

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

**H.B. 816**  
**Apr 16, 2019**  
**HOUSE PRINCIPAL CLERK**

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HOUSE BILL DRH10479-MH-143A

Short Title: Study Biomanufacturing/Nutrient Allocation. (Public)

Sponsors: Representatives White, Reives, and Grange (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ESTABLISH THE JOINT SELECT COMMITTEE ON BIOMANUFACTURING  
3 AND TO LOWER THE PURCHASE PRICE FOR NONPONT SOURCE NUTRIENT  
4 ALLOCATION FOR NEW AND EXPANDING WASTEWATER TREATMENT  
5 PLANTS.

6 The General Assembly of North Carolina enacts:

7  
8 **BIOMANUFACTURING STUDY**

9 **SECTION 1.** Establishment; membership; holdover of legislative members. – There  
10 is established the Joint Select Committee on Biomanufacturing. The membership is as follows:

- 11 (1) Three members of the Senate appointed by the President Pro Tempore of the  
12 Senate.
- 13 (2) Three members of the House of Representatives appointed by the Speaker of  
14 the House of Representatives.
- 15 (3) One member appointed by the Speaker of the House upon the  
16 recommendation of the North Carolina Biotechnology Center.
- 17 (4) One member appointed by the President Pro Tempore of the Senate upon the  
18 recommendation of the North Carolina Biosciences Organization.
- 19 (5) One member appointed by the President Pro Tempore of the Senate upon the  
20 recommendation of the Secretary of the Department of Environmental  
21 Quality.
- 22 (6) One member appointed by the Speaker of the House upon the  
23 recommendation of the Secretary of Commerce.
- 24 (7) One member appointed by the President Pro Tempore of the Senate upon the  
25 recommendation of the North Carolina Economic Development Association.
- 26 (8) One member appointed by the Speaker of the House upon the  
27 recommendation of the North Carolina Manufacturers Alliance.
- 28 (9) One member appointed by the President Pro Tempore of the Senate upon the  
29 recommendation of the President of The University of North Carolina.
- 30 (10) One member appointed by the Speaker of the House upon the  
31 recommendation of the North Carolina Community College System.
- 32 (11) The chair of the NCWorks Commission, ex officio.

33 Committee members who are members of the General Assembly may complete a term  
34 of service on the Committee even if they do not seek reelection or are not reelected to the General  
35 Assembly, but resignation or removal from service in the General Assembly constitutes  
36 resignation or removal from service on the Committee. The appointing officer as set forth in this



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1 section shall nominate persons to fill vacancies created by resignation or removal in the same  
2 manner as the member was originally selected.

3 **SECTION 2.** Chairs; meetings; quorum. – The President Pro Tempore of the Senate  
4 and the Speaker of the House of Representatives must each designate a cochair of the Committee.  
5 The Committee shall meet upon the joint call of the cochairs. A quorum of the Committee is a  
6 majority of its members.

7 **SECTION 3.** Purpose. – The Committee is directed to study what is needed to keep  
8 North Carolina at the forefront of emerging biomanufacturing technologies and job creation,  
9 including all of the following:

- 10 (1) Estimates of current and future biomanufacturing workforce needs and  
11 identification of existing and potential bottlenecks that would limit or hinder  
12 meeting those needs.
- 13 (2) Estimates of current and future biomanufacturing water and wastewater needs  
14 and identification of existing and potential bottlenecks that would limit or  
15 hinder meeting those needs.
- 16 (3) Assessment and characterization of the State's existing biomanufacturing  
17 workforce education and training assets, together with an estimate of future  
18 workforce training needs and identification of investments in personnel,  
19 facilities, and equipment needed to meet those needs.
- 20 (4) Identification of locations in the State that can readily accommodate new  
21 biomanufacturing operations.
- 22 (5) Identification of existing and emerging wastewater treatment strategies and  
23 technologies that can be used to meet the State's biomanufacturing wastewater  
24 treatment needs and remove bottlenecks identified in subdivision (2) of this  
25 section.
- 26 (6) Any other recommendations as the Committee considers appropriate to  
27 support the future growth of North Carolina's biomanufacturing sector.

28 **SECTION 4.** Per diem; staff. – Members of the Committee receive per diem,  
29 subsistence, and travel allowance as provided in G.S. 120-3.1, 138-5, or 138-6, as appropriate.  
30 The Legislative Services Officer shall assign professional and clerical staff to assist the  
31 Committee in its work.

32 **SECTION 5.** Report. – The Committee may submit an interim report to the 2019  
33 Regular Session of the General Assembly prior to its reconvening in 2020 and shall make a final  
34 report to the 2021 Regular Session of the General Assembly prior to its first convening after  
35 adjourning its organizational session. The Committee shall also submit its report to the Secretary  
36 of Commerce, the Secretary of Environmental Quality, the President of The University of North  
37 Carolina, the President of the North Carolina Community College System, and other entities as  
38 may be designated by the cochairs, the Speaker of the House, or the President Pro Tempore of  
39 the Senate.

40 **SECTION 6.** Termination. – The Committee terminates when the 2021 Regular  
41 Session of the General Assembly first convenes after adjourning its organizational session or  
42 upon the filing of its final report, whichever occurs first.

#### 43 44 **NUTRIENT SENSITIVE WATERS NONPOINT SOURCE ALLOCATION** 45 **PURCHASES**

46 **SECTION 7.(a)** Definitions. – "Nonpoint Source Allocation Purchase Rule" means  
47 items (7)(b) and (8)(d) of 15A NCAC 02B .0234 (Neuse River Basin-Nutrient Sensitive Waters  
48 Management Strategy: Wastewater Discharge Requirements) for purposes of this section and its  
49 implementation.

50 **SECTION 7.(b)** Nonpoint Source Allocation Purchase Rule. – Until the effective  
51 date of the revised permanent rule that the Environmental Management Commission is required

1 to adopt pursuant to subsection (d) of this section, the Commission and local air permitting  
2 programs shall implement the Nonpoint Source Allocation Purchase Rule as provided in  
3 subsection (c) of this section.

4 **SECTION 7.(c)** Implementation. – In cases where new and expanding wastewater  
5 treatment facilities cannot obtain estuary point source allocation and must purchase a portion of  
6 the nonpoint source load allocation, the purchase rate shall be one hundred ten percent (110%)  
7 of the cost as set in 15A NCAC 02B .0240.

8 **SECTION 7.(d)** Additional Rule-Making Authority. – The Commission shall adopt  
9 a rule to amend the Nonpoint Source Allocation Purchase Rule consistent with subsection (c) of  
10 this section. Notwithstanding G.S. 150B-19(4), the rule adopted by the Commission pursuant to  
11 this subsection shall be substantively identical to the provisions of subsection (c) of this section.  
12 Rules adopted pursuant to this section are not subject to Part 3 of Article 2A of Chapter 150B of  
13 the General Statutes. Rules adopted pursuant to this section shall become effective as provided  
14 in G.S. 150B-21.3(b1) as though 10 or more written objections had been received as provided in  
15 G.S. 150B-21.3(b2).

16 **SECTION 7.(e)** Sunset. – This section expires when permanent rules adopted as  
17 required by subsection (d) of this section become effective.

18 **SECTION 7.(f)** This section is effective when it becomes law.

19 **SECTION 8.** Section 7 of this act is effective when it becomes law. The remainder  
20 of this act is effective July 1, 2019.