

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

2

HOUSE BILL 849
Committee Substitute Favorable 6/10/03

Short Title: Study Environmental Enforcement.

(Public)

Sponsors:

Referred to:

April 3, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE ENVIRONMENTAL REVIEW COMMISSION TO
2 STUDY ISSUES RELATED TO THE ESTABLISHMENT OF A LIST OF
3 CHRONIC ENVIRONMENTAL VIOLATORS, THE ESTABLISHMENT OF A
4 DATABASE OF ENFORCEMENT ACTIONS, AND OTHER MEASURES TO
5 REDUCE VIOLATIONS OF ENVIRONMENTAL LAWS.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** The Environmental Review Commission may study any of the
9 following:

- 10 (1) Whether the Department of Environment and Natural Resources
11 should establish a list of chronic violators of environmental laws. In its
12 conduct of this study, the Commission may consider the criteria for
13 being included on the list, the criteria for being removed from the list,
14 and the resources necessary to establish and maintain the list. The
15 Commission may also consider whether entities subject to Article 3 of
16 Chapter 143 of the General Statutes should be prohibited from entering
17 into contracts with persons that are included on the list.
- 18 (2) Whether the Department of Environment and Natural Resources
19 should establish a database of violations and enforcement actions taken
20 by the Department against violators of environmental laws. The
21 Commission may consider what information the database should
22 contain, how this information should be formatted, and the resources
23 necessary to establish and maintain the list.
- 24 (3) Whether the Department of Environment and Natural Resources
25 should consider the amount of money saved through noncompliance
26 when determining the amount of a civil penalty.

27 **SECTION 2.** The Environmental Review Commission may request the
28 assistance of the Department of Environment and Natural Resources and any other State
29 agency necessary to conduct any of the studies authorized by this act.

1 **SECTION 3.** The Environmental Review Commission shall report its
2 findings and recommendations, if any, including any legislative proposals, related to
3 any of the studies authorized by this act to the 2004 Regular Session of the 2003
4 General Assembly.

5 **SECTION 4.** This act is effective when it becomes law.