

2003 *Legislative* *Scorecard*



Conservation Council of North Carolina is a statewide non-profit organization dedicated to preserving our state's natural resources and protecting public health through advocacy, education, and collaboration. The Council supports a full time lobbyist at the state legislature to provide a voice for the public and to hold legislators accountable for their environmental decisions. The Council's non-partisan Political Action Committee takes an active role in the political process by supporting legislative candidates who protect our right to clean air and clean water. We strive to make elected officials pass legislation that protects our clean air and clean water, while at the same time encouraging conservationists to play a more active role in politics.

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Legislative Overview for the 2003 Long Session

The 2003 legislative session opened with an historic vote, as the House elected co-speakers, Jim Black (D-Mecklenburg) and Richard Morgan (R-Moore). Following this vote, however, the session returned to familiar territory as the state's budget crisis dominated legislative action. Environmental issues at stake during the budget debate included funding for the natural resource trust funds and funding for the state environmental agency. With the focus on the budget, the 2003 session was a year in which substantive environmental policy proposals received very little consideration.

The final state budget included \$62 million in funding for the Clean Water Management Trust Fund (CWMTF), a state program dedicated to restoring water quality and preserving open space. While \$62 million represents a significant figure in a tough budget year, the CWMTF was authorized by statute to receive \$100 million this year. On a more disappointing note, this year's budget included millions of dollars in cuts to the Department of Environment and Natural Resources (DENR). These cuts ensure that the agency, already crippled by underfunding, will have an even more difficult time fulfilling its mission of protecting the public health and preserving our natural resources.

Outside of the budget process it was a year in which environmental proposals received little attention. High profile issues, such as extending the current moratorium on new hog farms and changes to the air pollution laws created some controversy early in the session, but ultimately were approved with little fanfare. Just as in previous years, the legislature overturned an administrative rule designed to protect the environment. This year it was HB 566, "Disapprove Swift Creek Classification," which rolled back water quality protections approved by the Environmental Management Commission for a pristine water resource in Eastern North Carolina.

In 2003 the House can cite some modest accomplishments, such as passing legislation to improve environmental enforcement, raise permit fees on coastal developers and require a coastal fishing license. The Senate, however, outside of pushing for funding of the CWMTF considered very little environmental legislation this session.

This year's session saw a new low for the misuse of legislative power as a couple of House members introduced proposals to specifically fire DENR employees. These proposals were aimed at eliminating the jobs of state agency employees who were viewed as to aggressive in their roles as environmental regulators. Although neither of these proposals was enacted into law, they serve as a good indicator of just how rough the 2003 session was for environmental issues.

As in previous scorecards, the bills selected for the 2003 Scorecard represent those that we believe would have the most significant impact on environmental protection. The votes chosen for scoring are not a comprehensive list of all votes taken on environmental bills this session, but are the votes judged to be the most important by our organization. v

AVERAGE PARTY SCORES

	2003 Long Session	2001 General Assembly Average
House		
Republicans	48%	51%
Democrats	79%	81%
Total House	64%	66%
Senate		
Republicans	53%	71%
Democrats	83%	78%
Total Senate	68%	76%

House Vote Descriptions

The House had a mixed record on environmental issues this session. Several pro-environmental bills passed out of the House, but most of those were modest in scope. During budget negotiations, the House demonstrated very little support for funding of the CWMTF, the Parks and Recreation Trust Fund and the Natural Heritage Trust Fund. Fortunately, the final budget protected the funding for these important environmental programs. One of the bright spots in the House was the emergence of some of the freshmen legislators as leaders on environmental issues. There were fifteen House members who received a perfect 100 rating this year and over half of those were freshmen legislators.

Enforcement:

HB 868, Improve Environmental Enforcement, second reading

This bill, sponsored by Rep. Bill Culpepper (D-Chowan), would increase the amount of monetary penalties that could be assessed by the Department of Environment and Natural Resources (DENR) for wastewater violations, hazardous waste violations and Coastal Area Management Act violations. The bill would also allow the agency to recover a larger portion of the investigative costs arising from enforcement actions. The bill passed 81 to 28. **YES** was the conservation vote.

Status: The bill is in the Senate Agriculture/Environment Committee.

Water Quality:

HB 566, Disapprove Swift Creek Reclassification, second reading

This bill overturns the administrative rule that classifies a portion of Swift Creek as an Outstanding Resource Water. The rule was put in place to preserve Swift Creek's excellent water quality and to protect threatened aquatic species. The bill is sponsored by Rep. Pryor Gibson (D-Montgomery) and Rep. Joe Tolson (D-Edgecombe). The bill passed 91 to 24. **NO** was the conservation vote.

Status: A version of this bill was passed by the Senate and sent to the Governor.

Scenic Preservation:

HB 429, Just Compensation/Local Government Taking, second reading

This bill, sponsored by Rep. Bill Culpepper (D-Chowan), would make it much more difficult for local governments to act to protect rural and scenic roadways from billboard blight. The bill passed 97 to 20. **NO** was the conservation vote.

Status: A compromise bill (HB 754) on this issue was approved by the Senate and sent to the Governor.

Transit Funding:

HB 48, North Carolina Moving Ahead Transportation Initiative, Amendment #2

HB 48 reallocates \$700 million of road construction funds by shifting \$630 million of those funds to road maintenance and \$70 million to public transportation projects. Rep. Russell

Capps (R-Wake) introduced an amendment that would strip funds from the light rail system in Raleigh and redistribute that money to other state programs. The amendment failed 39-74. **NO** was the conservation vote on Amendment #2.

Status: The bill was approved by the House and Senate and sent to the Governor with the \$70 million for public transportation included.

Wildlife Protection:

HB 1100, Protect Certain Reptiles and Amphibians, second reading

This bill, sponsored by Rep. Earline Parmon (D-Forsyth) and Rep. Larry Womble (D-Forsyth), would stop the overharvesting of threatened reptiles and amphibians. The bill passed 105-7. **YES** was the conservation vote.

Status: A similar version of this bill (SB 825) was approved and signed into law by the Governor.

Marine Fisheries:

HB 831, Coastal Recreational Fishing License, second reading

This bill, sponsored by Rep. Pryor Gibson (D-Montgomery) and Rep. Danny McComas (R-New Hanover) would create a new requirement for a saltwater fishing license and is designed to assist with gathering data to improve the study of marine fisheries. The bill was severely weakened as it made its way through various committees, but eventually passed the House by a vote of 74 to 38. **YES** was the conservation vote.

Status: The bill is in the Senate Agriculture/Environment Committee.

Erosion Control:

HB 1028, New Bulkhead Permit, third reading

This bill, sponsored by Rep. Keith Williams (R-Onslow) and Rep. Carolyn Justice (R-Pender) authorizes the Coastal Resources Commission to create an ecological alternative for protecting shorelines from erosion along creeks and sounds. The bill passed 106 to 0. **YES** was the conservation vote.

Status: A modified bill was approved by the Senate and sent to the Governor.

Permit Fees:

HB 1323, Coastal Area Management Act Permit Fees, second reading

This bill, sponsored by Rep. Paul Luebke (D-Durham) and Rep. Danny McComas (R-New Hanover) would authorize the Coastal Resources Commission (CRC) to raise CAMA permit fees from an upper cap of \$400 to \$1000 and would generate much needed revenue for DENR. The bill passed 97 to 19. **YES** was the conservation vote.

Status: The bill is in the Senate Finance Committee. v

HOUSE	Party	District	County	Enforcement	Water Quality	Preservation	Transit Funding	Wildlife	Fisheries	Erosion	Permit Fees	2003 Long Session	2001-02 Score
Pro Conservation vote				YES	NO	NO	NO	YES	YES	YES	YES	%	%
Adams	D	58	Guilford	0	+	-	+	+	+	+	+	75	INC
Alexander	D	106	Meck.	F	F	+	F	+	+	+	+	100	92
Allen, B	D	33	Wake	+	+	-	+	+	+	+	+	88	N/A
Allen, G	D	55	Person	+	-	-	+	+	+	+	+	75	79
Allen, L	D	49	Franklin	+	+	+	+	+	+	+	+	100	N/A
Allred	R	64	Alamance	-	-	-	-	+	-	+	-	25	29
Baker	R	91	Stokes	-	-	-	-	-	-	+	+	25	22
Barbee	R	70	Stanly	-	-	-	+	+	+	+	E	57	58
Barnhart	R	75	Cabarrus	-	-	F	-	+	-	+	+	43	43
Bell	D	21	Sampson	+	-	-	+	+	+	+	+	75	79
Blackwood	R	73	Union	+	-	-	-	+	-	+	+	50	N/A
Blust	R	62	Guilford	-	+	-	-	+	+	+	-	50	57
Black	D	100	Meck.	0	0	-	0	0	+	0	+	INC	INC
Bonner	D	48	Robeson	+	-	-	+	+	+	+	+	75	82
Bordson	D	63	Alamance	+	+	+	+	+	F	+	+	100	N/A
Bowie	R	57	Guilford	0	-	-	-	+	+	0	0	25	64
Brubaker	R	78	Randolph	+	-	-	0	0	+	+	+	50	32
Capos	R	50	Wake	-	-	-	-	-	-	+	-	13	29
Carney	D	102	Meck.	+	+	+	+	+	+	+	+	100	N/A
Church	D	86	Burke	+	-	-	+	+	+	0	E	57	72
Clary	R	110	Cleveland	+	-	-	+	F	+	F	+	67	43
Coates	D	77	Rowan	+	-	-	+	+	+	+	+	75	71
Cole	D	65	Rockingham	+	-	-	+	+	+	+	+	75	63
Crawford	D	32	Granville	+	-	-	+	+	-	+	+	63	72
Creech	R	26	Johnston	0	0	-	0	+	-	+	-	25	50
Culp	R	67	Randolph	-	-	-	-	+	+	+	-	38	50
Culpepper	D	2	Chowan	+	-	-	+	+	+	+	+	75	86
Cunningham	D	107	Meck.	0	-	-	+	+	F	F	F	INC	85
Daughtridge	R	25	Nash	+	-	-	+	+	+	E	+	71	N/A
Daughtry	R	28	Johnston	-	-	-	-	+	+	+	-	38	58
Decker	D	94	Forsyth	+	-	-	+	+	-	+	-	50	36
Dickson	D	41	Cumberland	+	+	+	+	+	+	+	+	100	N/A
Dockham	R	80	Davidson	+	-	E	-	+	-	+	+	57	72
Earle	D	101	Meck.	+	-	-	+	+	+	+	+	75	100
Eddins	R	40	Wake	-	-	-	-	+	-	E	+	29	72
Ellis	R	39	Wake	E	-	-	-	+	+	+	+	57	77
England	D	112	Rutherford	+	-	-	+	+	+	+	+	75	N/A
Farmer-Butterfield	D	24	Wilson	0	-	-	-	+	+	+	+	50	N/A
Fox	D	27	Granville	+	-	-	+	+	+	+	+	75	72
Frye	R	84	Mitchell	+	-	+	-	+	-	+	+	63	N/A
Gibson	D	69	Montgomery	+	-	-	+	+	+	+	+	75	72
Gillespie	R	85	McDowell	-	-	-	-	+	-	+	-	25	43
Glazier	D	44	Cumberland	+	+	+	+	+	+	+	+	100	N/A
Goforth	D	115	Buncombe	+	-	-	+	+	+	+	+	75	N/A
Goodwin	D	68	Richmond	+	+	-	+	+	+	+	+	88	92
Gorman	R	3	Craven	+	-	-	-	0	-	+	-	25	N/A
Grady	R	15	Onslow	+	-	-	-	+	-	+	+	50	43
Gulley	R	103	Meck.	+	-	-	-	+	E	+	+	57	43
Hackney	D	54	Orange	+	+	+	+	+	+	+	+	100	93
Haire	D	119	Jackson	+	-	+	+	+	+	+	+	88	93

+: pro-conservation vote -: anti-conservation vote E: excused absence (not counted in final %)
0: did not vote (counted as a 0 in final %) INC: Members did not cast votes for a majority of votes N/A: No previous voting record

HOUSE	Party	District	County	Enforcement	Water Quality	Preservation	Transit Funding	Wildlife	Fisheries	Erosion	Permit Fees	2003 Long Session	2001-02 Score
Hall	D	7	Halifax	+	-	-	+	+	+	+	+	75	86
Harrell	D	90	Surrv	+	-	-	+	+	+	0	+	63	N/A
Hill	D	20	Columbus	+	-	-	+	+	-	+	+	63	72
Hilton	R	88	Catawba	-	-	-	-	+	-	+	+	38	25
Holliman	D	81	Davidson	+	-	-	+	F	+	+	+	71	79
Holmes	R	92	Yadkin	0	-	-	0	0	+	0	+	INC	50
Howard	R	79	Davie	+	-	-	-	+	-	+	+	50	57
Hunter	D	5	Hertford	0	+	-	0	0	+	0	+	INC	67
Insko	D	56	Orange	+	+	+	+	+	+	F	+	100	100
Jeffus	D	59	Guilford	+	-	-	+	+	+	+	+	75	93
Johnson, C	D	4	Pitt	+	-	-	+	+	+	+	+	75	N/A
Johnson, L	R	74	Cabarrus	+	-	-	-	+	+	+	+	63	50
Jones	D	60	Guilford	+	+	-	+	+	+	+	+	88	N/A
Justice	R	16	Pender	+	0	-	+	+	+	+	+	75	N/A
Justus	R	117	Henderson	+	-	-	-	+	-	+	+	50	N/A
Kiser	R	97	Lincoln	-	-	-	-	-	-	+	+	25	7
LaRogue	R	10	Lenoir	+	-	-	+	+	-	+	+	63	N/A
Lewis	R	53	Harnett	-	-	-	-	+	+	+	+	50	N/A
Lucas	D	42	Cumberland	+	-	-	+	+	+	+	+	75	72
Luebke	D	30	Durham	+	+	+	+	+	+	+	+	100	100
McAllister	D	43	Cumberland	+	-	-	+	+	+	+	+	75	71
McComas	R	19	New Hanover	+	-	-	+	+	+	+	+	75	86
McCombs	R	76	Rowan	+	-	-	-	+	-	+	+	50	58
McGee	R	93	Forsyth	-	-	+	-	+	+	+	+	63	N/A
McHenry	R	109	Gaston	-	-	-	+	-	-	+	-	25	N/A
McLawhorn	D	9	Pitt	+	+	-	+	+	+	+	+	88	86
McMahan	R	105	Meck.	+	-	-	+	+	+	+	+	75	72
Michaux	D	31	Durham	0	+	+	+	+	+	+	+	88	79
Miller	D	29	Durham	+	+	+	+	+	+	+	+	100	100
Miner	R	36	Wake	+	-	-	+	+	0	+	+	63	65
Mitchell	R	96	Iredell	-	-	-	-	+	-	+	-	25	50
Moore	R	111	Cleveland	-	-	-	-	+	-	+	-	25	N/A
Morgan	R	52	Moore	+	-	E	+	+	+	+	+	86	65
Munford	R	34	Wake	-	-	-	-	+	0	+	+	38	N/A
Nesbitt	D	114	Buncombe	+	+	-	+	+	-	F	+	71	79
Nve	D	22	Bladen	+	-	-	+	+	-	+	+	63	72
Owens	D	1	Pasquotank	+	-	-	+	+	-	+	+	63	72
Parmon	D	72	Forsyth	+	-	-	+	+	+	+	+	75	N/A
Pate	R	11	Wayne	+	-	+	+	+	-	+	+	75	N/A
Preston	R	13	Carteret	-	-	-	+	-	-	+	-	25	58
Rapp	D	118	Madison	+	+	+	+	+	+	+	+	100	N/A
Ray	R	95	Iredell	+	-	-	-	+	-	+	-	38	N/A
Ravfield	R	108	Gaston	-	-	-	-	-	-	+	-	13	29
Rhodes	R	98	Meck.	-	-	-	+	+	-	+	-	38	N/A
Ross	D	38	Wake	+	+	+	+	+	+	+	+	100	N/A
Sauls	R	51	Lee	-	+	-	+	+	+	+	+	75	N/A
Saunders	D	99	Meck.	+	-	-	+	+	+	+	+	75	79
Setzer	R	89	Catawba	-	-	-	-	+	+	+	+	50	29
Sexton	R	66	Rockingham	+	-	-	-	+	-	+	+	50	43
Sherrill	R	116	Buncombe	+	-	-	+	+	+	+	+	75	69

HOUSE	Party	District	County	Enforcement	Water Quality	Preservation	Transit Funding	Wildlife	Fisheries	Erosion	Permit Fees	2003 Long Session	2001-02 Score
Stam	R	37	Wake	+	-	-	-	+	+	+	+	63	N/A
Starnes	R	87	Caldwell	-	-	-	-	-	F	+	+	29	36
Stiller	R	17	Brunswick	+	+	+	+	+	+	+	+	100	N/A
Sutton	D	47	Robeson	+	-	-	+	+	+	+	+	75	92
Tolson	D	23	Edgecombe	+	-	-	+	+	+	+	+	75	79
Wainwright	D	12	Craven	+	-	-	+	+	+	F	+	71	70
Walend	R	113	Transylvania	-	-	-	-	+	E	+	-	29	65
Walker	R	83	Wilkes	+	-	-	+	+	+	+	+	75	57
Warner	D	45	Cumberland	+	-	-	+	E	E	+	-	50	86
Warren	D	8	Pitt	+	E	-	E	+	+	+	+	83	64
Weiss	D	35	Wake	+	+	+	+	+	+	+	+	100	100
West	R	120	Cherokee	-	-	-	-	+	-	+	+	38	36
Williams. A	D	6	Beaufort	+	-	-	+	+	-	F	+	57	N/A
Williams. K	R	14	Onslow	+	-	-	+	+	-	+	+	63	N/A
Wilson. C	R	104	Meck.	-	-	-	-	+	+	+	+	50	57
Wilson. G	R	82	Watauga	+	-	-	+	+	+	+	+	75	58
Womble	D	71	Forsyth	+	+	+	+	+	+	+	+	100	93
Wood	R	61	Guilford	-	-	-	-	+	-	+	-	25	N/A
Wright	D	18	New Hanover	+	-	-	+	+	-	+	+	63	79
Yongue	D	46	Scotland	+	-	-	+	+	+	+	+	75	93

Senate Vote Descriptions

While the Senate deserves praise this year for its effort to secure funding for the Clean Water Management Trust Fund (\$62 million for FY 2003-2004), the Senate failed to consider several of the positive environmental bills that were introduced this session. Two of the most important environmental bills introduced in the Senate, SB 989, a bill to improve water quality by reducing sedimentation, and SB 970, a bill to establish a statewide electronics recycling program, were bottled up in committee throughout the session, but remain eligible for consideration in 2004. Because of the Senate's lack of action on environmental bills this session, the scores of Senators in 2003 are not the best indicator of where they stand when forced to make a tough decision on the environment. Consequently, scores from previous sessions may serve as a better measure of a legislators commitment to environmental protection.

Wildlife Protection:

HB 825, Protect Certain Reptiles and Amphibians, second reading

This bill, sponsored by Sen. Charlie Albertson (D-Duplin), will stop the overharvesting of threatened reptiles and amphibians. The bill passed 45 to 3. **YES** was the conservation vote.

Status: The bill was signed into law by the Governor.

Erosion Control:

HB 1028, Erosion Control Structures, second reading

This bill, sponsored by Rep. Keith Williams (R-Onslow) and Rep. Carolyn Justice (R-Pender), authorizes the Coastal Resources Commission to create an ecological alternative for pro-

tecting shorelines from erosion along creeks and sounds. The bill passed 47 to 0. **YES** was the conservation vote.

Status: The bill was sent to the Governor.

Transit Funding:

HB 48, Moving Ahead Transportation Initiative, Amendment #3, motion to table

HB 48 reallocates \$700 million of road construction funds by shifting \$630 million of those funds to road maintenance and \$70 million to public transportation projects. Sen. Phil Berger (R-Rockingham) offered an amendment to place the \$70 million in public transportation money back into highway construction projects. In a procedural vote to defeat the amendment, the Senate voted to retain the funding for public transportation by a vote of 26 to 19. **YES** was the conservation vote.

Status: The bill was sent to the Governor.

Water Quality:

HB 566, Disapprove Swift Creek Classification, second reading

This bill overturns the administrative rule that classifies a portion of Swift Creek as an Outstanding Resource Water. The rule was put in place to preserve Swift Creek's excellent water quality and to protect threatened aquatic species. Although the version of the bill approved by the Senate was an improvement over the original bill, the legislation was still opposed by environmental organizations. The bill passed 26 to 13. **NO** was the conservation vote.

Status: The bill was sent to the Governor.

SENATE	Party	District	County	Wildlife Protection	Erosion Control	Transit Funding	Water Quality	2003 Long	2001 - 2002
Pro-conservation vote				YES	YES	YES	NO	%	%
Albertson	D	10	Duplin	+	+	+	+	100	76
Allran	R	44	Catawba	+	+	-	+	75	69
Apodaca	R	48	Henderson	+	+	-	-	50	NA
Ballantine	R	9	New Hanover	+	+	-	-	50	69
Basnight	D	1	Dare	+	+	E	-	67	83
Berger	R	26	Rockingham	+	+	-	-	50	69
Bingham	R	33	Davidson	+	+	+	E	100	69
Blake	R	22	Moore	+	+	-	-	50	NA
Brock	R	34	Davie	+	+	-	-	50	NA
Carpenter	R	50	Macon	-	+	-	-	25	76
Carrington	R	15	Wake	+	+	-	E	67	69
Clodfelter	D	37	Meck.	+	+	+	0	75	76
Dalton	D	46	Rutherford	+	+	+	-	75	55
Dannelly	D	38	Meck.	+	+	+	-	75	83
Dorsett	D	28	Guilford	+	+	+	+	100	NA
Forrester	R	42	Gaston	+	E	E	E	INC	57
Fox	R	45	Watauga	+	+	-	-	50	76
Garrou	D	32	Forsyth	+	+	+	+	100	83
Garwood	R	30	Wilkes	+	E	E	E	INC	79
Gulley	D	18	Durham	+	+	+	+	100	100
Hagan	D	27	Guilford	+	+	+	-	75	83
Hargett	D	6	Onslow	+	+	+	+	100	NA
Hartsell	R	36	Cabarrus	+	+	-	+	75	93
Holloman	D	4	Hertford	+	E	E	E	INC	NA
Horton	R	31	Forsyth	+	+	-	+	75	76
Hoyle	D	43	Gaston	+	+	+	-	75	55
Jenkins	D	3	Edgecombe	+	+	+	-	75	NA
Kerr	D	7	Wayne	+	+	+	-	75	49
Kinnaid	D	23	Orange	+	+	+	+	100	100
Lucas	D	20	Durham	+	+	+	+	100	90
Malone	D	14	Wake	+	+	+	+	100	NA
Metcalfe	D	49	Buncombe	+	+	+	-	75	82
Moore	D	5	Pitt	+	+	+	+	100	74
Pittenger	R	40	Meck.	-	+	-	E	33	NA
Purcell	D	25	Scotland	+	+	+	-	75	83
Queen	D	47	Haywood	+	+	E	E	INC	NA
Rand	D	19	Cumberland	+	+	+	-	75	76
Reeves	D	16	Wake	+	+	+	+	100	90
Rucho	R	39	Meck.	-	+	-	E	33	65
Shaw	D	21	Cumberland	+	+	+	-	75	90
Shubert	R	35	Union	+	+	-	-	50	NA
Sloan	R	41	Iredell	+	+	-	-	50	NA
Smith	R	12	Johnston	+	+	-	0	50	NA
Soles	D	8	Columbus	+	+	+	-	75	76
Stevens	R	17	Wake	+	+	-	0	50	NA
Swindell	D	11	Nash	+	+	+	-	75	86
Thomas	D	2	Craven	+	+	+	-	75	76
Tillman	R	29	Randolph	E	+	-	-	33	NA
Webster	R	24	Alamance	+	+	-	-	50	37
Weinstein	D	13	Robeson	E	+	+	-	67	82

Dishonor Roll

Unfortunately, there were many worthy candidates this year to include on our dishonor roll. However, a couple of legislators and one special interest group stand out for their anti-environmental efforts.

Representative Connie Wilson (R-Mecklenburg)

Rep. Connie Wilson was responsible for introducing two of the most potentially harmful pieces of legislation in recent years. She introduced HB 811, "Eliminate Two DENR Positions," which would have fired two state environmental regulators in the wetlands division because she believed their work was holding up road construction projects. Rep. Wilson also introduced HB 1041, "APA Rules" which would have made major changes to the administrative rulemaking process, including prohibiting the state from enacting more stringent state environmental regulations than those passed by the federal government. The consequences of such a prohibition would be dramatic. For example, HB 1041 would have undercut North Carolina's landmark Clean Smokestacks Act because the air quality improvements required by the bill are more stringent than the current federal standards. Fortunately, neither HB 811 nor HB 1041 was passed by the House during this session.

Senator Clark Jenkins (D-Edgecombe)

Sen. Clark Jenkins, serving his first term in the Senate, became a leading anti-conservation voice on the Senate Agriculture/ Environment Committee and on the Appropriations Committee. Before being elected to the Senate, Sen. Jenkins served on the North Carolina Board of Transportation, where he was often critical of environmental concerns that held up

transportation projects. As a member of the Senate, Jenkins raised these same issues noting that DENR's lack of cooperation slowed down transportation projects and hindered economic development. Sen. Jenkins was also the major proponent of HB 566 (Disapprove Swift Creek Classification), one of the most controversial environmental bills of the session, which overturned water quality protections for a unique stream in Eastern North Carolina.

North Carolina Home Builders Association

No other special interest group in 2003 was as influential in preventing positive action on environmental issues than the NC Home Builders Association. The Home Builders blocked legislation (SB 989, HB 953) designed to reduce the amount of sedimentation running off into our streams and rivers. The Home Builders also opposed SB 160, a bill to provide local governments with more authority to limit development and implement smart growth plans. Finally, the Home Builders were the driving force behind HB 566, a bill that overturned water quality protections approved by the Environmental Management Commission for a unique stream in Eastern North Carolina.

The Home Builders exert enormous influence at the legislature in large part because of their financial contributions to political candidates. According to Democracy North Carolina, in the 2002 election cycle, the NC Home Builders Association Political Action Committee (PAC) gave legislative candidates \$223,150, the second largest amount of any PAC. Of the 170 members in the current General Assembly, 136 (80%) received campaign contributions from the Home Builders PAC during the 2002 election season. v

Environmental Enforcement

Over the last several years, the General Assembly has passed laws designed to improve water and air quality in North Carolina. However, strong laws have little impact unless they are enforced. Inadequate funding of DENR and a lack of political will have undercut enforcement of the laws currently on the books to protect air, water and groundwater quality. In 2003, a handful of legislators began working to address this problem.

The strongest environmental enforcement legislation was introduced by **Rep. Jennifer Weiss** (D-Wake). HB 849, the "Environmental Enforcement Accountability Act," would provide for more public information on the enforcement process and create additional penalties for chronic environmental violators. The

bill was the subject of a Committee hearing in the House Environment Committee and ultimately was sent to the Environmental Review Commission for further study.

Rep. Bill Culpepper (D-Chowan) sponsored a bill, HB 868 "Improve Environmental Enforcement," that would increase the amount of monetary penalties that may be assessed for certain environmental violations. Thanks to the leadership of Rep. Culpepper the bill passed the House, but was not taken up in the Senate. HB 868 remains eligible for the 2004 session.

Two other noteworthy pieces of enforcement-related legislation were introduced this session, neither of which made it out of committee. First, **Senator Eric**

Reeves (D-Wake) introduced SB 989, "Water and Seafood Protection Act," which would impose fees on developers that build in the flood plain. Such fees would not only discourage inappropriate development, but the proceeds would support enforcement efforts because the money would be put into a special account to help fund water quality inspectors.

Recognizing the amount of funding cuts DENR has suffered over the last couple of years, **Rep. Paul Luebke**, (D-Durham) sponsored HB 1324, "Environmental Fees/ True Cost of Service," that would require an increase in environmental permit fees to generate additional revenue for DENR and make the agency less reliant on state appropriations. v

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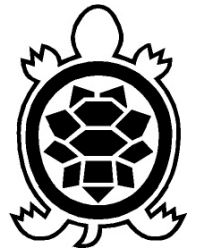
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