

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1195

Short Title: Environmental Impacts Study/Funds.

(Public)

Sponsors: Representatives Warwick, Yongue, Black, Blue, Brown, Culpepper, Daughtry, Mitchell, Nesbitt, Preston, Russell, G. Wilson; Adams, Aldridge, Alexander, Allred, Arnold, Baddour, Baker, Barbee, Beall, Bonner, Boyd-McIntyre, Braswell, Brawley, Buchanan, Cansler, Carpenter, Church, Clary, Cole, Crawford, Creech, Culp, Cunningham, Davis, Decker, Dedmon, Dickson, Dockham, Earle, Easterling, Eddins, Fitch, Fox, Gamble, Gardner, Goodwin, Grady, Gray, Gulley, Hackney, Hall, Hardaway, Hensley, Hiatt, Hightower, Hill, Holmes, Howard, H. Hunter, R. Hunter, Hurley, Ives, Jarrell, Jeffus, Justus, Kinney, Kiser, Luebke, McAllister, McComas, McCombs, McCrary, McMahan, Mercer, Michaux, Miller, Moore, Morris, Mosley, Nichols, Nye, Oldham, Ramsey, Rayfield, Redwine, Reynolds, Rogers, Saunders, Sexton, Sherrill, Shubert, Smith, Starnes, Sutton, Tallent, Tolson, Wainwright, Warner, Watson, Weatherly, Wilkins, C. Wilson, Womble, Wood, and Wright.

Referred to: Rules, Calendar and Operations of the House.

May 1, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ASSIST BUSINESS, INDUSTRY, AGRICULTURE, AND LOCAL
2 GOVERNMENT IN ATTAINING CLEANER AIR, WATER, AND LAND
3 RESOURCES BY CREATING AND FUNDING THE ENVIRONMENTAL
4 IMPACTS STUDY COMMISSION, WHICH SHALL IDENTIFY AND
5 PRIORITIZE SOURCES OF ENVIRONMENTAL POLLUTION AND IDENTIFY
6 TECHNOLOGIES AND METHODOLOGIES TO REDUCE THE ADVERSE
7 ENVIRONMENTAL IMPACTS OF ACTIVITIES OF THESE SECTORS.

8 The General Assembly of North Carolina enacts:

9 Section 1. Chapter 120 of the General Statutes is amended by adding a new
10 Article to read:

11 "ARTICLE 24.

12 "Environmental Impacts Study Commission.

13

1 **"§ 120-210. Environmental Impacts Study Commission established; membership;**
2 **terms.**

3 (a) The Environmental Impacts Study Commission is established. The
4 Environmental Impacts Study Commission shall consist of 24 members, to be appointed
5 as follows:

6 (1) Seven members to be appointed by the Speaker of the House of
7 Representatives, all of whom shall be members of the House of
8 Representatives and at least three of whom shall be members of the
9 minority party of the House of Representatives.

10 (2) Seven members to be appointed by the President Pro Tempore of the
11 Senate, all of whom shall be members of the Senate and at least three
12 of whom shall be members of the minority party of the Senate.

13 (3) Seven members to be appointed by the Governor, one of whom shall
14 be a representative of business, one of whom shall be a representative
15 of industry, one of whom shall be a representative of agriculture, one
16 of whom shall be a representative of local government, one of whom
17 shall be a representative of the organized environmental community,
18 and two of whom shall be academics of different disciplines whose
19 fields of expertise are related to the subject of this study from two
20 different universities in the State.

21 (4) One member to be appointed by the Secretary of Environment, Health,
22 and Natural Resources. The Secretary of Environment, Health, and
23 Natural Resources may appoint himself or herself to serve as a
24 member.

25 (5) One member to be appointed by the Secretary of Commerce. The
26 Secretary of Commerce may appoint himself or herself to serve as a
27 member.

28 (6) One member to be appointed by the Commissioner of Agriculture.
29 The Commissioner of Agriculture may appoint himself or herself to
30 serve as a member.

31 (b) The Speaker of the House of Representatives shall select one member to
32 serve as cochair. The President Pro Tempore of the Senate shall select one member to
33 serve as cochair. A majority of the Commission shall constitute a quorum for the
34 transaction of business.

35 (c) Members shall serve two-year staggered terms. Commission members who
36 are also General Assembly members may complete a term of service on the
37 Commission even if they do not seek reelection or are not reelected to the General
38 Assembly, but resignation or removal from service in the General Assembly shall result
39 in removal from the Commission. A member continues to serve until a successor is
40 appointed. A vacancy shall be filled within 30 days and shall be filled by the same
41 appointing officer who made the original appointment.

42 **"§ 120-211. Duties of the Commission.**

43 (a) Systems Approach to Sustainable Growth. – The Environmental Impacts
44 Study Commission shall identify and prioritize significant sources of environmental

1 pollution in the State as a whole as well as on a regional basis. This Commission shall
2 take a systems approach to its study. The Commission shall consider the combined and
3 the cumulative impacts of all activities and land uses over time. The Commission shall
4 consider all aspects of the environment: air quality, surface water quality, groundwater
5 quality, and, with respect to the land resources of the State, appropriate land use. The
6 Commission shall identify initiatives to achieve sustainable growth in North Carolina.
7 The Commission shall consider the environmental impacts of rural activities and land
8 use and the environmental impacts of urban activities and land use. The Commission
9 shall compare the current impacts with those for the past 10 years and with those
10 impacts projected over the next 10 years.

11 (b) Specific Impacts. – The Commission shall consider specific events, activities,
12 and land uses that have the potential to adversely impact the environment, to include at
13 least all of the following activities, land uses, or events:

- 14 (1) Waste systems and wastewater treatment facilities for cities, towns,
15 and areas of concentrated housing development.
- 16 (2) Stormwater systems.
- 17 (3) Animal waste management systems.
- 18 (4) Other agricultural activities and land use.
- 19 (5) Industrial activities and land use.
- 20 (6) Building construction.
- 21 (7) Resort and recreational activities and areas.
- 22 (8) Recurring natural disasters, such as hurricanes and floods.
- 23 (9) Activities at and land use for major office centers, major shopping
24 malls, sports events, entertainment events, and any other events that
25 bring together large numbers of people in one day.
- 26 (10) Activities at and land use for military bases.
- 27 (11) Activities involving and land use for automobile transportation, freight
28 trucking, rail transportation, and air transportation.
- 29 (12) Events, activities, and land uses that occur outside North Carolina but
30 adversely impact this State's air, water, or other natural resources.

31 (c) Technology and Methodology Identification. – The Commission shall
32 identify current technologies and methodologies to control or reduce air, water, and land
33 resources pollution or degradation. The Commission shall obtain information regarding
34 those technologies and methodologies that were in use during the past 10 years and
35 those anticipated to be viable alternatives within the next 10 years. The Commission
36 shall review applicable State and federal legislation.

37 (d) Report Requirement. – The Commission shall submit final reports of its
38 findings, recommendations, and any legislative proposals to the General Assembly by
39 filing its reports with the President Pro Tempore of the Senate and the Speaker of the
40 House of Representatives no later than December 10 of each odd-numbered year. The
41 Commission may submit interim reports in the same manner as final reports no later
42 than May 1 of each even-numbered year.

43 (e) Proposed Rule Changes. – If at any time during its deliberations, the
44 Commission identifies a recommendation that can be implemented through the

1 Administrative Procedure Act, Chapter 150B of the General Statutes, the Commission
2 shall forward that recommendation with the proposed rule change to the responsible
3 State agency for immediate consideration.

4 **"§ 120-212. Assistance from the universities.**

5 The Commission shall seek assistance from the universities located in the State for
6 expertise in subjects related to the study.

7 **§ 120-213. Staffing.**

8 The Commission may contract for consultant services as provided by G.S. 120-
9 32.02. Upon approval of the Legislative Services Commission, the Legislative
10 Administrative Officer shall assign professional and clerical staff to assist in the work of
11 the Commission. Clerical staff shall be furnished to the Commission through the offices
12 of House and Senate supervisors of clerks. The Commission may meet in the
13 Legislative Building or the Legislative Office Building upon the approval of the
14 Legislative Services Commission. The Commission, while in the discharge of official
15 duties, may exercise all the powers provided under the provisions of G.S. 120-19
16 through G.S. 120-19.4.

17 **"§ 120-214. Compensation and expenses of members.**

18 Members of the Commission shall receive per diem, subsistence, and travel
19 allowances as follows:

- 20 (1) Commission members who are also General Assembly members, at
21 the rate established in G.S. 120-3.1.
- 22 (2) Commission members who are officials or employees of the State or
23 local government agencies, at the rate established in G.S. 138-6.
- 24 (3) All other Commission members, at the rate established in G.S. 138-5.

25 **"§ 120-215. Funding.**

26 From funds available to the General Assembly, the Legislative Services Commission
27 shall allocate monies to fund the work of the Environmental Impacts Study
28 Commission."

29 Section 2. Initial appointments to the Environmental Impacts Study
30 Commission, as created in G.S. 120-210, as enacted in Section 1 of this act, shall be
31 made within 60 days of the effective date of Section 1 of this act. Notwithstanding the
32 provisions of G.S. 120-210, as enacted by Section 1 of this act, and in order to establish
33 staggered terms, the terms of the following initial appointments shall continue until
34 January 1, 1999: two members appointed by the Speaker of the House of
35 Representatives, two members appointed by the President Pro Tempore of the Senate,
36 the representative of business appointed by the Governor, the representative of
37 agriculture appointed by the Governor, one academic appointed by the Governor, and
38 the member appointed by the Secretary of Commerce. Notwithstanding the provisions
39 of G.S. 120-210, as enacted by Section 1 of this act, and in order to establish staggered
40 terms, the terms of the following initial appointments shall continue until January 1,
41 2001: two members appointed by the Speaker of the House of Representatives, two
42 members appointed by the President Pro Tempore of the Senate, the representative of
43 industry appointed by the Governor, the representative of the organized environmental
44 community appointed by the Governor, one academic appointed by the Governor, and

1 the member appointed by the Commissioner of Agriculture. Notwithstanding the
2 provisions of G.S. 120-210, as enacted by Section 1 of this act, and in order to establish
3 staggered terms, the terms of the following initial appointments shall serve until January
4 1, 2003: three members appointed by the Speaker of the House of Representatives, three
5 members appointed by the President Pro Tempore of the Senate, the representative of
6 local government appointed by the Governor, and the member appointed by the
7 Secretary of Environment, Health, and Natural Resources.

8 Section 3. There is appropriated from the General Fund to the General
9 Assembly the sum of one hundred thousand dollars (\$100,000) for the 1997-98 fiscal
10 year and the sum of one hundred thousand dollars (\$100,000) for the 1998-99 fiscal
11 year for the expenses of the Environmental Impacts Study Commission, created in
12 Section 1 of this act, for the work of the Commission pursuant to this act.

13 Section 4. Section 3 of this act becomes effective July 1, 1997. Sections 1
14 and 2 of this act are effective when they become law.