

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

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**HOUSE BILL 816
Corrected Copy 4/25/19**

Short Title: Study Biomanufacturing/Nutrient Allocation. (Public)

Sponsors: Representatives White, Reives, and Grange (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Environment, if favorable, Rules, Calendar, and Operations of the House

April 18, 2019

A BILL TO BE ENTITLED
AN ACT TO ESTABLISH THE JOINT SELECT COMMITTEE ON BIOMANUFACTURING
AND TO LOWER THE PURCHASE PRICE FOR NONPOINT SOURCE NUTRIENT
ALLOCATION FOR NEW AND EXPANDING WASTEWATER TREATMENT
PLANTS.

The General Assembly of North Carolina enacts:

BIOMANUFACTURING STUDY

SECTION 1. Establishment; membership; holdover of legislative members. – There is established the Joint Select Committee on Biomanufacturing. The membership is as follows:

- (1) Three members of the Senate appointed by the President Pro Tempore of the Senate.
- (2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (3) One member appointed by the Speaker of the House upon the recommendation of the North Carolina Biotechnology Center.
- (4) One member appointed by the President Pro Tempore of the Senate upon the recommendation of the North Carolina Biosciences Organization.
- (5) One member appointed by the President Pro Tempore of the Senate upon the recommendation of the Secretary of the Department of Environmental Quality.
- (6) One member appointed by the Speaker of the House upon the recommendation of the Secretary of Commerce.
- (7) One member appointed by the President Pro Tempore of the Senate upon the recommendation of the North Carolina Economic Development Association.
- (8) One member appointed by the Speaker of the House upon the recommendation of the North Carolina Manufacturers Alliance.
- (9) One member appointed by the President Pro Tempore of the Senate upon the recommendation of the President of The University of North Carolina.
- (10) One member appointed by the Speaker of the House upon the recommendation of the North Carolina Community College System.
- (11) The chair of the NCWorks Commission, ex officio.

Committee members who are members of the General Assembly may complete a term of service on the Committee even if they do not seek reelection or are not reelected to the General Assembly, but resignation or removal from service in the General Assembly constitutes



1 resignation or removal from service on the Committee. The appointing officer as set forth in this
2 section shall nominate persons to fill vacancies created by resignation or removal in the same
3 manner as the member was originally selected.

4 **SECTION 2.** Chairs; meetings; quorum. – The President Pro Tempore of the Senate
5 and the Speaker of the House of Representatives must each designate a cochair of the Committee.
6 The Committee shall meet upon the joint call of the cochairs. A quorum of the Committee is a
7 majority of its members.

8 **SECTION 3.** Purpose. – The Committee is directed to study what is needed to keep
9 North Carolina at the forefront of emerging biomanufacturing technologies and job creation,
10 including all of the following:

- 11 (1) Estimates of current and future biomanufacturing workforce needs and
12 identification of existing and potential bottlenecks that would limit or hinder
13 meeting those needs.
- 14 (2) Estimates of current and future biomanufacturing water and wastewater needs
15 and identification of existing and potential bottlenecks that would limit or
16 hinder meeting those needs.
- 17 (3) Assessment and characterization of the State's existing biomanufacturing
18 workforce education and training assets, together with an estimate of future
19 workforce training needs and identification of investments in personnel,
20 facilities, and equipment needed to meet those needs.
- 21 (4) Identification of locations in the State that can readily accommodate new
22 biomanufacturing operations.
- 23 (5) Identification of existing and emerging wastewater treatment strategies and
24 technologies that can be used to meet the State's biomanufacturing wastewater
25 treatment needs and remove bottlenecks identified in subdivision (2) of this
26 section.
- 27 (6) Any other recommendations as the Committee considers appropriate to
28 support the future growth of North Carolina's biomanufacturing sector.

29 **SECTION 4.** Per diem; staff. – Members of the Committee receive per diem,
30 subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate.
31 The Legislative Services Officer shall assign professional and clerical staff to assist the
32 Committee in its work.

33 **SECTION 5.** Report. – The Committee may submit an interim report to the 2019
34 Regular Session of the General Assembly prior to its reconvening in 2020 and shall make a final
35 report to the 2021 Regular Session of the General Assembly prior to its first convening after
36 adjourning its organizational session. The Committee shall also submit its report to the Secretary
37 of Commerce, the Secretary of Environmental Quality, the President of The University of North
38 Carolina, the President of the North Carolina Community College System, and other entities as
39 may be designated by the cochairs, the Speaker of the House, or the President Pro Tempore of
40 the Senate.

41 **SECTION 6.** Termination. – The Committee terminates when the 2021 Regular
42 Session of the General Assembly first convenes after adjourning its organizational session or
43 upon the filing of its final report, whichever occurs first.

44 **NUTRIENT SENSITIVE WATERS NONPOINT SOURCE ALLOCATION** 45 **PURCHASES**

46 **SECTION 7.(a)** Definitions. – "Nonpoint Source Allocation Purchase Rule" means
47 items (7)(b) and (8)(d) of 15A NCAC 02B .0234 (Neuse River Basin-Nutrient Sensitive Waters
48 Management Strategy: Wastewater Discharge Requirements) for purposes of this section and its
49 implementation.
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1 **SECTION 7.(b)** Nonpoint Source Allocation Purchase Rule. – Until the effective
2 date of the revised permanent rule that the Environmental Management Commission is required
3 to adopt pursuant to subsection (d) of this section, the Commission and local air permitting
4 programs shall implement the Nonpoint Source Allocation Purchase Rule as provided in
5 subsection (c) of this section.

6 **SECTION 7.(c)** Implementation. – In cases where new and expanding wastewater
7 treatment facilities cannot obtain estuary point source allocation and must purchase a portion of
8 the nonpoint source load allocation, the purchase rate shall be one hundred ten percent (110%)
9 of the cost as set in 15A NCAC 02B .0240.

10 **SECTION 7.(d)** Additional Rule-Making Authority. – The Commission shall adopt
11 a rule to amend the Nonpoint Source Allocation Purchase Rule consistent with subsection (c) of
12 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to
13 this subsection shall be substantively identical to the provisions of subsection (c) of this section.
14 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of
15 the General Statutes. Rules adopted pursuant to this section shall become effective as provided
16 in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in
17 G.S. 150B-21.3(b2).

18 **SECTION 7.(e)** Sunset. – This section expires when permanent rules adopted as
19 required by subsection (d) of this section become effective.

20 **SECTION 7.(f)** This section is effective when it becomes law.

21 **SECTION 8.** Section 7 of this act is effective when it becomes law. The remainder
22 of this act is effective July 1, 2019.