GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

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SENATE BILL 1122 House Committee Substitute Favorable 7/19/06

Short Title: Land and Water Conservation Study. (Public)

Sponsors:

Referred to:

March 24, 2005

A BILL TO BE ENTITLED
AN ACT TO CREATE THE LAND AND WATER CONSERVATION STUDY COMMISSION.

Whereas, North Carolina has more than 3,000 miles of streams that fail to meet State water quality standards; and

Whereas, North Carolina is losing natural areas, historic sites, and agricultural and forestry lands at a rate of over 100,000 acres per year; and

Whereas, North Carolina's waters, open lands, and historic properties are critical to our State's economic future and quality of life; and

Whereas, land costs are increasing rapidly; and

Whereas, Article XIV, Section V of the State Constitution states, "North Carolina must use every appropriate way to preserve as part of the common heritage of this State its forests, wetlands, estuaries, beaches, historical sites, open lands and places of beauty;" and

Whereas, G.S. 113A-241(a) provides, "The State of North Carolina shall encourage, facilitate, plan, coordinate, and support appropriate federal, State, local, and private land protection efforts so that an additional one million acres of farmland, open space, and conservation lands in the State are permanently protected by December 31, 2009."; and

Whereas, traditional methods for funding the State's Clean Water Management Trust Fund, Parks and Recreation Trust Fund, Natural Heritage Trust Fund, Agricultural Development and Farmland Preservation Trust Fund, and economic development efforts related to land and water conservation have failed to keep pace with conservation needs and rapidly rising land costs and are not able to meet the State's conservation goals at current funding levels; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Commission Established. – The Land and Water Conservation Commission is hereby established.

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1		ΓΙΟΝ 2. Membership. –The Commission shall consist of 16 members
2	as follows:	
3 4	(1)	Four members of the Senate appointed by the President Pro Tempore of the Senate.
5	(2)	Four members of the House of Representatives appointed by the
6	(-)	Speaker of the House of Representatives.
7	(3)	One representative from the public at large appointed by the President
8	(-)	Pro Tempore of the Senate.
9	(4)	One representative from the public at large appointed by the Speaker
10	()	of the House of Representatives.
11	(5)	The State Treasurer or the State Treasurer's designee.
	(6)	The Director of the Governor's Policy Office or the Director's
12 13	(-)	designee.
14	(7)	The Secretary of Environment and Natural Resources or the
15	()	Secretary's designee.
16	(8)	Three representatives from the public at large appointed by the
17	` '	Governor.
18	SECT	TION 3. Cochairs. – The Commission shall have two cochairs, one
19		he President Pro Tempore of the Senate and one designated by the
20	Speaker of the	House of Representatives from among their respective appointees. The
21	_	all meet upon the call of the cochairs.
22	SECT	TION 4. Quorum. – A quorum of the Commission shall consist of nine
22 23	members.	
24	SECT	TION 5. Vacancies. – Any vacancy on the Commission shall be filled
25	by the original a	ppointing authority.
26	SECT	TION 6. Purpose and Duties. – The Commission shall:
27	(1)	Identify and evaluate the existing sources of State funding for: (i) the
28		public acquisition of land or interests in land to protect drinking water
29		quality and prevent polluted runoff, conserve rivers, wetlands,
30		floodplains, coastal waters, working farms, working forests, local
31		parks, State parks, game lands and other natural areas, urban forests,
32 33		and land visible from scenic highways in North Carolina; (ii) historic
33		preservation; and (iii) economic and community development tied to
34 35	(2)	land and water conservation and historic preservation.
35	(2)	Collect research and information from North Carolina and other states
36 37		and jurisdictions regarding incentive based techniques and
		management tools used to protect land and water and assess the
88		applicability of such tools and techniques to land conservation in
39	(2)	North Carolina.
10 11	(3)	Prepare a draft report with a statement of the issues, a summary of the
11 12		research, and recommendations to address funding needs and other
12 13	(4)	issues affecting land and water conservation in North Carolina.
+3 14	(4)	Hold at least three public meetings, including at least one meeting in
+++		the Mountains, Piedmont, and the Coastal Plain region of the State to

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1	present the draft report and recommendations to the public and user
2	groups.
3	SECTION 7. Expenses of Members. – Members of the Commission shall
4	receive per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1,
5	138-5, or 138-6, as appropriate.
6	SECTION 8. Staff. – Upon the prior approval of the Legislative Services
7	Commission, the Legislative Services Officer shall assign professional staff to the
8	Commission to aid in its work.
9	SECTION 9. Consultants. – The Commission may hire consultants to assist
10	with the study as provided in G.S. 120-32.02(b).
11	SECTION 10. Meetings. – The Commission may meet in the Legislative
12	Building or the Legislative Office Building upon the approval of the Legislative
13	Services Commission.
14	SECTION 11. Report. – The Commission shall report its findings and
15	recommendations to the General Assembly and the Environmental Review Commission
16	on or before 1 February 2007, at which time the Commission shall terminate.
17	SECTION 12. Funding. – From funds appropriated to the General
18	Assembly, the Legislative Services Commission shall allocate funds for the purpose of
19	conducting the study provided for in this act.
20	SECTION 13. Effective Date. – This act is effective when it becomes law.