



CONSERVATION COUNCIL OF NORTH CAROLINA'S LEGISLATIVE SCORECARD 2000 Session of the 1999 General Assembly

Overview of the 2000 Session

Conservation Council of North Carolina (CCNC) is a statewide organization dedicated to protecting, preserving, and restoring NC's environment through advocacy, education, and collaboration. CCNC supports a full-time environmental lobbyist to provide a consistent voice for the environment where decisions are being made. CCNC's non-partisan Political Committee, the **Conservation PAC**, takes a more active role in the political process by supporting legislative candidates who will protect the environment, and holding legislators accountable for their actions. CCNC is growing stronger with your support.

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During the session that convened in May of 2000, the General Assembly was faced with a number of challenges in environmental policy. The General Assembly responded with incremental positive steps to these challenges.

The Short Session of the General Assembly, which meets during even numbered years, is intended primarily as a budget adjustment session, making necessary changes to the two-year budget passed during the preceding Long Session. Although faced with a significant budget gap when they came in, legislators managed to pass a budget by June 30, marking the first time since the 1979-80 Session that a budget was passed before the end of the fiscal year in both halves of the biennium. The speed with which the budget was deliberated lent an air of haste to all matters under consideration.

The 2000 session saw a continuation of the themes of the 1999 session; consensus was the hallmark of most issues brought to the floor in both the House and the Senate. Divisive points of legislation were usually negotiated (or dropped) before bills were brought up in committee, or on the floor. Once again, this led to generally weaker environmental legislation being considered, although most was positive. [See "Incomplete" and "Intercepted."]

Members of CCNC and other conservation organizations provided an impetus for positive legislation, and worked to stop negative legislation. The bills chosen for the Scorecard represent those that we believe will have the most significant impact on environmental protection. Bills listed are not all of the environmental bills of the session, but those judged to be important to the environmental community in general. Votes counted for scoring may not be the final rollcall, but were the most indicative for each bill.

Scores were mixed in 2000, slightly down from their 1999 averages (see chart). Both scorecards reflect "grade inflation," as the bills voted on each session were generally modest in scope and environmental impact.

AVERAGE PARTY SCORES		
House	2000 Env. Score	1999 Env. Score
Democrats	85%	91%
Republicans	50%	64%
Total House	69%	79%
Senate		
Democrats	92%	95%
Republicans	68%	78%
Total Senate	85%	90%

2000 House Vote Descriptions



The 2000 Session was more tumultuous for the environment than the 1999 edition. The House took first action on two prominent issues, air quality and floodplain protection. There was significant debate on these issues leading to eventual passage of legislation supported by the conservation community. The House saw tremendous controversy surrounding the extension of the moratorium on new billboards for I-40. Although eventually approved, the debate included some of the closest environmentally significant votes of the biennium. Additionally, the “Environmental Excellence” controversy (see box) was largely focused in the House.

1 SB 1275, Extend Billboard Moratorium, 2nd reading. An extremely controversial issue during the 2000 legislative session was the extension of a law passed during 1999 that prohibited the erection of new billboards along I-40 from the Orange-Alamance line to Wilmington. While it passed last year with little fanfare, the fight to extend it was a difficult one. Despite the support of the Governor’s office, the legislation lost on this vote, 54-55. **AYE** was the conservation vote.

2 SB 1275, Extend Billboard Moratorium, 3rd reading. The billboard moratorium story did not end when it was initially defeated. After the vote “killing” the bill, the Administration and the conservation

community mobilized to change votes. In a rare move, the day after the vote to kill the bill, a motion to “reconsider the vote” was made, leading to the eventual passage of the legislation, 67-42. **AYE** was the conservation vote.

3 HB 1288, Establish Metropolitan Planning Boards, Concurrence. During 1999, the House passed a bill to establish local transportation planning organizations (MPOs) under state law. During the 2000 session, the bill was improved, providing incentives for these planning groups to include all local governments in a region, and to require a coordinated clean-air plan from each region suffering from significant air pollution. The bill passed, 78-33. **AYE** was the conservation vote.

4 HB 1638, I/M Technology & Fee Amendments, Amendment 1. In 1999, the General Assembly passed significant air quality legislation. One item, the fee for the expanded inspection and maintenance (I/M) program, was left to the 2000 session. During the interim, EPA settled on a different inspection technology. This year’s bill changed the technology and removed the requirement to set a new fee. Rep. Nelson Cole (D-Alamance) introduced amendment 1 to exclude from I/M inspection cars less than a year old when sold. The conservation community opposed this breach in the program’s integrity. The amendment passed, 60-44. **NO** was the pro-

environment vote.

5 HB 1638, I/M Technology & Fee Amendments, Concurrence. The Senate amended the I/M legislation to dramatically limit the impact of the Cole amendment. The conservation community fully supported the legislation when it returned to the House for concurrence. The bill was approved 103-4. **AYE** was the conservation vote.

6 SB 1328, Million Acre Open Space Goal, 3rd reading. Governor Hunt proposed an initiative for a state goal to preserve an additional million acres of open space. The General Assembly took up a measure to codify this goal during the session. Although it does not appropriate funding to achieve the goal, the conservation community supported this measure as an important political statement about the need to preserve dwindling open space. The measure passed, 100-12. **AYE** was the conservation vote.

7 HB 1602, Stormwater Utility Fees, 3rd reading. Local governments have been challenged in court over their method of funding stormwater control programs. This legislation clarified that fees could be used to support the entire program, including public education. This bill was a top priority for local governments during this session, and was supported by the conservation community. It passed, 96-13. **AYE** was the conservation vote.

INTERCEPTED

Environmental “Excellence”: The most controversial piece of environmental legislation did not reach the floor of either house during the legislative session. HB 1580, Environmental Excellence Agreements, by Rep. Pryor Gibson (D-Anson), would have allowed the Secretary of Environment and Natural Resources to make agreements with industry that would violate environmental standards—without public hearings or oversight. Due to its potential to undermine many areas of environmental protection in North Carolina, the conservation community considered this to be the worst piece of legislation introduced in 5 years.

Although no consensus on this threatening bill was ever reached, in the waning days of the session, it was pushed through the House Environment Committee. Speaker Jim Black (D-Mecklenburg) and the other members of the House leadership understood the controversial nature of the legislation, and kept it from coming to the floor.

2000 House Vote Descriptions



8 SB 1329, Additional Notice/ Mining Permit Application, 2nd reading. Recent events in Western NC revealed a loophole in the state's

Mining Act, which allowed mine operators to avoid giving notice to neighbors about proposed new mines by effectively "becoming their own neighbor." After long discussions

with the industry, consensus legislation which partially closes the loophole was passed by the General Assembly. The measure passed 101-2. **AYE** was the conservation vote.

2000 House Votes



HOUSE		District	1	2	3	4	5	6	7	8	2000 % ENV	1999 % ENV
PRO-ENV. VOTE			Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	100%	100%
Speaker Black	D	36	+	+	0	0	0	+	0	0	100	89
Adams	D	26	-	+	+	0	0	+	+	+	63	71
Alexander	D	9	+	+	+	+	+	+	+	+	100	100
Allen	D	56	+	+	+	0	+	+	+	+	88	89
Allred	R	25	-	-	-	-	-	+	+	+	38	56
Arnold	R	72	-	-	+	-	+	+	+	+	63	67
Baddour	D	11	+	+	+	+	+	+	+	+	100	100
Baker	R	40	-	-	-	-	+	+	-	+	38	11
Barbee	R	82	-	0	+	+	+	+	+	+	75	100
Barefoot	D	52	+	+	-	-	+	+	+	+	75	89
Berry	R	45	-	-	-	-	-	-	-	+	13	33
Blue	D	21	+	+	+	+	+	+	+	+	100	100
Bonner	D	87	+	+	+	-	+	+	+	+	88	100
Bowie	R	29	+	+	+	+	+	+	+	+	100	89
Boyd-Mcintyre	D	28	+	+	+	-	+	+	+	+	88	100
Bridgeman	D	76	+	+	-	+	+	+	+	+	88	89
Brown	R	41	-	-	-	0	+	+	+	0	38	29
Brubaker	R	38	-	-	E	-	+	+	+	E	50	67
Buchanan	R	46	-	E	+	-	E	-	E	0	20	78
Cansler	R	51	+	+	+	-	+	+	+	+	88	89
Capps	R	92	-	-	+	-	+	+	-	+	50	44
Church	D	47	+	+	+	0	+	+	+	0	75	100
Clary	R	48	+	+	+	-	+	+	-	0	63	44
Cole	D	25	-	-	+	-	+	+	+	+	63	67
Cox	D	19	-	-	+	+	+	+	+	+	75	100
Crawford	D	22	-	-	+	-	+	+	+	+	63	89
Creech	R	20	-	-	-	-	+	-	-	+	25	67
Culp	R	30	-	-	-	-	+	+	+	+	50	100
Culpepper	D	86	+	+	+	+	+	+	+	+	100	88
Cunningham	D	59	+	+	+	+	+	+	0	+	88	100
Daughtry	R	95	-	-	-	-	0	E	+	+	29	86
Davis	R	19	-	-	-	-	0	-	-	+	13	60
Decker	R	84	-	-	-	-	+	-	+	+	38	20
Dedmon	D	48	+	+	+	-	+	+	+	+	88	100
Dockham	R	94	-	-	+	+	+	E	+	+	71	50
Earle	D	60	+	+	+	+	+	+	+	0	88	100
Easterling	D	58	+	+	0	0	+	+	+	+	75	100
Eddins	R	65	-	-	-	-	+	+	-	+	38	56
Edwards	D	2	-	+	+	+	+	+	+	+	88	100
Ellis	R	15	-	-	-	+	+	+	-	+	50	56
Esposito	R	88	-	-	+	E	+	+	+	+	71	75

+ pro-environment vote; - anti-environment vote; 0 did not vote (= a " " vote); E excused absence (not used in final %)

2000 House Votes



HOUSE		District	①	②	③	④	⑤	⑥	⑦	⑧	2000 % ENV	1999 % ENV
Fitch	D	70	0	+	+	0	+	+	+	0	63	100
Ford	D	97	+	+	+	+	+	+	+	+	100	
Fox	D	78	-	-	+	-	+	+	E	+	57	100
Gardner	R	35	-	-	-	-	-	0	+	+	25	67
Gibson	D	33	-	+	+	+	+	+	+	+	88	100
Gillespie	R	49	-	-	-	-	+	+	-	-	25	56
Goodwin	D	32	+	+	+	+	+	+	+	+	100	100
Grady	R	80	-	-	-	-	0	+	+	+	38	67
Gray	R	39	+	+	+	+	+	+	+	E	100	100
Gulley	R	69	-	-	-	-	+	+	+	+	50	78
Hackney	D	24	+	+	+	+	+	+	+	+	100	100
Haire	D	52	+	+	+	E	+	+	+	+	100	100
Hall	D	7	+	+	E	+	+	+	+	+	100	
Hensley	D	64	+	+	+	+	+	+	+	+	100	100
Hiatt	R	40	E	E	-	-	E	+	-	+	33	22
Hill	D	14	+	+	+	-	+	+	+	+	88	100
Holmes	R	41	-	-	E	0	+	E	0	E	20	44
Horn	D	48	+	+	+	+	+	+	+	+	100	100
Howard	R	74	-	-	-	-	+	-	-	+	25	78
Hunter	D	5	-	+	+	+	+	+	0	0	63	67
Hurley	D	18	+	E	+	-	+	+	+	+	86	100
Insko	D	24	+	+	+	E	+	+	+	+	100	100
Jarrell	D	89	+	+	+	-	+	+	+	+	88	100
Jeffus	D	89	-	+	+	+	+	+	+	+	88	100
Justus	R	50	-	-	+	-	+	-	+	E	43	44
Kinney	D	17	E	E	E	E	E	E	E	E	E	0
Kiser	R	45	-	-	-	-	0	-	+	+	25	33
Luebke	D	23	E	+	+	+	+	+	+	+	100	100
McAllister	D	17	+	+	+	+	0	+	+	+	88	78
McComas	R	13	+	+	-	-	+	+	E	+	71	100
McCombs	R	83	-	0	+	-	+	+	+	+	63	67
McCrary	D	37	+	+	+	+	+	+	+	+	100	86
McLawhorn	D	9	+	+	+	+	+	+	+	+	100	100
McMahan	R	55	-	-	+	+	+	E	+	+	71	100
Melton	D	34	+	+	+	+	+	+	+	+	100	100
Michaux	D	23	+	+	+	+	+	+	+	+	100	100
Miller	D	23	+	+	+	+	+	+	+	+	100	100
Miner	R	62	E	+	-	-	+	+	+	+	71	88
Mitchell	R	42	-	-	-	-	+	+	+	+	50	67
Morgan	R	31	E	E	+	-	+	+	+	+	83	88
Morris	R	18	-	-	-	-	+	-	+	+	38	78
Nesbitt	D	51	+	+	+	0	+	+	+	+	88	89
Nye	D	96	+	+	+	-	+	+	+	+	88	89
Oldham	D	67	+	+	+	+	+	+	+	+	100	100
Owens	D	1	-	-	+	-	+	+	+	+	63	78
Pope	R	61	+	+	-	+	+	+	-	+	75	100
Preston	R	4	-	+	-	-	+	+	+	+	63	67
Ramsey	D	52	E	E	E	E	E	E	E	E	E	75
Rayfield	R	93	-	-	-	-	-	+	+	+	38	56
Redwine	D	14	+	+	0	-	+	+	+	+	75	100
Rogers	D	6	+	+	+	-	+	+	+	+	88	88
Russell	R	77	-	0	-	-	+	+	+	+	50	78

+ pro-environment vote; - anti-environment vote; 0 did not vote (= a “-” vote); E excused absence (not used in final %)

2000 House Votes



HOUSE		District	①	②	③	④	⑤	⑥	⑦	⑧	2000 % ENV	1999 % ENV
Saunders	D	54	+	+	+	+	+	+	+	+	100	100
Setzer	R	43	-	-	+	-	+	+	E	+	57	56
Sexton	R	73	-	-	+	-	+	+	+	+	63	44
Sherrill	R	51	+	+	-	-	+	+	+	E	71	88
Smith	D	4	-	-	+	-	+	+	+	+	63	75
Sossamon	D	90	+	+	+	+	+	+	+	+	100	
Starnes	R	91	-	-	-	-	0	-	-	+	13	33
Sutton	D	85	-	+	+	0	+	+	+	+	75	75
Tallent	R	81	E	E	0	0	E	E	0	E	E	50
Teague	R	25	-	-	-	-	+	+	+	+	50	38
Thomas	D	3	+	+	+	+	+	+	+	+	100	100
Thompson	R	46	+	+	+	-	+	-	+	+	75	78
Tolson	D	71	+	+	+	-	+	+	+	+	88	100
Tucker	D	10	-	+	+	+	+	+	+	+	88	100
Wainwright	D	79	+	+	+	+	+	+	+	+	100	100
Walend	R	68	-	-	+	-	+	+	+	+	63	75
Warner	D	75	+	+	+	-	+	+	+	+	88	83
Warren	D	8	-	+	+	+	+	+	+	+	88	100
Warwick	D	12	-	-	+	+	+	+	+	+	75	67
Weiss	D	63	+	+	+	+	+	+	+	+	100	
West	R	53	E	-	+	-	+	-	+	-	38	
Wilson, C.	R	57	-	0	+	+	+	+	+	+	75	78
Wilson, G.	R	40	-	-	-	-	+	+	+	0	38	67
Womble	D	66	+	+	+	+	+	+	+	+	100	78
Wood	R	27	E	+	-	-	+	+	+	+	71	33
Wright	D	98	E	+	+	+	+	+	+	+	100	100
Yongue	D	16	+	+	+	-	+	+	+	+	88	100

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+ pro-environment vote; _ anti-environment vote; 0 did not vote (= a “_” vote); E excused absence (not used in final %)

2000 Senate Vote Descriptions



As in recent years, most environmental issues were well received in the Senate. An important exception to this was floodplain protection legislation. (see box). The Senate passed, often by wide margins, bills that provided modest gains for the environment. Additionally, the Senate took significant action when it incorporated a proposal to increase the Clean Water Management Trust Fund to \$100 million over the course of three years into their version of the budget. The measure, introduced by Senators Metcalf (D-Buncombe), Carter (D-Buncombe), and Robinson (D-Jackson), was eventually adopted in the final budget.

① **SB 1275, Extend Billboard Moratorium, 2nd reading.** The extension of the I-40 billboard moratorium was a controversial one

in both the House and Senate. After significant debate, the Senate passed the measure, 29-10. The conservation vote was **AYE**.

② **HB 1638, I/M Technology Amends/CMAQ Funds, Amendment 1.** The legislation concerning inspection and maintenance of automobile emissions systems was amended in the House to exclude cars less than 12 months old from testing. In the Senate Agriculture, Environment, and Natural Resources committee, this was significantly limited. When the bill came to the floor of the Senate, Sen. Betsy Cochrane (R-Davie) put forward an amendment to extend the period during which cars were exempt from I/M inspections to 24 months. The amendment was defeated, 15-32. **NO** was the pro-environment vote.

③ **HB 1638, I/M Technology Amends/CMAQ Funds, 2nd reading.** This legislation finalized

and updated the I/M program initiated in 1999. After limiting a negative House amendment, the Senate passed this legislation overwhelmingly, 47-1. **AYE** was the pro-environment vote.

④ **HB 1602, Stormwater Utility Fees, 3rd reading.** Local governments have been challenged in court over their method of funding stormwater control programs. This legislation clarified that fees could be used to support the entire program, including public education. This bill was a top priority for local governments during this session. The conservation community supported this legislation. The bill passed 43-4. **AYE** was the pro-environment vote.

⑤ **HB 1288, Establish Metropolitan Planning Boards, 3rd reading.** This legislation, championed by Sen. Dan Clodfelter, (D-Mecklenburg) provides incentives for local transportation planning organizations to work together, and requires the creation of regional air-quality protection plans in polluted areas. The measure passed 47-0. **AYE** was the conservation vote.

⑥ **SB 1328, Million Acre Open Space Goal, 3rd reading.** Sen. Fountain Odom (D-Mecklenburg) sponsored legislation codifying a goal to protect an additional million acres of open space in North Carolina. Although it provides no funding, it is an important political tool, with broad support. The measure passed, 47-1. **AYE** is the conservation vote.

INCOMPLETE

Floodplains: When the General Assembly convened in May, one of the topics certain to come under consideration was a look at the state's floodplain protection laws. Hurricane Floyd dramatically demonstrated the need for reconsideration of this area. The Hunt Administration proposed legislation which would have prevented local governments from receiving state dollars for future disaster relief and infrastructure development unless they developed local ordinances which required new development to be elevated 2 feet above the floodplain. That bill would also have prohibited some uses, like junkyards, from being located in the 100 year floodplain.

This proved too controversial for the General Assembly. After objections from local government groups and others, the measure was scaled back in the House, dropping the requirement from 2 feet to one foot, and relying on incentives rather than a mandate. Even this proved too much for the Senate, which approved legislation on the final day of the session that abandoned the elevation requirement, and retained only the prohibition on uses.

Although the conservation community urged passage of the final bill for the incremental gain to environmental protection, it fell so far short of expectations that it was not considered in the development of the *Scorecard*.



2000 Senate Votes



SENATE		District	①	②	③	④	⑤	⑥	2000 % ENV	1999 % ENV
PRO-ENV. VOTE			Yes	No	Yes	Yes	Yes	Yes	100%	100%
Albertson	D	5	-	+	+	+	+	+	83	100
Allran	R	26	+	-	+	+	+	+	83	86
Ballance	D	2	+	+	+	+	+	+	100	86
Ballantine	R	4	+	-	+	+	+	+	83	86
Basnight	D	1	+	0	0	+	+	+	67	71
Carpenter	R	42	-	-	+	+	+	-	50	100
Carrington	R	36	+	-	+	+	+	+	83	86
Carter	D	28	+	+	+	+	+	+	100	100
Clodfelter	D	40	+	+	+	+	+	+	100	100
Cochrane	R	38	-	-	+	-	+	+	50	80
Cooper	D	10	0	+	+	+	+	+	83	86
Dalton	D	37	+	+	+	+	+	+	100	100
Dannelly	D	33	+	+	+	+	+	+	100	100
East	R	12	E	-	-	E	+	+	50	86
Forrester	R	39	+	-	+	+	+	+	83	86
Foxx	R	12	+	-	+	+	+	+	83	86
Garrou	D	20	+	+	+	+	+	+	100	100
Garwood	R	27	+	-	+	+	+	+	83	57
Gulley	D	13	+	0	+	+	+	+	83	100
Hagan	D	32	+	+	+	+	+	+	100	100
Harris	D	15	-	+	+	+	+	+	83	100
Hartsell	R	22	0	-	+	+	+	+	67	86
Horton	R	20	+	-	+	-	+	+	67	57
Hoyle	D	25	-	+	+	+	+	+	83	86
Jordan	D	7	+	+	+	+	+	+	100	100
Kerr	D	8	+	+	+	+	+	+	100	86
Kinnaird	D	16	+	+	+	+	+	+	100	100
Lee	D	16	+	+	+	+	+	+	100	100
Lucas	D	13	+	+	+	+	+	+	100	100
Martin, R.	D	6	-	E	E	+	E	E	50	83
Martin, W.	D	31	0	+	+	+	+	+	83	100
Metcalf	D	28	E	+	+	+	+	+	100	100
Miller	D	14	+	+	+	+	+	+	100	86
Moore	R	27	-	-	+	+	+	+	67	71
Odom	D	34	E	+	+	+	+	+	100	86
Perdue	D	3	E	+	+	+	+	+	100	100
Phillips	D	23	+	+	+	+	+	+	100	100
Plyler	D	17	E	+	+	+	+	+	100	100
Purcell	D	17	+	+	+	+	+	+	100	100
Rand	D	24	+	+	+	+	+	0	83	100
Reeves	D	14	+	+	+	+	+	+	100	86
Robinson	D	29	E	+	+	E	+	+	100	100
Rucho	R	35	-	-	+	+	+	+	67	67
Shaw, L.	D	41	0	+	+	+	0	+	67	100
Shaw, R.	R	19	+	-	+	-	+	+	67	86
Soles	D	18	+	+	+	+	+	+	100	86
Warren	D	9	E	+	+	0	+	+	80	100
Webster	R	21	-	-	+	-	E	+	40	50
Weinstein	D	30	+	+	+	+	+	+	100	100
Wellons	D	11	-	+	+	+	+	+	83	100

+ pro-environment vote; - anti-environment vote; 0 did not vote (= a “-” vote); E excused absence (not used in final %)

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