

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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**HOUSE BILL 846
PROPOSED COMMITTEE SUBSTITUTE H846-PCS70431-LH-4**

Short Title: Study State Water & Wastewater Infrastructure.

(Public)

Sponsors:

Referred to:

March 30, 2009

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE LEGISLATIVE STUDY COMMISSION ON WATER AND WASTEWATER INFRASTRUCTURE TO ASSESS THE STATE'S NEEDS FOR THE FUNDING OF WATER AND WASTEWATER INFRASTRUCTURE IN NORTH CAROLINA.

Whereas, North Carolina is projected to grow by approximately three million people to a population of more than 12.2 million between now and 2030, making North Carolina the 7th most populous state; and

Whereas, there are 535 public water systems and 409 public sewer systems owned and operated by units of local government statewide; and

Whereas, North Carolina's public water systems are projected to serve 70 percent more people by 2030 than they did in 2006; and

Whereas, steady economic growth is predicated upon the availability of adequate water and wastewater infrastructure; and

Whereas, the Water 2030 study completed in 2006 revealed that \$16.63 billion is needed in water and sewer improvements between 2005 and 2030; and

Whereas, the North Carolina Department of Environment and Natural Resources conducts needs surveys of water and sewer systems in North Carolina; and

Whereas, much of the existing infrastructure has outlived its projected life, resulting in a need for replacement and leading to the loss of 35 billion gallons of water each year; and

Whereas, the price paid for water has increased 160 percent since 1986; and

Whereas, the participation of State government in the funding of public water and wastewater infrastructure through the provision of loans and grants is essential to the State's public health, economic, and environmental future; Now, therefore,

The General Assembly of North Carolina enacts:

SECTION 1.(a) There is created the Legislative Study Commission on Water and Wastewater Infrastructure. The Commission shall consist of 16 members appointed as follows:

- (1) Four members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (2) Four members of the Senate appointed by the President Pro Tempore of the Senate.
- (3) Two members appointed by the Governor.
- (4) The Secretary of the North Carolina Department of Environment and Natural Resources or the Secretary's designee.



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- 1 (5) The Secretary of the North Carolina Department of Commerce or the
2 Secretary's designee.
- 3 (6) The President of the North Carolina Rural Economic Development Center or
4 the President's designee.
- 5 (7) The Executive Director of the North Carolina Clean Water Management
6 Trust Fund or the Executive Director's designee.
- 7 (8) The Executive Director of the North Carolina League of Municipalities or
8 the Executive Director's designee.
- 9 (9) The Executive Director of the North Carolina Association of County
10 Commissioners or the Executive Director's designee.

11 **SECTION 1.(b)** The Legislative Study Commission on Water and Wastewater
12 Infrastructure shall focus on the development of an ongoing process to identify and regularly
13 report to the North Carolina General Assembly on statewide water and wastewater
14 infrastructure needs and to improve the delivery of State appropriated water and wastewater
15 programs. The Commission shall specifically do all of the following:

- 16 (1) Evaluate the information provided through the drinking water and
17 wastewater needs assessment prepared by the Environmental Protection
18 Agency (EPA) every four years, the drinking water and wastewater needs
19 surveys currently done by the North Carolina Department of Environment
20 and Natural Resources in support of the EPA needs assessment; the data
21 compiled as part of Water 2030 by the North Carolina Rural Economic
22 Development Center, Inc., and any other existing data sets in order to
23 determine what information currently exists and where there may be gaps in
24 the data.
- 25 (2) Conduct at least five meetings of stakeholders in locations across the State as
26 part of determining the ongoing method for regularly determining and
27 reporting on the State's water and wastewater infrastructure needs.
- 28 (3) Select a method for identifying and reporting on infrastructure needs in the
29 future.
- 30 (4) Review infrastructure funding priorities currently set out in State law to
31 determine whether the priorities appropriately reflect the State's most
32 pressing needs in light of future growth projections.
- 33 (5) Recommend changes to infrastructure funding priorities and appropriations
34 processes to ensure that funds are used to meet the State's most pressing
35 needs.
- 36 (6) Ascertain the capacity and role of the State in bridging identified gaps
37 between funding priorities and available funds.
- 38 (7) Determine what steps funding agencies can take to improve the delivery of
39 existing funding programs, including the following options:
 - 40 a. Developing common application requirements;
 - 41 b. Scheduling regular joint meetings between funders and applicants;
 - 42 c. Where projects are jointly funded, exploring options to share and
43 improve oversight responsibilities; and
 - 44 d. Coordinating reporting requirements to produce a single integrated
45 funders report on an annual basis.
- 46 (8) Prepare a report on the key findings of the work of the Commission.

47 **SECTION 1.(c)** The Speaker of the House of Representatives and the President
48 Pro Tempore of the Senate shall each designate a co-chair. The Commission may meet at
49 anytime upon the joint call of the co-chairs. A quorum of the Commission shall be a majority
50 of its members.

1 Vacancies on the Commission shall be filled by the same appointing authority as
2 made the initial appointment.

3 Subject to the approval of the Legislative Services Commission, the Commission
4 may meet in the Legislative Building or the Legislative Office Building.

5 The Legislative Services Commission, through the Legislative Services Officer,
6 shall assign professional staff to assist the Commission in its work. The House of
7 Representatives' and the Senate's Supervisors of Clerks shall assign clerical support staff to the
8 Commission, and the expenses relating to the clerical employees shall be borne by the
9 Commission.

10 In addition, the State agencies and nonprofits serving on the Commission shall
11 cooperate in providing information and additional staff resources as needed to accomplish the
12 work of the Commission.

13 The Commission, while in the discharge of its official duties, may exercise all
14 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The
15 Commission may contract for professional, clerical, or consultant services as provided by
16 G.S. 120-32.02.

17 Members of the Commission shall receive subsistence and travel expenses at the
18 rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

19 **SECTION 1.(d)** The Legislative Study Commission on Water and Wastewater
20 Infrastructure may submit an interim report to the 2009 General Assembly, Regular Session
21 2010, on or before May 1, 2010, and the Commission shall submit a final report on its findings
22 and recommendations no later than the convening of the 2011 Regular Session of the General
23 Assembly. The Commission shall terminate upon the earlier of the filing of its final report or
24 the convening of the 2011 General Assembly.

25 **SECTION 2.** This act becomes effective July 1, 2009.