



The Conservation Council of North Carolina

...is a statewide non-profit organization dedicated to preserving our state's natural resources and protecting the public health through advocacy, education and collaboration. The Conservation Council supports a full time lobbyist at the state legislature to provide a voice for the public and to hold legislators accountable for their actions. The Conservation 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. In short, we strive to make elected officials pass legislation that protects our public health and preserves our natural resources, while at the same time encouraging conservationists to play a more active role in politics.

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A Message From Our President

The Conservation Council is a statewide conservation organization with members from Manteo to Murphy. Our involvement in the shaping of our state's environmental policy now spans more than three decades. And we continue to grow stronger and larger. Our membership reflects the concerns of most voters. We care about clean air, clean water, human health and the protection of our state's beautiful natural landscape.

Most citizens are not able to spend their days at the General Assembly, analyzing pieces of legislation for their effects on our state, or advocating on behalf of the public. The professional staff at CCNC however can – and does. That is one of the important roles we play in shaping public policy in North Carolina. However, we realize that our work in the General Assembly hinges on the public's understanding of the issues and the state's legislative process. And so, in our continuing effort to inform voters, I am pleased to present the Conservation Council's scorecard for the 2002 short session of the North Carolina General Assembly.

The bills selected for this year's scorecard represent those that we believe would have the most significant impact on the protection of public health and the environment. The votes listed are not a comprehensive list of all votes taken on environmental bills during the 2002 session, but are the votes judged to be the most important by the Conservation Council. While scorecards serve as a good indicator of where legislators stand on conservation issues, they do have limitations. Scorecards cannot reflect some of the important, but less tangible elements of legislative work, such as when a legislator actively worked behind the scenes to build support for a bill. For these reasons, we have chosen to add an additional section which notes specific actions taken by legislators that we believe are worth highlighting.

Our primary goal in releasing the annual scorecard is to evaluate the voting record of individual legislators on environmental issues and to share that analysis with the voting public. In doing so, we hope that citizens will hold their elected public officials accountable for their votes on the issues we all care so much about— clean air, clean water, the protection of human health and our state's natural beauty. Because who we elect matters.

Nina Szlosberg, President

Legislative Overview for 2002

When the General Assembly convened on May 28th for the short session, the issue that had dominated the 2001 long session, the state's budget crisis, continued to plague legislators throughout the 2002 session. North Carolina's budget situation worsened in 2002 as legislators were faced with a \$1.5 billion shortfall for the upcoming fiscal year. In an effort to address the shortfall, millions of dollars in state services and programs were cut and hundreds of state jobs were eliminated.

Despite the overwhelming focus on the budget crisis, the short session was a positive one for conservationists. The session included the passage of the landmark Clean Smokestacks bill in June, as well as inaction on a couple of harmful bills that would have threatened public health and environmental protections. The positive results of this session were due to two key factors: timely political leadership demonstrated by our elected officials and strong public involvement in conservation issues.

Widespread public input was most evident in the passage of the Clean Smokestacks bill. For over a year, citizens kept the pressure on legislators through calls, emails and letters to their elected officials in support of the bill. This pressure resulted in an agreement that will reduce the emissions of air pollutants produced by the fourteen coal-fired power plants in North Carolina (see sidebar: "Clean Smokestacks"). Strong public involvement also helped turn back potentially threatening legislation. For example, in late June clean water advocates from across the state traveled to Raleigh to meet with legislators and ask them to oppose a bill that would benefit polluters and put groundwater resources in jeopardy.

This session saw an increased effort in both the House and Senate to focus on consensus building before moving forward with controversial legislation. As a result, the majority of environmental legislation voted on this session had broad support and scores for individual legislators are much higher than in recent years. Consequently, a legislator's score from the 2001 long session, in which several controversial bills were considered, serves as a better indicator of how legislators stand on environmental issues when forced to make a tough choice.

AVERAGE PARTY SCORES

	2001 Long Session	2002 Short Session	2001 General Assembly Average
House			
Republicans	34%	68%	51%
Democrats	76%	86%	81%
Total House	55%	77%	66%
Senate			
Republicans	61%	81%	71%
Democrats	77%	79%	78%
Total Senate	72%	80%	76%

Work Left Undone

Despite some environmental accomplishments this session, a handful of good environmental bills were not considered this year and will be back up for discussion when the General Assembly returns in 2003. The first of these bills, HB 1565, would establish an electronics recycling program designed to keep toxic chemicals contained in televisions and computer monitors out of landfills. HB 1568, a bill to address the growing water quality problem of sedimentation in our rivers, was passed by the House in the waning days of the session, but was blocked in the Senate. HB 1761, a financing bill which would have created the opportunity for more land conservation efforts passed the House Environment Committee, but stalled at the end of session. In addition, SB 1260 which would have increased the use of renewable energy sources was modified so that a study commission would first look at the issue. These issues, along with possible legislation on environmental enforcement and smart growth, are all likely to be considered during the 2003 long session.

Noteworthy Actions

While scorecards serve as a good indicator of where legislators stand on conservation issues, they are an incomplete measure of a legislator's record. For example, a scorecard does not reflect when a vote is difficult to cast or when a legislator worked behind the scenes to achieve a positive result. This section, while not comprehensive, highlights a few legislators who championed important conservation issues in the 2002 short session. Some of the more noteworthy actions taken by legislators in 2002 to protect our public health and the environment include:

Senator **Steve Metcalf** (D-Buncombe) and Representative **Martin Nesbitt** (D-Buncombe) for sponsoring the Clean Smokestacks bill (SB 1078) and for their persistence in ensuring that the bill became and remained a top priority for the General Assembly. House Speaker **Jim Black** (D-Mecklenburg) also deserves praise for his pivotal decision to force action on the Clean Smokestacks bill.

Senator **Marc Basnight** (D-Dare) and the entire Senate for including \$70 million in funding for the Clean Water Management Trust Fund in the Senate budget. This

action was a remarkable accomplishment during one of the toughest budget years state government has ever experienced.

Senator **Fletcher Hartsell** (R-Cabarrus) for offering an amendment to SB 1161 that would ensure that farmers and other landowners who place their land under a conservation easement will not be faced with higher property taxes under the Present Use Value program. The full Senate unanimously adopted the amendment. Senator **Dan Clodfelter** (D-Mecklenburg) also played a key role in making sure that conservation interests were included in this bill.

Representative **Joe Hackney** (D-Orange) for offering an amendment to SB 1037 in the House Finance Committee. As passed by the Senate, SB 1037 would have allowed industries to make unlimited investments to build facilities before obtaining an air quality permit. The Hackney amendment scaled back the bill so that only modest pre-construction activities can take place before obtaining an air permit. The amendment received bi-partisan support and received strong vocal support from Representatives **Danny McComas**

(R-New Hanover), **Larry Womble** (D-Forsyth) and **Jennifer Weiss** (D-Wake). House Finance co-chair **Paul Luebke** (D-Durham) deserves credit for his hard work on this bill, as does House Finance co-chair **William Wainwright** (D-Craven) for allowing a lengthy and full debate on the amendment, which was approved by a vote of 15 to 14.

Senator **Wib Gulley** (D-Durham) for his work in protecting money that had been allocated for public transportation projects last year. In the 2001 session **Senator Gulley** helped secure \$120 million over three years for mass transit projects and his efforts this year ensured that the money would not be raided to help shore up the state's budget.

Senators **Fountain Odom** (D-Mecklenburg) and **Ellie Kinnaird** (D-Orange) and Representatives **Joe Hackney** (D-Orange), **Jennifer Weiss** (D-Wake) and **Verla Insko** (D-Orange) for championing legislation (SB 1255 and HB 1565) that would establish a statewide electronics recycling program. Although the bill was not passed, introduction of the legislation increased awareness of the growing problem of electronics waste and set the stage for action next year.

(cont'd on page 6)

House Vote Descriptions

The House's biggest accomplishment this year was the quick action it took to approve the Clean Smokestacks bill early in the session. Also of note was the role the House leadership played in intervening to ensure that legislation (SB 1037) regulating the approval of air quality permits contained limiting language to protect the integrity of the permitting process.

Clean Air:

SB 1078 – Improve Air Quality/Electric Utilities, second reading (double counted)

North Carolina enacted landmark environmental legislation this session with the passage of the Clean Smokestacks bill. Sponsored by Rep. Martin Nesbitt (D-Buncombe) and Sen. Steve Metcalf (D-Buncombe), the new law makes North Carolina a leader in improving air quality by reducing emissions of pollutants from coal-fired power plants by over 70%. The bill passed 111 to 4. **YES** was the conservation vote.

Clean Air Amendment:

SB 1078 – Improve Air Quality/Electric Utilities, Amendment #1

This "poison pill" amendment offered by Rep. Michael Harrington (R-Gaston) to the Clean Smokestacks bill would have modified the cost recovery provisions and was designed to unravel the compromise on the bill. The amendment failed, 99 to 16. **NO** was the conservation vote.

Scrap Tire:

HB 1578 – Remove Scrap Tire Sunset, second reading

This bill would permanently extend the advance disposal fee on the purchase of new tires which fund scrap tire collection programs to keep old tires out of landfills. This bill passed 100-13. **YES** was the conservation vote.

Coastal Resources:

HB 1540 – Disapprove CAMA Rule, second reading

This bill overturned a rule established by the Coastal Resources Commission that would have prohibited swimming pools from being built close to the ocean because of concerns about environmental impacts and property damage when storms hit our coast. This bill is the latest example of the legislature undermining administrative rules designed to protect the public. The bill passed 99 to 9. **NO** was the conservation vote.

Land Protection:

SB 1161 – Amend Use Value Statutes, third reading

This bill, which would modify the Present Use Value program, included language that would allow landowners to place property under conservation easements without being subject to tax penalties. The bill passed 99 to 11. **YES** was the conservation vote.

Clean Water:

HB 1568 – Sedimentation Act Amendments, third reading

This bill would make improvements to the Sedimentation Control Act, including increased inspections. Sedimentation in our rivers and streams is one of the biggest water quality problems in our state because of the adverse impact it has on drinking water supplies. The bill passed 77 to 19. **YES** was the conservation vote.

HOUSE	PARTY	DISTRICT	Clean Air *	Clean Air Amend.	Scrap Tire	Coastal Resources	Land Protection	Clean Water	2002 Short Session	2001 Long Session	2001 General Assembly Average
			YES	NO	YES	NO	YES	YES	%	%	%
PRO-Conservation Vote											
Speaker Black	D	36		The Speaker refrains from voting in most cases under House procedures.							
Adams	D	26	E	E	+	E	+	E	Inc.	Inc.	Inc.
Alexander	D	56	+	+	+	0	+	E	83	100	92
Allen	D	22	+	+	+	-	+	+	86	71	79
Allred	R	25	-	-	-	-	-	-	0	57	29
Arnold	R	72	+	-	E	-	+	+	67	29	48
Baddour	D	11	+	+	+	-	+	+	86	71	79
Baker	R	40	-	-	-	-	+	+	29	14	22
Barbee	R	82	+	+	+	-	+	+	86	29	58
Barefoot	D	44	+	+	+	-	+	E	83	100	92
Barnhart	R	81	+	+	+	-	+	-	71	14	43
Bell	D	97	+	+	+	-	+	+	86	71	79
Blue	D	21	+	+	+	E	E	E	Inc.	100	100
Blust	R	27	+	+	+	-	+	-	71	43	57
Bonner	D	87	+	+	+	-	+	E	83	80	82
Bowie	R	29	+	+	+	-	0	+	71	57	64
Boyd-McIntyre	D	28	+	+	+	-	+	+	86	71	79
Brubaker	R	38	+	-	+	-	-	E	50	14	32
Buchanan	R	46	+	+	+	-	+	+	86	43	65
Capps	R	92	+	-	-	-	+	-	43	14	29
Carpenter	R	52	+	+	+	+	+	-	86	57	72
Church	D	47	+	+	+	E	+	+	100	43	72
Clary	R	48	+	-	+	-	+	+	71	14	43
Coates	D	35	+	+	+	-	0	+	71	71	71
Cole	D	25	+	+	+	-	+	+	86	Inc.	63
Cox	D	19	+	+	+	-	+	+	86	29	58
Crawford, J	D	22	+	+	+	-	+	+	86	57	72
Crawford, M	R	51	+	+	+	-	-	-	57	29	43
Creech	R	20	+	+	-	-	-	+	57	43	50
Culp	R	30	+	-	+	-	+	+	71	29	50
Culpepper	D	86	+	+	+	-	+	+	86	86	86
Cunningham	D	59	+	+	E	-	+	+	83	86	85
Daughtry	R	95	+	+	+	-	+	+	86	29	58
Davis	R	19	-	+	-	-	0	+	29	25	27
Decker	R	84	+	+	-	-	+	0	57	14	36
Dedmon	D	48	+	+	+	-	+	+	86	71	79
Dockham	R	94	+	+	+	-	+	+	86	57	72
Earle	D	60	+	+	+	E	+	+	100	100	100
Easterling	D	58	+	+	+	-	+	+	86	100	93
Eddins	R	65	+	+	-	-	+	+	71	14	43
Edwards	D	2	+	+	+	0	+	+	86	57	72
Ellis	R	15	+	+	E	-	+	+	83	71	77
Esposito	R	88	+	+	+	-	+	+	86	14	50
Fox	D	78	+	+	+	-	+	+	86	57	72
Gibson	D	33	+	+	+	-	+	+	86	57	72
Gillespie	R	49	+	+	+	-	+	-	71	14	43
Goodwin	D	32	+	+	+	-	+	E	83	100	92
Grady	R	80	+	+	-	-	-	+	57	29	43
Gray	R	39	+	+	+	-	+	+	86	100	93
Gulley	R	69	+	-	+	-	-	+	57	29	43
Hackney	D	24	+	+	+	+	+	+	100	86	93
Haire	D	52	+	+	+	-	+	+	86	100	93
Hall	D	7	+	+	+	-	+	+	86	86	86
Harrington	R	76	+	-	-	-	+	+	57	43	50

* Because of the importance of the Smokestacks Bill, this vote is being double-counted.

KEY: + pro-conservation vote - anti-conservation vote
E excused absence (not counted in final %) 0 did not vote (counted as a - vote in final %)
Inc. members who did not cast votes for a majority of the scored votes were given an incomplete

SENATE	PARTY	DISTRICT	Clean Air *	Land Protection	Scrap Tire	Coastal Resources	2002 Short Session	2001 Long Session	2001 General Assembly Average
PRO-Conservation Vote			YES	YES	YES	NO	%	%	%
Albertson	D	5	+	+	+	-	80	71	76
Allran	R	26	+	+	+	-	80	57	69
Ballance	D	2	+	E	+	0	75	71	73
Ballantine	R	4	+	+	+	-	80	57	69
Basnight	D	1	+	+	+	-	80	86	83
Berger	R	12	+	+	+	-	80	57	69
Bingham	R	38	+	+	+	-	80	57	69
Carpenter	R	42	+	+	+	-	80	71	76
Carrington	R	36	+	+	+	-	80	57	69
Carter	D	28	0	+	+	-	40	83	62
Clark	D	7	+	+	+	-	80	n/a	n/a
Clodfelter	D	40	+	+	+	0	80	71	76
Cunningham	D	23	+	+	+	-	80	57	69
Dalton	D	37	+	+	+	-	80	29	55
Dannelly	D	33	+	+	+	-	80	86	83
Forrester	R	39	+	+	+	-	80	33	57
Foxx	R	12	+	+	+	-	80	71	76
Garrou	D	20	+	+	+	-	80	86	83
Garwood	R	27	+	+	+	E	100	57	79
Gulley	D	13	+	+	+	+	100	100	100
Hagan	D	32	+	+	+	-	80	86	83
Harris	D	15	+	+	+	-	80	57	69
Hartsell	R	22	+	+	+	E	100	86	93
Horton	R	20	+	+	+	0	80	71	76
Hoyle	D	25	+	+	+	-	80	29	55
Kerr	D	8	0	+	+	-	40	57	49
Kinnaird	D	16	+	+	+	+	100	100	100
Lee	D	16	+	+	+	E	100	86	93
Lucas	D	13	+	+	+	-	80	100	90
Martin, R.	D	6	0	+	+	0	40	Inc.	Inc.
Martin, W.	D	31	+	+	+	-	80	71	76
Metcalf	D	28	+	+	+	-	80	83	82
Miller	D	14	+	+	+	+	100	100	100
Moore	R	27	+	+	+	-	80	67	74
Odom	D	34	+	E	+	-	75	86	81
Plyler	D	17	+	+	+	-	80	57	69
Purcell	D	17	+	+	+	-	80	86	83
Rand	D	24	+	+	+	-	80	71	76
Reeves	D	14	+	+	+	-	80	100	90
Robinson	D	29	+	+	+	-	80	86	83
Rucho	R	35	+	+	+	E	100	29	65
Shaw, L	D	41	+	+	+	-	80	100	90
Shaw, R.	R	19	+	+	+	-	80	100	90
Soles	D	18	+	+	+	-	80	71	76
Swindell	D	10	+	+	+	E	100	71	86
Thomas	D	3	+	+	+	-	80	71	76
Warren	D	9	E	+	+	-	67	60	64
Webster	R	21	-	+	+	-	40	33	37
Weinstein	D	30	+	+	+	-	80	83	82
Wellons	D	11	+	+	+	-	80	100	90

* Because of the importance of the Smokestacks Bill, this vote is being double-counted.

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E excused absence (not counted in final %) 0 did not vote (counted as a - vote in final %)
Inc. members who did not cast votes for a majority of the scored votes were given an incomplete

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Clean Smokestacks

The North Carolina General Assembly passed landmark environmental legislation early in the 2002 session with the adoption of SB 1078, the Clean Smokestacks bill. This legislation, sponsored by Senator Steve Metcalf and Representative Martin Nesbitt, will improve air quality in NC by requiring the fourteen coal burning power plants in the state to reduce emissions of air pollutants by over seventy percent. Passage of this bill makes North Carolina the first southern state to impose air pollution standards on coal burning plants.

After passage by the Senate last year, the Clean Smokestacks bill stalled in the House because of concerns about higher electric rates. In April 2002, Governor Mike Easley announced a compromise proposal that received the backing of the legislative leadership, the utilities, the business industry and environmental organizations. This compromise required the same emission reductions as the original bill, but would also freeze electric rates at current levels for five years. While the political players on this bill were critical, the Clean Smokestacks bill would never have been enacted without the tremendous outpouring of public support from across the state. The message to legislators was that the public would not allow the bill to remain bottled up. As Rep. Nesbitt said at the bill signing ceremony, "This bill had ten good chances to die, but the public wouldn't let it."



2002 SCORECARD FOR THE GENERAL ASSEMBLY

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