

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1121
PROPOSED COMMITTEE SUBSTITUTE H1121-PCS80367-TE-1

Short Title: Create Active Living Communities Commission.

(Public)

Sponsors:

Referred to:

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO CREATE AN INTERAGENCY COMMISSION ON ACTIVE LIVING COMMUNITIES FOR THE DEVELOPMENT OF ACTIVE, LIVABLE SCHOOL AND COMMUNITY ENVIRONMENTS, AS RECOMMENDED BY THE NORTH CAROLINA TASK FORCE ON PREVENTING CHILDHOOD OBESITY.

The General Assembly of North Carolina enacts:

SECTION 1. Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part to read:

"Part 36. Interagency Commission on Active Living Communities.

"§ 143B-216.80. Interagency Commission on Active Living Communities.

(a) Creation. – There is created within the Department of Health and Human Services the Interagency Commission on Active Living Communities.

(b) Membership. – The Commission shall consist of 19 members, appointed as follows:

- (1) The Secretary of the Department of Health and Human Services, or the Secretary's designee.
- (2) The Secretary of the Department of Transportation, or the Secretary's designee.
- (3) The Chairperson of the Board of Transportation, or the Chairperson's designee.
- (4) The Superintendent of Public Instruction, or the Superintendent's designee.
- (5) The Secretary of Environment and Natural Resources, or the Secretary's designee.
- (6) The Secretary of Commerce, or the Secretary's designee.
- (7) The Chairperson of the State Board of Education, or the Chairperson's designee.
- (8) Three representatives of the League of Municipalities, appointed by the Governor.
- (9) Two representatives of the County Commissioners Association, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.
- (10) Two representatives of the Association of Local Health Management, appointed by the General Assembly upon the recommendation of the Speaker of the House of Representatives.



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- 1 (11) Two representatives of the Association of Metropolitan Planning
2 Organizations, appointed by the General Assembly upon the
3 recommendation of the President Pro Tempore of the Senate.
4 (12) Two representatives of the Chamber of Commerce, appointed by the General
5 Assembly upon the recommendation of the President Pro Tempore of the
6 Senate.
7 (13) A representative of a regional trail/greenway program, appointed by the
8 Governor.

9 Members shall serve for two-year terms commencing on October 1, 2009, and may serve
10 one additional consecutive term. One member, to be designated by the Governor, shall serve as
11 chairperson.

12 (c) Vacancies. – Members shall serve until their successors are appointed and have
13 been qualified. Any vacancy in the membership of the Commission shall be filled in the same
14 manner as the original appointment, except that a vacancy in an appointment made by the
15 General Assembly shall be filled in accordance with G.S. 120-122. A vacancy in the
16 membership of the Commission other than by expiration of term shall be filled for the
17 unexpired term only.

18 (d) Purpose and Duties. – The purpose of the Commission shall be to develop
19 interagency plans to reduce traffic around school facilities, encourage greater physical activity
20 in school and community environments, and promote children's health and mobility. The
21 Commission shall have the following duties:

- 22 (1) Examine current policies and develop strategies and policy initiatives with
23 respect to all of the following:
24 a. Leveraging federal resources to develop and implement a Safe
25 Routes to Schools program or other similar initiative to make streets
26 safer for pedestrians and bicyclists along heavily traveled routes to
27 school and regional and local trail/greenway systems, particularly
28 those incorporated in Metropolitan Planning Organization and Rural
29 Planning Organization long-range transportation plans.
30 b. Expansion of available funds for the creation and maintenance of
31 sidewalks, bicycle lanes, comprehensively planned regional and local
32 trail/greenway systems, parks, and other green spaces.
33 c. Securing adequate liability protection for shared use of schools and
34 for endorsement of walkable routes to and from schools.
35 d. Promoting the siting and development of new schools in areas that
36 are accessible to pedestrians and bicyclists.
37 (2) Make findings about the impact of the strategies and policy initiatives
38 recommended pursuant to subdivision (1) of this subsection on school
39 transportation costs, economic development, potential savings, and any other
40 relevant factors identified by the Commission.

41 (e) Meetings. – Meetings of the Commission shall be called by the chairperson or by
42 any two members of the Commission, and meetings shall be held at least quarterly. Any three
43 voting members of the Commission shall constitute a quorum at any meeting. Action may be
44 taken and motions and resolutions adopted by the Commission at any meeting by the
45 affirmative vote of a majority of the members of the Commission present at a meeting at which
46 a quorum exists.

47 (f) Compensation. – None of the members of the Commission shall receive
48 compensation for serving on the Commission. However, members of the Commission may be
49 reimbursed for their expenses in accordance with Chapter 138 of the General Statutes.

50 (g) Reporting. – No later than October 1, 2010, and annually thereafter, the
51 Commission shall prepare and submit a report to the Governor, the General Assembly, and the

1 Joint Committee on Governmental Operations on any interagency plans developed or
2 recommended by the Commission to reduce traffic around school facilities, encourage greater
3 physical activity in school and community environments, and promote children's health and
4 mobility. The report shall specifically address each of the duties set forth in subdivisions (d)(1)
5 and (d)(2) of this section."

6 **SECTION 2.** The appointing authorities shall make their appointments to the
7 Commission by September 1, 2009.

8 **SECTION 3.** This act is effective when it becomes law.