

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1205

Short Title: Establish NC Commission on Climate Change. (Public)

Sponsors: Representatives Harrison, Underhill, Glazier (Primary Sponsors); Faison, Fisher, Harrell, Insko, Lucas, and Martin.

Referred to: Environment and Natural Resources, if favorable, Rules, Calendar, and Operations of the House.

April 8, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA COMMISSION ON CLIMATE
3 CHANGE AND TO ESTABLISH THE ADVISORY COUNCIL TO THE NORTH
4 CAROLINA COMMISSION ON CLIMATE CHANGE.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Chapter 120 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 12Q.

9 "North Carolina Commission on Climate Change.

10 **"§ 120-70.150. Commission established.**

11 The North Carolina Commission on Climate Change is hereby established.

12 **"§ 120-70.151. Membership; cochairs; meetings; vacancies; quorum.**

13 (a) The North Carolina Commission on Climate Change shall consist of 15 members as
14 follows:

15 (1) Five Senators appointed by the President Pro Tempore of the Senate.

16 (2) Five Representatives appointed by the Speaker of the House of
17 Representatives.

18 (3) Five members from the executive branch to be appointed by the Governor.

19 (b) Members of the Commission shall serve at the pleasure of their appointing officers.

20 (c) The President Pro Tempore of the Senate shall designate one Senator to serve as
21 Cochair, and the Speaker of the House of Representatives shall designate one Representative to
22 serve as Cochair.

23 (d) Except as otherwise provided in this subsection, a legislative member of the
24 Commission shall continue to serve for so long as the member remains a member of the
25 General Assembly and no successor has been appointed. A legislative member of the
26 Commission who does not seek reelection or is not reelected to the General Assembly may
27 complete a term of service on the Commission until the day on which a new General Assembly
28 convenes. A legislative member of the Commission who resigns or is removed from service in
29 the General Assembly shall be deemed to have resigned or been removed from service on the
30 Commission. Appointed members shall serve at the pleasure of their appointing officer. Any
31 vacancy that occurs on the Commission shall be filled in the same manner as the original
32 appointment.

33 (e) A quorum of the Commission shall consist of eight members.

34 **"§ 120-70.152. Powers and duties.**



- 1 (a) The North Carolina Commission on Climate Change shall have the following
2 powers and duties:
- 3 (1) To study issues related to global climate change. This study may include
4 consideration of any of the following:
- 5 a. Actions taken by the federal government, other states, and other
6 nations regarding global climate change.
- 7 b. Economic opportunities that may arise from international, national,
8 and state actions to address global climate change and the emerging
9 carbon market.
- 10 c. Existing and potential impacts of global climate change on the
11 citizens, natural resources, ecosystems, and economy of the State,
12 including public health, the environment, agriculture, travel and
13 tourism, recreation, coastal real estate, insurance, and other sectors of
14 the economy.
- 15 d. Costs associated with actions taken by the State to address global
16 climate change, including costs to individuals, households, local
17 governments, businesses, educational institutions, agricultural
18 operations, the State, and other institutions and sectors of the
19 economy.
- 20 e. Benefits associated with actions taken by the State, the federal
21 government, other states, and other nations to address global climate
22 change, including benefits to individuals, households, local
23 governments, businesses, educational institutions, agricultural
24 operations, the State, and other institutions and sectors of the
25 economy.
- 26 (2) To review changes in federal law related to global climate change.
- 27 (3) To review changes in technology related to global climate change.
- 28 (4) To review existing and potential State law related to global climate change
29 and to determine whether modifications to State law related to global climate
30 change are in the public interest.
- 31 (5) To undertake any additional studies related to global climate change as
32 determined by the Cochairs, the President Pro Tempore of the Senate, the
33 Speaker of the House of Representatives, or the Governor.
- 34 (6) To make reports and recommendations, including legislative proposals, to
35 the General Assembly and the Governor from time to time as to any matter
36 related to global climate change.
- 37 (b) The Commission may seek the assistance of the Advisory Council to the North
38 Carolina Commission on Climate Change established by G.S. 120-70.157.
- 39 (c) The Commission may work cooperatively with other global climate change entities
40 and State agencies with respect to their areas of responsibility regarding greenhouse gas
41 emissions and global climate change.
- 42 **§ 120-70.153. Additional powers.**
- 43 (a) The North Carolina Commission on Climate Change, while in the discharge of its
44 official duties, may exercise all the powers provided for under the provisions of G.S. 120-19,
45 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the call
46 of either Cochair, whether or not the General Assembly is in session. The Commission may
47 meet in the Legislative Building or the Legislative Office Building upon the approval of the
48 Legislative Services Commission.
- 49 (b) Notwithstanding any rule or resolution to the contrary, proposed legislation to
50 implement any recommendation of the Commission regarding any study the Commission is

1 authorized to undertake or any report authorized or required to be made by or to the
2 Commission may be introduced and considered during any session of the General Assembly.

3 (c) The Commission may contract for consultants or hire employees in accordance with
4 G.S. 120-32.02.

5 **"§ 120-70.154. Compensation and expenses of members.**

6 Members of the North Carolina Commission on Climate Change shall receive subsistence
7 and travel expenses at the rates set forth in G.S. 120-3.1.

8 **"§ 120-70.155. Staffing.**

9 The Legislative Services Officer shall assign as staff to the North Carolina Commission on
10 Climate Change professional employees of the General Assembly, as approved by the
11 Legislative Services Commission. Clerical staff shall be assigned to the Commission through
12 the offices of the Directors of the Legislative Assistants of the Senate and House of
13 Representatives. The expenses of employment of clerical staff shall be borne by the
14 Commission.

15 **"§ 120-70.156. Funding.**

16 From funds available to the General Assembly, the Legislative Services Commission shall
17 allocate monies to fund the work of the North Carolina Commission on Climate Change.

18 **"§ 120-70.157. Advisory Council established.**

19 The Advisory Council of the North Carolina Commission on Climate Change is hereby
20 established.

21 **"§ 120-70.158. Powers and duties.**

22 (a) The purpose of the Advisory Council shall be to assist the Commission on Climate
23 Change on matters requested by the Commission as the Commission fulfills its duties under
24 G.S. 120-70.152 and G.S. 120-70.153.

25 (b) The authority granted to the Advisory Council shall be advisory in nature and in no
26 way shall the Advisory Council be construed to have any regulatory authority.

27 **"§ 120-70.159. Membership; meetings; vacancies; quorum.**

28 (a) The Advisory Council of the North Carolina Commission on Climate Change shall
29 consist of 20 members as follows:

30 (1) The President of Duke Power or the President's designee.

31 (2) The President of Progress Energy or the President's designee.

32 (3) The President of the North Carolina Chamber or the President's designee.

33 (4) The President of the Manufacturers and Chemical Industry Council of North
34 Carolina or the President's designee.

35 (5) The President of the North Carolina Farm Bureau Federation or the
36 President's designee.

37 (6) The President of the North Carolina Forestry Association or the President's
38 designee.

39 (7) The Southeast Director of Climate and Air Policy of Environmental Defense
40 or the Southeast Regional Director's designee.

41 (8) The Executive Director of the Southern Alliance for Clean Energy or the
42 Executive Director's designee.

43 (9) The Executive Director of the North Carolina Coastal Federation or the
44 Executive Director's designee.

45 (10) The Executive Director of the North Carolina Conservation Council or the
46 Executive Director's designee.

47 (11) The Director of the Nicholas Institute for Environmental Policy Solutions at
48 Duke University or the Director's designee.

49 (12) The Dean of the College of Agriculture and Life Sciences at North Carolina
50 State University or the Dean's designee.

- 1 (13) The Dean of the School of Agriculture and Environmental Sciences at North
2 Carolina Agricultural and Technical State University or the Dean's designee.
3 (14) The Director of the Institute for the Environment at the University of North
4 Carolina at Chapel Hill or the Director's designee.
5 (15) The Distinguished Research Professor (with expertise in sea level change) in
6 the Department of Geology at East Carolina University.
7 (16) The North Carolina State Climatologist.
8 (17) Two designees appointed by the President Pro Tempore of the Senate, who
9 shall serve at the pleasure of their appointing officer.
10 (18) Two designees appointed by the Speaker of the House of Representatives,
11 who shall serve at the pleasure of their appointing officer.
12 (b) The members of the Advisory Council shall elect a Chair, Vice-Chair, and any other
13 officers they consider necessary. The term of office for any elected member shall not exceed
14 one year.
15 (c) Any vacancy on the Advisory Council shall be filled by the original appointing
16 authority.
17 (d) Any member of the Advisory Council may hold concurrently any other elected or
18 appointed office, as authorized by G.S. 128-1.1 and Article VI, Section 9, of the Constitution of
19 North Carolina. The authorization provided by this subsection shall not apply to members of
20 the North Carolina Commission on Climate Change.
21 (e) The Advisory Council shall meet upon the call of the Chair. A majority of the
22 Council shall constitute a quorum for the transaction of business.
23 "§ 120-70.160. Expenses of members.
24 Members of the Advisory Council shall receive per diem, subsistence, and travel
25 allowances in accordance with G.S. 120-3.1, 138-5, or 138-6, as appropriate."
26 **SECTION 2.** This act is effective when it becomes law.