, ex officio, and the term of such ex officio commissioner shall terminate at the time he ceases to hold such office, and his successor as commissioner shall be his successor as Secretary of Natural and Economic Resources."
- (2) Whenever the words "North Carolina Department of Conservation and Development" or "Department of Conservation and Development" or "Department" when referring to the North Carolina Department of Conservation and Development are used or appear in any statute or law of this State with the exception of Article 7 of Chapter 113, the same shall be deleted and the words "Department of Natural and Economic Resources" or "Department", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (3) Whenever the words "Director of the Department of Conservation and Development" or "Director of Conservation and Development" or "Director" when referring to the Director of the Department of Conservation and Development are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Natural and Economic Resources" or "Secretary", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (4) Whenever the words "State Forester" are used or appear in any statute or law of this State, the same shall be deleted and the words "Secretary of Natural and Economic Resources" or "Secretary", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (5) Whenever the words "North Carolina Forest Service" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Natural and Economic Resources" or "Department", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (6) Whenever the words "Petroleum Division" or "the Division" or "Division" when referring to the "Petroleum Division" are used or appear in any statute or law of this State, the same shall be deleted and the words "Department of Natural and Economic Resources" or "Department", as appropriate, shall be inserted in lieu thereof unless otherwise provided for in the Executive Organization Act of 1973.
- (7) G.S. 143B-2 is hereby amended by adding the following subsection: "6. Department of Natural and Economic Resources."
- (8) G.S. 143B-6 is hereby amended by adding the following subsection: "6. Department of Natural and Economic Resources."

(b) The following sections of the General Statutes of North Carolina are hereby repealed: G.S. 102-14; G.S. 113-28.13; G.S. 113-28.14; G.S. 113-28.15; G.S. 113-28.16; G.S.

113251(b); G.S. 113251(c); G.S. 113-383; G.S. 113-384; G.S. 113-385; G.S. 113-386; G.S. 143-255; G.S. 143-256; G.S. 143-257; G.S. 143-259; G.S. 143-260; and Article 12 of Chapter 143A of the General Statutes of North Carolina being sections G.S. 143A-109 through G.S. 143A-129.

**Sec. 87.** This act shall become effective on July 1, 1974.

In the General Assembly read three times and ratified, this the 11th day of April, 1974.