GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

H HOUSE DRH70366-LD-15 (01/27)

Short Title: Clarify the New NC Drought Response. (Public)

Sponsors: Representative Lewis.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE CERTAIN CLARIFICATIONS REGARDING THE IMPROVEMENTS TO DROUGHT PREPAREDNESS AND RESPONSE IN NORTH CAROLINA MADE BY THE 2008 SESSION OF THE GENERAL ASSEMBLY.

The General Assembly of North Carolina enacts:

1 2

SECTION 1. G.S. 143-350(7) reads as rewritten:

"(7) "Water shortage emergency" means a water shortage resulting from prolonged drought, contamination of the water supply, damage to water infrastructure, or other unforeseen causes that presents an imminent <u>and severe</u> threat to public health, safety, and welfare or to the environment."

SECTION 2. G.S. 143-355.2(a)(4) is repealed.

SECTION 3. G.S. 143-355.2(h) reads as rewritten:

"(h) Water conservation measures imposed by a unit of local government that provides public water service or by a large community water system may be more stringent than the minimum water conservation measures required under this section. This subsection shall not be construed to authorize a unit of government, public water supply system, or private water supply system to regulate water use from a well located outside of its jurisdiction, a well not connected to its water system, or any other private well."

SECTION 4. G.S. 143-355.3(b) reads as rewritten:

- "(b) Water Shortage Emergency Powers and Duties. Whenever, pursuant to this Article, the Governor declares the existence of a water shortage emergency within a particular area of the State, the Secretary shall have the powers and duties set out in subdivisions (1), (2), and (3) of this subsection. These powers may only be exercised within the designated water shortage emergency area, after the Secretary has consulted with the affected water systems and determined that the water shortage emergency cannot be effectively managed in the absence of exercising these powers, and only for the period of the water shortage emergency. Under these circumstances, the Secretary has the power and duty to:
 - (1) Require any water system that has water supply in excess of that required to meet the essential water uses of its customers to provide water to a water system experiencing a water shortage emergency. The Secretary shall give preference to diversion of water from a water system within the same river basin as the water system that is experiencing a water shortage emergency. A diversion of water that requires a certificate under G.S. 143-215.22L shall meet the requirements of that section. The amount required to be supplied shall be limited to the amount necessary to supply essential water uses



supply system to regulate water use from a well located outside of its

jurisdiction, a well not connected to its water system, or any other private

SECTION 5. This act is effective when it becomes law.

well."

16 17

18

19

20

Page 2 H1429 [Filed]