

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011**

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SENATE BILL 428

Short Title: Study Consolidated Environmental Commission. (Public)

Sponsors: Senators Clodfelter; Hartsell and Rouzer.

Referred to: Program Evaluation.

March 28, 2011

A BILL TO BE ENTITLED

1 AN ACT TO DIRECT THE ENVIRONMENTAL REVIEW COMMISSION TO STUDY THE
2 DESIRABILITY AND THE FEASIBILITY OF CONSOLIDATING THE STATE'S
3 ENVIRONMENTAL POLICY-MAKING, RULE-MAKING, AND QUASI-JUDICIAL
4 FUNCTIONS INTO ONE COMPREHENSIVE FULL-TIME ENVIRONMENTAL
5 COMMISSION.
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7 Whereas, a clean environment is essential to the quality of life and the economic
8 prosperity of all North Carolinians; and

9 Whereas, sound environmental protection policies call for long-term planning and
10 innovative solutions; and

11 Whereas, the science, the technology, and the law of environmental protection have
12 become increasingly complex; and

13 Whereas, environmental policy-making in North Carolina is currently spread across
14 multiple boards, commissions, and councils, with powers and duties ranging from advisory to
15 rule-making and quasi-judicial; and

16 Whereas, these boards, commissions, and councils are comprised of part-time
17 private sector volunteers appointed by the Governor or the General Assembly, or both; and

18 Whereas, the number of environmental boards, commissions, and councils across
19 State government has created inefficiencies in overall environmental program delivery,
20 confusion among the general public over agency authorities, and some duplication of State
21 agency activities; and

22 Whereas, part-time citizen boards and commissions cannot devote the time and
23 expertise necessary to review and understand all of the information required to adequately and
24 appropriately deal with the array of environmental issues coming before them; Now, therefore,
25 The General Assembly of North Carolina enacts:

26 **SECTION 1.** The Environmental Review Commission shall study the desirability
27 and the feasibility of consolidating the State's environmental policy-making, rule-making, and
28 quasi-judicial functions into one comprehensive full-time environmental commission, perhaps
29 to be modeled after the North Carolina Utilities Commission. As part of this study, the
30 Environmental Review Commission shall evaluate all issues that pertain to a consolidation of
31 the roles and duties that the current multiple environmental boards, commissions, and councils
32 have. The Environmental Review Commission shall also consider any one or more of the
33 following issues:

- 34 (1) Whether a consolidated environmental commission should have its own
35 full-time staff.



- 1 (2) Whether a consolidated environmental commission would enhance the
2 efficiency, objectivity, or fairness of environmental policy-making and
3 regulation in North Carolina or reduce any unnecessary duplication.
4 (3) How a consolidated environmental commission would access the scientific
5 expertise it would need to address the broad range of environmental subjects
6 under its purview.
7 (4) What should be the number of commissioners to serve on such a
8 commission, their qualifications, and their term length; how such
9 commissioners should be appointed; and what should be the commission's
10 duties.
11 (5) How such a commission and its staff would be funded.
12 (6) What is a reasonable timetable for creating and phasing in such a
13 commission.
14 (7) Any other issues the Environmental Review Commission deems pertinent to
15 its charge under this act.

16 **SECTION 2.** No later than the convening of the 2012 Regular Session of the 2011
17 General Assembly, the Environmental Review Commission shall report its findings and
18 recommendations, including any proposals for legislation or administrative action, to the
19 General Assembly.

20 **SECTION 3.** The study under this act shall be funded from funds available to the
21 General Assembly for the 2011-2012 fiscal year.

22 **SECTION 4.** This act becomes effective July 1, 2011.