

North Carolina General Assembly Weekly Legislative Summary

This is the sixth of series of weekly summaries prepared by the Legislative staff of the Institute of Government on the work of the North Carolina General Assembly of 1971. It is confined to discussions of matters of general interest.

Environmental Protection and Natural Resources Management
The early and mid-1960's were slow years for Carolina supporters of conservation legislation. Following a burst of legislative activity on water conservation in 1959, came a long, dry haul from 1960 to 1967. Since 1967, however, the Statehouse has witnessed a minor revolution in legislative responsiveness or environmental concern — to the credit of the General Assembly, a revolution that stems from native roots and is not merely a Tar Heel slice of the national ecological yeast. A combination of diligent pre-legislative planning and vigorous legislative leadership generated a wealth of conservation lawmaking in both the 1967 and 1969 sessions — notably, the water use control laws, water pollution control reforms, and a new air pollution control law in 1967, and the estuarine protection program of 1969. The 1969 session left to its interim study commissions major assignments to scrutinize the need for legislation on such topics as pesticide control, mining reclamation, and water resources problems. In each of these areas important legislative recommendations have been developed, which either already have been or soon will be before the 1971 Assembly. And, of special significance, a large group of experienced leaders in conservation legislation has returned this year to the General Assembly.

Legislation to protect the environment and promote wise management of resources ranks high on the agenda of this Assembly. Governor Scott has alerted the lawmakers to expect a special message from him on the subject in mid-March. During the early weeks of the session House Water and Air Committee Chairman Norwood Bryan put his committee members through the paces of a series of seminars on the fundamentals of environmental protection and resource management. Bryan has also introduced a group of early bills on such matters as oil and gas

well regulation, the pending estuarine planning study, the environmental impact of new industrial locations, and controlling nutrients in detritus (H 33, H 116, H 117, H 118, H 119).

The heaviest going on the conservation front now centers in the Senate Conservation and Development Committee, which has been hard at work for several weeks on a program of local and regional water management developed by the Legislative Research Commission in preparation for this session. Senate C & D Committee Chairman Gordon Allen served during the 1969-71 interim as Chairman of the LRC study committee on water and air resources. He has laid before the unusually capable and experienced Senate C & D Committee the fruits of this study commission work. (Other current legislators who served on the interim water and air

study group include Senators Patterson, Reed and Staton, and Reps. Bryan, Messer, Stevens, and Stewart.)

First out of the committee stalls to the Senate floor was a bill to provide legal protection for water users who have built upstream reservoir storage and who wish to utilize the stream below the reservoir as a conduit to convey the stored water to downstream withdrawal points. (S 113). Several years ago, looking forward to the need for arrangements of this sort in connection with such reservoirs as Kerr Scott and New Hope, the NC Department of Water & Air Resources spotted some possible weaknesses in the supporting legal structure. The Department then initiated a background research project on the subject, which was made available to the Legislative Research Commission in 1970. An LRC study subcommittee headed by Sen.

Frank Patterson shaped the bill now pending on this subject, regarded by State Water Authorities as a vital link in their efforts to forge an orderly program of water resources management. Prompt Senate passage last week moved the bill to the House, where it now reposes in committee.

For the past two weeks Senate C & D has been wrestling with a package of bills aimed at coping with the consequences of uncontrolled suburban small water

system development (S 181, S 167, S 168, S 169). In recent years very small systems serving such areas as isolated subdivisions and mobile home courts have been growing in number at an average rate of 24 per month. As of June 1, 1970 there were 1782 public water supplies serving 10 or more persons each; of these, about 1450 served less than 1,000 persons each. State public health and water officials have expressed strong concern at the hazards these systems pose to public health and the barriers they raise to development of reliable and effective water service. Pained complaints from

homeowners and trailer court residents about unsatisfactory water service from small, underdesigned and ill-maintained systems have become common fare for many public officials. Several years of studies and meetings have produced some proposals that appear to satisfy the affected State agencies — a long-range program to promote the development of large regional systems, coupled with efforts to slow down the spread of small systems. (Today a final bill was introduced to complete the package — S 187 - H 330 which would extend the existing authority of the Board of Water

& Air Resources to review and administratively approve trans-watershed diversions. Under present law this procedure applicable also to city and county water systems serving regional needs, but with one important limitation — only "excess water" which has been impounded could be diverted, thereby protecting the natural streamflow of basins of origin.)

In committee this past week Senate C & D members heard rebuttal to the small systems bill from some small water system operators. The issue that is being joined here may not have the dramatic appeal of some of the

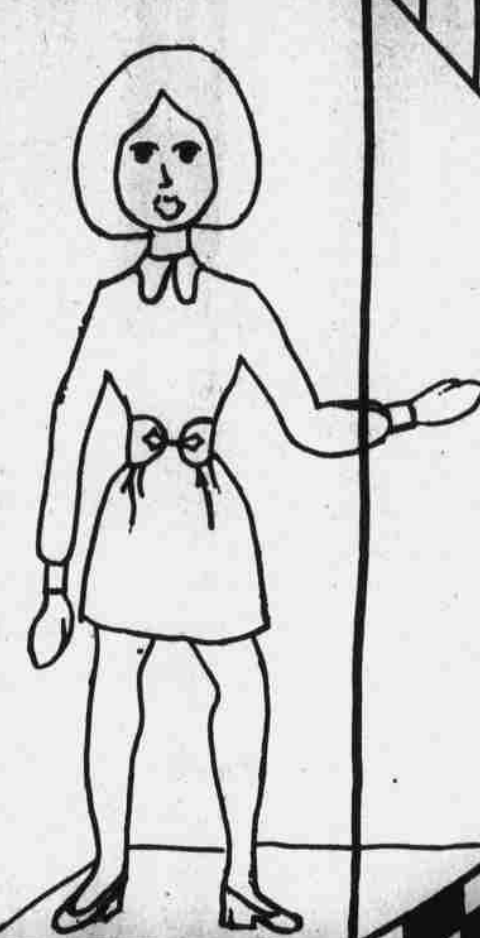
more publicized ecological issues of the recent past. But these water supply proposals raise very concretely the hard questions of quality, livability, public health, cost and practicability that will echo in countless encounters of conservation and development values this session and for years to come.

The 1971 Assembly has now traversed 33 weekday sessions — about one-fourth of the way through the session, if recent experience is any guide. At this reading the session is moving at a good pace.

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|-----------------------------|---|
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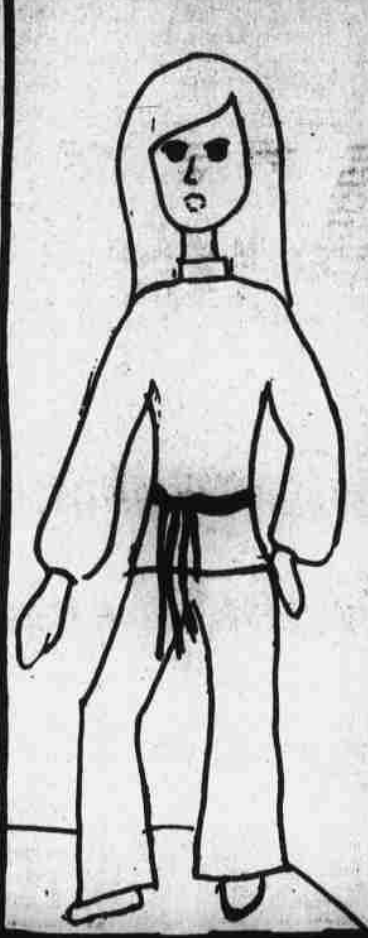
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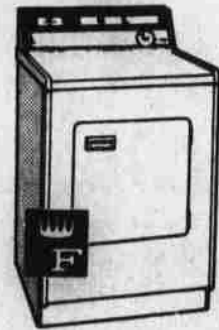
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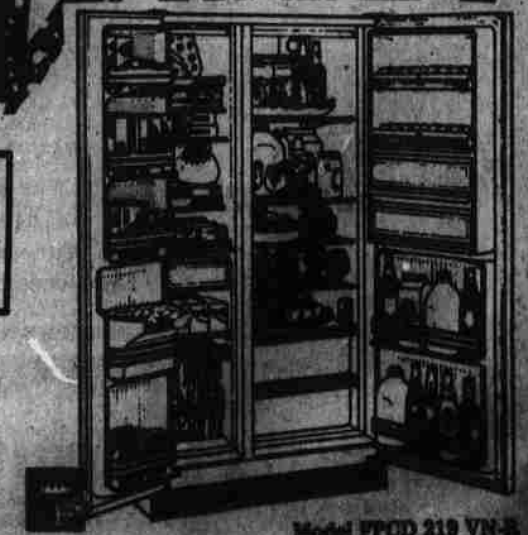
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