

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1429
Second Edition Engrossed 5/14/09

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 G.S. 143-355.2(a)(4) is repealed.

7 SECTION 2. G.S. 143-355.2(h) reads as rewritten:

8 "(h) Water conservation measures imposed by a unit of local government that provides
9 public water service or by a large community water system may be more stringent than the
10 minimum water conservation measures required under this section. This subsection shall not be
11 construed to authorize a unit of government, public water supply system, or private water
12 supply system to regulate water use from a well located outside of its jurisdiction, a well not
13 connected to its water system, or any other private well. Nothing herein shall be deemed to void
14 or alter cross-jurisdictional agreements."

15 SECTION 3. G.S. 143-355.3(b) reads as rewritten:

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

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

34 (2) Adopt rules governing the conservation and use of water within the water
35 shortage emergency area as shall be necessary to maintain essential water



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1 use within the water shortage emergency area. Before such rules and
2 regulations shall become effective, they shall be published in two
3 consecutive issues of a daily newspaper generally circulated in the
4 emergency area. This subdivision shall not be construed to authorize a unit
5 of government, public water supply system, or private water supply system
6 to regulate water use from a well located outside of its jurisdiction, a well
7 not connected to its water system, or any other private well.

- 8 (3) Adopt rules governing conservation and use of water within the service area
9 of the water system from which water is being diverted as shall be necessary
10 to maintain essential water uses in the system while supplying water to the
11 water shortage emergency area. This subdivision shall not be construed to
12 authorize a unit of government, public water supply system, or private water
13 supply system to regulate water use from a well located outside of its
14 jurisdiction, a well not connected to its water system, or any other private
15 well."

16 **SECTION 4.** This act is effective when it becomes law.