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

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

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

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

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

(1) Study issues related to safe artificial slope construction in mountainous areas. The Commission may specifically study the need for and advisability of establishing minimum statewide management requirements for safe artificial slope construction in mountainous areas of the State. The Commission may also consider issues related to the recordation and disclosure of natural hazards, environmental permit conditions and limitations and land-use restrictions associated with real property located in mountainous and other areas of the State, and any other issues the Commission deems relevant.

(2) Collect research and information on: (i) landslide types, events, causes, and triggers, including elevations and slope angles at which landslides may be more likely to occur; (ii) technical requirements that may be applied to artificial slope construction; and (iii) any other issues deemed relevant.

(3) Prepare a draft report with a statement of the issues, a summary of the research, and recommendations to address safe artificial slope construction.

(4) Hold at least two public meetings in the western region of the State to present the draft report and recommendations to the public and user groups.

(5) Consult with all parties interested in the issues being considered by the Commission.

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

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

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

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

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

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

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