

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

**H.B. 1039**  
**May 22, 2012**  
**HOUSE PRINCIPAL CLERK**

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HOUSE DRH11291-TAz-24 (03/01)

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

Sponsors: Representatives Hager and Hastings (Primary Sponsors).

Referred to:

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.**



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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.