

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1638

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

Sponsors: Representatives Samuelson, Justice (Primary Sponsors); Harrison, McElraft, Stiller, and West.

Referred to: Water Resources and Infrastructure, if favorable, State Government/State Personnel, if favorable, Appropriations.

May 7, 2009

A BILL TO BE ENTITLED

AN ACT TO EXPAND THE DUTIES OF THE STATE WATER INFRASTRUCTURE COMMISSION, TO PROVIDE THAT THE COMMISSION SHALL ALSO SERVE AS LEAD COORDINATOR FOR WATER AND WASTEWATER INFRASTRUCTURE FUNDING IN NORTH CAROLINA, AND TO APPROPRIATE FUNDS FOR THE COMMISSION TO HIRE A PERMANENT STAFF TO ASSIST WITH THE DUTIES OF THE COMMISSION.

The General Assembly of North Carolina enacts:

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

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

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

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

(a) The Commission has the following duties:

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

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

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

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

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

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



- 1 (4) ~~To make~~Make 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 (1f) To work with the State agencies and other entities that receive State funds
20 for the purpose of funding State water or wastewater infrastructure with
21 regard to coordinating activities among those agencies and entities as
22 provided in G.S. 159G-68.
- 23 (5) To review the application of management practices in wastewater, drinking
24 water, and stormwater utilities and determine the best practices.
- 25 (6) To assess the role of public-private partnerships in the future provision of
26 utility service.
- 27 (7) To assess the application of the river basin approach to utility planning and
28 management.
- 29 (8) To assess the need for a "troubled system" protocol.
- 30 (b) The State Water Infrastructure Commission may adopt rules to implement this
31 Article as necessary."

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

34 **"§ 159G-66.1. Executive director and staff.**

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

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

41 **"§ 159G-67. Commission reports.**

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

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

1 "§ 159G-68. Cooperation among State agencies and other entities funding State strategic
2 water plan.

3 (a) Any State agency or other entity that receives State funds for the purpose of funding
4 State water or wastewater infrastructure shall cooperate with the State Water Infrastructure
5 Commission in using and disbursing those funds pursuant to the statewide strategic plan for the
6 State's water and wastewater infrastructure.

7 (b) Under the guidance and supervision of the State Water Infrastructure Commission
8 as lead coordinator, each State agency and each entity that receives State funds for the purpose
9 of funding State water or wastewater infrastructure shall cooperatively do all of the following
10 to help coordinate activities related to water and wastewater infrastructure funding:

11 (1) Develop a common first page for grant and loan applications that includes a
12 single template for project descriptions that will make it easier to identify
13 and coordinate on projects that request funding from multiple agencies, as
14 well as to streamline the application process for applicants.

15 (2) Schedule regular joint meetings of the funding agencies to share water and
16 wastewater funding opportunities with potential applicants.

17 (3) If a project receives funding from multiple State funding sources, then the
18 State agencies and other entities administering the State funding shall
19 exchange progress reports and site visit information.

20 (4) While each State agency and other funding entity that receives State funds
21 for the purpose of funding State water or wastewater infrastructure shall
22 continue to prepare its own program funding report for the General
23 Assembly, each State agency and other funding entity also shall share a copy
24 in a common format with the State Water Infrastructure Commission. The
25 State Water Infrastructure Commission then shall merge the information into
26 a single annual funding report on all water and wastewater funding activities.
27 The purpose of the single report is to make it easier for both the General
28 Assembly and the public to understand and evaluate water and wastewater
29 funding activities.

30 (5) Examine and evaluate the needs assessment done by the Environmental
31 Protection Agency, the needs survey done by the Department of
32 Environment and Natural Resources, and the Water 2030 data to determine
33 what gaps exist in that data in order to begin the process of developing a
34 statewide needs assessment."

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

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