

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 917

Agriculture/Environment/Natural Resources Committee Substitute Adopted 6/13/95

Short Title: Agriculture Cost Share Prgm./Funds.

(Public)

Sponsors:

Referred to: Appropriations

May 1, 1995

A BILL TO BE ENTITLED

AN ACT TO ALLOW MEMBERS OF THE SOIL AND WATER CONSERVATION COMMISSION AND SUPERVISORS OF SOIL AND WATER CONSERVATION DISTRICTS TO PARTICIPATE IN THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL AND TO APPROPRIATE FUNDS FOR THE AGRICULTURE COST SHARE PROGRAM FOR NONPOINT SOURCE POLLUTION CONTROL TO BE USED FOR CAPITAL EXPENSES ASSOCIATED WITH DEVELOPING AGRICULTURE WASTE MANAGEMENT MEASURES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 139-4 reads as rewritten:

"§ 139-4. Powers and duties of Soil and Water Conservation Commission generally.

(a) to (c) Repealed by Session Laws 1973, c. 1262, s. 38.

(d) In addition to the duties and powers hereinafter conferred upon the Soil and Water Conservation Commission, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts, organized as provided hereinafter, in the carrying out of any of their powers and programs.

- 1 (2) To keep the supervisors of each of the several districts organized under  
2 the provisions of this Chapter informed of the activities and experience  
3 of all other districts organized hereunder, and to facilitate an interchange  
4 of advice and experience between such districts and cooperation  
5 between them.
- 6 (3) To coordinate the programs of the several soil and water conservation  
7 districts organized hereunder so far as this may be done by advice and  
8 consultation.
- 9 (4) To secure the cooperation and assistance of the United States and any of  
10 its agencies, and of agencies of this State, in the work of such districts.
- 11 (5) To disseminate information throughout the State concerning the  
12 activities and programs of the soil and water conservation districts  
13 organized hereunder, and to encourage the formation of such districts in  
14 areas where their organization is desirable.
- 15 (6) Upon the filing of a petition signed by all of the district supervisors of  
16 any one or more districts requesting a change in the boundary lines of  
17 said district or districts, the Commission may change such lines in such  
18 manner as in its judgment would best serve the interests of the occupiers  
19 of land in the area affected thereby.
- 20 (7) To receive, review and approve or disapprove applications for planning  
21 assistance under the provisions of Public Law 566 (83rd Congress, as  
22 amended), and recommend priorities on such applications.
- 23 (8) To supervise and review small watershed work plans pursuant to G.S.  
24 139-41.2 and 139-47.
- 25 (9) To create, implement, and supervise the Agriculture Cost Share  
26 Program for Nonpoint Source Pollution Control pursuant to G.S. 143-  
27 215.74.
- 28 (10) To review and approve or disapprove the application of a district  
29 supervisor for a grant under the Agriculture Cost Share Program for  
30 Nonpoint Source Pollution Control as provided by G.S. 139-8(13).
- 31 (e) A member of the Commission may apply for and receive a grant under the  
32 Agriculture Cost Share Program for Nonpoint Source Pollution Control if:
- 33 (1) The member does not vote on the application or attempt to influence the  
34 outcome of any action on the application; and
- 35 (2) The application is approved by the Secretary of Environment, Health,  
36 and Natural Resources."
- 37 Sec. 2. G.S. 139-8 is amended by designating the existing language as  
38 subsection (a) and by adding a new subdivision to subsection (a) to read:
- 39 "(13) To assist the Commission in the implementation and supervision of  
40 the Agriculture Cost Share Program for Nonpoint Source Pollution  
41 Control created pursuant to G.S. 143-215.74 and to assist in the  
42 implementation and supervision of any other program intended to  
43 protect water quality administered by the Department of

1                   Environment, Health, and Natural Resources by providing technical  
2                   assistance, allocating available grant monies, and providing any  
3                   other assistance that may be required or authorized by any provision  
4                   of federal or State law."

5           Sec. 3. G.S. 139-8 is amended by adding a new subsection to read:

6           "(b) A district supervisor may apply for and receive a grant under the Agriculture  
7           Cost Share Program for Nonpoint Source Pollution Control if:

8                   1.       The district supervisor does not vote on the application or attempt to  
9                   influence the outcome of any action on the application; and

10                   2.       The application is approved by the Commission."

11           Sec. 4. G.S. 14-234 is amended by adding a new subsection to read:

12           "(d3) Subsection (a) of this section does not apply to an application for or the receipt  
13           of a grant under the Agriculture Cost Share Program for Nonpoint Source Pollution  
14           Control created pursuant to G.S. 143-215.74 by a member of the Soil and Water  
15           Conservation Commission if the requirements of G.S. 139-4(e) are met, and does not  
16           apply to a district supervisor of a soil and water conservation district if the requirements  
17           of G.S. 139-8(b) are met."

18           Sec. 5. G.S. 139-3(4) reads as rewritten:

19           "(4) 'Commission' or 'Soil and Water Conservation Commission' means the  
20           agency created in G.S. 139-4. Soil and Water Conservation Commission  
21           created by G.S. 143B-294."

22           Sec. 6. There is appropriated from the General Fund to the Department of  
23           Environment, Health, and Natural Resources, Division of Soil and Water Conservation,  
24           the sum of one million dollars (\$1,000,000) for the 1995-96 fiscal year for the  
25           Agriculture Cost Share Program for Nonpoint Source Pollution Control and the sum of  
26           one million dollars (\$1,000,000) for the 1996-97 fiscal year to be used for capital  
27           expenses associated with developing agriculture waste management measures that reduce  
28           agricultural nonpoint source discharges, consistent with G.S. 143-214.5(a). These funds  
29           shall be used in accordance with the match and program requirements set forth in G.S.  
30           143-215.74(b). Any funds remaining at the end of the 1996-97 fiscal year shall not  
31           revert, but shall remain available for the use authorized by this section.

32           Sec. 7. Section 6 of this act becomes effective 1 July 1995. All other  
33           provisions of this act are effective upon ratification.