

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 782
Committee Substitute Favorable 5/11/09

Short Title: Safe Artificial Slope Construction Act.

(Public)

Sponsors:

Referred to:

March 26, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE THE SAFE ARTIFICIAL SLOPE CONSTRUCTION STUDY COMMISSION TO EXAMINE THE NEED FOR AND ADVISABILITY OF ESTABLISHING MINIMUM STATEWIDE MANAGEMENT REQUIREMENTS FOR SAFE ARTIFICIAL SLOPE CONSTRUCTION IN MOUNTAINOUS AREAS OF THE STATE IN ORDER TO PROMOTE SAFE AND STABLE SLOPES FOR DEVELOPMENT, TO REDUCE THE LIKELIHOOD OF SLOPE FAILURES ON DEVELOPED OR DISTURBED LAND, AND TO PROTECT HUMAN SAFETY AND PROPERTY.

Whereas, there is a significant slope movement hazard in North Carolina, mainly in the mountainous western region of the State; and

Whereas, in September 2004, intense rainfall from the remnants of Hurricanes Frances and Ivan triggered at least 130 landslides that caused multiple deaths, destroyed many homes, and disrupted transportation corridors throughout western North Carolina; and

Whereas, in 2005 the General Assembly passed the Hurricane Recovery Act, which provided funding for a landslide hazard mapping program for certain western counties; and

Whereas, western North Carolina has experienced a substantial increase in residential development recently, which exposes more individuals to landslide hazards; and

Whereas, improper development on steep slopes poses a threat to human safety and property; and

Whereas, economic pressures, unknown site conditions, inadequate or inappropriate design, and inexperienced persons conducting slope-disturbing activity can affect the quality, safety, and stability of development on steep slopes; and

Whereas, it is the intent of the General Assembly to study the feasibility and advisability of requiring implementation of reasonable, effective control standards for artificial slope construction in order to improve construction and development practices to achieve higher levels of safety and stability on developed land and to decrease the potential for damage to human health, property, and natural resources; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1. Commission established. – The Safe Artificial Slope Construction Study Commission is hereby established.

SECTION 2. Membership. – The Commission shall consist of eight members as follows:

(1) Four members appointed by the President Pro Tempore of the Senate.

(2) Four members appointed by the Speaker of the House of Representatives.

SECTION 2.(a) Geographic and Political Representation. – In making appointments pursuant to Section 2 of this act, the President Pro Tempore and the Speaker of



1 the House of Representatives shall each appoint at least two members from the mountain region
2 of the State. The President Pro Tempore and the Speaker of the House of Representatives shall
3 each appoint at least one member from the minority political party.

4 **SECTION 3. Cochairs.** – The Commission shall have two cochairs, one designated
5 by the President Pro Tempore of the Senate and one designated by the Speaker of the House of
6 Representatives from among their respective appointees. The Commission shall meet upon the
7 call of the cochairs.

8 **SECTION 4. Quorum.** – A quorum of the Commission shall consist of five
9 members.

10 **SECTION 5. Vacancies.** – Any vacancy on the Commission shall be filled by the
11 original appointing authority.

12 **SECTION 6. Purpose and duties.** – The Commission shall, with the assistance of
13 the Department of Environment and Natural Resources and the North Carolina Geological
14 Survey:

- 15 (1) Study issues related to safe artificial slope construction in mountainous
16 areas. The Commission may specifically study the need for and advisability
17 of establishing minimum statewide management requirements for safe
18 artificial slope construction in mountainous areas of the State. The
19 Commission may also consider issues related to the recordation and
20 disclosure of natural hazards, environmental permit conditions and
21 limitations and land-use restrictions associated with real property located in
22 mountainous and other areas of the State, and any other issues the
23 Commission deems relevant.
- 24 (2) Collect research and information on: (i) landslide types, events, causes, and
25 triggers, including elevations and slope angles at which landslides may be
26 more likely to occur; (ii) technical requirements that may be applied to
27 artificial slope construction; and (iii) any other issues deemed relevant.
- 28 (3) Prepare a draft report with a statement of the issues, a summary of the
29 research, and recommendations to address safe artificial slope construction.
- 30 (4) Hold at least two public meetings in the western region of the State to
31 present the draft report and recommendations to the public and user groups.
- 32 (5) Consult with all parties interested in the issues being considered by the
33 Commission.

34 **SECTION 7. Expenses of members.** – Members of the Commission shall receive
35 per diem, subsistence, and travel allowances in accordance with G.S. 120-3.1.

36 **SECTION 8. Staff.** – Upon the prior approval of the Legislative Services
37 Commission, the Legislative Services Officer shall assign professional staff to the Commission
38 to aid in its work.

39 **SECTION 9. Consultants.** – The Commission may hire consultants to assist with
40 the study as provided in G.S. 120-32.02(b).

41 **SECTION 10. Meetings.** – The Commission may meet in the Legislative Building
42 or the Legislative Office Building upon the approval of the Legislative Services Commission.

43 **SECTION 11. Report.** – The Commission shall report its findings and
44 recommendations to the General Assembly and the Environmental Review Commission on or
45 before May 1, 2010, at which time the Commission shall terminate.

46 **SECTION 12. Funding.** – From funds appropriated to the General Assembly, the
47 Legislative Services Commission shall allocate funds for the purpose of conducting the study
48 provided for in this act.

49 **SECTION 13. Effective date.** – This act is effective when it becomes law.