

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1002  
Committee Substitute Reported Without Prejudice 4/27/99

Short Title: Environment Impacts Study/Funds.

(Public)

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Sponsors:

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Referred to:

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April 13, 1999

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

9 The General Assembly of North Carolina enacts:

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

12 **“ARTICLE 26.**

13 **"ENVIRONMENTAL IMPACTS STUDY COMMISSION.**

14 **"§ 120-230. Environmental Impacts Study Commission established; membership;**  
15 **terms.**

16 (a) The Environmental Impacts Study Commission is established. The  
17 Environmental Impacts Study Commission shall consist of 24 members, to be appointed  
18 as follows:

- 1           (1) Seven members to be appointed by the Speaker of the House of  
2 Representatives, all of whom shall be members of the House of  
3 Representatives and at least three of whom shall be members of the  
4 minority party of the House of Representatives.
- 5           (2) Seven members to be appointed by the President Pro Tempore of the  
6 Senate, all of whom shall be members of the Senate and at least three of  
7 whom shall be members of the minority party of the Senate.
- 8           (3) Seven members to be appointed by the Governor, one of whom shall be  
9 a representative of business, one of whom shall be a representative of  
10 industry, one of whom shall be a representative of agriculture, one of  
11 whom shall be a representative of local government, one of whom shall  
12 be a representative of the organized environmental community, and two  
13 of whom shall be academics of different disciplines whose fields of  
14 expertise are related to the subject of this study from two different  
15 universities in the State.
- 16           (4) One member to be appointed by the Secretary of Environment, Health,  
17 and Natural Resources. The Secretary of Environment, Health, and  
18 Natural Resources may appoint himself or herself to serve as a member.
- 19           (5) One member to be appointed by the Secretary of Commerce. The  
20 Secretary of Commerce may appoint himself or herself to serve as a  
21 member.
- 22           (6) One member to be appointed by the Commissioner of Agriculture. The  
23 Commissioner of Agriculture may appoint himself or herself to serve as  
24 a member.

25           (b) The Speaker of the House of Representatives shall select one member to serve  
26 as cochair. The President Pro Tempore of the Senate shall select one member to serve as  
27 cochair. A majority of the Commission shall constitute a quorum for the transaction of  
28 business.

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

36 **"§ 120-231. Duties of the Commission.**

37           (a) Systems Approach to Sustainable Growth. – The Environmental Impacts Study  
38 Commission shall identify and prioritize significant sources of environmental pollution in  
39 the State as a whole as well as on a regional basis. This Commission shall take a systems  
40 approach to its study. The Commission shall consider the combined and the cumulative  
41 impacts of all activities and land uses over time. The Commission shall consider all  
42 aspects of the environment: air quality, surface water quality, groundwater quality, and,  
43 with respect to the land resources of the State, appropriate land use. The Commission

1 shall identify initiatives to achieve sustainable growth in North Carolina. The  
2 Commission shall consider the environmental impacts of rural activities and land use and  
3 the environmental impacts of urban activities and land use. The Commission shall  
4 compare the current impacts with those for the past 10 years and with those impacts  
5 projected over the next 10 years.

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

9 (1) Waste systems and wastewater treatment facilities for cities, towns, and  
10 areas of concentrated housing development.

11 (2) Stormwater systems.

12 (3) Animal waste management systems.

13 (4) Other agricultural activities and land use.

14 (5) Industrial activities and land use.

15 (6) Building construction.

16 (7) Resort and recreational activities and areas.

17 (8) Recurring natural disasters, such as hurricanes and floods.

18 (9) Activities at and land use for major office centers, major shopping  
19 malls, sports events, entertainment events, and any other events that  
20 bring together large numbers of people in one day.

21 (10) Activities at and land use for military bases.

22 (11) Activities involving and land use for automobile transportation, freight  
23 trucking, rail transportation, and air transportation.

24 (12) Events, activities, and land uses that occur outside North Carolina but  
25 adversely impact this State's air, water, or other natural resources.

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

32 (d) Report Requirement. – The Commission shall submit final reports of its  
33 findings, recommendations, and any legislative proposals to the General Assembly by  
34 filing its reports with the President Pro Tempore of the Senate and the Speaker of the  
35 House of Representatives no later than May 1 and December 10 of each even-numbered  
36 year. The Commission may submit interim reports at the will of the cochairs.

37 (e) Proposed Rule Changes. – If at any time during its deliberations, the  
38 Commission identifies a recommendation that can be implemented through the  
39 Administrative Procedure Act, Chapter 150B of the General Statutes, the Commission  
40 shall forward that recommendation with the proposed rule change to the responsible State  
41 agency for immediate consideration.

42 **"§ 120-232. Assistance from the universities.**

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

3 **"§ 120-233. Staffing.**

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

12 **"§ 120-234. Compensation and expenses of members.**

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

15            (1)    Commission members who are also General Assembly members, at the  
16                    rate established in G.S. 120-3.1.

17            (2)    Commission members who are officials or employees of the State or  
18                    local government agencies, at the rate established in G.S. 138-6.

19            (3)    All other Commission members, at the rate established in G.S. 138-5.

20 **"§ 120-235. Funding.**

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

23        Section 2. Initial appointments to the Environmental Impacts Study  
24 Commission, as created in G.S. 120-230, as enacted in Section 1 of this act, shall be  
25 made within 60 days of the effective date of Section 1 of this act. Notwithstanding the  
26 provisions of G.S. 120-230, as enacted by Section 1 of this act, and in order to establish  
27 staggered terms, the terms of the following initial appointments shall continue until  
28 January 1, 2001: two members appointed by the Speaker of the House of Representatives,  
29 two members appointed by the President Pro Tempore of the Senate, the representative of  
30 business appointed by the Governor, the representative of agriculture appointed by the  
31 Governor, one academic appointed by the Governor, and the member appointed by the  
32 Secretary of Commerce. Notwithstanding the provisions of G.S. 120-230, as enacted by  
33 Section 1 of this act, and in order to establish staggered terms, the terms of the following  
34 initial appointments shall continue until January 1, 2003: two members appointed by the  
35 Speaker of the House of Representatives, two members appointed by the President Pro  
36 Tempore of the Senate, the representative of industry appointed by the Governor, the  
37 representative of the organized environmental community appointed by the Governor,  
38 one academic appointed by the Governor, and the member appointed by the  
39 Commissioner of Agriculture. Notwithstanding the provisions of G.S. 120-230, as  
40 enacted by Section 1 of this act, and in order to establish staggered terms, the terms of the  
41 following initial appointments shall serve until January 1, 2005: three members appointed  
42 by the Speaker of the House of Representatives, three members appointed by the  
43 President Pro Tempore of the Senate, the representative of local government appointed

1 by the Governor, and the member appointed by the Secretary of Environment, Health,  
2 and Natural Resources.

3           Section 3. There is appropriated from the General Fund to the General  
4 Assembly the sum of two hundred fifty thousand dollars (\$250,000) for the 1999-2000  
5 fiscal year and the sum of two hundred fifty thousand dollars (\$250,000) for the 2000-  
6 2001 fiscal year for the expenses of the Environmental Impacts Study Commission,  
7 created in Section 1 of this act, for the work of the Commission pursuant to this act.

8           Section 4. Section 3 of this act becomes effective July 1, 1999. Sections 1 and  
9 2 of this act are effective when they become law.