

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 1039

Short Title: Establish Alternative Fuels Study Commission. (Public)

Sponsors: Representatives Hager and Hastings (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Rules, Calendar, and Operations of the House.

May 23, 2012

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE NORTH CAROLINA COMMISSION ON ALTERNATIVE
3 FUELS TO STUDY THE USE AND APPLICATION OF ALTERNATIVE FUELS FOR
4 NORTH CAROLINA'S TRANSPORTATION SECTOR, AS RECOMMENDED BY THE
5 HOUSE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND
6 ALTERNATIVE FUELS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Chapter 113B of the General Statutes is amended by adding a new
9 article to read:

10 "Article 3.

11 "North Carolina Commission on Alternative Fuels.

12 **"§ 113B-30. Legislative findings.**

13 The General Assembly finds the following:

- 14 (1) Stable, affordable transportation is vital to the economy and security of
15 North Carolina and its citizens.
16 (2) It is in the State's best interest to study the development of alternative fuels
17 for the transportation sector that are secure, stable, and predictable.
18 (3) Research, development, and commercialization of alternative fuels have the
19 potential for economic growth, job creation, and expanded business
20 opportunities in North Carolina.
21 (4) Access to alternative fuels and greater fuel efficiency within the State's
22 transportation sector may both protect North Carolina and its citizens from
23 the volatility of the global oil market and provide reductions in air emissions
24 that harm public health.

25 **"§ 113B-31. Definitions.**

26 For purposes of this Article "alternative fuel" means methanol, denatured ethanol, and other
27 alcohols; mixtures containing eighty-five percent (85%) or more by volume of methanol,
28 denatured ethanol, and other alcohols with gasoline or other fuels; natural gas, including liquid
29 fuels domestically produced from natural gas; liquefied petroleum gas; hydrogen; coal-derived
30 liquid fuels; fuels (other than alcohol) derived from biological materials; electricity (including
31 electricity from solar energy); and any other fuel the North Carolina Commission on
32 Alternative Fuels determines is substantially not petroleum.

33 **"§ 113B-32. North Carolina Commission on Alternative Fuels – creation; purposes.**



1 (a) The North Carolina Commission on Alternative Fuels is created within the
2 Department of Commerce to study and make recommendations on the use and development of
3 alternative fuels for transportation in the State.

4 (b) The Commission shall serve as the central study and planning body of the State for
5 alternative fuels for the transportation sector and shall communicate and cooperate with federal,
6 State, regional, and local agencies and entities to study and recommend alternative fuels
7 policies for North Carolina.

8 **"§ 113B-33. Duties and responsibilities of the North Carolina Commission on Alternative**
9 **Fuels.**

10 (a) The North Carolina Commission on Alternative Fuels shall:

11 (1) Conduct an in-depth examination of the State's public- and private-sector use
12 of petroleum-based fuels and alternative fuels for transportation.

13 (2) Review and evaluate existing State laws, practices, and programs pertaining
14 to alternative fuels to determine where efficiencies exist and identify
15 opportunities for inter- and intragency collaboration.

16 (3) Review and evaluate other state's laws, practices, and programs pertaining to
17 alternative fuels to determine the applicability, feasibility, and advisability of
18 implementing such programs for North Carolina.

19 (4) Evaluate opportunities to facilitate the expansion of alternative fuels within
20 the State. This evaluation shall include a short-, mid-, and long-term
21 examination of the following:

22 a. State and local government agencies', including the public schools,
23 expanded use of alternative fuels, the infrastructure necessary to
24 support the use of alternative fuels, and the barriers to
25 implementation.

26 b. Commercial fleets' expanded use of alternative fuels, the
27 infrastructure necessary to support commercial use of alternative
28 fuels, and the barriers to implementation.

29 c. Residential use of alternative fuels, the infrastructure necessary to
30 support residential use of alternative fuels, and the barriers to
31 implementation.

32 (5) Examine and evaluate financial and other incentives, requirements,
33 programs, and mechanisms that may facilitate the use of alternative fuels in
34 the State.

35 (6) Consider issues related to consumer acceptance and costs associated with
36 use of alternative fuels and identify methods to address or mitigate barriers
37 that may exist to use alternative fuels.

38 (7) Identify funding opportunities to support alternative fuels research and
39 development in the State.

40 (8) Explore any other issues associated with alternative fuels use and related
41 infrastructure that the Commission determines appropriate.

42 (b) The Commission shall report annually to the Joint Legislative Transportation
43 Oversight Committee, the Environmental Review Commission, the House Appropriations
44 Subcommittees on Transportation and Natural and Economic Resources and the Senate
45 Appropriations Subcommittees on Department of Transportation and Natural and Economic
46 Resources, and any other legislative body with jurisdiction over energy-related matters no later
47 than December 1 of each year on the activities, findings, and recommendations of the
48 Commission.

49 **"§ 113B-34. Composition of the North Carolina Commission on Alternative Fuels;**
50 **appointments; qualifications; terms; vacancies; compensation.**

- 1 (a) Members, Appointment. – The North Carolina Commission on Alternative Fuels
2 shall consist of 15 members as follows:
- 3 (1) One appointed by the Speaker of the House of Representatives who shall
4 have industry experience with biofuels and emerging fuels.
 - 5 (2) One appointed by the Speaker of the House of Representatives who shall
6 have industry experience with electric vehicles.
 - 7 (3) One appointed by the Speaker of the House of Representatives who shall, at
8 the time of the appointment, conduct research on alternative fuels for
9 transportation and represent a community college or university in the State.
 - 10 (4) One appointed by the Speaker of the House of Representatives who shall
11 have industry experience with the management of commercial motor fleets.
 - 12 (5) One appointed by the Speaker of the House of Representatives who shall
13 have industry experience with the infrastructure necessary to support the use
14 of alternative fuels for transportation, including, but not limited to, fueling
15 stations and pipeline systems.
 - 16 (6) One appointed by the Speaker of the House of Representatives who shall, at
17 the time of the appointment, represent a municipal or county government.
 - 18 (7) One appointed by the President Pro Tempore of the Senate who shall have
19 industry experience with natural gas (including compressed natural gas and
20 liquefied natural gas) as it is used for transportation.
 - 21 (8) One appointed by the President Pro Tempore of the Senate who shall have
22 industry experience with liquefied propane gas, or autogas, as it is used for
23 transportation.
 - 24 (9) One appointed by the President Pro Tempore of the Senate who shall have
25 industry experience with hydrogen as it is used as a fuel for transportation.
 - 26 (10) One appointed by the President Pro Tempore of the Senate who shall have
27 industry experience with the alternative fuel vehicles industry, other than
28 electric vehicles.
 - 29 (11) One appointed by the President Pro Tempore of the Senate who shall have
30 experience with State or local government motor fleet management.
 - 31 (12) One appointed by the President Pro Tempore of the Senate who shall be an
32 economist with expertise in or familiarity with alternative fuels energy
33 markets.
 - 34 (13) The Secretary of Commerce or the Secretary's designee.
 - 35 (14) The Secretary of Transportation or the Secretary's designee.
 - 36 (15) The Director of the North Carolina Solar Center or the Director's designee.
- 37 (b) Terms. – The term of office of members of the Commission appointed pursuant to
38 subdivisions (1) through (12) of subsection (a) of this section shall be three years. A member
39 may be reappointed to any number of successive three-year terms. Upon the expiration of a
40 three-year term, a member shall continue to serve until a successor is appointed and duly
41 qualified. The term of members appointed under subdivisions (1), (4), (7), and (10) of
42 subsection (a) of this section shall expire on June 30 of years evenly divisible by three. The
43 term of members appointed under subdivisions (2), (5), (8), and (11) of subsection (a) of this
44 section shall expire on June 30 of years that precede by one year those years that are evenly
45 divisible by three. The terms of members appointed under subdivisions (3), (6), (9), and (12) of
46 subsection (a) of this section shall expire on June 30 of years that follow by one year those
47 years that are evenly divisible by three.
- 48 (c) Vacancies. – Members appointed by the Speaker of the House of Representatives
49 and the President Pro Tempore of the Senate shall be made in accordance with G.S. 120-121,
50 and vacancies shall be filled in accordance with G.S. 120-122. In accordance with Section 10 of

1 Article VI of the North Carolina Constitution, a member may continue to serve until a
2 successor is duly appointed.

3 (d) Compensation. – The members of the Commission shall receive per diem and
4 necessary travel and subsistence expenses in accordance with the provisions of G.S. 138-5.

5 **"§ 113B-35. North Carolina Commission on Alternative Fuels – meetings;**
6 **quorum;officer; organization; staff.**

7 (a) Meetings. – The Commission shall meet at the call of the chair, or upon written
8 request of eight members.

9 (b) Quorum. – A majority of the Commission shall constitute a quorum for the
10 transaction of business.

11 (c) Chair. – The Commission shall elect one of its members to serve as chair. The chair
12 shall serve two-year terms and may serve any number of terms, but not more than two terms
13 consecutively.

14 (d) Responsibilities of the Chair. – The chair shall guide and coordinate the activities of
15 the Commission in fulfilling its duties set out in this Article. The chair shall report to the
16 General Assembly as provided in subsection (b) of G.S. 113B-33 on the activities of the
17 Commission.

18 (e) Procedure and Organization. – The Commission shall determine its organization and
19 procedure in accordance with the provisions of this Article. The provisions of the most recent
20 edition of Robert's Rules of Order shall govern any procedural matter for which no other
21 provision has been made.

22 (f) Staff. – All staff support required by the Commission shall be supplied by the
23 Energy Division in the Department of Commerce."

24 **SECTION 2.** This act is effective when it becomes law. The first report required
25 pursuant to subsection (b) of G.S. 113B-33, as enacted by Section 1 of this act, is due
26 December 1, 2012.