

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1429

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

Sponsors: Representative Lewis.

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

April 13, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CERTAIN CLARIFICATIONS REGARDING THE IMPROVEMENTS
3 TO DROUGHT PREPAREDNESS AND RESPONSE IN NORTH CAROLINA MADE
4 BY THE 2008 SESSION OF THE GENERAL ASSEMBLY.

5 The General Assembly of North Carolina enacts:

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

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

11 **SECTION 2.** G.S. 143-355.2(a)(4) is repealed.

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

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

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

20 "(b) Water Shortage Emergency Powers and Duties. – Whenever, pursuant to this
21 Article, the Governor declares the existence of a water shortage emergency within a particular
22 area of the State, the Secretary shall have the powers and duties set out in subdivisions (1), (2),
23 and (3) of this subsection. These powers may only be exercised within the designated water
24 shortage emergency area, after the Secretary has consulted with the affected water systems and
25 determined that the water shortage emergency cannot be effectively managed in the absence of
26 exercising these powers, and only for the period of the water shortage emergency. Under these
27 circumstances, the Secretary has the power and duty to:

28 (1) Require any water system that has water supply in excess of that required to
29 meet the essential water uses of its customers to provide water to a water
30 system experiencing a water shortage emergency. The Secretary shall give
31 preference to diversion of water from a water system within the same river
32 basin as the water system that is experiencing a water shortage emergency.
33 A diversion of water that requires a certificate under G.S. 143-215.22L shall
34 meet the requirements of that section. The amount required to be supplied
35 shall be limited to the amount necessary to supply essential water uses



- 1 within the receiving system. The required diversion of waters shall cease
2 upon the termination of the water shortage emergency.
- 3 (2) Adopt rules governing the conservation and use of water within the water
4 shortage emergency area as shall be necessary to maintain essential water
5 use within the water shortage emergency area. Before such rules and
6 regulations shall become effective, they shall be published in two
7 consecutive issues of a daily newspaper generally circulated in the
8 emergency area. This subdivision shall not be construed to authorize a unit
9 of government, public water supply system, or private water supply system
10 to regulate water use from a well located outside of its jurisdiction, a well
11 not connected to its water system, or any other private well.
- 12 (3) Adopt rules governing conservation and use of water within the service area
13 of the water system from which water is being diverted as shall be necessary
14 to maintain essential water uses in the system while supplying water to the
15 water shortage emergency area. This subdivision shall not be construed to
16 authorize a unit of government, public water supply system, or private water
17 supply system to regulate water use from a well located outside of its
18 jurisdiction, a well not connected to its water system, or any other private
19 well."

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