

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS75187-LH-95A (02/06)

Short Title: Water Infrastructure Commn/Coordinate Funds. (Public)

Sponsors: Senators Clodfelter, and Hartsell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE DUTIES OF THE STATE WATER INFRASTRUCTURE
3 COMMISSION, TO PROVIDE THAT THE COMMISSION SHALL ALSO SERVE AS
4 LEAD COORDINATOR FOR WATER AND WASTEWATER INFRASTRUCTURE
5 FUNDING IN NORTH CAROLINA, AND TO APPROPRIATE FUNDS FOR THE
6 COMMISSION TO HIRE A PERMANENT STAFF TO ASSIST WITH THE DUTIES OF
7 THE COMMISSION, AS RECOMMENDED BY THE JOINT LEGISLATIVE
8 PROGRAM EVALUATION OVERSIGHT COMMITTEE.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 159G-65(a) reads as rewritten:

11 "(a) Purpose. – The State Water Infrastructure Commission is established in the Office
12 of the Governor. The purpose of the Commission is to compile and maintain a baseline
13 inventory of the State's water and wastewater infrastructure, identify the State's water
14 infrastructure needs, develop a plan to meet those needs, and monitor the implementation of the
15 plan, plan, and coordinate the funding for water and wastewater infrastructure provided by
16 federal, State, and local government agencies and by non-State entities."

17 **SECTION 2.** G.S. 159G-66 reads as rewritten:

18 "**§ 159G-66. Duties of the ~~Commission~~Commission; lead coordinator for funding;**
19 **rule-making authority.**

20 (a) The Commission has the following duties:

21 (1) To assess and make recommendations on the role of the State in the
22 development and funding of wastewater, drinking water, and stormwater
23 infrastructure in the State.

24 (1a) To establish and maintain a baseline inventory of water and wastewater
25 infrastructure in North Carolina.

26 (1b) To conduct and maintain a detailed needs assessment to determine water and
27 wastewater infrastructure funding needs.

28 (1c) To develop and maintain a statewide strategic plan for the State's water and
29 wastewater infrastructure based on the needs assessment. As part of the
30 statewide strategic plan for water and wastewater infrastructure, the
31 Commission shall:

32 ~~(2)a. To analyze~~Analyze the adequacy of projected funding to meet
33 projected needs over the next five years.

34 ~~(3)b. To propose~~Propose State priorities for funding.



1 ~~(4)c.~~ To makeMake recommendations on ways to maximize the use of
 2 current funding resources, whether federal, State, or local, and to
 3 ensure that funds are used in a coordinated manner.

4 (1d) To implement the statewide strategic water and wastewater infrastructure
 5 plan in coordination with the State agencies and non-State entities that
 6 provide funding for those infrastructure projects.

7 (1e) To serve as the lead coordinator for water and wastewater infrastructure
 8 funding in North Carolina. As the lead coordinator, the Commission's
 9 responsibilities shall include all of the following:

10 a. To develop and track performance measures to indicate how the
 11 funding entities are meeting the goals established in the strategic
 12 plan.

13 b. To maintain a statewide database of project awards, including
 14 standardized project identification codes, project status reports,
 15 project descriptions, funding recipients, amount of funding, type of
 16 funding, and overall project cost.

17 c. To set the application and project award process standards for the
 18 entities that fund water and wastewater infrastructure.

19 (5) To review the application of management practices in wastewater, drinking
 20 water, and stormwater utilities and determine the best practices.

21 (6) To assess the role of public-private partnerships in the future provision of
 22 utility service.

23 (7) To assess the application of the river basin approach to utility planning and
 24 management.

25 (8) To assess the need for a "troubled system" protocol.

26 (b) The State Water Infrastructure Commission may adopt rules to implement this
 27 Article as necessary."

28 **SECTION 3.** Article 4 of Chapter 159G of the General Statutes is amended by
 29 adding a new section to read:

30 "**§ 159G-66.1. Executive director and staff.**

31 The Commission may employ an executive director and other technical, clerical, and
 32 professional personnel with the qualifications the Commission may prescribe, in accordance
 33 with the State personnel rules and budgetary laws. The Commission may pay the personnel
 34 employed pursuant to this section from any funds made available to the Commission through
 35 grants, appropriations, or any other sources."

36 **SECTION 4.** G.S. 159G-67 reads as rewritten:

37 "**§ 159G-67. Commission reports.**

38 The Commission must publish an annual report by 1 November of each year on its activity
 39 and findings. The Commission must give a copy of the report to the ~~General Assembly, the~~
 40 Environmental Review ~~Commission~~ Commission, and the Fiscal Research Division of the
 41 General Assembly. The report must include any recommendations of the Commission that
 42 require action by the General Assembly to implement. ~~Beginning November 1, 2012, the report~~
 43 shall also include a status report on the implementation and maintenance of the statewide
 44 strategic plan for the State's water and wastewater infrastructure developed pursuant to
 45 G.S. 159G-66."

46 **SECTION 5.** Article 4 of Chapter 159G of the General Statutes is amended by
 47 adding a new section to read:

48 "**§ 159G-68. Cooperation among State agencies and other entities funding State strategic**
 49 water plan.

50 Any State agency or other entity that receives State funds for the purpose of funding State
 51 water or wastewater infrastructure shall cooperate with the State Water Infrastructure

1 Commission in using and disbursing those funds pursuant to the statewide strategic plan for the
2 State's water and wastewater infrastructure."

3 **SECTION 6.** There is appropriated from the General Fund to the Office of the
4 Governor the sum of five hundred thousand dollars (\$500,000) for the 2009-2010 fiscal year
5 and the sum of five hundred thousand dollars (\$500,000) for the 2010-2011 fiscal year to be
6 used to employ staff, provide operating expenses, and implement this act.

7 **SECTION 7.** This act becomes effective July 1, 2009.