

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE BILL 1221\*

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

Sponsors: Senators Stein and Albertson.

Referred to: Agriculture/Environment/Natural Resources.

May 19, 2010

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, AS RECOMMENDED BY THE  
5 LEGISLATIVE COMMISSION ON GLOBAL CLIMATE CHANGE.

6 The General Assembly of North Carolina enacts:

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

9 "Article 12Q.

10 "North Carolina Commission on Climate Change.

11 "§ 120-70.150. Commission established.

12 The North Carolina Commission on Climate Change is established.

13 "§ 120-70.151. Membership; cochairs; meetings; vacancies; quorum.

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

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

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

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

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

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

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

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

35 "§ 120-70.152. Powers and duties.

36 (a) The North Carolina Commission on Climate Change shall have the following  
37 powers and duties:



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- 1           (1) To study issues related to global climate change. This study may include  
2 consideration of any of the following:  
3           a. Actions taken by the federal government, other states, and other  
4 nations regarding global climate change.  
5           b. Economic opportunities that may arise from international, national,  
6 and state actions to address global climate change and the emerging  
7 carbon market.  
8           c. Existing and potential impacts of global climate change on the  
9 citizens, natural resources, ecosystems, and economy of the State,  
10 including public health, the environment, agriculture, travel and  
11 tourism, recreation, coastal real estate, insurance, and other sectors of  
12 the economy.  
13           d. Costs associated with actions taken by the State to address global  
14 climate change, including costs to individuals, households, local  
15 governments, businesses, educational institutions, agricultural  
16 operations, the State, and other institutions and sectors of the  
17 economy.  
18           e. Benefits associated with actions taken by the State, the federal  
19 government, other states, and other nations to address global climate  
20 change, including benefits to individuals, households, local  
21 governments, businesses, educational institutions, agricultural  
22 operations, the State, and other institutions and sectors of the  
23 economy.  
24           (2) To review changes in federal law related to global climate change.  
25           (3) To review changes in technology related to global climate change.  
26           (4) To review existing and potential State law related to global climate change  
27 and to determine whether modifications to State law related to global climate  
28 change are in the public interest.  
29           (5) To undertake any additional studies related to global climate change as  
30 determined by the Cochairs, the President Pro Tempore of the Senate, the  
31 Speaker of the House of Representatives, or the Governor.  
32           (6) To make reports and recommendations, including legislative proposals, to  
33 the General Assembly and the Governor from time to time as to any matter  
34 related to global climate change.

35           (b) The Commission may seek the assistance of the Advisory Council to the North  
36 Carolina Commission on Climate Change established by G.S. 120-70.157.

37           (c) The Commission may work cooperatively with other global climate change entities  
38 and State agencies with respect to their areas of responsibility regarding greenhouse gas  
39 emissions and global climate change.

40 **§ 120-70.153. Additional powers.**

41           (a) The North Carolina Commission on Climate Change, while in the discharge of its  
42 official duties, may exercise all the powers provided for under the provisions of G.S. 120-19,  
43 and G.S. 120-19.1 through G.S. 120-19.4. The Commission may meet at any time upon the call  
44 of either Cochair, whether or not the General Assembly is in session. The Commission may  
45 meet in the Legislative Building or the Legislative Office Building upon the approval of the  
46 Legislative Services Commission.

47           (b) Notwithstanding any rule or resolution to the contrary, proposed legislation to  
48 implement any recommendation of the Commission regarding any study the Commission is  
49 authorized to undertake or any report authorized or required to be made by or to the  
50 Commission may be introduced and considered during any session of the General Assembly.

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

3 **"§ 120-70.154. Compensation and expenses of members.**

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

6 **"§ 120-70.155. Staffing.**

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

13 **"§ 120-70.156. Funding.**

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

16 **"§ 120-70.157. Advisory Council established.**

17 The Advisory Council of the North Carolina Commission on Climate Change is  
18 established.

19 **"§ 120-70.158. Powers and duties.**

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

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

25 **"§ 120-70.159. Membership; meetings; vacancies; quorum.**

26 (a) The Advisory Council of the North Carolina Commission on Climate Change shall  
27 consist of 24 members as follows:

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

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

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

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

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

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

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

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

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

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

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

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

49 (13) The Dean of the School of Agriculture and Environmental Sciences at North  
50 Carolina Agricultural and Technical State University or the Dean's designee.

- 1           (14) The Director of the Institute for the Environment at the University of North  
2           Carolina at Chapel Hill or the Director's designee.
- 3           (15) The Distinguished Research Professor (with expertise in sea level change) in  
4           the Department of Geology at East Carolina University.
- 5           (16) The North Carolina State Climatologist.
- 6           (17) The Executive Director of the North Carolina Sustainable Energy  
7           Association or the Executive Director's designee.
- 8           (18) The Dean of the School of Public Health at the University of North Carolina  
9           at Chapel Hill or the Dean's designee.
- 10          (19) A scientific expert on the subject of biodiversity appointed by the Speaker of  
11          the House of Representatives, who shall serve at the pleasure of the  
12          appointing officer.
- 13          (20) A member of the Building Code Council or other expert on the subject of  
14          building codes, appointed by the President Pro Tempore of the Senate, who  
15          shall serve at the pleasure of the appointing officer.
- 16          (21) Two designees appointed by the President Pro Tempore of the Senate, who  
17          shall serve at the pleasure of their appointing officer.
- 18          (22) Two designees appointed by the Speaker of the House of Representatives,  
19          who shall serve at the pleasure of their appointing officer.

20          (b) The members of the Advisory Council shall elect a Chair, Vice-Chair, and any other  
21          officers they consider necessary. The term of office for any elected member shall not exceed  
22          one year.

23          (c) Any vacancy on the Advisory Council shall be filled by the original appointing  
24          authority.

25          (d) Any member of the Advisory Council may hold concurrently any other elected or  
26          appointed office, as authorized by G.S. 128-1.1 and Article VI, Section 9, of the Constitution of  
27          North Carolina. The authorization provided by this subsection shall not apply to members of  
28          the North Carolina Commission on Climate Change.

29          (e) The Advisory Council shall meet upon the call of the Chair. A majority of the  
30          Council shall constitute a quorum for the transaction of business.

31          "**§ 120-70.160. Expenses of members.**

32          Members of the Advisory Council of the North Carolina Commission on Climate Change  
33          shall receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,  
34          138-5, or 138-6, as appropriate."

35          **SECTION 2.** This act is effective when it becomes law.