



LEGISLATIVE SCORECARD

2001 SESSION OF THE GENERAL ASSEMBLY

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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2001 Legislative Year in Review

On December 6 the curtain finally came down on this year's legislative session; the longest in state history. The length of the session can be attributed primarily to two factors. First, the legislature faced the task of passing a budget in the midst of shrinking state revenues. Secondly, the General Assembly had the responsibility of drawing new legislative districts for the North Carolina House and Senate as well as districts for the state's congressional delegation. While much attention was focused on these two issues, there was significant action on other legislative matters, including consideration of several bills of great interest to the environmental community.

Early in the session the environmental community achieved one of its biggest victories of the year. Following concerted efforts by conservation groups and activists throughout the state, the Senate overwhelmingly passed the Clean Smokestacks bill. This bill would significantly reduce the amount of harmful pollutants produced by North Carolina's coal-fired power plants. Unfortunately, the legislation became bogged down in a House Committee and the full House never had the opportunity to consider the bill (See sidebar: "Smokestacks"). The Senate vote on the Clean Smokestacks bill is being double-counted on the Scorecard because of its importance to the conservation community. Another highlight was the continued leadership of Rep. Joe Hackney (D-Orange) on issues of importance to public health and the environment for all North Carolinians.

The 2001 session also included some setbacks for the environmental community, as legislation was passed which could have long-term adverse consequences on public health and the environment. In addition to these setbacks, several bills which the environmental community worked hard to stop are likely to reemerge during the 2002 short session (See sidebar: "A Look Ahead"). Therefore, it remains critical that citizens continue to communicate with their state legislators and express their opinions on these important issues. One important avenue for communicating your concerns will be the upcoming 2002 statewide elections, where we will be working to make environmental accountability a key issue for the candidates.

The bills selected for the Scorecard represent those that we believe would have the most significant impact on environmental protection. The votes listed are not a comprehensive list of all votes taken on environmental bills during the 2001 session, but are the votes judged to be the most important by our organization. The votes chosen may not be the final roll call vote, but were the most indicative for each bill. In general, scores are lower from previous years with fewer members receiving 100% scores due to the contentiousness of the environmental legislation considered. Consequently, this year's Scorecard is a better reflection of how legislators voted when forced to make a choice to protect the environment.

While scorecards are a good indicator of where legislators stand on important issues affecting our environment, they do have limitations. No matter how hard one works to make a scorecard reflective of a legislator's performance, it can't reflect some of the important, but less tangible, elements of legislative work, such as when a particular vote was difficult for a legislator to make due to political party affiliation, or whether a legislator actively "worked" a bill by building support for it.

2001 House Vote Descriptions



The House, after several years of relatively positive work, was tough on the environment during this session. There were no major positive accomplishments, and a number of bills approved that present a significant risk to environmental protection. Especially troubling was a series of bills passed during “crossover,” a self-imposed deadline on passing bills from one chamber to the other. A last minute House Environment Committee meeting put too many “bad” bills out there for the conservation community to defeat, resulting in the passage of several measures that put environmental protection in jeopardy. Given time to respond, most of these measures did not pass in the Senate, but we must remain vigilant in the coming year.

① HB 969, Air Quality/ Motor Vehicle Inspection Fees, 3rd reading: One of the few bright spots in the House session was the passage of this legislation establishing a fee for the inspection and maintenance (I/M) program expanded by the General Assembly in 1999. The bill, sponsored by Rep. Joe Hackney (D-Orange), does not by itself provide additional protection for air quality, but its passage was necessary to ensure that the gains made in 1999 were not lost. It passed 69-44. **YES** was the conservation vote.

② HB 969, Air Quality/ Motor Vehicle Inspection Fees, Amendment #7: Each time the I/M program comes before the General Assembly, at least one attempt is made to weaken the program. This year, it came in the form of an amendment that would require an inspection every two years rather than every year. The amendment failed 35-80. **NO** was the conservation vote.

③ HB 1308, Extend Low-Sulfur Gas, 2nd reading: This bill was one of several that attempted to roll back air quality protection during the session. In the landmark 1999 air quality legislation, NC established an accelerated time frame for the introduction of “low-sulfur” gas. This gasoline, which contains about 10% of the sulfur in most current fuel, burns cleaner and does less damage over time to automobile emission control systems, making it one of the broadest and most cost-effective ways to improve air quality. This legislation would delay the implementation date and potentially reduce the standard for this gasoline. It passed 64-51. **NO** was the conservation vote.

④ HB 1009, Consistent Risk-Based Remedial Actions, 3rd reading: The most potentially damaging bill of the legislative session was HB 1009, the “Risk” bill. This complex piece of legislation would put all of

NC’s groundwater at significant risk for contamination, and remove disincentives for future pollution. Although some amendments on the floor blunted the impact of the bill, the conservation community vigorously opposed the bill in its final form. The legislation passed 81-29. **NO** was the conservation vote.

⑤ HB 1009, Consistent Risk-Based Remedial Actions, Amendment #3: Rep. Paul Luebke (D-Durham) offered a series of amendments on the floor to lessen the impact of the Risk bill. One of these amendments would have put the Environmental Management Commission in charge of the process (instead of the Secretary of DENR). This amendment was rejected 32-79. **YES** was the conservation vote.

⑥ HB 1312, Extend Swine Moratorium, 3rd reading: This bill would extend the current moratorium on construction or expansion of large hog farms for two more years until September 1, 2003. The bill was approved 93-19. **YES** was the conservation vote.

⑦ HB 570, Tar-Pamlico Agricultural Rule, House Concurrence: This bill as introduced would have threatened important protections against nutrient pollutants. The final version, which the conservation community supported, provided greater flexibility for agriculture interests, while retaining important environmental safeguards, including riparian buffers. The bill passed 89-24. **YES** was the conservation vote.

FOUL PLAY: CLEAN SMOKESTACKS

NC’s fourteen coal-fired power plants are the largest source of air pollution in North Carolina. Built before 1975, these plants are exempt from current air quality standards under the federal Clean Air Act. SB 1078, the Clean Smokestacks bill, sponsored by Sen. Steve Metcalf (D-Buncombe) and Rep. Martin Nesbitt (D-Buncombe), would reduce nitrogen oxide and sulfur dioxide emissions from these coal-burning plants by more than half over the next decade. The bill would also direct the state to take steps to address out of state sources of air pollution that are damaging air quality and public health throughout NC. After strong support led to the bill’s quick passage by the Senate, the bill was sent to the House and referred to the House Public Utilities Committee. The Committee did not take action on the bill before the session adjourned. Consequently, the most important piece of air quality legislation before the General Assembly will have to wait until next year for consideration by the House. We appreciate Rep. Nesbitt, Sen. Metcalf, and DENR Sec. Ross for championing the bill. We look forward to the support of Governor Easley and Speaker Black to ensure that this bill is brought up for a vote next session.

2001 House Votes



HOUSE	Party	District	①	②	③	④	⑤	⑥	⑦	2001 %	2000 %
<i>PRO-ENV. VOTE</i>			<i>YES</i>	<i>NO</i>	<i>NO</i>	<i>NO</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>%</i>	<i>%</i>
Speaker Black	D	36	The Speaker refrains from voting in most cases under House procedures.							n/a	
Adams	D	26	-	+	E	E	E	E	+	Inc.	63
Alexander	D	56	+	+	+	+	+	+	+	100	100
Allen	D	22	+	+	+	-	-	+	+	71	88
Allred	R	25	-	-	+	-	+	+	+	57	38
Arnold	R	72	-	-	-	-	-	+	+	29	63
Baddour	D	11	+	+	+	-	-	+	+	71	100
Baker	R	40	-	-	-	-	-	+	-	14	38
Barbee	R	82	-	-	-	-	-	+	+	29	75
Barefoot	D	44	+	+	+	+	+	+	+	100	75
Barnhart	R	81	-	-	-	-	-	+	-	14	n/a
Bell	D	97	+	+	+	-	+	-	+	71	n/a
Blue	D	21	+	+	+	+	+	+	+	100	100
Blust	R	27	+	-	-	0	-	+	+	43	n/a
Bonner	D	87	+	+	-	E	E	+	+	80	88
Bowie	R	29	+	+	-	+	-	-	+	57	100
Boyd-Mcintyre	D	28	+	+	-	-	+	+	+	71	88
Brubaker	R	38	-	-	-	-	-	+	0	14	50
Buchanan	R	46	+	+	-	0	0	+	-	43	20
Capps	R	92	-	+	-	-	-	-	-	14	50
Carpenter	R	52	+	-	+	+	-	+	-	57	n/a
Church	D	47	0	0	+	-	-	+	+	43	75
Clary	R	48	-	-	-	-	-	+	-	14	63
Coates	D	35	-	+	+	-	+	+	+	71	n/a
Cole	D	25	E	E	0	-	-	0	+	Inc.	63
Cox	D	19	-	+	-	-	-	-	+	29	75
Crawford, J	D	22	+	+	-	-	-	+	+	57	63
Crawford, M	R	51	+	-	-	-	-	+	-	29	n/a
Creech	R	20	-	+	-	-	-	+	+	43	25
Culp	R	30	-	-	-	-	-	+	+	29	50
Culpepper	D	86	+	+	+	+	-	+	+	86	100
Cunningham	D	59	+	+	+	+	-	+	+	86	88
Daughtry	R	95	-	-	-	-	-	+	+	29	29
Davis	R	19	-	+	-	E	E	E	-	25	13
Decker	R	84	-	+	-	-	-	-	-	14	38
Dedmon	D	48	+	+	+	-	-	+	+	71	88
Dockham	R	94	+	+	-	-	-	+	+	57	71
Earle	D	60	+	+	+	+	+	+	+	100	88
Easterling	D	58	+	+	+	+	+	+	+	100	75
Eddins	R	65	-	-	-	-	-	+	-	14	38
Edwards	D	2	+	+	-	-	-	+	+	57	88
Ellis	R	15	+	+	+	-	-	+	+	71	50
Esposito	R	88	-	-	-	-	-	+	-	14	71
Fitch	D	70	-	+	+	+	+	-	+	71	63
Fox	D	78	+	+	-	-	-	+	+	57	57
Gibson	D	33	+	+	-	-	-	+	+	57	88
Gillespie	R	49	-	-	-	-	-	+	-	14	25
Goodwin	D	32	+	+	+	+	+	+	+	100	100

+ pro-environment vote; - anti-environment vote; E excused absence (not counted in final %); 0 did not vote (counted as a - in %); Inc members who did not cast votes for a majority of the scored votes.

2001 House Votes



HOUSE	Party	District	①	②	③	④	⑤	⑥	⑦	2001 %	2000 %
Grady	R	80	-	-	-	-	-	+	+	29	38
Gray	R	39	+	+	+	+	+	+	+	100	100
Gulley	R	69	-	-	-	-	+	-	+	29	50
Hackney	D	24	+	+	+	+	+	+	0	86	100
Haire	D	52	+	+	+	+	+	+	+	100	100
Hall	D	7	+	+	+	-	+	+	+	86	100
Harrington	R	76	-	+	-	-	-	+	+	43	n/a
Hensley	D	64	+	+	+	+	+	0	+	86	100
Hiatt	R	40	E	E	-	0	0	0	E	Inc.	40
Hill	D	14	+	+	-	-	-	+	+	57	88
Hilton	R	45	-	-	-	-	-	-	-	0	n/a
Holliman	D	37	-	+	+	-	-	+	+	57	n/a
Holmes	R	41	-	-	-	-	-	+	-	14	20
Howard	R	74	0	-	+	-	-	+	+	43	25
Hunter	D	5	E	E	0	E	E	E	+	Inc.	63
Hurley	D	18	+	+	+	+	-	+	+	86	86
Insko	D	24	+	+	+	+	+	+	+	100	100
Jarrell	D	89	+	+	+	-	+	+	+	86	88
Jeffus	D	89	+	+	+	+	+	+	+	100	88
Johnson	R	90	+	-	-	-	-	+	-	29	n/a
Justus	R	50	+	-	-	-	-	-	0	14	43
Kiser	R	45	-	+	-	-	-	-	-	14	25
Lucas	D	17	+	-	-	-	+	+	+	57	n/a
Luebke	D	23	+	+	+	+	+	+	+	100	100
McAllister	D	17	-	-	+	+	+	+	+	71	88
McComas	R	13	+	+	+	-	-	+	+	71	71
McCombs	R	83	-	+	-	-	-	+	-	29	63
McLawhorn	D	9	+	+	+	-	+	+	+	86	100
McMahan	R	55	+	+	-	-	-	+	+	57	71
Michaux	D	23	+	+	+	0	0	+	+	71	100
Miller	D	23	+	+	+	+	+	+	+	100	n/a
Miner	R	62	+	+	-	-	-	+	E	50	71
Mitchell	R	42	-	-	-	-	-	-	+	14	50
Morgan	R	31	-	+	-	-	-	+	+	43	83
Morris	R	18	+	+	-	-	-	+	+	57	38
Nesbitt	D	51	+	+	+	+	+	0	+	86	88
Nye	D	96	-	+	-	+	-	+	+	57	88
Oldham	D	67	+	+	+	-	+	+	+	86	100
Owens	D	1	+	+	-	-	-	+	+	57	63
Pope	R	61	+	+	+	-	-	+	+	71	75
Preston	R	4	-	-	-	-	-	+	+	29	63
Rayfield	R	93	-	-	-	-	-	+	-	14	38
Redwine	D	14	+	+	+	-	-	+	+	71	75
Rogers	D	6	+	-	0	-	-	+	+	43	88
Russell	R	77	+	+	-	-	-	+	+	57	50
Saunders	D	54	+	+	+	+	-	+	+	86	100
Setzer	R	43	-	-	-	-	-	-	-	0	57
Sexton	R	73	-	-	-	-	-	-	+	14	63
Sherrill	R	51	+	+	+	E	E	+	-	80	71

+ pro-environment vote; - anti-environment vote; E excused absence (not counted in final %);
 0 did not vote (counted as a - in %); Inc members who did not cast votes for a majority of the scored votes.

2001 House Votes



HOUSE	Party	District	①	②	③	④	⑤	⑥	⑦	2001 %	2000 %
Shubert	R	34	+	+	+	-	-	+	-	57	n/a
Smith	D	4	-	+	-	-	-	+	+	43	38
Starnes	R	91	-	-	-	-	-	-	-	0	13
Sutton	D	85	+	+	+	+	+	+	+	100	75
Teague	R	25	-	-	-	-	-	-	-	0	50
Thompson	R	46	-	+	-	-	-	+	E	33	75
Tolson	D	71	+	+	+	-	-	+	+	71	88
Tucker	D	10	+	+	+	-	-	-	+	57	88
Underhill	D	3	+	+	+	-	+	+	+	86	n/a
Wainwright	D	79	+	+	-	-	-	+	+	57	100
Walend	R	68	+	-	-	-	-	+	+	43	63
Walker	R	41	-	+	-	-	-	+	+	43	n/a
Warner	D	75	+	+	+	+	-	+	+	86	88
Warren	D	8	+	+	-	-	-	+	+	57	88
Warwick	D	12	-	+	-	-	-	-	+	29	75
Weatherly	R	48	+	+	-	-	-	-	+	43	n/a
Weiss	D	63	+	+	+	+	+	+	+	100	100
West	R	53	-	-	-	-	-	-	-	0	38
Wilson, C.	R	57	+	+	-	-	-	+	+	57	75
Wilson, G.	R	40	-	-	-	-	-	+	+	29	38
Womble	D	66	+	+	+	+	+	+	+	100	100
Wright	D	98	0	+	+	-	-	+	+	57	100
Yongue	D	16	+	+	+	+	+	+	+	100	88

A LOOK AHEAD

While the environmental community will continue its efforts to pass the Clean Smokestacks bill in the House, several potentially harmful bills looming on the horizon will also demand attention. Foremost among these bills to be on the lookout for is SB 1037, which passed the Senate and could be considered by the House next year. The bill would allow companies to build facilities before they have their air quality permits. SB 1037 could result in undue pressure on state regulators to issue permits based on the amount of money already invested in the facility. It will also be necessary to closely monitor the Senate for potentially damaging legislation. For example, HB 1308, a bill passed by the House to delay the deadline for phasing in low-sulfur gasoline until January 2006, could see action by the Senate in next year's short session. Another bill passed by the House, HB 1009, and likely to see action in the Senate would allow future discharges to be subject to a risk-based clean up thereby minimizing disincentives to pollute. As always, CCNC and other environmental organizations will advocate in support of legislation benefiting public health and the environment and will fight to defeat environmental rollbacks.

+ pro-environment vote; - anti-environment vote; E excused absence (not counted in final %);
 0 did not vote (counted as a - in %); Inc members who did not cast votes for a majority of the scored votes.

2001 Senate Vote Descriptions



The Senate, as has been the pattern in recent years, was more environmentally friendly than the House. In addition to passing the landmark Clean Smokestacks Bill early in the session, the Senate fought hard for full funding of the Clean Water Management Trust Fund, an important accomplishment in a tough budget year. All was not positive, as the Senate passed some potentially harmful legislation toward the end of session and rejected some proposals that had the support of the conservation community.

① **SB 1078, Improve Air Quality/ Electric Utilities, 2nd reading (double counted):** The most significant positive environmental bill of the legislative session was the “Clean Smokestacks Act.” This bill, sponsored by Sen. Steve Metcalf (D-Buncombe), is one of the strongest in the nation in setting aggressive pollution reduction targets from coal-fired power plants. The bill was approved 43-5. **YES** was the conservation vote.

② **SB 1098, Outdoor Advertising Along I-40, 2nd reading:** This bill extends the current moratorium on billboards along I-40 to the entire length of I-40 within the state. The bill passed 25-23. **YES** was the conservation vote.

③ **HB 1312, Extend Swine Moratorium, Conference Report:** This bill would extend the current moratorium on construction or expansion of large hog farms for two more years until September 1, 2003. The bill was approved 48-0. **YES** was the conservation vote.

④ **HB 570, Tar-Pamlico Agricultural Rule, 2nd reading:** This bill, as introduced, would have threatened important protections against nutrient pollutants. The final version, which the conservation community supported, provided greater flexibility for agriculture interests, while retaining important environmental safeguards, including riparian buffers. The bill passed 47-0. **YES** was the conservation vote.

⑤ **SB 1037, No Air Permit Until Facility/ Equipment Operational, 2nd reading:** This bill would allow air quality permit applicants to build regulated facilities prior to receiving a permit. Under current regulations, air applicants are not allowed to build prior to receiving the permit. The bill passed 31-9. **NO** was the conservation vote.

⑥ **SB 1019, Interconnection of Public Water Systems, 3rd reading:** This bill would give DENR the authority to force local water and sewer systems to interconnect if necessary to protect public health or provide more cost-efficient service to water and sewer users. The bill failed 21-23. **YES** was the conservation vote.

To Contact Your Elected Officials:

- Legislative Switchboard (919) 733-4111
- NC General Assembly Website
www.ncga.state.nc.us
Click on “Representation” to find out who your representatives are.

HONOR ROLL

CCNC would like to recognize the following members of the General Assembly who received a 100% on this year’s Scorecard: Sen. Wib Gulley (D-Durham), Sen. Ellie Kinnaird (D-Orange), Sen. Jeanne Lucas (D-Durham) Sen. Brad Miller (D-Wake), Sen. Eric Reeves (D-Wake), Sen. Bob Shaw (R-Guilford), Sen. Larry Shaw (D-Cumberland), Sen. Allen Wellons (D-Johnston), Rep. Martha Alexander (D-Mecklenburg), Rep. Daniel Barefoot (D-Lincoln), Rep. Dan Blue (D-Wake), Rep. Beverly Earle (D-Mecklenburg), Rep. Ruth Easterling (D-Mecklenburg), Rep. Wayne Goodwin (D-Richmond), Rep. Lyons Gray (R-Forsyth), Rep. Phil Haire (D-Jackson), Rep. Verla Insko (D-Orange), Rep. Maggie Jeffus (D-Guilford), Rep. Paul Luebke (D-Durham), Rep. Paul Miller (D-Durham), Rep. Ronnie Sutton (D-Robeson), Rep. Jennifer Weiss (D-Wake), Rep. Larry Womble (D-Forsyth), and Rep. Douglas Yongue (D-Scotland).

AVERAGE PARTY SCORES

House	2001 Env. Score	2000 Env. Score
Democrats	76%	85%
Republicans	34%	50%
Total House	55%	69%
Senate		
Democrats	77%	92%
Republicans	61%	68%
Total Senate	72%	85%

2001 Senate Votes



SENATE	Party	District	① _{x2}	②	③	④	⑤	⑥	2001	2000
<i>PRO-ENV. VOTE</i>			<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>YES</i>	<i>NO</i>	<i>YES</i>	<i>%</i>	<i>%</i>
Albertson	D	5	+	-	+	+	-	+	71	83
Allran	R	26	+	-	+	+	-	-	57	83
Balance	D	2	+	+	+	+	-	-	71	100
Ballantine	R	4	+	-	+	+	-	-	57	83
Basnight	D	1	+	+	+	+	-	+	86	67
Berger	R	12	+	-	+	+	-	-	57	n/a
Bingham	R	38	+	-	+	+	-	-	57	n/a
Carpenter	R	42	+	-	+	+	-	+	71	50
Carrington	R	36	+	-	+	+	-	0	57	83
Carter	D	28	+	+	+	+	E	-	83	100
Clodfelter	D	40	+	-	+	+	0	+	71	100
Cunningham	D	23	+	-	+	+	-	-	57	n/a
Dalton	D	37	-	-	+	+	-	-	29	100
Dannelly	D	33	+	+	+	+	-	+	86	100
Forrester	R	39	-	-	+	+	E	-	33	83
Foxx	R	12	+	-	+	+	-	+	71	83
Garrou	D	20	+	+	+	+	-	+	86	100
Garwood	R	27	+	-	+	+	-	-	57	83
Gulley	D	13	+	+	+	+	E	+	100	83
Hagan	D	32	+	+	+	+	-	+	86	100
Harris	D	15	+	-	+	+	-	-	57	83
Hartsell	R	22	+	+	+	+	-	+	86	67
Horton	R	20	+	+	+	+	-	0	71	67
Hoyle	D	25	-	-	+	+	-	-	29	83
Jordan	D	7	E	E	E	+	-	E	Inc.	100
Kerr	D	8	+	-	+	+	-	-	57	100
Kinnaird	D	16	+	+	+	E	+	+	100	100
Lee	D	16	+	+	+	+	-	+	86	100
Lucas	D	13	+	+	+	+	+	+	100	100
Martin, R.	D	6	E	E	+	E	E	E	Inc.	50
Martin, W.	D	31	+	-	+	+	-	+	71	83
Metcalfe	D	28	+	+	+	E	+	-	83	100
Miller	D	14	+	+	+	+	+	+	100	100
Moore	R	27	+	-	+	+	E	-	67	67
Odom	D	34	+	+	+	+	-	+	86	100
Plyler	D	17	+	-	+	+	-	0	57	100
Purcell	D	17	+	+	+	+	+	-	86	100
Rand	D	24	+	+	+	+	-	-	71	83
Reeves	D	14	+	+	+	+	+	+	100	100
Robinson	D	29	+	+	+	+	+	-	86	100
Rucho	R	35	-	-	+	+	-	-	29	67
Shaw, L	D	41	+	+	+	+	E	+	100	67
Shaw, R.	R	19	+	+	+	+	+	+	100	67
Soles	D	18	+	+	+	+	-	-	71	100
Swindell	D	10	+	+	+	+	-	-	71	n/a
Thomas	D	3	+	+	+	+	-	-	71	n/a
Warren	D	9	+	-	E	+	E	-	60	80
Webster	R	21	-	-	+	+	E	0	33	40
Weinstein	D	30	+	-	+	+	E	+	83	100
Wellons	D	11	+	+	+	+	+	+	100	83

+ pro-environment vote; - anti-environment vote; E excused absence (not counted in final %);
 0 did not vote (counted as a - in %); Inc members who did not cast votes for a majority of the scored votes

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